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ORANGE COUNTY GATEWAY PROJECT

Orange County, California

12-ORA-0-PLCN/09-IA-080IL

FINAL ENVIRONMENTAL IMPACT STATEMENT

Volume IV

Prepared by the:

United States Department of Transportation,
Federal Highway Administration
California Division
and the
California Department of Transportation, District 12
and the
City of Placentia

June 2009

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GENERAL INFORMATION ABOUT THIS FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE ORANGE COUNTY GATEWAY PROJECT

The Orange County Gateway (OCG) project proposes the implementation of a comprehensive grade separation program for either seven or eight (depending on the alternative) existing at-grade railroad crossings along an approximately 8 kilometer (km) (5 mile [mi]) long segment of the Burlington Northern Santa Fe railroad in the Cities of Placentia and Anaheim and unincorporated Orange County. The City of Placentia is the local lead agency for the project under the California Environmental Quality Act (CEQA). The Federal Highway Administration (FHWA) is the lead agency for the project under the National Environmental Policy Act (NEPA).

The City of Placentia, in consultation with FHWA, prepared a joint NEPA/CEQA Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the project. The City distributed the Draft EIS/EIR for the OCG project for public and agency review and comment on June 27, 2008. The comment period ended on August 11, 2008. Appendix K of this EIS provides the comments received on the Draft EIS/EIR and the responses to those comments.

At its meeting on September 4, 2007, the Placentia City Council identified Alternative D, Standard Grade Separation, as the locally preferred alternative for the OCG project.

With regard to NEPA, FHWA prepared this Final EIS for the OCG project, which will be available for public review for 30 days. Following that public review period, FHWA may select an alternative and set forth its approval in a Record of Decision along with a summary of the adverse project impacts, and avoidance, minimization, and mitigation measures incorporated into the preferred alternative.

This Final EIS for the OCG project consists of the following:

- Volumes I, II, and III of the Draft EIS/EIR, which have been updated to show changes made in response to substantive comments received on the Draft EIS/EIR and to reflect identification of the preferred alternative for the OCG project. The changes made to the Draft EIS/EIR during the preparation of the Final EIS are shown in margin lines throughout the document.
- Volume IV contains the Responses to Comments Report and provides the written comments received on the Draft EIS/EIR and the responses to those comments.

Each volume of this Final EIS contains a cover sheet indicating the volume number, this introduction sheet, and the complete Table of Contents, which indicates to the reader which volume contains which sections of the Final EIS.

For individuals with sensory disabilities, this document can be made available in Braille, large print, on audiocassette, or on compact disk (CD). To obtain a copy in one of these alternate formats, please call or write to Michael McConaha, Senior Administrative Analyst, City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870; phone: (714) 993-8245; fax: (714) 961-0283; or email at ocgateway-eis/eir@placentia.org.

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TECHNICAL STUDIES

The following reports were prepared for the OCG project and were used in the development of this Final EIS. These reports are available for review, pursuant to Title 14 California Code of Regulations 151501 (14 CCR 15501) and Title 40, Code of Federal Regulations 1502.21 (14 CFR 1502.21), at the City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870 during regular business hours. Additional reports and studies are referenced throughout this Final EIS and are listed in Section 10.0 (References). Prefaces provided at the beginning of those reports identify specific changes by reference to those reports.

Air Quality Analysis (LSA Associates, Inc., June 2009)
Community Impact Assessment (LSA Associates, Inc., October 2007)
Draft Relocation Impact Report (LSA Associates, Inc., May 2006)
Drainage Management Study (Boyle Engineering Corporation, January 2006)
Final Relocation Impact Report (LSA Associates, Inc., January 2009)
Findings of No Adverse Effect (LSA Associates, Inc., June 2005)
Geotechnical and Seismicity Evaluation (Group Delta Consultants, Inc., December 2003)
Hazardous Materials/Site Investigation Report (Advanced Earth Science, Inc., January 2006)
Historic Property Survey Report (LSA Associates, Inc., November 2004)
Natural Environmental Study (LSA Associates, Inc., January 2006)
Noise and Vibration Analysis (LSA Associates, Inc., October 2007)
Traffic Impact Analysis (LSA Associates, Inc., October 2007)
Visual Impact Assessment (LSA Associates, Inc., January 2006)

The following additional reports were prepared for the proposed OCG project:

Preliminary Engineering Report for the Orange County Gateway Railroad Grade Separation Project (KFM Engineering, Inc., 2004).
Preliminary Engineering Report for the Orange County Gateway Railroad Grade Separation Project: Attachment 1 Alternative B Concept Plans (KFM Engineering, Inc., 2004).
Preliminary Engineering Report for the Orange County Gateway Railroad Grade Separation Project: Attachment 2 Alternative C Concept Plans (KFM Engineering, Inc., 2004).
Preliminary Engineering Report for the Orange County Gateway Railroad Grade Separation Project: Attachment 3 Alternative D Concept Plans (KFM Engineering, Inc., 2004).
Value Analysis Report for the Orange County Gateway Railroad Grade Separation Project (Parsons Transportation Group, August 15, 2003).
Initial Financial Plan for the Proposed Orange County Gateway Project (City of Placentia, 2006).
Initial Project Management Plan for the Proposed Orange County Gateway Project (City of Placentia, 2006).

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LIST OF ACRONYMS

AAQS	ambient air quality standards
AASHTO	American Association of State Highway and Transportation Officials
AB	Assembly Bill
ac	acre(s)
ac-ft/yr	acre-foot per year
ACE	Alameda Corridor East
ACM	asbestos-containing materials
ACTA	Alameda Corridor Transportation Authority
ADI	Area of Direct Impacts
ADL	aerially-deposited lead
ADT	average daily traffic
AES	Advanced Earth Sciences
AGR	Agricultural
AHERA	Asbestos Hazard Emergency Response Act
AICP	American Institute of Certified Planners
Alt	Alternative
amsl	above mean sea level
ann. arth. avg	annual arithmetic average
AP	Assessor's Parcel
APE	Area of Potential Effects
APN	Assessor's Parcel Number
AQ	air quality
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act
ASR	Archaeological Survey Report
ATSF	Atchinson, Topeka, and Santa Fe
Ave	Avenue
BAS	Bryan A. Stirrat and Associates
Basin	South Coast Air Basin
BAT	Best Available Technology
BCT	Best Conventional Pollutant Control Technology
BIO	biology
BFE(s)	Base Flood Elevation(s)
bgs	below ground surface
Blvd	Boulevard
BMPs	Best Management Practices
BNSF	Burlington Northern Santa Fe Railroad
BSA	biological study area *or* biological survey area
BTEX	benzene, toluene, ethylbenzene, and xylenes

c/o	care of
CA	California
CA FID	California Facility Inventory Database
CAA	federal Clean Air Act
CAAQS	California ambient air quality standards
Caltrans	California Department of Transportation
CATV	Cable access television
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology
CDI	Constant & Dicky, Inc.
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Emergency Response, Compensation and Liability Act
CERCLIS	Comprehensive Response, Compensation and Liability System
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH	City Hall
CHMIRS	California Hazardous Materials Incident Report System
CI	community impacts
CIA	Community Impact Assessment
City	City of Placentia
CIWMB	California Integrated Waste Management Board
CLOMR	Conditional Letter of Map Revision
cm	cubic meter(s)
CMP	Congestion Management Plan
cms	cubic meters per second
CNDDB	California Natural Diversity Data Base
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
Co	company
cont'd	continued
CORRACTS	corrective action
CPT	cone penetration test
CPUC	California Public Utilities Commission
CRLDP	Cultural Resources Late Discovery Plan
CTC	California Transportation Commission
CVC	California Vehicle Code
CWA	Clean Water Act
cy	cubic yard(s)

DAMP	Drainage Area Master Plan
dB	decibel(s)
dBA	A-weighted decibel(s)
Department	California Department of Transportation
DHHS	United States Department of Health and Human Services
DOE	Determination of Eligibility
DOF	Department of Finance
DOGGR	California Division of Oil, Gas and Geothermal Resources
Dr.	Drive
DRIR	Draft Relocation Impact Report
DTSC	California Department of Toxic Substances Control
e/o	east of
E	East
E	eastbound
E	energy
E	estimated
E	existing
ECR	Environmental Commitments Record
EDD	Economic Development Department
EDR	Environmental Data Resources, Inc.
EFZ	Earthquake Fault Zone
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
Elec	electrical
EJ	Environmental Justice
ELY	easterly
EO	Executive Order
ERNS	Emergency Response Action Notification System
ESA	Endangered Species Act
F	Fahrenheit
FAR	floor area ratio
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIA	Federal Insurance Administration
FINDS	Facility Index System
FIRMs	Flood Insurance Rate Maps
FP	floodplains
FR	Federal Register
FRA	Federal Railroad Administration
FS	Fire Station
FTA	Federal Transit Administration
ft	foot, feet

ft-lb	foot per pound
ft^2	square foot, square feet
gal	gallon(s)
g/bhp-hr	grams per brake horsepower-hour
GIS	Geographic Information Systems
GPS	Global Positioning System
GS	geology/soils
GWR	Groundwater
H	height
H_2S	hydrogen sulfide
ha	hectare(s)
HAI	Housing Affordability Index
HAZNET	Hazardous Waste Network
HC	hydrocarbon
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
H/M	high or medium removal efficiency
Hp	horsepower
HPG	high pressure gas
HPSR	Historic Property Survey Report
hr	hour
HRER	Historic Resources Evaluation Report
HUD	United States Department of Housing and Development
HVAC	heating, ventilation, and cooling
HW	hazardous waste
HWCL	Hazardous Waste Control Law
HWIS	Hazardous Waste Information System
Hwy	highway
HY	hydrology
Hz	Hertz
I	intactness
I.L.	insertion loss
I-5	Interstate 5
ICU	Intersection Capacity Utilization
IHGS	Imperial Highway Grade Separation
in	inch(es)
IS	invasive species or Initial Study
ISA	Initial Site Assessment
IUR	Inventory Update Rule
IWMD	Integrated Waste Management Department

JPA	Joint Powers Authority
JWA	John Wayne Airport
kg	kilogram(s)
km	kilometer(s)
kph	kilometer(s) per hour
kW	kilowatt(s)
L	liter(s)
L	low removal efficiency
LAEDC	Los Angeles Economic Development Corporation
LBP	lead based paint
lbs	pounds
L_{eq}	equivalent continuous sound level
L_{min}	minimum noise level
L_{max}	maximum noise level
Ln.	Lane
LOMR	Letter of Map Revision
LOS	Level(s) of Service
LOSSAN	Los Angeles San Diego
LU	Land Use
LUSTs	leaking underground storage tanks
m	meter(s)
m^2	square meter(s)
max	maximum
Mb	body-wave magnitude
MBTA	Migratory Bird Treaty Act
MCE	Maximum Credible Earthquake
mcm	million cubic meters
mcy	million cubic yards
MEP	maximum extent practicable
Metropolitan	Metropolitan Water District of Southern California
mg	milligram
mi	mile(s)
ML	local magnitude
MLD	Most Likely Descendant
MMA	Meyer, Mohaddes Associates
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
MPAH	Master Plan of Arterial Highways
mpg	miles per gallon
mph	miles per hour

MPO	Metropolitan Planning Organization
Ms	surface-wave magnitude
MTBE	methyl tertiary butyl ether
MUN	municipal
Mw	moment magnitude
MWD	Metropolitan Water District of Southern California
MWD	Metropolitan Water District of Orange County
MWDOC	Metropolitan Water District of Orange County

N.	North
N/A	not applicable
N/A	not available
NAAQS	national ambient air quality standards
NAC	Noise Abatement Criteria
NAFTA	North American Free Trade Agreement
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places
NAWQA	National Water Quality Assessment
NB	northbound
NC	natural communities
NCCP	Natural Communities Conservation Plan
NCRS	Natural Resource Conservation Service
NE	not encountered
NEPA	National Environmental Policy Act
NES	Natural Environmental Study
n/f	not feasible
NFA	no further action
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NIFZ	Newport-Inglewood Fault Zone
NLY	northerly
NM	not monitored
No.	number
NOA	naturally occurring asbestos
NOI	noise
NOI	Notice of Intent
NOP	Notice of Preparation
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRHP	National Register of Historic Places
NWP	Nationwide Permit

O/H	overhead

O'Head	overhead
O_3	ozone
OCFA	Orange County Fire Authority
OCFCD	Orange County Flood Control District
OCG	Orange County Gateway
OCP-2000	Orange County Projections-2000
OCSD	Orange County Sanitation District *or* Orange County Sheriff Department
OCTA	Orange County Transportation Authority
OCTAM	Orange County Traffic Analysis Model
OCWD	Orange County Water District
OHP	Office of Historic Preservation
OHWM	Ordinary High Water Mark
OLI, Inc.	Operation Lifesaver, Incorporated
OMB	White House Office of Management and Budget
OnTrac	Orange-North American Trade Rail Access Corridor Authority
OPA	outside the project area
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
P	proposed
PA	Programmatic Agreement
PAC	Presumed Asbestos Containing Materials
PADS	PCB Activity Database System
Pb	lead
PCBs	polychlorinated biphenyls
PCE	perchlorethylene
PDF(s)	Project Design Feature(s)
PDSP	Planning and Development Services
PL	Public Law
PM_{10}	suspended coarse particulate matter ≤ 10 microns in diameter
$PM_{2.5}$	fine particulate matter ≤ 2.5 microns in diameter
P.O.	post office
POAQC	Project(s) of Air Quality Concern
PPC	Phillips Petroleum Company
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PRCSEP	Placentia Rail Crossing Safety Enhancement Project
PS&E	Plans, Specifications, & Estimates
PSU	public services and utilities
PUC	Public Utilities Commission
PYLUSD	Placentia-Yorba Linda Unified School District
r/w	right-of-way
r-o-w	right-of-way

RAP	Relocation Assistance Program
RARE	Rare, threatened, or endangered species
RCB	reinforced concrete box
RCP	reinforced concrete pipe
RCP	Regional Comprehensive Plan
RCPG	Regional Comprehensive Plan and Guide
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
Rd.	Road
RDMD	Resources and Development Management Department
REC	receptor
REC	recreation
REC-1	Contact Water Recreation
REC-2	Non-Contact Water Recreation
RELOOC	Regional Landfill Options for Orange County
ROC	reactive organic compounds
ROD	Record of Decision
RR	railroad right-of-way
RSTP	Regional Surface Transportation Program
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board, Santa Ana Region
S.	south
s/o	south of
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SARA	Superfund Amendments and Reauthorization Act
SB	southbound
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCGC	Southern California Gas Company
SCWC	Southern California Water Company
sec	second
sf	square foot, feet
SFR	single-family residential
SHPO	State Historic Preservation Office
SIC	Standard Industrial Classifications
SIP	State Implementation Plan
SLF	Second Lower Feeder
SLY	southerly
So	south
SO_2	sulfur dioxide
SOC	Statement of Overriding Considerations

SOCALGAS	Southern California Gas Copmany
SO_X	sulfur oxides
SPL	State Priority List
SPV	seconds per vehicle
sq	square
SR-22	State Route 22
SR-241	State Route 241
SR-55	State Route 55
SR-57	State Route 57
SR-90	State Route 90, Imperial Highway
SR-91	State Route 91
St.	Street
STA	Station
State SCL	State-equivalent CERCLIS list
Ste	Suite
STIP	State Transportation Improvement Program
SVOCs	semi-volatile organic compounds
SW	sound wall
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TBD	to be determined
TCA	Transportation Corridor Agencies
TCE	trichloroethene
TCE(s)	temporary construction easement(s)
TCRP	Transportation Congestion Relief Program
TCTM	Tri-City Traffic Model
TCWG	Transportation Conformity Working Group
TEA	Transportation Equity Act
TEUs	Twenty-Foot Equivalent Units
TIP	Transportation Improvement Program
TMDLs	Total Maximum Daily Loads
TMP	Transportation Management Plan
TRA	traffic
TRIS	Toxic Chemical Release Inventory System
TRPHs	total recoverable petroleum hydrocarbons
TSDF	Treatment, Storage, or Disposal Facility
TSM	Transportation Systems Management
U/G	underground
U	unity
U	unknown removal efficiency
UBC	Uniform Building Code
UCD	University of California, Davis
Uniform Act	Uniform Relocation Assistance and Real Property Acquisitions Policy Act

UP	Union Pacific
USACE	United States Army Corps of Engineers
USC	United States Code
USD	Unified School District
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Service
UST	underground storage tank
V	visual
V	vividness
V/C	volume to capacity
VdB	velocity in decibels groundbourne vibration
VIA	Visual Impact Assessment
VOCs	volatile organic compounds
VMT	vehicle miles traveled
VPD	vehicles per day
W.	west
WB	westbound
WDRs	Waste Discharge Requirements
WDSE	Waste Discharge System, Enforcement Action
WILD	wildlife habitat
WLY	westerly
WoUS	Waters of the United States
WPCP	Water Pollution Control Plan
WQ	water quality
WQMP(s)	Water Quality Management Plan(s)
Xing	crossing
X-ings	crossings
YLWD	Yorba Linda Water District
$\mu g/m^3$	micrograms per cubic meter

APPENDIX K

RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

ORANGE COUNTY GATEWAY

Submitted to:

City of Placentia
401 East Chapman Avenue
Placentia, California 92870

Prepared by:

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January 2009

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B: SIGN-IN SHEETS FROM THE JULY 24, 2008 PUBLIC HEARING
C: HANDOUTS FROM THE JULY 24, 2008 PUBLIC HEARING
D: CITATIONS OF THE ORANGE COUNTY GATEWAY PROJECT IN THE 2008 RTP AND THE 2006 RTIP
E: LIST OF ACRONYMS AND ABBREVIATIONS
F: WRITTEN COMMENTS RECEIVED AFTER THE END OF THE PUBLIC REVIEW PERIOD

1.0 INTRODUCTION

The City of Placentia distributed the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed Orange County Gateway (OCG) project for public and agency review and comment on June 27, 2008. The comment period ended on August 11, 2008. Appendix A contains the various notices regarding the availability of the Draft EIS/EIR for review and comment. Section 9.0, Distribution List, in the Draft EIS/EIR includes the distribution lists of parties who received a copy of the Draft EIS/EIR (hard copy or electronic on a CD) or who received a Notice of Availability/Notice of a Public Hearing that provided information on the public hearing and where the Draft EIS/EIR was available for review.

2.0 PUBLIC HEARING

The City of Placentia conducted a public hearing for the Draft EIS/EIR from 4:00 p.m. to 8:00 p.m. on July 24, 2008, at the Backs Community Center, 201 North Bradford Avenue, Placentia, California. The hearing was conducted in an open house format with boards and plans describing the project and the environmental analyses, a video presentation, a slide presentation, and a number of handouts on various topics. The attendees were invited to sign in (the sign in sheets are provided in Appendix B). Copies of the handouts that were available at the public hearing are provided in Appendix C. City staff and consultants were available to discuss the proposed OCG project and the Draft EIS/EIR with the attendees.

Attendees were provided several opportunities to provide comments on the proposed OCG project and the Draft EIS/EIR:

- Comment cards were provided at the public hearing and attendees were invited to either complete the cards at the hearing and to give the completed cards to staff or to mail their comments to the City after the public hearing.
- A court reporter was present to take verbal testimony from attendees.
- Attendees were told that they could provide comments on the City's website or to provide written comments after the public hearing.

Attendees were told that all comments were due to the City no later than 5:00 p.m. on August 11, 2008.

All written comments received at the public hearing are provided in the comments section of this report. The transcript of comments received at the hearing is also provided in the comments section.

3.0 FORMAT OF THE RESPONSES TO COMMENTS

The comment letters and cards are organized by type of agency or member of the general public. Each comment letter/card is assigned a unique number. Individual comments/issues within each comment letter and card are numbered along the right-hand margins. The responses to each comment letter or card immediately follow each letter and are referenced by the index numbers in the margins.

The format of the responses below is based on a unique letter and number code for each comment. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each comment has a unique code assignment. For example, F1-1 is the first substantive comment in letter F1. "F" represents a federal agency, the first "1" refers to the first federal agency letter, and the second "1" refers to the first comment.

4.0 INDEX OF COMMENTS RECEIVED

Table 1 is an index list of the agencies, groups, and persons who commented on the Draft EIS/EIR during the review and comment period. Each comment letter and comments from the public hearing are indexed with a unique number, as shown below. Table 1 also shows the page numbers where individual comments and the corresponding responses are located in this report.

The written comments received from the general public are provided in alphabetical order by the last name of the person who provided the comments.

5.0 COMMON RESPONSES

A number of the comments received on the project discussed the same issues or environmental concerns. Rather than repeat responses over and over again, Common Responses were prepared that address these comments, and the responses to those comments refer the reader to the Common Response.

In addition, some comments raised issues that are not environmental issues within the context of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Consistent with those regulations, the City of Placentia has only addressed comments that raise environmental issues under CEQA and NEPA. However, ALL comments received on the Draft EIS/EIR are included in this Report and will be made available to the decision-makers prior to any action on the proposed project.

Table 1: Summary of Comments Received on the Orange County Gateway Draft EIS/EIR

Letter	Agency/Person	Page Number in This Report
Comments from Federal Agencies		
F1	United States Environmental Protection Agency	18
Comments from State Agencies		
S1	Native American Heritage Commission	52
S2	Governor's Office of Planning and Research, State Clearinghouse	57
Comments from Regional Agencies		
R1	Southern California Regional Rail Authority	65
Comments from County and Local Agencies		
CL1	Orange County Transportation Authority	69
CL2	Orange County Water District	72
CL3	County of Orange Public Works	76
CL4	City of Anaheim	87
Comments from Businesses and Organizations		
B1	Placentia Chamber of Commerce	94
B2	Lakeside Family Dental Group (typed letter and handwritten comment card)	96
B3	Property Manager for Lakeside Plaza	105
B4	PJ Printers	111
B5	Perfect Nails and Hair Salon	113
B6	Dream Dinners	115
B7	King's Teriyaki & Burgers & Tacos	117
B8	Subway Restaurant	119
B9	Robert Sackett, Commercial Property Owner	122
B10	Tony Dos Santos, Barber Shop	126
B11	Stylists at Salon 9, Lakeside Plaza (comments from six stylists: Katherine Gilbert, Kristen Bergman, Eman Savcoda, Kristen Macchio, McKenzie Penhall, Nicole **[illegible]**, and Kathleen Stuck)	128
B12	Law Offices of Palmieri, Tyler, Wiener, Wilhelm & Waldron, representing the owners of Del Cerro Mobile Estates	133
B13	Hart, King & Coldren	170
Comments from Members of the General Public		
P1	Norma Aparato (Vistara)	175
P2	Randy Baker (Del Cerro Mobile Estates)	177
P3	Robert Baumann	180
P4	Jerry and Avis Benning (Del Cerro Mobile Estates)	183
P5	Kevin Biegler	185
P6	James P. and Mary Lou Brown (Del Cerro Mobile Estates)	188
P7	Grigore and Mireya Budean (Vistara)	190
P8	Paul and Thao Chang	194
P9	David and Patricia Chavez	198
P10	Linda Collier-Mahnken	200
P11	Carol Crisostomo	202
P12	Virginia Davila	204
P13	Simonida Dunvan	206
P14	Ima Lee Edwards (Del Cerro Mobile Estates)	208
P15	Eric Estes (Del Cerro Mobile Estates)	210
P16	Armando Flores (Del Cerro Mobile Estates)	214

Table 1: Summary of Comments Received on the Orange County Gateway Draft EIS/EIR

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P17	Teri Flores (Del Cerro Mobile Estates)	216
P18	Karen Ford	218
P19	Davina Forrester (Del Cerro Mobile Estates)	220
P20	Allan F. Gilbert	223
P21	Jie Han	233
P22	Penny and Ray Hansen and Jack Brass (Del Cerro and Bella Vista)	236
P23	Illyse Harker (Yazmin Gill, Brad and Illyse Harker, Frankie Herrara, Francisco Herrara, Alonzo Howell, Evelia Robles, and Jennyfer Sickler also submitted the same comment letter)	238
P24	Maryliz Harris (Del Cerro Mobile Estates)	250
P25	Edward Hartmann	254
P26	Tom Hartman	256
P27	Lori Jean Hartwell (Del Cerro Mobile Estates)	259
P28	Paul and Ida Henry (Del Cerro Mobile Estates)	262
P29	Jerry and Bonnie Hodson (Del Cerro Mobile Estates)	265
P30	Alonzo C. Howell (Vistara)	268
P31	Michael and Mary Howe (Del Cerro Mobile Estates)	272
P32	Fei-Chiu Huang and Hsiu Yen	275
P33	Ron and Rene Lemke (Vistara)	277
P34	Julieanne Linam (Vistara)	283
P35	Linda Lucio (Del Cerro Mobile Estates)	287
P36	Linda Lukowski (Del Cerro Mobile Estates)	318
P37	Ronald Manug (Vistara)	320
P38	Jimmy Master	322
P39	Diana M. McKissick (Del Cerro Mobile Estates)	324
P40	Gregoria Aguas Medel and German M. Medel (Vistara)	326
P41	Alice Meyers (Del Cerro Mobile Estates)	330
P42	Shirley Mills (Del Cerro Mobile Estates)	336
P43	Joe and Lisa Montoya (Bella Vista)	340
P44	Margaret Morbee-Cassidy (Bella Vista)	342
P45	Nicholas and Carolyn Orlandos (Del Cerro Mobile Estates)	344
P46	Jane Reifer	346
P47	Joanne Robinson (Del Cerro Mobile Estates)	349
P48	Steven D. Rodriguez (Del Cerro Mobile Estates)	353
P49	Arnel Sarmiento	356
P50	Joanne Schleicher	364
P51	David C. Schleicher	366
P52	Matt and Kristin Schleicher	368
P53	Angela Schultz (Del Cerro Mobile Estates)	374
P54	Becky Scott (Del Cerro Mobile Estates)	376
P55	Minda A. Sena and Dean V. Sena (Del Cerro Mobile Estates)	383
P56	Don Stewart	390
P57	Quomjai Surbwattanagril **[illegible]** (Vistara)	393
P58	Robert and Eloisa Talens (Vistara)	395
P59	**[illegible]**	399
P60	Sandy Waite (Del Cerro Mobile Estates)	401

Table 1: Summary of Comments Received on the Orange County Gateway Draft EIS/EIR

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P61	Debbie Wales (Del Cerro Mobile Estates)	403
P62	Kimberly Williams (Del Cerro Mobile Estates)	410
P63	Darren and Kimberly Williams (Vistara)	413
P64	No name	415
P65	Residents of Del Cerro Mobile Estates (letter and petition to City)	417
P66	Residents of Del Cerro Mobile Estates (letter and petition to OCTA)	429
P67	"No on Alternative D" List of Signatures	438
Written Comments from Members of the General Public at the Public Hearing		
PH1	Patricia McWilliams	446
PH2	Elma Garloch	446
PH3	Doug and Christine Micheletti	447
PH4	Don Gardner	447
PH5	Patrick J. Melia	448
PH6	Kimberly Williams	448
PH7	Lori Wright	449
PH8	Larry Valdez	449
PH9	Sylvia Wilber	450
PH10	Bryon Wilber	450
PH11	Anna Betha	451
PH12	Jeff Leck	451
PH13	Luann Lovejoy-Giusiana	452
PH14	Tony Giusiana	452
PH15	Duc Truong	453
PH16	Linda C. Lucio	453
PH17	Emilio and Julio Castaneda	454
PH18	Maggie Ritchie	454
PH19	P. Whyte	455
PH20	Richard Hirschl	455
PH21	Isabella Hlavac **[last name illegible]**	456
PH22	Linda Lukowski	456
PH23	Elizabeth Garcia	457
PH24	Nathan Garcia	457
PH25	Helen M. Delaney	458
PH26	Justin Kamm	458
PH27	Kristen Downey	459
PH28	Ricky Shah	459
PH29	Ronni Smith	460
PH30	Rod and Brenda Suppes	460
PH31	Phil LaPuma	461
PH32	Wesley Collier	461
PH33	Teresa Angcaco	462
PH34	Linda Collier Mahnken	462
PH35	Bonnie Hodson	463
PH36	Kary Oncu	464
PH37	Kay Gamboa	465
PH38	Danny R. Garlock	467

Table 1: Summary of Comments Received on the Orange County Gateway Draft EIS/EIR

Letter	Agency/Person	Page Number in This Report
PH39	Bob Knight	469
PH40	Joanne Robinson	470
PH41	Eric Estes	471
PH42	Jerry and Avis Benning	473
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T55–T60	Linda Lucio	519–521
T61	Kary Oncu	522–523

City = City of Placentia
EIS/EIR = Environmental Impact Statement/Environmental Impact Report
OCTA = Orange County Transportation Authority

The Common Responses are as follows:

- Common Response 1 covers Non-CEQA/NEPA issues.
- Common Response 2 covers acquisitions at Del Cerro Mobile Estates and the Rose Plaza Shopping center.
- Common Response 3 covers property acquisition needs refined during final design.
- Common Response 4 describes the property acquisition and eminent domain processes.
- Common Response 5 addresses comments regarding transfer of base year values for tax purposes.
- Common Response 6 addresses comments regarding public notice and information on the project.

- Common Response 7 describes future Burlington Northern Santa Fe (BNSF) plans and third track.
- Common Response 8 provides updated cost information.
- Common Response 9 covers funding for the project.
- Common Response 10 addresses the Orange County Transportation Authority (OCTA) being the lead on design, right-of-way acquisition, construction, and mitigation implementation.
- Common Response 11 covers quality of life issues.
- Common Response 12 covers the project schedule.
- Common Response 13 covers damage to private property during construction.

5.1 Common Response 1 – Consideration of Comments that do not Raise Environmental Issues

This comment does not raise environmental issues under CEQA and/or NEPA. However, all comments received regarding the proposed OCG project and the Draft EIS/EIR will be reviewed by the decision-makers responsible for the project. The City of Placentia will review the comments received on the Draft EIS/EIR prior to any actions taken by the Placentia City Council to complete the environmental processes under CEQA by certifying the Final EIR and selecting a preferred alternative.

Under NEPA, the Federal Highway Administration (FHWA) will prepare a Final EIS and will make that Final EIS available to the public for 30 days. Following that public review period and after consideration of the comments received on the Draft EIS/EIR, FHWA may select an alternative and set forth its approval in a Record of Decision (23 CFR 771.127) along with a summary of the adverse impacts of the project and avoidance, minimization, and mitigation measures incorporated into the selected alternative to complete the environmental process under NEPA.

5.2 Common Response 2 – Acquisitions at Del Cerro Mobile Estates and the Rose Plaza Shopping Center

Table 2 summarizes the estimated need for the acquisition of property from the Rose Plaza Shopping center in the northeast quadrant of the intersection of Tustin Avenue/Rose Drive and the BNSF tracks and the estimated number of manufactured homes in the Del Cerro Mobile Estates that would be acquired for each of the three OCG Build Alternatives. As discussed in the Draft EIS/EIR, the design developed for the three Build Alternatives and used in the analyses of the project impacts in the Draft EIS/EIR was based on conceptual design at approximately a 10–15 percent level. In addition, that conceptual design assumed

Table 2: Summary of Property Acquisition Needs at Tustin Avenue/Rose Drive and the BNSF Railroad Based on the Conceptual Design Evaluated in the Draft EIS/EIR

Alternative	Property Acquisition at the Rose Plaza Shopping Center	Property Acquisition (Number of Manufactured Homes) at Del Cerro Mobile Estates
Alternative B	None	None
Alternative C	None	None
Alternative D	Full take of the area occupied by the shopping center	24

Source: LSA Associates, Inc. (2008).
BNSF = Burlington Northern Santa Fe
EIS/EIR = Environmental Impact Statement/Environmental Impact Report

the largest footprint/disturbance limits for each Build Alternative to ensure that the environmental analyses considered a worst case for possible project impacts.

During the public review period for the Draft EIS/EIR, a number of comments were received regarding the acquisition of property from the Rose Plaza Shopping center and the Del Cerro Mobile Estates under Alternative D. In addition, it was always acknowledged that part of the process during final design would be to finalize the geometrics for the selected Build Alternative and to attempt to reduce the project footprint/disturbance limits to the extent possible while still meeting the applicable design standards. Refer also to Common Response 3 for more information regarding final design.

Since the public circulation of the Draft EIS/EIR and in response to comments received on the Draft EIS/EIR, the City of Placentia and OCTA have been evaluating the design of the preferred project, Alternative D, and have identified possible geometric enhancements for reducing the project footprint so as to reduce the amount of property to be acquired.

5.3 Common Response 3 – Property Acquisition Needs Refined During Final Design

The publicly and privately owned properties anticipated to be needed for OCG Build Alternatives B, C, and D were defined in detail in Section 3.4.2, Relocations, and in detailed tables in that section of the Draft EIS/EIR. The environmental studies and the Draft EIS/EIR analyses considered the project right-of-way needs based on preliminary conceptual design for the OCG Build Alternatives (at an approximately 10–15 percent design level). The conceptual design represents the largest footprint/disturbance area and the maximum potential right-of-way acquisition that could occur under each OCG Build Alternative.

During final design, which is anticipated to be initiated in 2009, there may be opportunities to refine or enhance the preferred alternative. As part of design and right-of-way optimization, consideration would be given to reducing the potential right-of-way

acquisitions identified in the conceptual level design used to evaluate the project impacts in the Draft EIS/EIR. As a result, it is very unlikely that, as a result of final design, any of the three OCG Build Alternatives would require more right-of-way than disclosed in the Draft EIS/EIR. It is likely that some of the properties identified in the Draft EIS/EIR as being needed for the project would be determined not to be needed for the project during the final design.

The final right-of-way needs will be identified during the final design of each crossing. Common Response 12, provided later, shows the anticipated start and completion dates for the final design and right-of-way acquisition for each of the four major crossings. As shown in that table, right-of-way acquisition will be initiated during final design; as a result, all affected property owners and potential displacees are anticipated to be contacted by the OCTA Right-of-Way Agents during final design of the crossings. Refer to Common Response 12 for the anticipated implementation schedule for each crossing.

5.4 Common Response 4 – Regarding the Property Acquisition and Eminent Domain Processes

Appendix C contains several documents that were distributed at the July 24, 2008, public hearing that relate directly to the property acquisition and eminent domain processes for property acquisition for public projects such as the OCG project. Those documents are:

- "Frequently Asked Questions Regarding the Proposed Orange County Gateway Project" (City of Placentia, July 24, 2008)
- "Orange County Gateway EIS/EIR Frequently Asked Questions Regarding Right-of-Way" (City of Placentia, July 24, 2008)
- "Information on Property Acquisition of the Orange County Gateway Project from the Draft EIS/EIR" (from the OCG Draft EIS/EIR, June 2008)
- "Eminent Domain Information Package" (City of Placentia, no date)
- "Your Rights and Benefits as a Displacee under the Uniform Relocation Assistance Program (Residential)" (California Department of Transportation [Caltrans], 2007)
- "Your Rights and Benefits as a Displacee under the Uniform Relocation Assistance Program (Mobile Home)" (Caltrans, no date)
- "Your Rights as a Displaced Business, Farm or Nonprofit Organization under the Uniform Relocation Assistance Program" (Caltrans, no date)

Other materials available at the July 24, 2008, public hearing were:

- OCG Draft EIS/EIR (June 2008, three volumes)

- OCG technical studies (various authors and dates; refer to pages iv and v in the Draft EIS/EIR Table of Contents for the names, authors, and dates of these reports)
- Conceptual design plans from the Preliminary Engineering Report (KFM Engineering, Inc., 2004)

Briefly, all property acquisition and relocation activities for the OCG project would be conducted in compliance with the provisions of federal Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 and in accordance with the Caltrans Right-of-Way Manual. Detailed information on that process would be provided to affected property owners and potential displacees at the initiation of the property acquisition phase of the project. Right-of-way acquisition would be initiated during the final design process, which is scheduled to be initiated in 2009. The geometrics for the improvements would be set during final design, after which final identification of all full, partial, and temporary property acquisitions required to accommodate the preferred alternative would occur. Depending on the alternative selected, contact for property acquisition is anticipated to be initiated with property owners regarding the acquisition of their properties in mid to late 2009. The process would begin with a written notice, called a "letter of intent to appraise," being sent to each property owner.

Property may be acquired from an unwilling seller through the eminent domain process, which is available to public agencies attempting to purchase private property for a public project determined to be of public necessity. The eminent domain process is explained in detail in the material provided in Appendix C.

5.5 Common Response 5 – Regarding Transfer of Base Year Values for Tax Purposes

As documented in Section 68 of the California Revenue and Taxation Code and in Article XIIIA, Section 2(d) of the California Constitution (as discussed in the Caltrans Right-of-Way Manual, Rule 462.5, Exhibit 8-EX-48, revised 6/95), California law allows a person to transfer the base year value of his/her property to a comparable replacement property under certain conditions, including acquisition of that property by a public agency.

5.6 Common Response 6 – Regarding Public Notice and Information on the Project

Section 6.0, Summary of Public Involvement Process/Consultation/Tribal Coordination, in the Draft EIS/EIR describes the public information process for the proposed OCG project since the initiation of the environmental clearance process in 2001 to just prior to the distribution of the Draft EIS/EIR for public review in June 2008. The public information process included:

- Notice of Intent: December 2001
- Notice of Preparation: January 2002
- Notices in newspapers and community publications, media releases, the project website, announcements at City Council meetings and other various community and citizen meetings: January 2002
- Two public scoping meetings: January 22 and 24, 2002

Since 2002, the City of Placentia has conducted environmental analyses, prepared technical studies, and developed the Draft EIS/EIR for the proposed project. Over that time period, information was provided on a regular basis as part of the monthly Orange-North American Trade Rail Access Corridor Authority (OnTrac) meetings (until its dissolution in 2007) and at Placentia City Council meetings.

Prior to and during the public review period for the Draft EIS/EIR, a number of public information activities were conducted as described earlier in this section. These included distribution of the Notice of Availability (NOA) and Public Hearing, the Draft EIS/EIR, and publication of the NOA in several local area newspapers.

5.7 Common Response 7 – Future BNSF Plans and Third Track

The Draft EIS/EIR does not consider any future plans of the BNSF, including whether the BNSF would require additional right-of-way in the future. Any BNSF improvements would be outside the scope of the proposed OCG project and the Draft EIS/EIR for the proposed OCG project.

The proposed OCG project is not a rail facility or service improvement project. It is, in essence, a surface transportation safety/level of service improvement project. The primary focus is to improve the safety of the arterial street crossings of the BNSF tracks and to reduce delays for surface traffic at these crossings. The OCG project would not result in any changes in the efficiency or frequency of the existing or forecasted rail (freight and passenger) services in the BNSF rail corridor.

The BNSF right-of-way to the east and west of the segment of the BNSF tracks in the OCG study area includes three tracks. Because the BNSF is a primary east-west rail route for goods being shipped from the Ports of Los Angeles and Long Beach to locations throughout the United States, it is likely that, at some point in the future, the BNSF would install a third track in its right-of-way in the OCG study area to provide a continuous three-track cross section across this part of Southern California. However, that third track is not part of the proposed OCG project and could proceed whether the OCG improvements are implemented or not. Similarly, the need for and timing of any increase in train volumes or lengths in this corridor would be the responsibility of the BNSF (freight) or passenger service providers (Metrolink and Amtrak) and, again, could proceed with or without the OCG project. In

summary, any changes in facilities (tracks) or services (number and length of trains) in this corridor and any environmental analyses for those improvements would be entirely within the purview of the BNSF and the applicable passenger service providers and are in no way related to or subject to any effects as a result of the OCG project.

As noted on page 2-1 in the Draft EIS/EIR: "Each alternative avoids impacts to the existing BNSF right-of-way, which would allow BNSF to implement facility and/or service improvements in the future without requiring modifications to the proposed OCG Build Alternatives. No BNSF facility or service improvements are evaluated in this Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)." Refer also to page 2-6, which states: "...and the OCG project would accommodate future BNSF efforts to meet future rail growth needs by avoiding impacts to the existing BNSF right-of-way, which would allow BNSF to implement facility and/or service improvements in the future without requiring modifications to the proposed OCG Build Alternatives." The BNSF provided a letter dated October 30, 2006, to the City of Placentia that stated "BNSF request that all build alternatives protect the existing BNSF right-of-way. The existing BNSF right-of-way is reserved for future rail improvements and rail expansions within the rail corridor." A copy of the letter is provided in Section B-5 in Appendix B, Coordination and Consultation, in the Draft EIS/EIR. No BNSF facility or service improvements are evaluated in this Draft EIS/EIR.

In summary, because the OCG project is not a rail project and would in no way affect the numbers or lengths of trains or rail facility improvements in the BNSF corridor or elsewhere in the region, discussion of those improvements or other improvements in the areas of the Ports of Los Angeles and Long Beach or the Los Angeles to San Diego (LOSSAN) corridor would be well outside the context of the OCG project and its environmental analysis and, therefore, were not evaluated in the Draft EIS/EIR. Any coordination for future rail services or facilities would be the responsibility of the BNSF, other rail owners/operators, and applicable passenger service providers in those corridors. Coordination of those activities would be the responsibility of those rail companies and operators.

Finally, any future facility or service improvements in the BNSF right-of-way would be subject to independent environmental review, which would be the responsibility of the BNSF or the appropriate passenger service provider (Metrolink, Amtrak, California High Speed Rail, or other, as appropriate), depending on the proposed improvements.

5.8 Common Response 8 – Updated Cost Information

OCTA has prepared updated costs for Alternative D. Based on those costs, the total cost for design, right-of-way, and construction for Alternative D in 2008 dollars is $461 million.

Assuming that project costs for Alternatives B and C would increase at the same rates as under Alternative D, the total costs for Alternatives B and C in 2008 dollars, including

design, right-of-way, and construction, are estimated at $821 million for Alternative B and $650 million for Alternative C.

Based on these costs, it is clear that Alternative D is substantially less expensive than Alternatives B and C.

5.9 Common Response 9 – Funding for the Project

Alternative D is currently fully funded, based on programmed local, State, and federal funding sources. Alternatives B and C, which are substantially more costly than Alternative D, are not fully funded based on the funding available at this time for this project. Because Alternatives B and C are trenches, the entire project segment under these alternatives must be constructed at one time. Therefore, all the funding needed for Alternatives B and C must be programmed prior to initiation of design, right-of-way, and construction for these two alternatives. It is not possible to accumulate funding until the total amount that is needed is available because many funding sources have "sunset limits." Under those sunset limits, most programmed funding must be committed to a project (typically as part of a contract or commitment by an agency) by a certain date. If the funds are not fully committed to that specific project by the sunset date, the funding is taken away from that project and reallocated to another project that is ready to commit those funds. As a result, it is becoming more and more difficult to acquire full funding for very costly projects because most funding sources have some sort of sunset period.

The citations to the proposed OCG project in the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) are provided in Appendix D of this Responses to Comments Report.

Please refer also to Common Response 8 for information regarding the total costs for Alternatives B, C, and D.

5.10 Common Response 10 – OCTA Being the Lead on Design, Right-of-Way Acquisition, Construction, and Mitigation Implementation

The City of Placentia has been the lead agency under CEQA since the initiation of studies for the project in 2001. After completion of the CEQA and NEPA environmental processes for the project, OCTA would assume the role of implementing agency for the design, right-of-way acquisition, and construction of the preferred project. All the project avoidance, minimization, and mitigation measures were revised in the Mitigation Monitoring and Reporting Program adopted as part of the CEQA certification of the Final EIR and in Section 7.0, Environmental Commitments Record, in the EIS to indicate that the measures would be implemented and documented by the OCTA Project Manager.

5.11 Common Response 11 – Quality of Life Issues

CEQA and NEPA require that the physical effects of a project be examined and disclosed but they do not prescribe how those effects may influence "quality of life." The physical environment is an important component of an individual's perception of the overall positive or negative quality of his or her life. There are many potential components other than the physical environment, including personal issues of health, employment, commute length, income, accessibility to services, privacy, peace of mind, etc., that contribute to an individual's perception of the quality of his or her life. The relative importance of the various elements of the physical environment varies by individual.

The specific physical effects of the OCG project alternatives are addressed in detail in Section 3.0, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and Mitigation Measures, in the Draft EIS/EIR. Section 3.4.1, Community Character and Cohesion, addresses many of the issues that potentially affect quality of life. Therefore, to the extent that the physical effects are perceived as affecting one's quality of life, the information required by CEQA and NEPA is provided in the Draft EIS/EIR. The evaluation of how these impacts combine to affect one's "quality of life" is an interpretive matter not addressed under CEQA or NEPA. Nonetheless, the concerns expressed are important and will be considered by the City of Placentia and FHWA during their decisions on the proposed OCG project.

5.12 Common Response 12 – Project Schedule

If Alternative D is selected for implementation, the design, right-of-way acquisition process, and construction of the first four grade separations are anticipated to be initiated in 2009 and completed in 2016 as shown in the following table. No design or other activities associated with the implementation of the four major crossings would be initiated until after the issuance of a Record of Decision for the project (per 23 CFR 771.113(a)(1)(iii)).

The remaining four grade separations under Alternative D would be designed and constructed as funding becomes available.

The citations to the proposed project in the 2008 RTP and the RTIP are provided in Appendix H of this EIS.

Effort	Anticipated Dates
Kraemer Boulevard Schedule	
Design	
Start design	Mid-2009
Complete design	December 2010
Right-of-Way Acquisition	
Start right-of-way acquisition process	August 2009
Complete right-of-way acquisition process	May 2010
Construction	
Start construction	January 2011
Complete construction	October 2013
Lakeview Avenue Schedule	
Design	
Start design	Mid-2009
Complete design	June 2011
Right-of-Way Acquisition	
Start right-of-way acquisition process	October 2009
Complete right-of-way acquisition process	December 2010
Construction	
Start construction	July 2011
Complete construction	January 2014
Tustin Avenue/Rose Drive Schedule	
Design	
Start design	Mid-2009
Complete design	June 2013
Right-of-Way Acquisition	
Start right-of-way acquisition process	September 2010
Complete right-of-way acquisition process	October 2012
Construction	
Start construction	July 2013
Complete construction	January 2016
Orangethorpe Avenue Schedule	
Design	
Start design	Mid-2009
Complete design	June 2013
Right-of-Way Acquisition	
Start right-of-way acquisition process	October 2010
Complete right-of-way acquisition process	October 2012
Construction	
Start construction	July 2013
Complete construction	July 2016

There is insufficient funding at this time to initiate the design, right-of-way acquisition process, and construction of Alternatives B and C, the trench alternatives. Because the trench must be constructed as one project (and not phased), the full funding for the design, right-of-way acquisition, and construction must be committed prior to initiating the implementation of Alternatives B and C. It is not known at this time when full funding might be available for Alternatives B and C; therefore, it is not possible to determine when construction would be initiated and completed for these two alternatives. However, the Draft EIS/EIR did estimate the construction period for Alternative B as 48 months and 36 months for Alternative C.

5.13 Common Response 13 – Damage to Private Property During Construction

If area property owners believe their property has suffered damage as a result of project-related construction activities, they may contact the OCTA. The OCTA would then fully evaluate the damage, including assessing whether that damage was a result of normal construction practices or contractor negligence. The OCTA would make a determination as to whether compensation to the property owner is warranted and, if so, what that compensation would be. The OCTA may, if the damage was due to contractor negligence, seek compensation from the contractor for the cost of the applicable damages.

6.0 WRITTEN COMMENTS RECEIVED AFTER THE END OF THE PUBLIC REVIEW PERIOD

The City of Placentia received some written comments after the end of the public review period. Those comment letters were provided to the City Council as part of their consideration of the Final EIR and are included as Appendix F, Written Comments Received After the End of the Public Review Period, in this report. The comment letters did not raise any new issues that were not already raised in comment letters received during the public review period and responded to in this report. No further action regarding these late comment letters is required.

FEDERAL AGENCIES

COMMENTS AND RESPONSES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

F1

August 7, 2008

Leslie Manderscheid
California Department of Transportation
District 12 Office
3337 Michelson Drive, Suite CN 380
Irvine, CA 92612-8894

Subject: Draft Environmental Impact Statement for Orange County Gateway Project, City of Placentia, California (CEQ# 20080250)

Dear Ms. Manderscheid:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for the Orange County Gateway Project (Project), City of Placentia, California. Our review is provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The City of Placentia will serve as the Lead Agency under the California Environmental Quality Act (CEQA), whereas the California Department of Transportation (Caltrans) will be the Lead Agency under NEPA. NEPA compliance for this Project has been delegated from the Federal Highway Administration (FHWA) to Caltrans pursuant to the *Memorandum of Understanding Between the FHWA and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (June 2007).* F1-1

We understand that there are a number of grade separation and railway improvement projects underway or under consideration in the Southern California region. EPA's enclosed detailed comments include a recommendation for a more comprehensive description of the complete corridor-wide, regional rail expansion and grade separations that are proposed. F1-2

Through the enclosed detailed comments, EPA also provides specific recommendations regarding analyses and documentation to assist in assessing potential significant impacts from the proposed Project. Should it be determined, pursuant to addressing the attached comments, that significant impacts not identified in the DEIS would result from the Project, the Final EIS (FEIS) should discuss those impacts, and additional proposed mitigation in the FEIS may be warranted. F1-3

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Specifically, EPA is concerned with: 1) the lack of analysis of cumulative impacts from reasonably foreseeable future actions, 2) the potential for induced traffic and circulation impacts, 3) lack of sufficient construction mitigation and air quality analysis, 4) potentially significant impacts to sensitive receptors at schools in the immediate vicinity of the Project, and 5) an insufficient analysis of impacts to jurisdictional waters. For these reasons, we have rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed "Summary of EPA Rating Definitions." F1-4

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact Tom Plenys, the lead reviewer for this Project, at Plenys.Thomas@epa.gov or (415) 972-3238, or me at (415) 972-3521.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Attachment: EPA's Detailed Comments

CC: Michael McConaha, City of Placentia
Gene Fong, Federal Highway Administration
David Valenstein, Federal Railroad Administration

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US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE ORANGE COUNTY GATEWAY PROJECT, AUGUST 7, 2008

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for the Orange County Gateway Project (Project), City of Placentia, California. EPA recommends that the Final Environmental Impact Statement (FEIS) provide additional analyses (including any necessary supporting documentation) and identify specific minimization or mitigation measures to support findings of minimal or no impacts for the following impact areas. (Specific recommendations are included in the following detailed comments.) F1-5

- Cumulative Impact Analysis, specifically related to future rail expansion
- Transportation, Circulation, and Traffic
- Air Quality (including impacts from construction and mobile source air toxics)
- Environmental Justice
- Jurisdictional Waters Assessment

Cumulative Impact Analysis and Future Railway Expansion

EPA understands and supports the inherent benefits associated with grade separation projects which can result in increased efficiencies and reduced emissions if executed appropriately. Given that the rail corridor under consideration for the Project is connected to a broader system in Southern California which continues to adapt to safety and efficiency concerns, EPA recommends that, as part of the cumulative impact analysis, the FEIS include a comprehensive summary of the proposed projects in their entirety to provide a better understanding of how this project fits into the greater regional setting of all future, related projects. F1-6

The cumulative impact analysis provided in the DEIS does not fully assess and quantify cumulative impacts associated with the Project, and does not link the Project's effects to the health of the affected resources. Cumulative impacts are defined in the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations as "the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions" (40 CFR 1508.7). These actions include both transportation and non-transportation activities. The cumulative impact analysis should consider transportation and non-transportation projects such as large-scale industrial or commercial developments and approved urban and transportation planning projects that are reasonably foreseeable and identified within city and county planning documents.

The FEIS should follow the guidance developed by Caltrans, FHWA and EPA for cumulative impact analysis. The FEIS and all future environmental analyses related to additional grade separations and railway improvements in the region (e.g. the Third Main Track Project) should provide a comprehensive description of the associated elements of all foreseeable future

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actions. Specifically, the FEIS should disclose to the public the cumulative impacts that will result, when considered with the all future grade separations and the proposed additional rail tracks that are in the Project vicinity. "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR Part 1508.7). Even if impacts are considered insignificant from the grade crossings, the FEIS must address whether there are "collectively significant actions" when multiple, reasonably foreseeable projects are considered together. Incorporating this thorough analysis as part of this Project will help provide the context necessary to evaluate project related impacts into the future.

Because the DEIS only considers impacts due to the Orangethorpe Corridor grade separations and not rail impacts associated with the addition of future tracks or other Burlington Northern Santa Fe (BNSF) future facility improvements, EPA requests clarification about the larger scope of the project and how additional tracks may be accommodated in the future.

As the DEIS describes on page 1-8, "the existing railroad network, the rail yards near downtown Los Angeles, and the main lines east of downtown Los Angeles, including the Orangethorpe Corridor, currently do not have the capacity to handle the projected freight volumes at the ports in the future". The Project segment of the existing BNSF rail corridor consists of two railroad tracks and is one of the major freight lines to and from the ports of Los Angeles and Long Beach (at pages 2-4 and 2-5). Further, as the DEIS describes on page 2-6, BNSF has already initiated construction of a third track, west of the Project site, from the Hobart railyard, near downtown Los Angeles, to Fullerton. A three-track alignment currently exists east of the Project site in Yorba Linda, heading eastward. Since this Project is situated between these two segments and current capacity is insufficient to meet future freight volumes, it appears reasonably foreseeable that a third track would be added in this corridor to meet future rail growth needs. This larger project would introduce increased freight traffic, and associated diesel emissions, to an area that is designated as non-attainment for several criteria pollutants. For these reasons, EPA has environmental concerns related to the air quality impacts of this reasonably foreseeable, larger project. F1-6

The recently completed (September 2007) Los Angeles to San Diego (LOSSAN) Programmatic Final EIS/EIR proposes to add a fourth track to a portion of the Alameda Corridor East in the vicinity of the Project area. It is our understanding that that the fourth track is in addition to the Third Main Track project that will be built along the route to the west of the Project area. Because both a third track, and a fourth track according to the LOSSAN EIS/EIR, are reasonably foreseeable projects located within the vicinity of the subject EIS, these projects should be described, and analyzed, as a part of a comprehensive cumulative impact assessment. The FEIS should describe the LOSSAN project as well as the local project segments of the California High Speed Rail project and their potential connection to, and impact on, rail traffic and future development in the Orangethorpe Corridor.

Logically, future plans to alter this corridor should be coordinated to ensure a comprehensive assessment of project improvements, potential resource impacts, and mitigation strategies that may result. The FEIS should assess the future plans for this rail corridor and clarify in detail how this grade separation project will be built to accommodate more than the F1-7

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existing two tracks and the projected doubling in freight volumes. If the two existing tracks can accommodate future freight volumes, the FEIS should further clarify why the "Narrower Trench" was dropped from further consideration (at 2-37). F1-7

Finally, the air quality benefits of an electrified rail corridor have been discussed in the region. The FEIS should identify if the grade separation improvements that are proposed are being constructed in a way that can accommodate a future electrified rail system. While there are not yet plans for electrification, efficient grade separations should not be constructed in a way that limits future electrification. F1-8

Recommendations:

- Conduct a thorough cumulative impact assessment for the FEIS. EPA recommends the use of the June 2005 *Guidance for Preparers of Indirect and Cumulative Impacts Analysis* developed jointly by Caltrans, FHWA, and EPA [http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm]. The guidance will assist in identifying cumulative impacts and preparing an analysis that is sound and well documented. The FEIS should specifically address each of the following eight steps for areas where impacts may occur cumulatively. EPA is particularly concerned about air quality impacts.

  1) Identify resources to consider in the impact analysis.

  2) Define the study area for each resource.

  3) Describe the current health and historical context for each resource.

  4) Identify direct and indirect impacts of the proposed project that might contribute to a cumulative impact.

  5) Identify other reasonably foreseeable actions that affect each resource.

  6) Assess potential cumulative impacts.

  7) Report the results.

  8) Assess the need for mitigation.

  F1-6

- Specifically, for Step #5, EPA recommends that other reasonably foreseeable actions analyzed in the cumulative impacts analysis include:

  1) the addition of a third rail track by BNSF that will occur concurrently or directly following this, and other, grade crossings,

  F1-7

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2) a future fourth rail track anticipated to be constructed on the Alameda Corridor East as described in the Programmatic Final EIS for the Los Angeles to San Diego (LOSSAN) rail (prepared by Federal Railroad Administration and Caltrans; September 2007), and

3) future freight related improvements or railway expansion associated with the California High Speed Rail Project in the vicinity of the Project.

F1-7

- The FEIS should include a description of the proposed timing of the construction of additional tracks and any future plans for additional tracks.

- The FEIS should explicitly describe whether this Project will accommodate a third track as well as a future fourth track and whether two tracks could meet future freight volumes. If the project is intended to accommodate more than the existing two tracks, the FEIS should also clarify how future rail improvements will be analyzed and whether federal funding and future NEPA compliance is anticipated.

- The FEIS should clarify whether the proposed grade separations are being built to accommodate a future electrified rail system. F1-8

Transportation, Circulation, and Traffic Impacts

The DEIS indicates that the project will have long-term beneficial impacts to transportation due to the elimination of vehicle delays from train crossings (at page S-12). While we commend Caltrans for including a traffic analysis in section 3.6 and incorporating the *Traffic Impact Analysis* conducted by LSA Associates, the analysis provided in the DEIS does not appear to fully evaluate traffic impacts associated with the proposed modifications and the seven or eight anticipated grade separations. Specifically, the FEIS should include a table that summarizes anticipated future traffic volumes for the major crossings and intersections in the Project area under the Project alternatives. While the DEIS does provide tabular summaries of the Level of Service, delays and volume/capacity ratios for various intersections, the traffic analysis does not appear to consider the potential for increased volumes of traffic after the Project is completed due to the construction of unimpeded thoroughfares under the various alternatives. F1-9

Recommendations:

- The FEIS should provide a tabular summary of traffic volumes at the major crossings and intersections in future years under the three Project alternatives, especially if local and regional traffic volumes are expected to increase.
- If traffic volumes are anticipated to increase, include additional mitigation measures (striping, traffic calming, etc.) to reduce traffic impacts.

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The DEIS does not appear to indicate whether the major at-grade crossings currently accommodate freight truck traffic. The FEIS should include a discussion of the potential truck traffic in the area and the potential for truck traffic to increase or shift patterns due to the Project.

Recommendations:

- The FEIS should analyze the potential for an increase in freight truck traffic projected regionally and the role grade separations will play in the future in light of the proposed Project.
- Include additional mitigation measures to reduce truck traffic impacts if necessary.

F1-9

Further, it is not apparent that the traffic analysis considered potential increased traffic flows resulting from the elimination of the seven or eight at-grade crossings. The traffic analysis should explicitly clarify whether diversion from other thoroughfares to the new, and potentially expanded, thoroughfares is expected. The FEIS should also clearly state whether any of the crossings will result in expanded thoroughfares under each of the alternatives, and discuss the potential increase in traffic volumes that may result.

Recommendations:

- The FEIS should clarify whether diversion from other thoroughfares to the new, and potentially expanded, thoroughfares is expected.
- Include a localized air quality analysis pursuant to this added information.
- Consider any alternatives that would maintain the crossings at their current number of lanes and whether or not these alternatives would meet traffic needs in the area.
- Include a discussion on whether traffic flows will be impeded at the locations where any expanded crossings would revert back to the original number of lanes and include additional mitigation measures, if warranted.

F1-10

The results of these additional assessments are important for informing the design of the project, understanding environmental impacts to air quality, and ensuring that sufficient mitigation reduces environmental impacts into the future. Currently, the conclusion that the project will benefit transportation is not supported by sufficient documentation in the DEIS. Specifically, the grade separation and roadway expansion may lead to more efficient traffic flows at the crossings, but lead to significantly increased traffic flows and to bottlenecks and idling further up the road. EPA recommends that Caltrans analyze the potential impacts and incorporate results into the FEIS.

Recommendations:

- Prior to determining the final design of traffic flows and number of lanes, a completed traffic analysis identifying potential bottlenecks, impacted wait times, need for any additional roads, and modifications to existing roads is needed. The FEIS should summarize the results of these studies and demonstrate that there will be no significant impacts to traffic, circulation, and air quality from the proposed Project.

F1-9 and F1-10

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- To the extent that the results of these traffic analyses affect decision-making for project design, and, ultimately, require additional mitigation measures, these changes should be incorporated in the FEIS for this Project.

F1-9 and F1-10

Air Quality

Air Quality Analysis

The DEIS reports that the project will have no long-term impacts and a temporary short-term adverse impact to air quality but does not comprehensively assess the Project's operational and construction direct, indirect, or cumulative impacts to air quality. The FEIS should include a complete description of potential impacts and ways to reduce those impacts. In particular, EPA has concerns regarding: 1) the minimal mitigation measures to curb particulate matter (PM) and nitrogen oxides (NOx) emissions from construction equipment, 2) the absence of a thorough discussion of the air quality impacts to sensitive receptors such as the *Parque de los Ninos* and the El Camino Real Continuation High School, 3) the apparent lack of an air quality impact assessment from fill and excavation transport, and 4) the need for a staging area plan which minimizes exposures to sensitive receptors and residents.

F1-11

Emissions from diesel construction equipment, locomotives, haul trucks and other vehicles associated with this Project include PM, sulfur oxides, volatile organic compounds (VOCs), and NOx. VOCs and NOx are precursors to ozone. In November 2006, EPA revised the National Ambient Air Quality Standard (NAAQS) for fine particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$). The City of Placentia is currently within a non-attainment area for $PM_{2.5}$, PM_{10}, ozone and carbon monoxide. These pollutants should be analyzed and the reasonably foreseeable, larger project's contribution assessed, in the FEIS.

Recommendations:

- Provide $PM_{2.5}$ data in the FEIS and assess the project's contribution to $PM_{2.5}$ emissions. $PM_{2.5}$ data is available on-line at: http://www.epa.gov/ttn/naaqs/pm/pm25_2006_techinfo.html.
- Provide PM_{10}, ozone and carbon monoxide data in the FEIS and assess the Project's contribution to local and regional levels of these pollutants.

The DEIS states that there is no approved carbon monoxide (CO) attainment nor maintenance plan for the project area (at 3.13-19). This statement is inaccurate. The project is located in a maintenance area for CO, with an approved maintenance plan (72 FR 26718). The FEIS should correct this statement and include any appropriate adjustments to the CO hotspot analysis.

F1-12

Recommendation:

- The FEIS should accurately reflect the status of the CO maintenance plan, and the CO hot spot analysis should be adjusted appropriately.

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General and Transportation Conformity

On May 8, 2008, the Southern California Association of Governments adopted the 2008 Regional Transportation Plan (RTP). The 2008 RTP includes the motor vehicle emissions budgets in the 2007 South Coast State Implementation Plan for 8-hour ozone and $PM_{2.5}$ that EPA found adequate for transportation conformity purposes on May 6, 2008. EPA recommends that the FEIS describe whether the project is included in the most recently conforming 2008 RTP. In addition, since the RTP covers only the onroad portion of the Project's emissions, the FEIS should evaluate the general conformity applicability for the other emissions associated with this Project (i.e., construction, rail emissions, etc.). F1-13

Recommendations:

- The FEIS should describe whether the Project is included in the most recently conforming 2008 RTP.
- The FEIS should evaluate the general conformity applicability for the other emissions associated with the Federal action (i.e., construction, rail emissions, etc.) and include a discussion to this effect.

Mobile Source Air Toxics

While we recognize the discussion of mobile source air toxics (MSATs) in Section 3.13, the DEIS does not include an analysis of Project's impacts due to MSATs. A large number of recent studies have examined the association between living near major roads and various adverse health endpoints. Several well-conducted epidemiologic studies have shown associations with cardiovascular effects, premature adult mortality, and adverse birth outcomes, including low birth weight and size. Traffic-related pollutants have been repeatedly associated with increased prevalence of asthma-related respiratory symptoms in children. Also, based on toxicological and occupational epidemiologic literature, several of the MSATs, including benzene, 1,3-butadiene, and diesel exhaust, are classified as known and likely human carcinogens. Thus, cancer risk, including childhood leukemia, is a potential concern in near roadway environments. F1-14

For additional information on MSATs, please see EPA's MSAT website http://www.epa.gov/otaq/toxics.htm. MSAT analysis is further described in the March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board (http://www.trb.org/NotesDocs/25-25(18)_FR.pdf). Procedures for toxicity-weighting, which EPA has found to be especially useful for the targeting of mitigation, are described in EPA's Air Toxics Risk Assessment Reference Library (Volume 3, Appendix B, beginning on page B-4, http://epa.gov/ttn/fera/data/risk/vol_3/Appendix_B_April_2006.pdf).

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These recommendations, and the recommendations included in the report for AASHTO referenced above, differ substantially from the FHWA interim guidance (February 2006) on MSAT analysis for transportation projects under NEPA. While there are positive elements to this guidance, especially the willingness to acknowledge potential MSAT concerns, EPA continues to disagree with major elements of this approach nationally. The analysis of potential MSAT impacts is especially important in California, where the awareness of air toxics impacts, the knowledge of background conditions, and the familiarity with tools to assess potential impacts are very high.

Recommendations:

- In the FEIS, identify homes and sensitive receptors located within at least 200 meters from possible alternatives where there would be increases in truck and construction traffic/idling, increased roadway and rail traffic, construction activities, and staging area activity, and compare these numbers between alternatives. If the project would result in high average daily traffic (10,000 average daily traffic (ADT), for example), then the FEIS should at least identify the total tons per year anticipated for the six most significant MSATs, namely diesel particulate matter (DPM), acrolein, acetaldehyde, formaldehyde, benzene, and 1,3-butadiene, for each alternative. F1-14
- Include an assessment of diesel emissions and provide plans for improving air quality through reducing diesel emissions. EPA is available to work with Caltrans to evaluate the appropriate level of air quality analysis for this project.
- Identify design alternatives and options to further minimize MSAT impacts including indoor air quality improvements for all sensitive receptors within the project area such as the *Parque de los Ninos* and the El Camino Real Continuation High School.

Construction Mitigation Measures

EPA commends Caltrans for incorporating mitigation strategies to reduce or minimize air pollutant, paving, and fugitive dust emissions. However, in addition to idling restrictions, proper maintenance of equipment and the selection of construction equipment based on low emission factors, this Project should incorporate more stringent emission controls for PM and ozone precursors for construction-related activity.

As previously mentioned, this project is in a non-attainment area for $PM_{2.5}$, PM_{10} and ozone. Further, there are sensitive receptors in the area of the construction activities, which are anticipated to last, in some cases, over a year at the various crossings. There are additional mitigation measures that can be considered and applied to reduce emissions. Under NEPA, "all relevant, reasonable mitigation measures that could improve the project are to be identified. Mitigation measures must be considered even for impacts that by themselves would not be considered significant" (see Council on Environmental Quality (CEQ), 1981, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations"). All applicable state and local requirements and the additional and/or revised measures listed below should be incorporated into a Construction Emissions Mitigation Plan, with the Construction Mitigation Plan included in the FEIS and the Record of Decision (ROD). By including this in the ROD, F1-15

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Caltrans can commit to emissions reductions measures. The following mitigation measures should be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of PM and other toxics from construction-related activities:

Recommendations:

Due to the serious nature of the PM_{10} and $PM_{2.5}$ conditions in the South Coast Air Basin, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under the South Coast Air Quality Management District (SCAQMD) Rules and the following additional measures be incorporated into a Construction Emissions Mitigation Plan.

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, and phase grading operations, where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage, and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

F1-15

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at California Air Resources Board (CARB) and/or EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. CARB has a number of mobile source anti-idling requirements. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable, to reduce emissions of diesel particulate matter and other pollutants at the construction site.

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Administrative controls:

- Identify all commitments to reduce construction emissions and incorporate these reductions into the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirement for off-road and on-highway (i.e., 15 ppm), and where appropriate use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

F1-15

Additionally, EPA is concerned about the selection of the staging areas and the potential impacts that may result to sensitive receptors. In light of the proximity of the *Parque de los Ninos*, the El Camino Real Continuation High School and other elementary schools, we are particularly concerned about the impacts to these areas resulting from the proposed Project.

F1-16

Recommendation:

- The FEIS should describe the specific location for all staging areas to be used, and confirm that these locations would result in the least environmental impacts and disruption to sensitive receptors.

Finally, if specific mitigation measures are used for purposes of determining total emission levels, a firm commitment to implementing the mitigation measures should be included in the FEIS.

F1-15

Recommendation:

- The FEIS should identify and commit to specific mitigation measures or specific emission reduction target levels not only for fugitive dust emissions, but also for exhaust emissions.

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Air Quality Impacts Associated with Transporting Fill Material

EPA is concerned that the air quality analysis in the DEIS does not include emissions associated with the multiple trucking trips needed to remove and transport fill from the project site (e.g. 2.1 million cubic yards of excess excavation material is identified under Alternative B), nor does the DEIS appear to include an estimate of the number of necessary truck trips, distance traveled and corresponding air emissions in section 3.13.

Recommendations:

F1-17

- The FEIS should describe the methods, equipment to be used and location of final disposal for this material.
- Include a revised air quality analysis and updated emissions comparison to SCAQMD significance thresholds to account for the emissions from the truckloads required to transport fill, as well as additional fugitive dust associated with the new fill site.
- Commit to additional minimization measures for these emissions.
- Provide a quantification of (1) the additional air quality impacts associated specifically with the trucking of the fill and (2) the air quality benefits expected to be achieved by specific mitigation measures. If prior analysis of emissions and mitigation strategies has been conducted, update the FEIS to reflect this.

Greenhouse Gases

EPA recommends that, as practicable, the FEIS should identify the cumulative contributions or benefits to greenhouse gas emissions (GHGs) that will result from implementation of the Project. In addition, we recommend that the FEIS discuss the potential impacts of climate change on the Project as well as any mitigation measures that could reduce the Project's impact.

Recommendations:

F1-18

- Identify the cumulative contributions or benefits to GHGs that will result from implementation of the Project and discuss the potential impacts of climate change on the Project.
- Identify specific mitigation measures needed to 1) protect the Project from the effects of climate change, 2) reduce the Project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship.

Environmental Justice

F1-19

The Environmental Justice analysis does not evaluate localized impacts from diesel emissions to minority or low-income communities in the immediate vicinity of the Project railway that could result from increased locomotive traffic of the reasonably foreseeable, larger

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project. The FEIS should identify a range of potential impacts associated with the various Project alternatives and should provide appropriate mitigation measures for any adverse impacts.

Recommendations:

- If a potential environmental justice issue is identified, the FEIS should clearly state whether, in light of all of the facts and circumstances, a disproportionately high and adverse human health or environmental impact on minority or low-income populations is likely to result from the Project alternative, or from constructing any other alternatives proposed for analysis. This statement should be supported by sufficient information for the public to understand the rationale for the conclusion.
- Briefly summarize the findings, discuss whether or not there are environmental justice implications associated with any of the potential impacts of the Project, and provide references to other relevant sections of the document that describe the specific impacts in greater detail (such as the noise and air quality sections).
- Propose appropriate mitigation if disproportionately high and adverse human health or environmental impacts on minority populations or low-income populations are likely to result from the proposed action or any of the alternatives.

F1-19

Jurisdictional Waters

Section 3.17.1.1 states that jurisdictional waters of the United States are those with "a direct connection to interstate commerce". This statement mischaracterizes the extent of Federal jurisdiction. For example, wetlands adjacent to traditionally navigable waters are jurisdictional. "Adjacent", in the context of the Clean Water Act means "bordering, contiguous, or neighboring". A direct connection is not necessary, and the FEIS should be updated to appropriately account for this.

Recommendation:

- This section should be updated to reflect the entire scope of Federal jurisdiction of waters. A good reference document that summarizes jurisdiction after the Rapanos decision can be found at http://www.epa.gov/owow/wetlands/pdf/RapanosGuidance6507.pdf.

F1-20

Section 3.17.1.2 reviews the methodology used to determine impacts. However, the section appears unduly truncated (one sentence long). Impacts to waters typically require an assessment of the current functions and values of the aquatic resources before the construction of the project. This provides the basis for modifying the project to avoid and minimize impacts to resources. Site assessment methods such as the Hydrogeomorphic method can be used to assess sites.

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Recommendation:

- The methodology should be clearly delineated and involve a functional assessment of aquatic resources. We recommend reviewing the U.S. Army Corps of Engineers (Corps) Final Mitigation Guidelines and Monitoring Requirements, issued in April 2004, for more information about functional assessments.

Section 3.17.3.1 reviews impacts to waters for each Alternative. While the DEIS discloses proposed permanent fill to waters of the United States from a numeric perspective, it does not sufficiently describe the activities proposed relevant to these waters and what functions would be affected with each alternative. Additionally, from a functional perspective, it is unclear what the differences are between the alternatives.

Recommendation:

- The FEIS should disclose for each Alternative:
  (1) the name of the crossing,
  (2) the aquatic resource type (concrete channel, earthen channel, riprap),
  (3) the type of activity proposed (viaduct, etc..),
  (4) the acreage of waters impacted,
  (5) the effect to aquatic resource function from the proposed activity. This should be summarized both in the text and in a table format for reader clarity.

F1-20

Section 3.17.4.1 defers avoidance and mitigation of aquatic resources to the permit process. EPA disagrees with this approach. The DEIS is an appropriate vehicle for the project proponent to demonstrate compliance with future permit requirements, and EPA advocates that the avoidance and minimization be addressed to the extent practicable in the DEIS.

Recommendation:

- The FEIS should include a summary of avoidance and minimization measures for impacts to waters of the United States. This should include a summary of what types of crossing structures are available that will avoid impacts to aquatic resources. This will be particularly important for proposed impacts to soft bottomed waterways (i.e. turning soft bottom into concrete).

The Mitigation Measures Section 3.17.4.2 reviews proposed mitigation measures for impacts to waters. On March 31, 2008, EPA and the Corps issued new regulations ("Mitigation Rule") governing compensatory mitigation to promote no net loss of aquatic resources by improving restoration and protection policies, increasing the effective use of mitigation banks, and strengthening the requirements for the use of in-lieu fee mitigation. These new compensatory mitigation standards emphasize best available science, promote innovation, and focus on results. This rule follows the recommendations of the National Research Council by establishing equivalent, effective standards for all forms of wetland replacement projects under the Clean

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Water Act. We emphasize that mitigation for impacts to waters of the United States proposed in the FEIS must be consistent with the new rule.

F1-20

Recommendation:

- The section should be updated to reflect the new mitigation rule and how the requirements of the new rule will be met by the proposed Project.

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SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

F1 RESPONSES TO COMMENTS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY DATED AUGUST 7, 2008

F1-1 Responsibility for compliance with the National Environmental Policy Act (NEPA) for the Orange County Gateway (OCG) project has not been assigned to the California Department of Transportation (Caltrans) under 23 USC 327. Therefore, NEPA compliance for this project is the responsibility of the Federal Highway Administration (FHWA), the federal lead agency, and not Caltrans. The City of Placentia is the local lead agency for the project under the California Environmental Quality Act (CEQA).

F1-2 The proposed OCG project is included in the 2008 Regional Transportation Plan (RTP; Southern California Association of Governments, 2008). A large number of other public rail facility/service improvement projects are also included in the RTP. Orange County projects in the RTP include the Anaheim Regional Transportation Intermodal Center; new commuter rail stations in Buena Park and Placentia; additional parking at the Fullerton, Tustin, Irvine, and Laguna Niguel train stations; planning for the Orange Line MAG LEV from downtown Los Angeles to central Orange County; purchase of Metrolink rolling stock; improvements to the Santa Ana Transit Terminal; a grade-separated pedestrian crossing at the train station in the City of Orange; a Metrolink maintenance facility feasibility study; Metrolink capital maintenance; operating assistance for commuter rail; share for rolling stock facilities in downtown Los Angeles and in Colton; share of improvements to the passenger platform at Union Station; and double tracking parts of the Los Angeles to San Diego (LOSSAN) corridor. The RTP does not include potential privately funded projects such as increased numbers of tracks or increased numbers/lengths of trains on privately owned rail rights-of-way.

The proposed OCG project is not a rail facility or service improvement project. It is, in essence, a surface transportation safety/level of service improvement. The primary focus is to improve the safety of the arterial street crossings of the Burlington Northern Santa Fe (BNSF) tracks and to reduce delays for surface traffic at these crossings. The OCG project would provide relief to automobiles and trucks using surface streets through the rail corridor, but would not result in changes to current operating conditions for rail traffic in this corridor. The OCG project would not result in any changes in the efficiency or frequency of the existing or forecasted rail (freight and passenger) services in the BNSF rail corridor or in any physical improvements to the rail facilities within the BNSF right-of-way in the study area. Refer to responses to comments F1-6 and F1-7, below, for more discussion regarding the BNSF right-of-way.

F1-3 Comments noted. Refer to responses to comments F1-6 to F1-19, below, which address the United States Environmental Protection Agency's (EPA's) comments on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed OCG project.

F1-4 Refer to responses to comments F1-6 through F1-19 below, which address EPA's comments on the Draft EIS/EIR for the proposed OCG project.

F1-5 Comments noted. Refer to responses to comments F1-6 to F1-19 below which address the EPA comments on the Draft EIS/EIR for the proposed OCG project.

***Note**: The organization of the EPA comments is structured to provide comments and then to make recommendations on how to address those comments. As a result, the text in the comment letter was numbered so that the comments and recommendations for a specific topic (for example, cumulative impacts) have the same comment/response number.*

F1-6 The cumulative impacts analysis in the Draft EIS/EIR identified a cumulative impacts study area in the vicinity of the OCG project to address the potential for cumulative impacts associated with the OCG project and other transportation and non-transportation projects in this study area. The cumulative impacts analysis did not address all rail and other related projects throughout the Southern California region. As discussed in response to comment F1-2, above, the proposed OCG project is not a rail facility or service improvement project. It is, in essence, a surface transportation safety/level of service improvement. The OCG project would not result in any changes in the existing or forecasted rail (freight and passenger) services in the BNSF rail corridor or in any physical improvements to the rail facilities within the BNSF right-of-way in the study area.

The following text was added at the bottom of page 4-4 in the EIS to clarify why rail projects were not included in the cumulative impacts analysis for the OCG project:

> "The proposed OCG project is not a rail facility or service improvement project. It is a surface transportation safety/level of service improvement. The OCG project would not result in any changes in the existing or forecasted rail (freight and passenger) services in the BNSF rail corridor or in any physical improvements to the rail facilities within the BNSF right-of-way in the study area. Because the OCG project would not affect rail capacity or facilities in the BNSF corridor or elsewhere in the region, it does not appear appropriate or warranted for the cumulative impacts analysis to consider an expanded study area such as all of southern California."

The BNSF right-of-way to the east and west of the segment of the BNSF in the OCG study area currently has three tracks. Because the BNSF is a primary east-west rail route for goods being shipped from the Ports of Los Angeles and Long Beach to locations throughout the United States, it is likely that, at some point in the future, the BNSF would install a third track in its right-of-way in the OCG study area to provide a continuous three-track cross section across this part of Southern California. However, that third track is not part of the proposed OCG project and could proceed whether the OCG improvements are implemented or not. Similarly, any increase in train volumes or lengths in this corridor would be the responsibility of the BNSF (freight) or passenger service providers (Metrolink and Amtrak) and, again, could proceed with or without the OCG project. It is appreciated that the EPA has concerns regarding increases in train volumes and likely increases in diesel emissions associated with those increased train volumes. However, any changes in facilities (tracks) or services (number and length of trains) in this corridor are entirely within the purview of the BNSF and applicable passenger service providers and are in no way related to or subject to any effects as a result of the OCG project.

In summary, because the OCG project is not a rail project and would in no way affect the numbers or lengths of trains or rail facility improvements in the BNSF corridor or elsewhere in the region, discussion of those improvements or other improvements in the areas of the Ports of Los Angeles and Long Beach or the LOSSAN corridor is outside the context of the OCG project and this cumulative impacts analysis."

Any coordination for future rail services or facilities would be the responsibility of the BNSF, other rail owners/operators, and applicable passenger service providers in those corridors. Coordination of those activities would be the responsibility of those rail companies and operators.

Please refer also to response to comment F1-7, below.

F1-7 The need for and timing of any future facility or service improvements in the BNSF right-of-way, such as a third track or increased numbers or lengths of trains, are entirely within the purview of the BNSF and the passenger rail service providers. Further, any such improvements are beyond the scope of the proposed OCG project and are totally outside the authority of the City of Placentia. As noted on page 2-1 in the Draft EIS/EIR: "Each alternative avoids impacts to the existing BNSF right-of-way, which would allow BNSF to implement facility and/or service improvements in the future without requiring modifications to the proposed OCG Build Alternatives. No BNSF facility or service improvements are evaluated in this Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)." Refer also to page 2-6, which states: "...and the OCG

project would accommodate future BNSF efforts to meet future rail growth needs by avoiding impacts to the existing BNSF right-of-way, which would allow BNSF to implement facility and/or service improvements in the future without requiring modifications to the proposed OCG Build Alternatives." The BNSF provided a letter dated October 30, 2006, to the City of Placentia which stated "BNSF request that all build alternatives protect the existing BNSF right-of-way. The existing BNSF right-of-way is reserved for future rail improvements and rail expansions within the rail corridor." A copy of that letter is provided in Appendix B-5 in the Draft EIS/EIR.

In summary, no rail facility or service improvements in the BNSF right-of-way are evaluated in the Draft EIS/EIR for the proposed OCG project.

As a result of the proposed OCG overcrossings/undercrossings extending across the entire width of the existing BNSF right-of-way, it is anticipated that, should the BNSF pursue a third track, the OCG improvements would not be affected. However, this should not be interpreted to mean that the OCG improvements "accommodate" that third track. BNSF could implement the third track at any time, with or without the OCG improvements because that third track would fit within the existing BNSF right-of-way and would in no way be dependent on any actions related to, or the presence or absence of, the OCG project.

The narrower trench alternative, discussed on page 2-38 in the Draft EIS/EIR, was specifically rejected because it did not protect the BNSF right-of-way.

Finally, any future facility or service improvements in the BNSF right-of-way would be subject to independent environmental review, which would be the responsibility of the BNSF or the appropriate passenger service provider (Metrolink, Amtrak, California High Speed Rail, or other, as appropriate), depending on the proposed improvements.

F1-8 The Orange County Transportation Authority (OCTA) contacted the BNSF by email on 9/12/08 to determine whether BNSF has any plans regarding electrification of the facilities in this corridor. As indicated by Mr. Melvin Thomas, Manager Public Projects, BNSF Railway, the BNSF has not had any discussions regarding electrification in this corridor and that it is not likely a potential future option.

F1-9 Page 3.6-4 in the Draft EIS/EIR explains that future year traffic forecasts were developed using a subarea traffic model based on the parent Orange County Traffic Analysis Model (OCTAM). That Tri-Cities subarea model was run for each of the OCG alternatives (the No Build and the three Build Alternatives) evaluated in the Draft EIS/EIR, and the effects of traffic flows and potential

diversions were identified using a series of metrics. The traffic modeling results show that the traffic volumes under the OCG Build Alternatives would be the same as under the No Build Alternative, as discussed on pages 3.6-27 (Alternative B), 3.6-31 (Alternative C), and 3.6-33 (Alternative D), and as shown on Figures 3.6-8 (Alternative A), 3.6-10 (Alternative B), 3.6-11 (Alternative C), and 3.6-12 (Alternative D) in the Draft EIS/EIR. Because the traffic volumes for these alternatives are shown in those figures, no tables of this information were provided. To maintain consistency with local and regional planning, levels of service (LOS) and estimated delays for the a.m. and p.m. peak periods for the four OCG alternatives are disclosed at over 100 study area intersections as shown in Tables 3.6-D (Alternative A), 3.6-F (Alternative B), 3.6-H (Alternative C), and 3.6-I (Alternative D) in the Draft EIS/EIR. The LOS shown in those tables reflect traffic conditions after the completion of the construction of Alternatives B, C, and D, with the proposed improvements under Alternatives B, C, and D being fully operational. As shown, those tables indicate that traffic conditions would be similar under all the OCG alternatives and that the OCG Build Alternatives would not result in adverse impacts at area intersections beyond those that would occur under the No Build Alternative.

Screenline analyses were conducted for each alternative to assess the potential for shifts in traffic or increases in traffic volumes at crossings across the tracks as a result of the OCG Build Alternatives. The potential for shifts in traffic or induced traffic is discussed in the Draft EIS/EIR on page 3.6-27 for Alternative B, page 3.6-31 for Alternative C, and page 3.6-33 for Alternative D. Those analyses indicate that the OCG Build Alternatives would not result in induced traffic effects or shifts in traffic volumes at the rail crossings. Because traffic volumes would not increase as a result of the OCG Build Alternatives, no avoidance, minimization, or mitigation measures for that type of effect are required.

In summary, the Draft EIS/EIR provides the information requested in this comment. Specifically, as discussed above, traffic volumes on figures, tabular summaries of traffic volumes at the crossings of the BNSF and other major study area intersections with the Build Alternatives operational, and analysis of induced traffic/shifts in traffic volumes are provided in the Draft EIS/EIR.

F1-10 The existing arterials in the study area, including the eight arterials that cross the BNSF tracks, are currently used by large vehicles such as freight trucks, consistent with their designations as arterials in the local area General Plan Circulation Elements and the countywide Master Plan of Arterial Highways (MPAH). As discussed in response to comment F1-9, above, the traffic analysis indicated that the OCG Build Alternatives would not result in induced traffic effects or shifts in traffic volumes at the rail crossings. Therefore, because the Tri-Cities model includes all vehicle traffic, it is considered that the OCG Build

Alternatives would not result in shifts in large vehicle use of the arterials or induce large vehicle traffic at those crossings, and no avoidance, minimization, or mitigation measures are necessary. The designs of the crossings would be consistent with the applicable design standards for arterials. Because arterials are typically used by all vehicle types including large vehicles, the design standards include appropriate features to accommodate those vehicles. Because the traffic modeling and the traffic analysis in the Draft EIS/EIR appropriately included trucks as part of the vehicle volumes, no additional local air quality analysis as requested in this comment is needed.

Changes in regional and local volumes of freight traffic in trucks occur as a result of changes in volumes of freight generated in the region as imports brought in at the Ports of Los Angeles and Long Beach, as products produced at major manufacturing facilities, and/or as products consolidated and shipped to/from major distribution facilities across the region. It is doubtful that the proposed OCG Build Alternatives would in any way substantively change freight traffic volumes locally or regionally because the OCG project would not increase the availability or production of goods in the area or region and therefore would not contribute to changes in the volumes of freight traffic moving goods locally or regionally.

The cross sections on the arterials as they cross the BNSF tracks, whether the tracks are in a trench (Alternatives B and C) or the tracks are crossed by arterial over or undercrossings, would match the Master Plan of Arterial Highways cross sections north and south of the BNSF tracks. None of the crossings would provide fewer through lanes than are currently provided at the at-grade crossings. The crossings would not provide for "expanded thoroughfares" as described in this comment. Table A shows the existing number of lanes north and south (or east and west) of the BNSF, the number of through lanes in the MPAH, and the number of lanes that would be provided under the OCG Build Alternatives. As shown, the OCG Build Alternatives would not result in more through lanes at any crossing than already accounted for in the MPAH. In the event that the OCG improvements are constructed prior to the MPAH improvements, the OCG crossings would be striped to match the cross sections on each side of the BNSF corridor. As a result, the OCG Build Alternatives would not result in increased capacity or "expanded thoroughfares."

The primary improvement in traffic at the crossings of the BNSF tracks under Alternatives B, C, and D is directly related to the elimination of delays to surface traffic caused by passing trains at the crossings. As shown in Table 3.6-E in the Draft EIS/EIR, there would be substantial delays to surface traffic as a result of the at-grade crossings under the No Build Alternative. Because trains would not cross at the same grade as surface traffic under Alternatives B, C, and D, those

Table A: Existing, MPAH, and OCG Build Alternatives Numbers of Through Lanes

Arterial Crossing	Number of Through Lanes Northbound or Westbound			Number of Through Lanes Southbound or Eastbound		
	Existing	2030 (MPAH)	OCG Build Alternatives B, C, and D	Existing	2030 (MPAH)	OCG Build Alternatives B, C, and D
Kraemer Boulevard	2	3	3	2	3	3
Tustin Avenue/Rose Drive	2	3	3	2	3	3
Jefferson Street	2	2	2	2	2	2
Van Buren Boulevard	1	2	1	1	2	1
Richfield Road	2	2	2	2	2	2
Lakeview Avenue	1	2	2	1	2	2
Kellogg Drive	2	2	2	2	2	2
Orangethorpe Avenue	2	3	3	2	3	3

Source: LSA Associates, Inc. (2008).
MPAH = Master Plan of Arterial Highways
OCG = Orange County Gateway

OCG Build Alternatives would experience no delays related to train traffic. Therefore, the hundreds of hours of daily delay at the rail crossings, as shown in Table 3.6-E for the No Build Alternative, would not occur under the OCG Build Alternatives. The elimination of this delay under the OCG Build Alternatives is a substantial benefit to the traveling public.

F1-11 The potential impacts of the construction and operation of the proposed OCG project construction, including construction equipment, haul trucks, construction traffic, long-term carbon monoxide (CO) and $PM_{2.5}/PM_{10}$ (particulate matter less than 2.5 microns and 10 microns, respectively, in size) hot-spot analyses, Mobile Source Air Toxics (MSAT), and climate change are addressed in Section 3.13, Air Quality, in the Draft EIS/EIR. The potential for cumulative construction and operations impacts of the proposed OCG project are also described in Section 3.13.

A detailed analysis of the construction and operational emissions potentially generated by the proposed OCG project is provided in Section 3.13.3 in the Draft EIS/EIR. Those calculations include estimates of the project related CO, oxides of nitrogen (NO_x), oxides of sulfur (SO_x), reactive organic gases (ROG), and PM_{10} emissions. The PM_{10} emissions include all particulate matter emissions smaller than 10 microns in diameter including $PM_{2.5}$. An evaluation of the proposed project impact on CO, $PM_{2.5}$, and PM_{10} conformity is also provided in Section 3.13.3.

As discussed on pages 3.13-27 to 3.13-30, the OCG Build Alternatives would not result in adverse short- or long-term air quality impacts; therefore, no detailed

analysis of potential impacts on sensitive uses was conducted. In addition, Measures AQ-1 to AQ-7, on pages 3.13-37 to 3.13-38 in the Draft EIS/EIR, include a number of measures to reduce the fugitive dust and equipment exhaust that would be generated during construction of the proposed OCG project. These measures, including watering and reduced construction equipment idling, would reduce the particulate matter and equipment exhaust generated during construction and therefore would reduce the potential for those emissions to impact local sensitive receptors.

A detailed analysis of the emissions that would be generated by haul trucks transporting excess fill during project construction is provided on pages 3.13-31 to 3.13-32 in the Draft EIS/EIR.

The following discussion regarding construction staging areas for Alternatives B and C was added to page 3.13-31 in the EIS:

> "As described in Section 2.0, Project Alternatives, in the Draft EIS/EIR, construction staging areas would be provided at two locations for Alternatives B and C: west of Van Buren Boulevard and east of Fee Ana Street. Those two staging areas are within the disturbance limits evaluated in the Draft EIS/EIR. The existing land uses in the vicinity of Van Buren Boulevard at its crossing of the BNSF are:
>
> - Northwest and northeast quadrants: commercial
> - Southwest quadrant: general industrial
> - Southeast quadrant: low-density residential
>
> As shown, nearly all the crossings are in the vicinity of land uses that can be considered to be sensitive to short-term construction air quality impacts, specifically residential, park, and school uses. Because the construction staging areas must be close to the construction areas, fully avoiding the placement of construction staging areas near sensitive uses is not realistic."

The following discussion regarding construction staging areas for Alternative D was added to page 3.13-35 in the EIS:

> "Staging areas for the individual grade separations under Alternative D would be provided within the disturbance limits evaluated in the Draft EIS/EIR for those grade separations. The land uses in the vicinity of those eight locations are:
>
> - Kraemer Boulevard

- Northwest quadrant: medium-density residential
- Northeast quadrant: high-density residential development
- Southwest and southeast quadrants: low- to medium-density residential development

- Tustin Avenue/Rose Drive
  - Northwest quadrant: medium-density residential
  - Northeast quadrant: commercial and medium-density residential
  - Southwest quadrant: public water use
  - Southeast quadrant: general industrial
- Jefferson Street
  - Northwest quadrant: continuation high school
  - Northeast quadrant: high-density development
  - Southwest and southeast quadrants: general industrial
- Van Buren Boulevard
  - Northwest and northeast quadrants: commercial
  - Southwest quadrant: general industrial
  - Southeast quadrant: low-density residential
- Richfield Road
  - Northwest quadrant: medium-density residential
  - Northeast quadrant: commercial
  - Southwest quadrant: park
  - Southeast quadrant: low-density residential
- Lakeview Avenue
  - Northwest quadrant: commercial
  - Northeast quadrant: residential and agricultural
  - Southwest and southeast quadrants: general industrial
- North Kellogg Drive (north of the BNSF tracks and Orangethorpe)
  - Northwest quadrant: commercial
  - Northeast quadrant: medium density residential
  - South quadrant: general industrial
- South Kellogg Drive (south of the BNSF tracks and Orangethorpe Avenue)
  - North quadrant: low-density residential and commercial
  - Southwest and southeast quadrants: general industrial
- Orangethorpe Avenue
  - Northwest quadrant: low-density residential

- Northeast and southeast quadrants: public water use
- Southwest quadrant: public water use and general industrial

Similar to conditions under Alternatives B and C, nearly all the crossings under Alternative D are in the vicinity of land uses that can be considered to be sensitive to short-term construction air quality impacts. Because the construction staging areas must be close to the construction areas, fully avoiding the placement of construction staging areas near sensitive uses is not realistic."

In addition, the following measure was added to the avoidance, minimization, and mitigation measures in Section 3.13.4, on page 3.13-41 in the EIS:

"**New Measure AQ-8.** Prior to any construction activities, the OCTA Resident Engineer will require the construction contractor to identify sensitive receptors (children, elderly, infirm) in the immediate vicinity of the construction limits and identify construction equipment placement and staging areas that will minimize exposure of those populations to construction emissions. The OCTA Resident Engineer will work with the contractor and adjacent property owners to ensure that dust and other construction emissions are minimized. During design and construction, standard specifications and project special provisions will be developed and used by the OCTA Project Engineer, its design consultants, and its construction management and inspection teams to acknowledge and enforce minimization of dust and other construction emissions. These minimization measures may include locating equipment away from building fresh air intakes and away from residential uses, or the provision of air conditioning in residential uses or temporary relocations for residents substantially adversely affected by construction emissions. For example, equipment exhausts will be directed away from building fresh air intakes and away from residential uses."

F1-12 The air quality analysis for the OCG project was initiated and substantially completed prior to the approval of the CO maintenance plan. The analysis conducted for the Draft EIS/EIR showed that, at the time the analysis was conducted, the OCG project was located within a nonattainment area. The following statement was added following the first sentence in Section 3.13.2.2 on page 3.13-8 in the EIS/EIR to indicate that the analysis predates the designation of the area as attainment/maintenance: "Effective June 11, 2007, the South Coast Air Basin was redesignated as attainment/maintenance for the federal CO standard. However, the analysis for the OCG project was started prior to the United States Environmental Protection Agency's May 11, 2007 approval of the redesignation. Therefore, for the purposes of this analysis, the OCG project was analyzed as if it

is located in a CO nonattainment area. This would represent a worst case condition for the air quality analysis."

F1-13 This comment specifically asks for verification that the proposed OCG project is included in the 2008 RTP and 2006 RTIP. This project is included in those documents, as shown in the citations of the project in the 2008 RTP and the 2008 RTIP provided in Appendix D of this Responses to Comments Report.

Secondly, this comment requests that emissions other than on-road emissions (construction and rail emissions) be addressed, specifically with consideration of whether those emissions were included in the emissions analyses for the 2008 RTP. As discussed earlier in responses to comments F1-6 and F1-7, the OCG project is not a rail project and will not result in any changes in rail operations (numbers or lengths of trains) and, therefore, no change in rail emissions would occur as a result of the OCG Alternatives.

The construction emissions for the OCG project were discussed on pages 3.13-30 through 3.13-35 in the Draft EIS/EIR. Page 3.13-21 provides a summary of the particulate hot-spot analysis for the OCG project. That analysis indicates that the OCG project does not qualify as a project of are quality concern (POAQC). The Southern California Association of Governments Transportation Conformity Working Group approved the OCG alternatives as a nonexempt project and not a POAQC. The analysis further determined that "...the proposed OCG project meets the CAA requirements and 40 CFR 93.116 without an explicit hot spot analysis. The proposed OCG project would not create a new, or worsen an existing, PM_{10} or $PM_{2.5}$ violation." No phase of construction will require more than 5 years to complete; therefore, per 40 CFR 93.123 (c)(5), construction emissions do not have to be evaluated for conformity purposes.

F1-14 As discussed in the traffic analyses for the proposed OCG project (pages 3.6-27, 3.6-31, and 3.6-33 in the Draft EIS/EIR for Alternatives B, C, and D, respectively), the proposed project would not increase the daily traffic volumes on roads in the project area and would not change any rail services or functions in the BNSF corridor. In addition, by eliminating the at-grade railroad crossings and avoiding the delay of surface traffic at those crossings, the proposed OCG project would reduce the vehicle idling in the project area, which would improve local air quality by reducing the emissions associated with idling vehicles. Therefore, the proposed OCG project would result in a net reduction in MSAT emissions in the area and the region. As a result, a detailed MSAT analysis was not warranted for the proposed OCG project, consistent with the "Interim Guidance on Air Toxic Analysis in NEPA Documents" (FHWA, February 3, 2006).

F1-15 The majority of the measures listed in this comment are already required during construction of projects in the South Coast Air Basin under South Coast Air Quality Management District (SCAQMD) Rule 403. Refer to page 3.13-36 in the Draft EIS/EIR, which states: "The project would be required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site." Specifically, all the measures listed under "Fugitive Dust Source Controls" are either listed in Rule 403 or are detailed in the project avoidance, minimization, and mitigation measures.

The last four bullet points under "Mobile and Stationary Source Controls" were incorporated in expanded Measure AQ-2, as follows:

> "**Revised Measure AQ-2:** The construction contractor will select construction equipment based on low emission factors and high energy efficiency. The OCTA Project Engineer will ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications, to perform at California Air Resources Board and/or United States Environmental Protection Agency (EPA) certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. The OCTA Resident Engineer will ensure that construction equipment is periodically inspected to ensure that the equipment is properly maintained and tuned, and that unnecessary idling is avoided. The OCTA Resident Engineer will require the project contractor to prohibit any tampering with engines and to commit to continuing adherence to the manufacturer's recommendations. Where practicable, the OCTA Resident Engineer will encourage the contractor to lease newer equipment with Tier 2 or newer engines and to use EPA-registered particulate traps and other appropriate controls as suitable to reduce diesel particulate and other emissions."

The first bullet point in "Administrative Controls" is considered to be the existing avoidance, minimization, and mitigation measures listed in the Draft EIS/EIR. No measures were identified and later rejected as economically infeasible as noted in the second bullet point. The third bullet point appears to be repetitious of the equipment requirements described above in Measure AQ-2.

The fourth bullet point requests a Traffic Management Plan (TMP) during construction. Refer to traffic Measure TRA-2 in Section 3.6 in the Draft EIS/EIR, which provides for a traffic control plan during construction, as follows:

> **"Revised Measure TRA-2.** Prior to approval of the Plans, Specifications and Estimates (PS&E) for the preferred Orange County Gateway (OCG) Build Alternative, a detailed construction phasing and detour plan will be submitted to and approved by the Cities of Placentia and Anaheim. This phased construction and detour plan will allow for the construction of local circulation through the project area during construction of the project. The plan must also consider public transit and PYLUSD routes and schedules and the access needs of emergency service providers and of agencies to public facilities in the immediate project vicinity. The plan must also include provision of access to adjoining properties. The detour plan will be presented in a format consistent with all applicable local, State, and federal guidelines and will consider signing, staging, delineation, traffic control, and the route selection analysis presented in this section. All construction activity will be performed in accordance with the construction phasing plan and the route detour plans approved by the Cities of Placentia and Anaheim."

The last bullet point requests focused consideration of sensitive receptors during construction. As discussed earlier in response to comment F1-11, Measure AQ-8 was added to the EIS/EIR.

F1-16 Please refer to response to comment F1-11, above, for discussion regarding project staging areas.

F1-17 A detailed description of the assumptions used to calculate the emissions generated by the haul trucks needed to remove excess fill material generated during construction of the OCG project is provided on page 3.13-31 in the Draft EIS/EIR.

F1-18 As discussed in the traffic analyses for the proposed OCG project (pages 3.6-27, 3.6-31, and 3.6-33 in the Draft EIS/EIR for Alternatives B, C, and D, respectively), the proposed project would not increase the daily traffic volumes on roads in the project area and would not change any rail services or functions in the BNSF corridor. In addition, by eliminating the at-grade railroad crossings and avoiding the delay of surface traffic at those crossings, the proposed OCG project would reduce the vehicle idling in the project area, which would improve local air quality by reducing the emissions associated with idling vehicles. Therefore, the proposed OCG project would likely result in a net reduction in greenhouse gas (GHG) emissions in the area and the region. As a result, a detailed GHG analysis was not warranted for the proposed OCG project.

F1-19 There is no "larger project" related to the OCG project. As explained earlier in responses to comments F1-2, F1-6, and F1-7, any actions by BNSF or other rail service providers to provide additional facilities or services in the BNSF right-of-way would be independent of and in no way related to or required as a result of any OCG improvements. The OCG project does not result in any changes in the number of rail tracks or train volumes or lengths in the BNSF right-of-way. The number of tracks and the number and length of trains on the BNSF tracks are completely independent of the OCG alternatives and would be the same for the three OCG Build Alternatives and the No Build Alternative. Any increases in the number of tracks and/or train volumes would be a response to increased regional and national demand for the movement of goods by rail or by passenger rail providers and not as a result of any OCG improvements. Therefore, the Draft EIS/EIR did not address issues related to diesel emissions from rail vehicles or the potential for impacts related to diesel emissions on environmental justice populations. The OCG project would provide relief to automobiles and trucks using surface streets through the rail corridor, but would not result in changes to current operating conditions for rail traffic in this corridor.

F1-20 The reference to a "direct connection" in the first paragraph in Section 3.17.1.1 on page 3.17-1 in the Draft EIS/EIR is with regard to the interstate commerce connection and not a hydraulic connection of adjacent wetlands. Appendix C of the Natural Environment Study (LSA Associates, Inc., January 2006) is the "Delineation of Wetlands and Jurisdictional Waters" (LSA Associates, Inc., Revised December 23, 2003). The jurisdictional delineation was approved by the United States Army Corps of Engineers (USACE) in a letter dated February 17, 2004 (provided in Appendix G of the Jurisdictional Delineation and also in Appendix B-5 in the Draft EIS/EIR). The Jurisdictional Delineation fully characterizes the extent of federal jurisdiction in the OCG project study area. The following sentence was added as the fifth sentence in the first paragraph in Section 3.17.1.1 to more clearly describe the federal jurisdiction: "USACE jurisdiction extends to the ordinary high water mark (OHWM) of tributaries to traditional navigable waters, or beyond the OHWM to any adjacent wetlands."

Mr. Forrest Vanderbilt, of the USACE was contacted on November 25, 2008 (USACE, Los Angeles District Office, 915 Wilshire Boulevard, Los Angeles, CA, telephone 213-452-3289) regarding the applicability of the Rapanos guidance to the OCG project. Mr. Vanderbilt is a USACE Project Manager and, in addition, has conducted workshops specifically on the implementation of the Rapanos guidance. During that conversation, Mr. Vanderbilt confirmed that the February 2004 USACE approval of the jurisdictional delineation for the OCG project is still valid and that there is no need to revise the jurisdictional delineation to reflect the

Rapanos decision because the USACE approved the jurisdictional delineation for the project prior to the Rapanos decision.

Ms. Stephanie Hall (Los Angeles District office, telephone 213-452-3410), the USACE Project Manager for the OCG project and the USACE/Caltrans liaison, confirmed on December 4, 2008, that the jurisdictional determination she made for the OCG project is valid for a period of 5 years. Furthermore, she stated that if the conditions on the ground have not changed, an extension of the original jurisdictional determination could be granted.

Section 3.17.1.2, Methodology, on page 3.17-2 in the Draft EIS/EIR is revised to read "The limits of wetlands and other waters of the United States were determined in the field as described in the jurisdictional delineation in Appendix C in the NES and were verified by the USACE. Impacts were calculated through comparison of the delineated jurisdictional areas with the defined impact limits of the three OCG Build Alternatives."

The affected waters are flood control channels with various types of channel linings (e.g., concrete, riprap, earth). These channels, their basic functions, and the amount of impacts by channel lining type are thoroughly discussed on pages 3.17-3 to 3.17-9 in Section 3.17.3, Impacts, in the Draft EIS/EIR and are summarized in Table 3.17-A on page 3.17-9. The small amount of information that could potentially be derived from a hydrogeomorphic functional analysis of each flood control channel, when the total impacts of each OCG Build Alternative are on the order of 1 acre (ac) and substantially less than 0.5 ac for unlined channels, would not justify the level of effort necessary for that type of analysis for this project.

Within the categories of concrete-lined, riprap-lined, and soft-bottom channels, there is not a sufficiently different function among the channels to justify a separate discussion of each affected channel for each OCG Build Alternative. Furthermore, the matrix table detailing the information recommended in this comment would be difficult for the reader to comprehend. Table 3.17-A provides a concise and adequate summary of the various channel acreages and functions affected by each OCG Build Alternative, especially considering that the differences among the alternatives are very small (on the order of 0.1 ac) for each channel type.

Given the relatively small amounts of jurisdictional waters affected by the OCG Build Alternatives, the existing alignments of rail lines, roads, and flood control channels in this area, and the amount of existing development, there is very little if any opportunity for avoidance and minimization efforts. There is also limited opportunity for on-site enhancement of existing jurisdictional waters. For

example, if a viaduct were to be constructed over the trench in Alternatives B and C, that viaduct would have to be concrete lined to fulfill its function as a water conveyance facility. Nevertheless, the opportunity for on-site enhancement is preserved in the stated avoidance, minimization, and mitigation measures. Furthermore, during final design, potential opportunities for avoidance and minimization would be pursued, as available, and assessed for their effectiveness. Finally, based on discussions with USACE regulatory personnel regarding this project, the most likely mitigation opportunities and requirements for the proposed OCG project are off-site habitat enhancement or creation associated with existing mitigation banks or programs.

While it is often desirable to document more specificity and feasibility with respect to habitat mitigation in a Draft EIS/EIR, the type and small amount of impacts under the OCG Build Alternatives approach, if not meet, the category of "...minimal adverse effects..." as used by the USACE. In actuality, there would likely be little, if any, net loss of actual flood control channel area and only a slight reduction in channel function. Therefore, the mitigation approach described in the Draft EIS/EIR, combined with the knowledge that authorizations that would be required from the USACE, California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) for the OCG Build Alternatives, are sufficient to guarantee adequate mitigation of project-related effects on jurisdictional waters. However, given that a new rule regarding mitigation was issued by the USACE and EPA on April 10, 2008 (after the Draft EIS/EIR was prepared, but before it was circulated), the following sentence was added to the end of Measure BIO-1 on page 3.17-10: "The final mitigation for project effects on jurisdictional waters, as developed during the USACE permit process, would conform with USACE and EPA regulations, 33 CFR Parts 325 and 332, and 40 CFR Part 230, respectively, entitled 'Compensatory Mitigation for Losses of Aquatic Resources: Final Rule.'" It should be noted that this Rule states that the level of information and detail in the mitigation plan should be commensurate with the scale and scope of the impacts.

STATE AGENCIES

COMMENTS AND RESPONSES

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

S1

July 9, 2008

Mr. Michael McConaha, Senior Administrative Analyst
CITY OF PLASCENTIA
401 East Chapman Avenue
Plascentia, CA 92870

Re: SCH#2002011023; CEQA Notice of Completion; draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Orange County Gateway Project; City of Plascentia; Orange County, California

Dear Mr. McConaha:

The Native American Heritage Commission (NAHC) is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov. The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an 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.

- The final report containing site forms, site significance, and mitigation measurers 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 pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section; .

- The NAHC advises the use of Native American Monitors, also, when profession archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

√ 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.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

S1-1

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

S1-1

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
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tribalcouncil@cahuilla.net
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office @tongvatribe.net
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(909) 262-9351 - cell
(213) 489-5002 Fax

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949-488-3294 Fax

Tongva Ancestral Territorial Tribal Nation
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, Gabrielino Tongva
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Gabrielino Tongva Indians of California Tribal Council
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Native American Contacts
Orange County
July 9, 2008

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:1742 Via Belardes
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Juaneno

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sonia.johnston@sbcglobal.net
(714) 323-8312

Juaneno

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Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the propose SCH#2002011023; Joint CEQA-NEPA Notice of Completion; draft Environmental Impact Report/draft Environmental Impact Statement (DEIR/DEIS) for the Orange County Gateway Project; City of Plescentia; Orange County, California.

S1 RESPONSES TO COMMENTS FROM THE NATIVE AMERICAN HERITAGE COMMISSION DATED JULY 9, 2008

S1-1 Please refer to Section 3.7, Cultural Resources, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) which summarizes the cultural resources studies conducted for the proposed Orange County Gateway (OCG) project. Those studies are:

- *Historic Property Survey Report for the Orange County Gateway Project* (LSA Associates, Inc., 2004)
- *Historical Resources Evaluation Report* (LSA Associates, Inc., 2004)
- *Archaeological Survey Report* (LSA Associates, Inc., 2004)

Those reports are available for review at the City of Placentia.

In addition, the *Cultural Resources Late Discovery Plan for the Orange County Gateway Project* (LSA Associates, Inc., 2004) is provided in Appendix G of the Draft EIS/EIR.

The proposed OCG project (undertaking) was initiated and the required cultural resources studies were completed in accordance with the January 1, 2004, *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, As It Pertains to the Administration of the Federal-Aid Highway Program in California.*

In summary, the cultural resources studies for the OCG project address the issues listed in this comment.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

August 12, 2008

S2

Michael McConaha
City of Placentia
401 East Chapman Avenue
Placentia, CA 92870

Subject: Orange County Gateway
SCH#: 2002011023

Dear Michael McConaha:

The State Clearinghouse submitted the above named Joint Document 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 August 11, 2008, 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: S2-1

> "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,

Terry Roberts

Terry Roberts
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

Document Details Report
State Clearinghouse Data Base

SCH# 2002011023
Project Title Orange County Gateway
Lead Agency Placentia, City of

Type JD Joint Document

Description NOTE: Joint Document consists of Draft EIR and Draft EIS

The proposed action is an improvement to the BNSF corridor and consists of grade separation alternatives of several major crossings over an approximately 5-mile long segment of the BNSF in the Cities of Placentia and Anaheim and unincorporated Orange County from west of Bradford Avenue to west of Imperial Highway (State Route 90). Alternatives considered are the No Build and three Build Alternatives, including two railroad lowering alternatives and one standard grade separation alternative.

Lead Agency Contact

Name Michael McConaha
Agency City of Placentia
Phone (714) 993-8245 **Fax**
email
Address 401 East Chapman Avenue
City Placentia **State** CA **Zip** 92870

Project Location

County Orange
City Placentia
Region
Lat / Long
Cross Streets Crowther Avenue at Bradford Avenue to Orangethorpe Avenue at Imperial Highway
Parcel No. Numerous
Township **Range** **Section** **Base**

Proximity to:

Highways SR-57, SR-90, SR-91, and SR-55
Airports
Railways BNSF
Waterways Santa Ana River, Carbon Creek, and multiple flood control channels
Schools Multiple schools in a 2-mile radius
Land Use The Burlington Northern Santa Fe (BNSF) Railroad line in the Orangethorpe Corridor, existing roads for possible grade separation (Kraemer, Orangethorpe, Tustin/Rose, Van Buren, Jefferson, Richfield, Lakeview, and Kellogg), and adjacent residential, commercial, public and other uses.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission

Date Received 06/26/2008 **Start of Review** 06/26/2008 **End of Review** 08/11/2008

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

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

July 9, 2008

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RECEIVED
JUL 17 2008
STATE CLEARING HOUSE

Mr. Michael McConaha, Senior Administrative Analyst
CITY OF PLASCENTIA
401 East Chapman Avenue
Plascentia, CA 92870

Re: SCH#2002011023: CEQA Notice of Completion; draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Orange County Gateway Project; City of Plascentia; Orange County, California

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S2-2

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Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

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Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
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San Gabriel , CA 91778
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(949) 493-1601 Fax

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Tongva Ancestral Territorial Tribal Nation
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, Gabrielino Tongva
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Gabrielino Tongva Indians of California Tribal Council
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562-925-7989 - fax

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Native American Contacts
Orange County
July 9, 2008

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oyce Perry , Tribal Manager
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S2 RESPONSES TO COMMENTS FROM THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE DATED AUGUST 12, 2008

S2-1 Comments noted. No response necessary.

S2-2 The comment letter from the Native American Heritage Commission was also provided directly to the City of Placentia and is included in this Responses to Comments Report as comment letter S1. Refer to the responses to the comments in this letter following comment letter S1.

REGIONAL AGENCIES

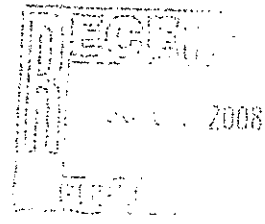
COMMENTS AND RESPONSES

METROLINK

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

R1

Member Agencies:
Los Angeles County
Metropolitan Transportation
Authority.
Orange County
Transportation Authority.
Riverside County
Transportation Commission.
San Bernardino
Associated Governments.
Ventura County
Transportation Commission.
Ex Officio Members:
Southern California
Association of Governments.
San Diego Association
of Governments.
State of California.



August 4, 2008

Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: Notice of Availability of the Draft EIS/EIR for the Orange County Gateway Grade Crossing Project

Dear Mr. Kissell:

The Southern California Regional Rail Authority (SCRRA) received a copy of the Notice of Availability for the proposed Orange County Gateway project. Thank you for providing this copy and the opportunity to comment on this document. As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (MTA), San Bernardino Associated Governments (SANBAG), the Orange County Transportation Authority (OCTA), the Riverside County Transportation Commission (RCTC) and the Ventura County Transportation Commission (VCTC). R1-1

As was identified in the Draft EIS/EIR, the railroad right-of-way in the project area is owned by the Burlington Northern Santa Fe Railway (BNSF), and is known as the San Bernardino subdivision. Through a contract with BNSF, Metrolink operates two commuter rail routes over the San Bernardino subdivision, which includes 25 weekday trains, 6 trains on Saturdays, and 4 Sunday trains. Service expansion plans identified in the SCRRA Strategic Assessment forecast an increase in Metrolink service to 44 weekday trains by 2015 in the project area.

The following are comments and recommendations being conveyed by SCRRA after reviewing the Draft EIS/EIR:

1. In 1998, the SCRRA Board of Directors adopted Resolution 98-21 to establish board policy to support and promote the elimination of rail-highway grade crossings and support additional funding for grade separations. Accordingly, the SCRRA fully supports the project's goals to grade separate up to eight crossings along the BNSF's San Bernardino subdivision, including the crossings at Kraemer Blvd., Orangethorpe Ave., Tustin Ave., Jefferson St., Van Buren St., Richfield Road, Lakeview Ave., and Kellogg Drive. Elimination of at-grade crossings through the construction of over and under crossings improves safety of both the operating railroads and the roadway system. R1-2

700 S. Flower Street 26th Floor Los Angeles CA 90017 Tel [213] 452.0200 Fax [213] 452.0461
www.metrolinktrains.com

2. The Draft EIS/EIR specifies that the project would protect the current BNSF right-of-way and accommodate future rail improvements and rail expansion projects (pages S-5 and 2-6). The protection of the rail right-of-way is also an issue for the SCRRA and service expansion plans. It is our understanding that the recommended project Alternative D-Standard Grade Separations achieves this goal of protecting the BNSF right-of-way for future railroad expansion. Based on this information stated in the Draft EIS/EIR, SCRRA supports this project alternative. R1-3

3. Metrolink service in the project area offers Southland commuters a viable option to driving in the 91 corridor. Service reliability and schedule adherence are important to attracting and keeping Metrolink customers. The SCRRA requests coordination with the City during the project planning and construction phases to minimize service disruptions and provide timely communication to Metrolink passengers on upcoming construction impacts. R1-4

Once again, thank you for requesting SCRRA's input during this stage of this environmental process. As the project moves forward, we request and expect to receive timely notice, in accordance with Public Resources Code Section 21092.5 and State CEQA Guideline Section 15088, of subsequent environmental documents relating to this project, and the time and place of any scheduled public meetings or public hearings by the agency decision makers at least 10 days prior to such a meeting. If you have any questions regarding these comments please contact Elizabeth Mahoney, Government and Regulatory Affairs Manager at 213 452-0259 or mahoneye@scrra.net. R1-5

Sincerely,

David Solow
Chief Executive Officer

c.

Abbe McClenahan, OCTA
Wendy Garcia, OCTA
Rosa Munoz, CPUC
Walt Smith, BNSF

R1 RESPONSES TO COMMENTS FROM SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) DATED AUGUST 4, 2008

R1-1 Comments noted. No response necessary.

R1-2 Comments noted. No response necessary.

R1-3 Comments noted. No response necessary.

R1-4 The implementing agency would coordinate with the SCRRA during final design and construction to minimize delays or other potential adverse effects on the Metrolink services in the Burlington Northern Santa Fe (BNSF) corridor in the Orange County Gateway (OCG) study area.

R1-5 The City of Placentia and the implementing agency would provide the requested information to the SCRRA as appropriate in the future phases of the OCG project.

COUNTY AND LOCAL AGENCIES

COMMENTS AND RESPONSES

CL1

OCTA

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Arthur T. Leahy
Chief Executive Officer

August 11, 2008

Mr. Michael McConaha, Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

Subject: Orange County Gateway Project Draft Environmental Impact Statement/ Environmental Impact Report

Dear Mr. McConaha,

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comments are provided for your consideration:

- Please note that Figure 3.6-1 on Page 3.6-2 does not reflect the most recent version of the Master Plan of Arterial Highways (MPAH). The current version may be obtained on OCTA's website: www.octa.net. CL1-1
- Please note that Figure 3.6-4 on Page 3.6-11 does not reflect the most recent transit stop information. Currently, the four transit stops along south of Orangethorpe Avenue between Kellogg Drive and Imperial Highway are no longer serviced. Additionally, the transit stop along north of Orangethorpe Avenue adjacent to Imperial Highway is no longer serviced. Furthermore, a new northbound transit stop is planned for the Orangethorpe Avenue and Kellogg Drive intersection. CL1-2
- On Page 2-32, the project's phasing plan proposes to close Kraemer Boulevard during construction and detour traffic along Miraloma Avenue to Tustin Avenue/Rose Drive to Alta Vista Street. Kraemer Boulevard is currently serviced by Bus Line 59. The proposed detour would miss four northbound and five southbound bus stops. A shorter detour route via Orangethorpe and Chapman specifically for buses would help mitigate the displacement of these bus stops. CL1-3

If you have any questions or comments, please contact me by phone at (714) 560-5683 or by email at clarwood@octa.net. If you have any specific questions regarding:

- the MPAH, please contact Wendy Garcia by phone at (714) 560-5738 or by email at wgarcia@octa.net.
- Stops & Zones, please contact Bill Batory by phone at (714) 560-5912 or by email at bbatory@octa.net.
- Transit Planning, please contact Tryal Edmundson by phone at (714) 560-5721 or by email at tedmundson@octa.net.

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

OCTA

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Ex-Officio Member

CHIEF EXECUTIVE OFFICE

Arthur T. Leahy
Chief Executive Officer

Sincerely,

Charles Larwood
Manager, Transportation Planning

c: Bill Batory, OCTA
Tryal Edmundson, OCTA

Orange County Transportation Authority
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CL1 RESPONSES TO COMMENTS FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) DATED AUGUST 11, 2008

CL1-1 Based on review of the Master Plan of Arterial Highways (MPAH) at www.octa.net, accessed on September 11, 2008, there have been no changes in the designations of the eight arterials crossing the Burlington Northern Santa Fe (BNSF) tracks in the project area. Therefore, no changes to the cited figure in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) were made in response to this comment.

CL1-2 It is acknowledged that the transit stops in the study area have changed since the figure in the Draft EIS/EIR was prepared in 2002. The locations of transit stops can change over time, as has occurred in the project study area. This is acknowledged in the discussion of the potential impacts of Alternative B on transit services on pages 3.6-30 and 3.6-31 in the Draft EIS/EIR. Similar impacts would occur under Alternatives C and D. Measures TRA-2 and TRA-4, on pages 3.6-56 and 3.6-57 in the Draft EIS/EIR, would apply to whatever transit routes and stops are in the project study area at the time construction of the Orange County Gateway (OCG) improvements is occurring.

CL1-3 The analysis of the potential for temporary impacts on the crossing arterials during construction of Alternatives B, C, and D was based on conceptual construction staging plans as shown in Figures 3.6-13 through 3.6-23 in the Draft EIS/EIR. It is acknowledged that the conceptual detour plans for Kraemer Boulevard may miss more transit stops than is considered optimal by the OCTA Bus Operations Division. A detailed Traffic Management Plan (TMP) for construction would be developed during final design, as required under Measure TRA-4 on page 3.6-57 in the Draft EIS/EIR. That TMP would include consultation with the OCTA Bus Operations Division to identify specific routes and stops in the project area, the actual detour routes, relocation of stops, and other information related to minimizing short-term traffic impacts on transit services in the area. The TMP would include detailed updated and refined construction staging plans for each of the arterial crossings.

DIRECTORS
CLAUDIA C. ALVAREZ, ESQ.
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JAN DEBAY
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ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY GROUNDWATER AUTHORITY

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General Manager
MICHAEL R. MARKUS, P.E.

CL2

August 11, 2008

Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

Subject: Orange County Gateway Draft EIS/EIR

Dear Mr. McConaha:

The Orange County Water District (OCWD) received a copy of the Orange County Gateway Draft EIS/EIR, State Clearinghouse Number 2002011023. OCWD was established by the State of California in 1933 to manage the Orange County Groundwater Basin. As part of OCWD's role in managing the groundwater basin, OCWD recharges surface water in facilities adjacent to the proposed project and also manages pumping from the basin.

OCWD provides the following comments on the Draft EIS/EIR:

- The draft EIS/EIR does not describe the quantity of groundwater that could be pumped from the subdrain system. The EIS/EIR should present an analysis of the rate and total quantity of water that is anticipated to be pumped as a result of construction and on-going operation of the project, including water pumped from the subdrain system. CL2-1
- Because the draft EIR/EIS does not present a discussion of the rate and total quantity of groundwater to be pumped, it is not possible for OCWD to determine if the pumping will cause significant impacts to groundwater supplies. CL2-2
- If water is pumped from the groundwater basin as a result of the project and the pumped water is not recharged back into the groundwater basin, adverse negative impacts to water supplies could occur. This is particularly important in light of the current drought and tight water supply situation in California. The lead agencies should explore all possible options for putting pumped groundwater to beneficial use, rather than discharging pumped groundwater to surface water bodies that would preclude beneficial use of the water. CL2-3

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- OCWD requests that the lead agencies coordinate with OCWD on any subsequent permits for discharge of pumped groundwater to surface water bodies and the 401 Certification with the Regional Water Quality Control Board. CL2-4
- OCWD requests that the lead agencies coordinate with OCWD on measures to minimize groundwater pumping during construction and post-construction. CL2-5
- OCWD assessments on pumping will need to be paid for any groundwater pumped by the proposed project. CL2-6
- In Section 3.11, the draft EIS/EIR states "... or pumping from wells near Anaheim Lake initiated by the Orange County Water District (OCWD) to minimize the rise of groundwater due to recharge." We are unsure regarding what this portion of the draft EIS/EIR is referring to. OCWD does not operate wells to minimize the rise of groundwater due to recharge. Please clarify this issue. CL2-7

Thank you for the opportunity to review the draft EIR/EIS and provide these comments. If you have any questions concerning these comments, please contact Dan Bott at 714-378-3256.

Craig D. Miller, P.E.
Assistant General Manager

CL2 RESPONSES TO COMMENTS FROM THE ORANGE COUNTY WATER DISTRICT (OCWD) DATED AUGUST 11, 2008

CL2-1 Refer to the discussions of groundwater impacts under Alternatives B and C (the trench alternatives), which indicate that the groundwater levels are anticipated to be above the trench bottom in only two areas: Anaheim Lake and Lakeview Avenue. Mitigation to address groundwater is provided in Measures HY-7 and HY-8 on page 3.9-26 in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR). During final design, the specific locations where groundwater is expected to occur would be identified based on updated geotechnical studies, including groundwater borings. In addition, the volumes of groundwater anticipated to be pumped from the construction area would be calculated. Because groundwater is anticipated to be encountered in only two limited areas, the total volume of groundwater affected is not anticipated to be substantial. Groundwater pumped from the construction area would be recharged back to the groundwater basin as appropriate, in consultation with the OCWD and consistent with any permits issued by the Regional Water Quality Control Board (RWQCB).

The following two measures were added to page 3.9-27 in the EIS/EIR to ensure appropriate coordination with OCWD regarding groundwater issues during final design and construction, as follows:

"**Alternatives B, C, and D**

HY-12 The OCTA Project Engineer will coordinate with the Orange County Water District (OCWD) during final design of the preferred project to ensure that issues related to groundwater levels, flows, minimizing pumping, recharge consistent with any permits issued by the Regional Water Quality Control Board (RWQCB), and the project permit needs are addressed for both construction and long-term operations.

HY-13 The OCTA Project Manager and OCTA Resident Engineer will invite the OCWD to participate in preconstruction meetings prior to initiation of construction in the vicinity of Anaheim Lake and Lakeview Avenue, specifically to address issues related to groundwater levels, flows, minimizing pumping, recharge consistent with any permits issued by the RWQCB and other permit requirements."

CL2-2 Please refer to response to comment CL2-1, above.

CL2-3 Please refer to response to comment CL2-1, above.

CL2-4 Please refer to response to comment CL2-1, above.

CL2-5 Please refer to response to comment CL2-1, above.

CL2-6 The OCTA would pay any required OCWD assessments based on the groundwater pumped from the construction sites.

CL2-7 This phrase was deleted from the last sentence in the paragraph on page 3.11-10 titled "Liquefaction." The last sentence now reads "The actual liquefaction potential during the life of the project would depend on the groundwater levels and dewatering performed for the project."

ORANGE COUNTY
OC Public Works
Our Community, Our Commitment

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Fax: (714) 834-5188

NCL 08-051

August 11, 2008

CL3

Mr. Michael McConaha
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

SUBJECT: Orange County Gateway Project

Dear Mr. McConaha:

The above mentioned item is a Draft EIS/EIR for the Orange County Gateway Project located on an approximately 5-mile long segment of the Burlington Northern Santa Fe railroad in northeastern Orange County.

The County of Orange has reviewed the Draft EIS/EIR and offers the following comments regarding flood control concerns:

1. Item 2 of the Orange County Flood Control Division's (OCFCD) comments for the Notice of Preparation (NOP) of the DEIR for the Orange County gateway Project states "The DEIR should discuss and via separate engineering studies should quantify the magnitude of such a potential hazard and provide documentation for projects where such design concepts have been implemented successfully". Please provide discussion and the documents. CL3-1

2. Item 9 of the OCFCD's comments for the NOP of the DEIR for the Orange County gateway Project states "...the installation of tiebacks anchor to support the railroad trench walls cannot be permitted within OCFCD's right-of-way since the trench structure could be undermined should the soil matrix about the anchors be disturbed". On the Figure A.4 to A.6, the typical cross sections show that tieback anchors go into OCFCD's right of–way. CL3-2

3. On Figure 3.9-1, the boundary between Richfield Channel and Atwood Channel watersheds adjacent to Orangethorpe Avenue is not correct. Please revise it based on the current hydrology reports and drainage area maps. Please show complete watershed boundaries for the Kraemer Storm Drain, Carbon Canyon Channel, Richfield Channel, and Atwood Channel (include the portions south of E Crowther Avenue and Orangethorpe Avenue). CL3-3

4. The third paragraph of section 3.9.2.3 on page 3.9-6 of the report states the 36" RCP along Richfield Avenue drains to Atwood Channel to the south and is a part of the Richfield Channel watershed. This is not entirely accurate. The local drainages; Richfield Storm Drain, Fee Ana Storm Drain, and Lakeview Ave. Storm Drain, currently drain to Atwood Channel instead of Richfield Channel. According to mitigation measures HY-2 (on page 3.9-25), the project Alternatives B and C will divert water from Atwood Channel watershed to Richfield Channel watershed. A portion of Richfield Channel that crosses the railroad will require enlargement in order for the facility to safely convey the revised 100-year peak discharge. The potential adverse impact (shifting flooding or worsening conditions) should be analyzed. CL3-4

5. According to the mitigation measures HY-3 (on page 3.9-25), the project Alternatives B and C will divert water from the downstream to the upstream of the railroad at Atwood Channel. Therefore a portion of Atwood Channel that crosses the railroad require enlargement in order for the facility to safely convey the revised 100-year peak discharge. The potential adverse impact (shifting flooding or worsening conditions) should be analyzed. CL3-5

6. The last sentence on page 3.9 15 and first sentence on page 3.9-16 states "Compare to Alternative A, flow volumes and patterns in the regional facilities would not change as a result of this alternative". This is not correct based on above item 4 and 5. DEIR should fully analyze and assess the change of flow volumes and patterns to ensure that flooding conditions are not worsened or being deflected to other areas for Alternatives B and C. CL3-6

7. The fourth sentence of the last paragraph on page 3.9-15 states "East Richfield Channel would be reconstructed underground, as required, to accommodate the increased structural loadings on it from the railroad, due to the reduced depth of cover over this channel under Alternative B". The as-built plans for East Richfield channel (E01S01) show that existing cover (From top of the railroad tracks to top of the RCB) is around 4.7'. If the structural section of the box was improved using a thicker structural section and enlarged to meet 100-year discharge criteria, there would be very little space to lower the railroad tracks. Please clarify. CL3-7

8. The increased cost to maintain, repair or reconstruct the viaduct (culvert bridge structure) when compared to a standard flood control structure (concrete on grade) would be the responsibility of BNSF. An agreement with BNSF will be required. (see also previous Comment #1 regarding hazards.) CL3-8

9. The last sentence on page 3.9-17 states "Alternative B would provide an opportunity to relieve those flooding conditions and eliminate part of the flood insurance premium costs through modification of existing drainage system, modification of existing drainage pattern, and construction of new supplemental system". This is not entirely accurate unless the entire adjacent Atwood Channel and possibly Miller Retarding Basin would be enlarged. CL3-9

10. The first sentence of fourth paragraph on page 3.9-20 states "The existing 72-in storm drain in Kraemer Boulevard would be realigned to the east of the road as the road descends under the railroad tracks. The realignment would occur from just south of Chapman Avenue to approximately 21.3 m (700 ft) south of Crowther Avenue, at which point the proposed realignment would join the existing alignment". Please indicate this proposed flood control improvement on the Figure A.3. (please check conversion of m to ft). CL3-10

11. The reconstruction of Kellogg Drive Storm Drain (Mitigation Measure HY-11 on page 3.9-27) should be included into Direct Impact of Alternative D on page 3.9-20 of DEIR. CL3-11

12. According to the mitigation measures HY-11 (on page 3.9-27), the reconstruction of the Kellogg Drive Storm Drain would divert flows from Atwood Channel to the Santa Ana River. Project proponent should provide analysis and assess the impact to ensure that flooding is not worsened or being deflected to other areas. This should be provided to OCFCD and the Corps of Engineers (for the Santa Ana River) for review and approval. CL3-12

13. Please also refer to our Flood Comments 1 -13 in the attached February 4, 2002 Response to the NOP/ City of Placentia. CL3-13

If you have any questions, please contact Li Li at (714)834-6787 or Donald Murphy at (714)834-5676.

Sincerely,

Chris Ungpakorn

Ronald L. Tippets, Chief
Current and Environmental Planning

Attachment

County of Orange
Planning & Development Services Department

THOMAS B. MATHEWS
DIRECTOR

300 N. FLOWER ST.
SANTA ANA, CALIFORNIA

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SANTA ANA, CA 92702-4048

NCL 02-02

February 4, 2002

Mr. Chris Becker, Executive Director
OnTrac/City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

SUBJECT: NOP of a DEIR for the Orange County Gateway Project

Dear Mr. Becker:

The above referenced item is a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Orange North American Trade Rail Access Corridor Authority (OnTrac)/City of Placentia. The proposed rail project involves the accomplishment of the following goals: Improvement of future vehicle Level of Service and reduce the amount of congestions delay on the roadway network; reduce the current and potential costs of traffic delays caused by the existing and future railway operations; reduce the current and potential hazards posed by the existing grade-level crossings; accommodate currently planned Burlington Northern Santa Fe (BNSF) railroad expansion; implement strategies to increase the efficiency of moving people and goods throughout the Orange County Gateway (OCG) project area; provide efficient access to existing development and to areas selected for future development; and provide efficient access to existing and planned recreation areas.

The County of Orange has reviewed the NOP and offers the following comments:

FLOOD

1. Major work items such as railroad lowering and road and bridge reconstruction for the various proposed alternatives are discussed in the subject document but do not include a discussion of needed flood control related work required for project implementation. Five regional flood control facilities, namely, Atwood Channel (E04), Carbon Canyon Channel (E03), East Richfield Channel (E01S01), Miller Retarding Basin (E02B01), and Richfield Channel (E05) would likely require reconstruction under the proposed railroad lowering and grade separation alternatives. Therefore, any flood control work needed will need to

be identified and evaluated, potential impacts quantified, and mitigation measures discussed in the DEIR.

2. Page 3 of the NOP indicates that one of the goals of the project is to reduce the current and potential hazards posed by the existing and future railway operations. Spanning regional flood control facilities over the proposed trench may pose added risks should any of these devices overtop or be damaged. The DEIR should discuss and via separate engineering studies should quantify the magnitude of such a potential hazard and provide documentation for projects where such design concepts have been implemented successfully.

3. Ownership, maintenance, and operation of such unusual flood conveying devices as being proposed require further discussion with the County's Program Development Division before it can be assumed they are acceptable. Non-standard facilities such as those proposed would require ownership, maintenance, and operational responsibilities to be borne by project proponent and not by Orange County Flood Control District (OCFCD). Issues such as the above would need to be resolved prior to commencing design of the project.

4. Table A, Page 10, should be revised to include the OCFCD since extensive flood control improvements to certain facilities owned and maintained by the OCFCD are likely required under Alternatives B, C, and D. Work within OCFCD's right-of-way will require the issuance of an encroachment permit from our PFRD/County Property Permits Section.

5. The "...small channel at Via Breve" referred to on Page 11 are East Richfield Channel (E01S01), which is located at Orangethorpe Avenue and Via Breve, east of Imperial Highway. The E01S01 facility if impacted will need to be designed and reconstructed to accommodate current hydrologic and hydraulic and standard criteria of OCFCD.

6. The NOP states on Page 13, "A hydrology and water quality study that will analyze potential impacts to surface water resources, drainage facilities, and groundwater resources will be completed for the various proposed OCG projects." In order to properly determine the impacts to drainage facilities, a detailed deficiency and hydraulic study of existing and post-project conditions based on approved hydrology is also required for the various flood control facilities (identified in comment 1 above) and their tributaries to determine and quantify deficiencies and any hydraulic impacts. Any impacts identified need to be appropriately mitigated by the project proponent in consultation with the County's Program Development Division.

7. To protect the proposed trench from flooding, the adjacent Atwood Channel and possibly Miller Retarding Basin will require enlargement in order for the facilities to safely convey and contain their respective county approved 100-year peak discharges.

8. In addition to analyzing Atwood Channel and Miller Retarding Basin, the DEIR should also analyze all other affected OCFCD facilities to determine whether or not they are capable of conveying their approved 100-year design discharges. If they are not capable of conveying such 100-year discharges, flood control improvements or other measures need to be taken to ensure that if flooding occurs to due to channel deficiencies, the proposed trench will not be inundated by storm flows. If other measures besides improvements to the flood control channels are being considered, impacts of efforts such as diversions of

flow, shifting of flooding, etc. need to be fully analyzed and assessed to ensure that flooding conditions are not worsened or being deflected to other areas.

9. Installation of non-flood related encroachments, including tieback anchors within the various existing OCFCD right-of way should be avoided. OCFCD may find it necessary in the future to enter on and disturb the surface or subsurface of its right-of-way in order to maintain, repair, improve, enlarge, reconstruct or replace a portion of the adjacent flood control facility. Consequently, the installation of tiebacks anchors to support the railroad trench walls cannot be permitted within OCFCD's right-of-way since the trench structure could be undermined should the soil matrix about the anchors be disturbed.

10. All changes to existing surface drainage patterns as a result of the proposed project must be quantified and shown to be consistent with OCFCD's regional hydrology and not worsen existing conditions or cause the shifting of flooding to other areas. It should also be shown that diversions of flows from areas that previously drained elsewhere would not occur.

11. A 1997 flood insurance study published by the Federal Emergency Management Agency (FEMA) states "Between Miller Retarding Basin and Jefferson Street, there are areas of widespread 100-year shallow flooding with flood depths from 1 to 3 feet." This area is shown on the FEMA federal insurance rate map (FIRM) to be largely located in the Cities of Anaheim and Placentia. Consequently, the project proponent will need to coordinate and process a Letter of Map Revision (LOMR) through the Cities of Anaheim and Placentia, which serves as the floodplain administrators within their respective jurisdictional boundaries for changes to the floodplain resulting from the project.

12. Funds for flood control improvements for the various flood control amenities needed to support the project are currently not programmed by OCFCD. OCFCD programs funds for construction of flood control facilities on an annual basis based on countywide priority. Given the limited funding available to OCFCD for other pressing and more urgently required improvements to support the project proposed, OCFCD funds will not be available for needed flood control improvements. Consequently, the cost of the needed flood improvements for a proposed project will need to be borne by the project proponent.

13. The project proponent should be made aware that the County's Design Division is currently preparing the scope of work for the development of bridge and channel alternatives and for the preparation of plans, specifications, and engineer's estimate for the widening of Tustin Avenue at Atwood Channel. A short reach of Atwood channel beneath the bridge is anticipated to also be improved in conjunction with the bridge widening.

OPEN SPACE/RECREATION

Bikeways:

14. Just as the expected increase in international trade is driving the need for rail freight line improvements, increasing traffic congestion in Orange County is driving the need for alternative modes of transportation, such as bicycling. With this in mind, we suggest coordinating the subject planning effort with an improved bikeway system for Placentia and vicinity. For example:

A. Where vehicular bridges are proposed to cross the subject rail line, these bridges should be constructed with adequate width to accommodate Class II (on-road, striped lanes) bikeways and separate pedestrian sidewalks.

B. In cases where a Class I (paved off-road) bikeway is proposed to be implemented parallel to a road that would cross over the rail line, the bridge should be built to accommodate the Class I bikeway along one side. (Examples are the Gypsum Canyon Road bridge over the Santa Ana River, and the Bryan Avenue bridge over the Eastern Transportation Corridor in Irvine.)

C. Implementation of a Class I bikeway, parallel to the rail line, should be considered. Currently, with the exception of a short segment of Carbon Creek, no Class I bikeways are proposed for Placentia, possibly due to the lack of adequate right-of-way. Yet Class I bikeways, because they are off-road and suitable for bicyclists and pedestrians with a wide range of ages and abilities, serve to encourage bicycling and walking as alternative modes of transportation.

D. Furthermore, a Class I bikeway along the rail line could potentially close the gap between two regional Class I bikeways: the proposed Carbon Creek Bikeway (through Placentia, Fullerton, Anaheim, Cypress, and Los Alamitos) and the partially existing El Cajon Bikeway (through Yorba Linda).

E. Alternatives B and C offer the opportunity to implement a Class I bikeway along the proposed ten-foot-wide access road.

An example of a "rail-with-trail" is the existing Class I bikeway parallel to the Metrolink line in Irvine. The Orange County Transportation Authority's 2001 "Strategic Plan" for regional bikeways is proposing the extension of this bikeway southward, along the Metrolink line through Irvine and Lake Forest.

15. The DEIR should address existing and proposed City and County bikeways within its analysis, and identify short and/or long term impacts, and provide mitigation measures as applicable. Of concern are short-term bikeway closures and detour mitigation as well as long-term impacts due to construction of proposed grade separated crossings of the rail lines.

16. We would be happy to meet with the Lead Agencies to discuss opportunities for integrating the Orange County bikeway system with the OnTrac rail project.

CULTURAL/HISTORICAL

17. The cultural resources mitigation language used in the proposed DEIR should address current standards for artifact curation and long-term collection management.

18. We encourage the City of Placentia/OnTrac to follow the Board of Supervisors example in requiring that cultural resource artifacts, which may be discovered during the site

18. We encourage the City of Placentia/OnTrac to follow the Board of Supervisors example in requiring that cultural resource artifacts, which may be discovered during the site development, be donated to a suitable repository that will maintain the collection for future scientific study and exhibition "within Orange County." Prior to donation, the certified cultural resources consultant should prepare the collection "to the point of identification."

19. The project proponent should be prepared to pay "potential curation fees" to the County or other suitable repository for the long-term curation and maintenance of donated collections.

TRANSPORTATION

20. The County of Orange is in support of the subject project. A traffic construction diversion plan should be prepared to address project impacts during construction. We would like to review the DEIR traffic analysis (including the diversion plan) when it is available.

GENERAL

21. In general, the NOP appears to touch upon the issues the County would be most concerned including, flood control and best management practices relative to run-off and potential impacts to Carbon Creek Channel.

22. A recent newspaper article indicated that a future Metrolink station is planned to be located in the City of Yorba Linda. The article did not identify the precise location. Therefore, coordination is necessary between this proposal and the future Metrolink plans to ensure that if Alternative B or C is selected a Metrolink station opportunity is not rendered infeasible.

Thank you for the opportunity to respond to the NOP. Please send one complete set of the DEIR to me at the above address when it becomes available. If you have any questions, please contact Charlotte Harryman at (714) 834-2522

Sincerely,

Tim Neely, Manager
Environmental Planning Services Division

CH

CL3 RESPONSES TO COMMENTS FROM ORANGE COUNTY PUBLIC WORKS DATED AUGUST 11, 2008

CL3-1 Please refer to Measures HY-1 to HY-11 on pages 3-9-25 to 3.9-27 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which specifically address reconstructing/construction flood control facilities to accommodate the 100-year flood in accordance with Orange County Flood Control District (OCFCD) requirements as appropriate under Alternatives B, C, and D. Coordination and consultation would be conducted with OCFCD during final design of the preferred project to ensure that any reconstructed or modified flood control facilities meet the required Orange County standards. As part of that consultation, structural calculations and hydrology/hydraulic analysis for the modifications to any OCFCD facilities would be provided to OCFCD for review and approval.

CL3-2 The designs shown on Figures A.4 to A.6 in Appendix A of the Draft EIS/EIR are based on approximately 10–15 percent conceptual design. As requested, if Alternative B or C is selected for implementation, the final design would be modified and no tiebacks into OCFCD right-of-way would be used. The following measure was added to the EIS/EIR to reflect this commitment not to use tiebacks in OCFCD right-of-way:

> "New Measure **HY-14.** If Alternative B or C is selected for implementation, the final design will not use any tiebacks into OCFCD right-of-way."

CL3-3 Figure 3.9-1 was developed in 2002 as part of the conceptual level design for the project in the *Drainage Management Study* (Boyle Engineering, January 2006). The information in that study, including Figure 3.9-1, provided sufficient data to allow for identification of possible project effects related to hydrology and flooding, as discussed in Section 3.9 in the Draft EIS/EIR. In addition, during final design, updated area drainage information would be used to ensure that all flood control facilities affected by the project are constructed/reconstructed to accommodate 100-year flows. The drainage management information developed during final design would update and expand the material developed in the 2006 study. The final design would identify each change/modification needed to ensure that the area drainage facilities are not adversely affected by the project. The OCTA Project Engineer for the project would consult with the OCFCD during final design, as described in response to comment CL3-1, above. As a result, Figure 3.9-1 was not revised for the EIS/EIR.

CL3-4 Please refer to response to comment CL3-1, above.

CL3-5 Please refer to response to comment CL3-1, above.

CL3-6 Please refer to response to comment CL3-1, above.

CL3-7 Please refer to response to comment CL3-1, above.

CL3-8 The City of Placentia would obtain all necessary agreements from the Burlington Northern Santa Fe (BNSF) Railway company, including any required commitments related to maintenance, repair and/or reconstruction of flood control viaducts constructed as part of Alternative B or C.

CL3-9 It is agreed that this sentence would not be applicable unless those additional improvements, which are not part of Alternative B, were constructed. Therefore, this sentence was deleted from the last paragraph on page 3.9-17.

CL3-10 As noted in this comment, the Orange County Gateway (OCG) project would require some realignment of the storm drain in Kraemer Boulevard. The exact modifications necessary to accommodate both the storm drain and the OCG improvements would be designed in detail in consultation with the OCFCD during final design and would be shown on all project plans and specifications as needed. Because this improvement would be shown in detail on the final plans, Figure A.3 in the Draft EIS/EIR was not revised to reflect this improvement.

The conversion in this paragraph is incorrect. It was changed to read "...213 m (70 ft)..."

CL3-11 The following sentence was added to the end of the last paragraph on page 3.9-20: "The Kellogg Drive Storm Drain would also require reconstruction and lowering along Orangethorpe Avenue and Kellogg Drive to divert flows to the Santa Ana River to the south."

CL3-12 Please refer to response to comment CL3-1, above.

CL3-13 As noted in response to comment CL3-1, the OCTA has committed to coordination and consultation with OCFCD during final design to address issues related to the flood control facilities in the project area. Many of the comments provided in the OCFCD responses to the Notice of Preparation are at a level of detail typically addressed in final design (100 percent level) versus in the early planning/environmental analysis phases (10–15 percent/conceptual level). The final design-level issues raised by the OCFCD would be addressed during final design, and consultation would be conducted with the OCFCD during final design

to ensure that the reconstructed/modified flood control facilities meet all applicable County of Orange standards.

City of Anaheim
PLANNING DEPARTMENT

CL4

July 21, 2008

Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: Notice of Availability of a Draft Environmental Impact Statement / Environmental Impact Report for the Orange County Gateway Project

Dear Mr. McConaha.

The City of Anaheim would like to thank you for the opportunity to review the Draft EIS/EIR of the Orange County Gateway Project. City staff offers the following comments:

1. The EIR/EIS document does not reflect the multi-jurisdictional implementation required for this project. Many of the references to property acquisition, design review, and permitting indicate that Placentia will have the sole responsibility for these functions. Please revise such references (i.e., mitigation measures: CI-2, CI-3, CI-4, CI-5, CI-6, V-1, V-2, V-3, V-4, FP-1, FP-2, WQ-2, WQ-4, WQ-5, GS-1, GS-15, NOI-1, NOI-2, BIO-1, LU-2, PSU-1, PSU-2, PSU-2a, PSU-2b, PSU-2d, PSU-2e, PSU-2f, PSU-2g, PSU-4, PSU-5, TRA-2, AQ-1, AQ-2, AQ-4, AQ-7, and NC-1) to accurately reflect the responsible parties involved. Where such responsibility has not yet been determined, these references should be generalized. CL4-1

2. Table 3.5-B: Water Pipelines (page 3.5-6) lists the pipelines that may be affected by the Orange County Gateway Build Alternatives. City of Anaheim staff would like to include the following facilities to Table 3.5-B: CL4-2

   a. Pressure Reducing Station No. 36, located on the east side of Kellogg Drive just south of the railroad right-of-way; and

   b. Pressure Reducing Station No. 64, located on the east side of Lakeview Avenue just south of the railroad right-of-way.

200 South Anaheim Boulevard
PO Box 3222
Anaheim, California 92803
TEL (714) 765-5139
www.anaheim.net

3. Section 3.10 (page 3.10-12) refers to the dewatering operation during the construction activities of the Orange County Gateway Build Alternative. City of Anaheim staff recommends that the proposed dewatering operation shall be fully evaluated, modeled, and reviewed by the manager of the local groundwater basin to ensure it has no adverse impact (i.e. interference) on the water levels and drawdown in existing nearby drinking water wells. CL4-3

4. The Linda Vista water facility located on the west side of Tustin Ave just north of Mira Loma, is owned and operated by the City of Anaheim. Although the facility is not listed as being within the project area, the traffic impacts during the construction activities are likely to affect access to and from the Linda Vista facility. As the project progresses, please be sure to coordinate with all potentially impacted parties to minimize such impacts. CL4-4

5. Several of the General Plan land use designations for properties within the City of Anaheim are not accurate (Figures 3.4-4 through 3.4-6). For the most up to date land use designations, please refer to www.anaheim.net/generalplan. CL4-5

6. Please revise the last paragraph on page 3.1-23 as follows:

   City of Anaheim. The City of Anaheim General Plan was comprehensively updated in May 2004. The General Plan provides area-specific policy direction through community policy areas. The project area is with the Canyon policy area. The Canyon generally spans the north side of SR-91 between SR-57 and Imperial Highway. This area is a regional employment center consisting of office, industrial and commercial uses and is further regulated by the Northeast Area Specific Plan. General Plan goals applicable to this analysis include promoting development that integrates with and minimizes impacts to surrounding land uses. CL4-6

7. Please revise the last paragraph on page 3.4-15 as follows:

   City of Anaheim. The City of Anaheim is the second largest city in Orange County, extending across north Orange County from approximately Valley View Boulevard on the west to east of the Eastern Transportation Corridor on the east. Incorporated in 1876, Anaheim covers approximately 130 square km (50 square mi) and in 2000 had a population of 328,014 persons. Anaheim is known worldwide as a major entertainment destination and is home to Disneyland, Disney's California Adventure, Downtown Disney, the Anaheim Convention Center, the Honda Center (home to the Anaheim Ducks hockey team), Angel Stadium and the Grove of Anaheim. These uses are supported by a substantial number of hotel rooms in and around The Anaheim Resort and a wide range of restaurants and other visitor serving commercial and recreation uses. CL4-7

8. The landscape/hardscape improvements implemented for the SR-90/Orangethorpe grade separation project should be used as the minimum aesthetic standard for the Orange County Gateway Project. Please include the City of Anaheim in all stages of the design process for this project. CL4-8

9. Please forward a copy of any traffic management plans, detour plans, mitigation designs and construction schedules to the City of Anaheim when they become available. CL4-9

We would again like to thank you for the opportunity to comment on the Orange County Gateway Draft EIS/EIR document. Please forward any further documentation relative to the Orange County Gateway Project to my attention at the address located on the first page of this letter. You may also contact me at (714) 765-4958 with any comments or questions.

Sincerely,

Susan Kim, AICP
Senior Planner

C: Mark Vukojevic, City Engineer, Public Works Department
Raul Garcia, Development Services, Public Works Department
Rudy Emami, Design Services Public Works Department
John Lower, Traffic Engineering, Public Works Department
David Kennedy, Traffic Engineering, Public Works Department
Sara Mathis, Water Planning & Resources, Public Utilities

CL4 RESPONSES TO COMMENTS FROM THE CITY OF ANAHEIM DATED JULY 21, 2008

CL4-1 Please refer to Common Response 10 provided earlier in this Responses to Comments Report for information regarding the role of the Orange County Transportation Authority (OCTA) as the implementing agency of the project after the completion of the environmental process.

CL4-2 Table 3.5-B in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was revised to include the following:

Diameter	Street Location/Description	Water Agency
Not applicable	Pressure reducing Station No. 36, on the east side of Kellogg Drive just south of the BNSF right-of-way	City of Anaheim
Not applicable	Pressure reducing Station No. 64, on the east side of Lakeview Avenue just south of the BNSF right-of-way	City of Anaheim

Source: City of Anaheim, July 21, 2008.
BNSF = Burlington Northern Santa Fe

CL4-3 Please refer to Common Response 10 provided earlier in this Responses to Comments Report for information regarding the role of OCTA as the implementing agency of the project after the completion of the environmental process.

Refer also to response to comment CL2-1, provided earlier in this Responses to Comments Report.

CL4-4 Measures TRA-2 and TRA-4 on pages 3.6-56 and 3.6-57, respectively, in the Draft EIS/EIR were revised to include the City of Anaheim in the list of agencies that would be included in the development of the detour plans during project construction, as follows (the changes to each measure are shown in *italics*):

> **"Revised Measure TRA-2**. Prior to approval of the Plans, Specifications and Estimates (PS&E) for the preferred Orange County Gateway (OCG) Build Alternative, a detailed construction phasing and detour plan will be submitted to and approved by the Cities of Placentia and Anaheim. This phased construction and detour plan will allow for the construction of local circulation through the project area during construction of the project. The plan must also consider public transit and PYLUSD routes and schedules and the access needs of emergency service providers and of agencies to public facilities in the immediate project vicinity. The plan must also include provision of access to adjoining properties. The detour plan will be presented in a format consistent with all applicable local,

State, and federal guidelines and will consider signing, staging, delineation, traffic control, and the route selection analysis presented in this section. All construction activity will be performed in accordance with the construction phasing plan and the route detour plans approved by the Cities of Placentia and Anaheim.

Revised Measure TRA-4. Prior to construction of Alternatives B, C, and D, the construction phasing and detour traffic management plans will be reviewed with the PYLUSD, emergency service providers, the Cities of Placentia and Anaheim, and the OCTA Bus Operations Division. The PYLUSD, emergency service providers, the Cities of Placentia and Anaheim, and the OCTA Bus Operations Division will be notified prior to the initiation of construction and prior to the initiation of lane closures and detours."

CL4-5 The updated General Plan land use designations in the City of Anaheim were reviewed and compared to the General Plan land use designations shown on Figures 3.4-4 to 3.4-6 in the Draft EIS/EIR. The differences in land use designations between the current City of Anaheim General Plan land use map and Figures 3.4-4 to 3.4-6 are very minor, as follows:

- The updated General Plan land use designations between Crowther Avenue and Orangethorpe Avenue, west of Miller Street are General Commercial and Water (Carbon Canyon Channel) and not Residential as shown in the Draft EIS/EIR figures.
- The updated General Plan land use designation south of Orangethorpe Avenue between Chapman Avenue and Rose Drive is General Commercial, not Water Uses as shown in the Draft EIS/EIR.
- Some of the residential designations on the Draft EIS/EIR are shown as Low-Medium Density Residential when they are shown in the updated General Plan as Low-Density Residential and vice-versa.

These differences do not change the environmental impact analyses because the impact analyses were based more on existing land uses and not General Plan land uses. In addition, because the project area is largely built out, the land uses described as existing uses in the Draft EIS/EIR are not likely to change substantially in the immediate future. Therefore, no changes were made to Figures 3.4-4 to 3.4-6 in response to this comment.

CL4-6 The last paragraph on page 3.1-23 in the Draft EIS/EIR was revised to read:

"**City of Anaheim**. The City of Anaheim General Plan was comprehensively updated in May 2004. The General Plan provides area-

specific policy direction through community policy areas. The project area is within the Canyon policy area. The Canyon policy area generally spans the north side of State Route 91 (SR-91) between State Route 57 (SR-57) and Imperial Highway. This area is a regional employment center consisting of office, industrial, and commercial uses and is further regulated by the Northeast Area Specific Plan. General Plan goals applicable to the Canyon policy area include promoting development that integrates with and minimizes impacts to surrounding land uses."

CL4-7 The last paragraph on page 3.4-15 in the Draft EIS/EIR was revised to read:

"**City of Anaheim**. The City of Anaheim is the second largest city in Orange County, extending across north Orange County from approximately Valley View Boulevard on the west to east of State Route 241 (SR-241) on the east. Incorporated in 1876, Anaheim covers approximately 130 square kilometers (sq km) (50 square miles [sq mi]) and in 2000 had a population of 328,014 persons. Anaheim is known worldwide as a major entertainment destination and is home to Disneyland, Disney's California Adventure, Downtown Disney, the Anaheim Convention Center, the Honda Center (which is the home of the Anaheim Ducks professional hockey team), Angel Stadium, and the Grove of Anaheim. These uses are supported by a substantial number of hotel rooms in and around the Anaheim Resort area and a wide range of restaurants and other visitor-serving commercial and recreation uses."

CL4-8 The aesthetic features for the State Route 90 (SR-90)/Orangethorpe Avenue Improvements Project would be considered by the OCTA when preparing the landscape and hardscape plan for the OCG project. The Cities of Anaheim and Placentia and the County of Orange would be invited to participate in the aesthetic design for the OCG project. Those agencies would be provided a copy of the draft landscape/hardscape plan developed during final design for review and input.

CL4-9 Refer to response to comment CL4-4, above, which shows that the avoidance, minimization, and mitigation measures related to traffic detours during construction were revised to include the City of Anaheim.

BUSINESSES AND ORGANIZATIONS

COMMENTS AND RESPONSES

Since 1924
PLACENTIA
Chamber of Commerce
A pleasant place to do business

714.528.1873

201 • C East Yorba Linda Blvd.
Placentia, CA 92870

B1

August 11, 2008

Mr. Michael McConaha
City of Placentia
401 E. Chapman Ave.
Placentia, CA 92870

Dear Michael,

Included herewith are the comments from the Placentia Chamber of Commerce on the Draft Environmental Impact Statement/Environmental Impact Report for the Orange County Gateway Project.

There are four areas of concern and they will be briefly described. The areas are: impact on businesses, impact on available housing, minimize the impact of traffic flow on the businesses as well as residents, and the total safety issue including vibration, noise and pedestrian safety. B1-1

With the increase in train traffic and the length of the trains increasing the "Do Nothing" Alternative is not a viable alternative. By building Underpasses and Overpasses the train remains at grade level and really does not solve the vibration, noise and general safety issue for people along the railroad tracks. Leaving the tracks at grade level still allows people to trespass along the tracks and may allow automobiles along the tracks placing the pedestrians as well as the train passengers at risk. By placing the train in the trench these issues are significantly reduced or eliminated. The City Council has recommended that Alternative D, "Underpasses and Overpasses" is the preferred alternative. It is recommended that all factors, including the latest cost estimates, be considered when making a final decision. B1-2

If you have any questions; please contact the undersigned or the Chamber Office at 714-528-1873. Thank you.

Sincerely yours,
PLACENTIA CHAMBER OF COMMERCE

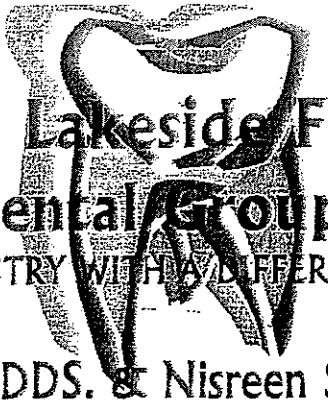
Dottie Rogers
President
Phone: 714-223-0883

B1 RESPONSES TO COMMENTS FROM THE PLACENTIA CHAMBER OF COMMERCE DATED AUGUST 11, 2008

B1-1 This comment does not ask a specific question. Refer to the following sections of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for discussion regarding the issues listed in this comment:

- Section 3.4, Community Impacts
- Section 3.6, Traffic, Transportation, Pedestrian, and Bicycle Facilities
- Section 3.14, Noise and Vibration

B1-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.



Lakeside Family Dental Group

DENTISTRY WITH A DIFFERENCE

RECEIVED
AUG 11 2008
CITY OF PLACENTIA
ADMINISTRATION DEPARTMENT

Arman M.Nazir, DDS. & Nisreen S.Vasi, DDS Inc
3476 E. Orangethorpe Ave Anaheim, Ca 92807

B2

PH#:714-993-2780 *FAX#:714-993-1471*
EMAIL:teethdoc@yahoo.com

DATE:08/08/2008

To:
TONY BUTZIAFF
CITY ADMINISTRATOR
CITY OF PLACENTIA
401, EAST CHAPMAN AVENUE
PLACENTIA, CA – 92870

REF:3476, E ORANGETHORPE AVENUE,ANAHEIM,CA-92806
OPPOSITION TO THE PLACENTIA RAIL-CROSSING PROJECT

DEAR MR BUTZIAFF,
THIS LETTER IS BEING SENT AFTER HEARING THE DISTURBING NEWS IN THE O.C REGISTER PUBLICATION AND ALSO AFTER HEARING FROM OUR LANDLORD AND NEIGHBORS REGARDING THE CONSTRUCTION OF A BRIDGE RAILWAY OVERPASS THAT MAY CAUSE THE DISPLACEMENT OF OF LAKESIDE PLAZA SHOPPING CENTER. B2-1

IT HAS COME TO OUR ATTENTION THAT A DECISION HAS BEEN MADE TO BEGIN CONSTRUCTION OFTHIS BRIDGE AT THE CHAPMAN RAILWAY INTERCROSSING WITHOUT ANY CONCERN OR OPPURTUNITY GIVEN TO US TO EXPRESS OUR OPINION IN THE MATTER.

THEREFORE,WE WISH TO DOCUMENT OUR WRITTEN OPPOSITION TO THE PLACENTIA RAILWAY CROSSING PROJECT ALONG E.ORANGETHORPE AVENUE AT THE E CHAPMAN INTERSECTION. B2-2

1.WE ARE OF THE OPINION THAT ANY CONSTRUCTION OF A OVERPASS BRIDGE WILL CAUSE A NEGATIVE IMPACT ON OUR BUSINESS AND CENTER AND ALSO REDUCE OUR VISIBILTY AND ACCESSIBILITY,NOT TO MENTION THE CONGESTION,DIRT,DEBRIS AND NOISE THAT WOULD BE CREATED DURING THE CONSTRUCTION PERIOD WHICH MAY TAKE.

SEVERAL MONTHS AND YEARS TO COMPLETE.THE WILL BE DEFINETE PROBLEMS FOR THE CUSTOMERS TO ACCESS THE CENTE,CAUSING SEVERE DROP OF REVENUE AND CAUSING GREAT FINANCIAL HARDSHIP FOR THE BUSINESS OWNERS WHO DEPEND ON THE INCOME GENERATED FROM THEIR BUSINESSES FOR THEIR DAILY LIVELY HOOD AND TO PAY THEIR BILLS LIKE HOME MORTGAGES,CAR PAYMENTS,KIDS SCHOOL EXPENSES,ETC.

B2-2

2.NOW I BELIVE THAT THERE ARE ALTERNATIVES A,B,C AND D.NOW IF YOU CHOOSE ALTERNATIVE B OR C WHICH IS SLIGHTLY MORE EXPENSIVE,OUR CENTER WILL BE SPARED.NOW THE CITY IS WILLING TO DISPLACE PEOPLE AND THEIR LIVELY HOOD WITHOUT ANY CONCERNS TO US THE BUSINESS OWNERS JUST BECAUSE IT IS ECONOMICALLY FEASIBLE TO THE CITY.HAVE YOU ASKED US IF IT IS ECONOMICALLY FEASIBLE TO US THE BUSINESS OWNERS.THESE ARE NOT ONLY OUR BUSINESSES,BUT ALSO OUR CHANCE OF ACHIEVING THE AMERICAN DREAM AND MOST IMPORTANTLY IT IS OUR SOURCE OF INCOME FOR OUR LIVELY HOOD.YOU WILL BE NOT ONLY DISPLACING OUR BUSINESSES BUT ALSO OUR LIVES AND LEAD TO OUR FINANCIAL RUIN.HAS THE CITY GIVEN ANY THOUGHT TO THAT.

B2-3

3.NOW THIS RAILWAY CROSSING AT CHAPMAN /ORANGETHORPE AVENUES HAS BEEN IN EXSISTENCE FOR YEARS AND YEARSAND SINCE THEN ,NEW BUSNIESSES HAVE BEEN ESTABLISHED,NEW HOMES HAVE BEEN BUILT AND BOTH THE BUSINESS OWNERS HOMEOWNERS AND COMMUNTERS WHO USE THIS ROAD HAVE LEARNED TO ACCEPT THE INCONVENIENCE OF THE TRAINS,THEIR WHISTLES AND THE TEMPORARY DELAYS AT THE RAILWAY CROSSING,AND WHY NOW IS THEIR A NEED TO DISPLACE US TO BUILD THE RAILWAY OVERPASS AT THIS INTERSECTION.HAVE YOU GIVEN ANY THOUGHT AS TO WHAT IMPACT IT WILL HAVE ON OUR LIVES AND OUR FINANCIAL WELL BEING.

B2-4

4.ALSO HAS THE CITY CONSIDERED AS TO WHAT ENVIRONMENTAL AND HEALTH IMPACT IT WILL HAVE ON THE COMMUNITY WITH THE EXTRA POLLUTION,TRAFFIC NOISE AND ALSO TO PEOPLE'S LIFE STYLE WITH ALL THE TRAFFIC FLOWING THROUGH THIS OVERPASS WHICH I AM SURE WILL GENERATE TO MORE TRAFFIC.

B2-5

5.RATHER THAN DISTURBING AND RUINING SO MANY LIVES JUST FOR THE CONVENIENCE OF THE RAILWAY COMPANIES WHY NOT RAISE THE RAILWAY TRACKS AND BUILD AN UNDERPASS AT CHAPMAN/ORANGETHORPE AVENUE CROSSING WHICH WILL DISPLACE LESS LIVES AND ALSO ADD TO THE BEAUTY OF THE CITY AND ALSO DESIGNATE THE CITY AS A COMPASSINATE CITY IN OUR EYES AND THE EYES OF THE WORLD AND ALL OF THE UNITED STATES OF AMERICA.

B2-6

6.IF FOR SOME REASON ,IT BECOMES NECESSARY TO ACQUIRE PART OR ALL OF LAKESIDE PLAZA SHOPPING PLAZA,WHAT ARRANGEMENTS ARE IN PLACE TO COMPENSATE US FOR FINANCIAL INVESTMENTS,LIVELY HOODS,RELOCATION CHARGES , GOODWILL ,LOSS OF INCOME,EMOTIONAL STRESS,ETC.FOR SOME OF US IN THIS PLAZA WE HAVE INVESTED EVERYTHING WE OWN INTO OUR BUSINNESS AND MAKING OUR BUSINESSES SUCCESSFUL.WHO IS GOING TO PAY FOR ALL THIS AND ALL THE HARDWORK WE HAVE PUT INTO MAKING THESE BUSINESSES SUCCESSFUL.

B2-7

7. LASTLY WE AT LAKESIDE FAMILY DENTAL GROUP HAVE INVESTED WELL OVER $500,000/-(HALF A MILLION DOLLARS) INTO ESTABLISHING OUR BUSINEES TO A VERY HIGH STANDARD AND ALSO HAVE WORKED DELIGENTLY OVER THE LAST FEW YEARS IN GAINING THE TRUST OF THE COMMUNITY AND GENERATING A STEADY INCOME TO SUPPORT OUR FINANCIAL AND EMOTIONAL WELL BEING.WHAT ARRANGEMENTS ARE IN PLACE TO FINANCIALLY COMPENSATE US FOR THE SAME.PLEASE LET US KNOW.

B2-8

8. I AM PRETTY CONFIDENT THAT THE CITY OF PLACENTIA WILL PREVAIL ON THEIR COMPASSINATE SIDE AND SPARE THE AGONY, FINANCIAL RUIN AND THE EMOTIONAL STRESS FOR ALL THE BUSINESS OWNERS AND HOMEOWNERS ALIKE AND CHOSE ALTERNATIVE B & C EVEN THOUGH IT IS MORE EXPENSIVE AND SPARE OUR CENTER AND OUR LIVES AND GAIN OUR SINCERE TRUST AND ADMIRATION AS THE COMPASSINATE CITY AS THERE IS NO DOLLAR VALUE THAT ANY ONE CAN PLACE ON PEOPLE, THEIR LIVES AND THEIR DREAMS.WE PRAY THAT THE CITY DOES THE RIGHT THING.

B2-9

WE END THIS LETTER; AGAIN WITH A STRONG OPPOSITION TO THE RAILWAY OVERPASS AT E. CHAPMAN/E. ORANGETHORPE AVENUE'S AND PRAY THAT THE CITY DOES WHAT IS RIGHT MORALLY AND NOT FINANCIALLY.

B2-10

TAKE CARE

DR ARMAN M NAZIR DDS

cc.file
lakeside tenants

octa
city of Anaheim
o.c register
governor of California
City of Placentia.
Scott nelson (mayor of Placentia)
Mayor of Anaheim
Greg sowards (mayor pro team)
Joseph v, Aguirre (council member)
Scott p Brady (council member)
Constance under hill (council member)

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: DR. ARMAN NAZIR DDS. DBA LAKESIDE FAMILY DENTAL GROUP

ADDRESS: 3476, E. ORANGETHORPE AVENUE, ANAHEIM, CA - 92806

AFFILIATION: OWNER OF PREMISES @ LAKESIDE PLAZA

COMMENT: Heard about the plan to make an overpass for the railway tracks on Miller Rd & Rose Avenue and also about losing our premises via Eminent Domain to the City. Now we have invested around $500,000 into the business since the last 3yrs that we have been here & also have a lot of Goodwill Now if this happens what happens to our premises & who is going to compensate us for all the investment that we have made in the premises. Also the crossing on Miller is not a very busy crossing either way, so what is the need for an overpass at that intersection. If you need to call us, do so @ 714-993-2780 or E-mail us @ TEETHDOC @ YAHOO.COM. DR. A

B2-11

July 24, 2008

NAME: DR. NISREEN S. VASI DDS. DBA LAKESIDE FAMILY DENTAL GROUP

ADDRESS: 3476, E. ORANGETHORPE AVENUE, ANAHEIM, CA - 92806

AFFILIATION: OWNERS OF PREMISES @ LAKESIDE FAMILY DENTAL GROUP.

COMMENT: IT HAS COME TO OUR ATTENTION about the plans for an overpass @ Miller Rd & also Rose Avenue @ the railway tracks & that there might be a possibility that we will lose our premises via Eminent Domain to the City. Now we built this office from scratch 3 years back & have almost $500,000 invested into the business plus the goodwill since 3years. Now what happens to our investment. Who is going to compensate us for our losses & also for our relocation to a new premises & building costs. Please contact us @ 714-993-2780 or E-mail us @ TEETHDOC @ YAHOO.COM.

Dr. Vasi.

B2-12

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: DR ARMAN M NAZIR DDS & NISREEN S VASI DDS INC

ADDRESS: 3476, E. ORANGETHORPE AVENUE, ANAHEIM, CA-92806

AFFILIATION: DENTIST, BUSINESS OWNER @ LAKESIDE PLAZA.

COMMENT: Heard about the Orange County gateway project & the possibility that our center may be partially or totally acquired thru Eminent Domain. Now we have been established at this location for well over 3 years. We started from scratch & steadily built our office & clientel to quite a substantial level & more importantly we have invested well over $500,000/- (HALF A MILLION) DOLLARS in just tenant improvements & equipment & we also have goodwill with the community. Now if this happens, how is that we will be compensated & also who is going to pay for our relocation charges, new construction charges & also loss of income. We depend on our income for our livelyhood, mortgage, card & etc payment. who is going to compensate us for that. kindly reply

B2-13

B2 RESPONSES TO COMMENTS FROM THE LAKESIDE FAMILY DENTAL GROUP DATED AUGUST 8, 2008

B2-1 No decision had been made on the selection of a project and no construction was proposed to start at the time the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was circulated for public review and this comment letter was written. The City Council did identify Alternative D as the Locally Preferred Alternative on page 2-26 in the Draft EIS/EIR. However, the final decision on the selection and implementation of the project will not occur until after the City of Placentia certifies the Final EIR for the project in late 2008.

B2-2 Comments noted. This comment does not ask a specific question. The Draft EIS/EIR addresses the issues raised in this comment. Please refer to the following sections in the Draft EIS/EIR for discussion regarding those issues:

- Section 3.7, Visual/Aesthetics
- Section 3.6, Traffic, Transportation, Pedestrian and Bicycle Facilities
- Section 3.13, Air Quality
- Section 3.14, Noise and Vibration
- Section 3.4, Community Impacts

B2-3 As shown in Appendix A in the Draft EIS/EIR, the property occupied by this shopping center would be acquired under Alternative D but would not be acquired under Alternatives B and C. Information on the property acquisition process is provided in handouts from the public hearing, which are included in Appendix C of this report.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B2-4 The purpose for the proposed project is described in detail in Section 2.0, Project Alternatives, in the Draft EIS/EIR. Of particular importance is the need to reduce delays for traffic crossing the tracks. Because train lengths are increasing (to over 1 mile) and the number of trains would increase substantially over time, the amount of delay at these crossings would continue to increase over time, thereby contributing to air pollution and traffic congestion. In addition, separating train and surface vehicle traffic would contribute substantially to safety at these crossings.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments would be considered by the decision-makers.

B2-5 Refer to Section 3.13, Air Quality, in the Draft EIS/EIR, which indicates that the project would result in reduced emissions in this area.

Refer to Section 3.6, Traffic, Transportation, Pedestrian, and Bicycle Facilities, in the Draft EIS/EIR, which indicates this project is not expected to generate new traffic but would accommodate forecasted increases in traffic in this area. Those forecasted increases in traffic volumes are a reflection of changes in land uses and not a result of the proposed OCG alternatives.

Refer to Section 3.14, Noise and Vibration, which indicates the project would not substantively change the noise environment in the project vicinity.

B2-6 The proposed project is not in support of or for the convenience of the railroad owners or operators. The project is proposed by the City of Placentia to reduce traffic congestion and increase public safety in this area.

Raising the railroad tracks would be extremely expensive as the tracks would have to be raised for miles in order to provide the very flat grades required along the rail tracks. That would clearly be well beyond the purpose of the project. An undercrossing at this location was not considered because of the presence of a number of substantial drainage features and the very high groundwater in this area. As a result, an overcrossing was an appropriate type of crossing to consider at this location.

B2-7 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B2-8 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B2-9 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B2-10 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B2-11 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

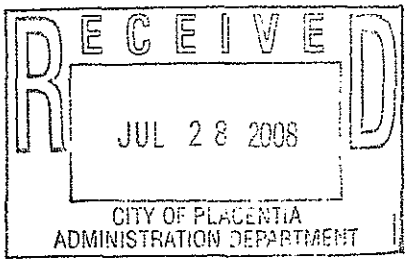
B2-12 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B2-13 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Lakeside Plaza

1020 N. BATAVIA STREET, SUITE B
ORANGE, CALIFORNIA 92867
(714) 997-7956
fax (714)997-4930

July 23, 2008



Tony Butziaff
City Administrator
CITY OF PLACENTIA
401 East Chapman Avenue
Placentia, CA 92870

Re: Lakeside Plaza – 3440 thru 3442 E. Orangethorpe, Anaheim, CA 92806
Opposition to the Placentia Rail-Crossing Project

Dear Mr. Butziaff:

This letter comes after reading a disturbing O.C. Register publication (copy enclosed) regarding the construction of a bridge railway overpass that may cause the displacement of the Lakeside Plaza Shopping Center. The publication stated that construction will begin in 2010 and that we had a 45-day window to offer feedback.

Needless to say business owners of the center also read this same publication and expressed great concern why there was no prior formal notices given to them by the City on this matter. It appears that a decision has been made to begin construction of this bridge overpass without any concern or opportunity given to us to express our opinion in this matter. B3-1

Therefore, on behalf of the owners of Lakeside Plaza and the many business owners within the center, we wish to document our written opposition to the "Placentia Rail-Crossing Project" along E. Orangethorpe at the E. Chapman intersection. The following is a partial list of our concerns in this matter:

1. We are of the opinion that any construction of a bridge overpass will cause a negative impact to the business center by obstructing traffic to the center and reducing accessibility, not to mention the congestion, dirt, debris and noise that would be created during the construction period which may take several months or years to complete. Problems will certainly exist for customers accessing the center, causing business revenue to drop dramatically, causing a great hardship for the business owners. B3-2

2. If it becomes necessary to displace a portion of the center or the entire center, how does the business owner get compensated for the many years of hard work establishing their business, which for some is their livelihood? B3-3

3. Many businesses, such as Subway, Gourmet Burger, Top Class Pizza, La Isla Mexican Restaurant, Lakeside Family Dentist, Dream Dinners and others have paid thousands of dollars in tenant improvements in hopes of establishing a successful business that would take care of their family and possibly later in life their retirement. How do they get compensated if displaced? B3-4

4. The property owner of the center in recent years has paid in excess of million dollars in renovations and repairs to the center, improving the quality and appearance of the property, receiving a Beautification Award from the City of Anaheim for our efforts. How do we get compensated if displaced? B3-5

5. The train transportation system has existed for many years in this area. New homes have been built and new businesses have been established. Homeowners and business owners alike have accepted the trains, their whistles and their temporary delays at the railway crossing, why now is it necessary to displace us to build the railway overpasses. B3-6

Again, we oppose the "Placentia Rail-Crossing Project", in particular, the railway crossing at E. Orangethorpe and Chapman intersection. It would be a tremendous hardship on the many business owners in Lakeside Plaza. B3-7

Yours truly,

LAKESIDE PLAZA

Douglas A. Ferrieri
Property Manager

Encl.

cc: File, Lakeside Tenants, OCTA, City of Anaheim

Bridge construction could displace homes

Some businesses are also threatened by Placentia rail-crossing project.

By ERIC NEFF
THE ORANGE COUNTY REGISTER

PLACENTIA – A new report shows the direct and potential impacts of the proposed construction of four bridges to eliminate rail and road crossings in Placentia, including the taking of private property.

But most of the areas that would be affected in some way are public properties, such as streets and sidewalks.

In a few areas around the crossings of the BNSF rail line at Orangethorpe Avenue and at Rose Drive, businesses and a mobile-home park could lose at least part of their properties to construction of overpasses or underpasses.

None of the traffic bridges have been designed. The environmental report analyzes the effects of all options available for construction. The design firm is expected to be chosen by the end of summer.

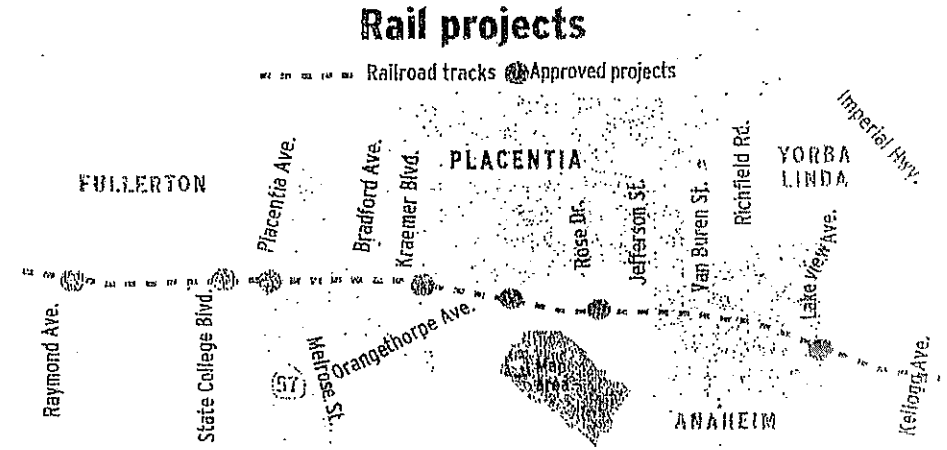
Residents and business owners have a 45-day window to offer feedback. There will be a July 24 public hearing at the Backs Community Building.

The crossings, to be constructed by the Orange County Transportation Authority, are slated to be built at staggered times from 2010 to 2013. The construction of overcrossings and undercrossings at these intersections has been cited by state officials as necessary to relieve traffic congestion and noise from train whistles.

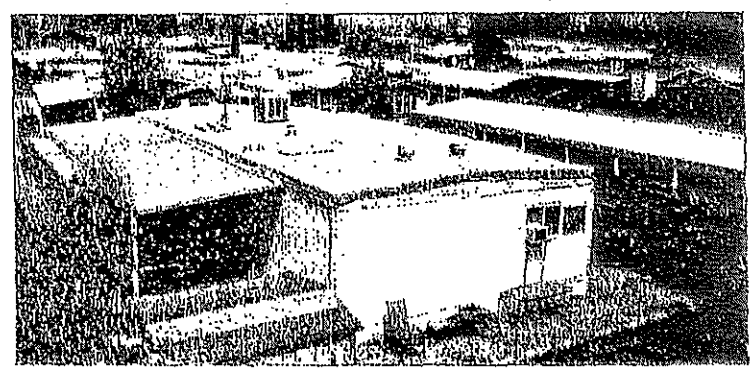
A shopping center along Orangethorpe Avenue – between Crowther Avenue and Rose Drive, which includes a language learning center, Top Class Pizza and a Subway restaurant, among other tenants – is in the direct impact area, meaning the entire property could be taken.

Del Cerro mobile home park, on the northeast corner of Rose Drive and Orangethorpe Avenue, is facing at least some impact. City officials said the actual impact will not be known until the designs are finalized. But the report indicates construction would affect at least a few residents and as much as the entire 171-lot property. There are upward of 350 residents at the park, according to management.

The other two crossings examined in the 1,000-page report – at Kraemer Boulevard and at Lakeview Avenue – will have more of a limited impact.



The Register



ROD VEAL, THE REGISTER

IN THE WAY: Construction would affect at least some Cerro mobile home park residents, according to a new report.

S & D ASSOCIATES

DOUGLAS A. FERRIERI
Property Manager

714 997-7956 ext 106 / Fax 714 997-4930
1020 N. Batavia St, Ste B • Orange, CA 92867-5529
sdassociates@sbcglobal.net

B3 RESPONSES TO COMMENTS FROM THE PROPERTY MANAGER FOR LAKESIDE PLAZA DATED JULY 23, 2008

B3-1 Please refer to Common Response 6, provided earlier in this Responses to Comments Report, regarding the public information process for the proposed Orange County Gateway (OCG) project prior to the distribution of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in June 2008.

The notice of availability of the Draft EIS/EIR and the public hearing was mailed to the property manager of Lakeside Plaza at 1020 North Batavia Street, Suite B, Orange, California. In addition, that notice was published in area newspapers as shown in Appendix C. The public review period was specifically intended to allow the public, including business owners, an opportunity to review and comment on the Draft EIS/EIR for the proposed Orange County Gateway (OCG) project.

B3-2 Comments noted. This comment does not ask a specific question. The Draft EIS/EIR addresses the issues raised in this comment. Please refer to the following sections in the Draft EIS/EIR for discussion regarding those issues:

- Section 3.6, Traffic, Transportation, Pedestrian and Bicycle Facilities
- Section 3.13, Air Quality
- Section 3.14, Noise and Vibration
- Section 3.4, Community Impacts

B3-3 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B3-4 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B3-5 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B3-6 Comments noted. Please refer to response to comment B2-4 provided earlier in this Responses to Comments Report.

B3-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card
Orange County Gateway Project
July 24, 2008

B4

NAME: RJ Printers – Jeff Lane

ADDRESS: 1530 N. Lakeview Ave Anaheim CA 92807

AFFILIATION:

COMMENT: We called both the City of Anaheim & City of Placentia prior to purchasing our building – we were assured that the railroad had a 30 foot easement that our future lowering & overcross would not affect our building. Lowering seems to have the least amount of impact on homes & business. It looks better than bridges. Seems more cost effective to lower the tracks. Also bridges can fall in earthquakes!!! B4-1 B4-2 B4-3

B4 RESPONSES TO COMMENTS FROM PJ PRINTERS (NO DATE)

B4-1 The Burlington Northern Santa Fe (BNSF) right-of-way is wide enough to accommodate a third track, which is likely the 30-foot area cited in this comment. As a result, that third track would likely not require the acquisition of any right-of-way in this area. However, the proposed Orange County Gateway (OCG) project is proposed by the City of Placentia and not by the railroad owner/ operator. As a result, the OCG project would require the acquisition of right-of-way.

B4-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B4-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B5

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: PERFECT NAILS & HAIR SALON

ADDRESS: 1236 E. ORANGETHROPE AVE. PLACENTIA, CA. 92870

AFFILIATION:

COMMENT: I am the owner of Perfect Nails & Hair located at the Rose Plaza at 1236 E Orangethorpe Ave. Placentia,Ca 92870. I have been in business at this location for over 14 years. I operate a full service salon with hair & nail technicians where we have established a loyal client base. I [illegible] renovated my shop & recently purchased spa chairs & other equipment to enhance the appearance & comfort for my clients. I also spent thousands of dollars repairing the plumbing in the unit. It recently came to my attention that the City is contemplating demolishing Rose Plaza.Since all of the buss. Plaza's in the surrounding area already have nail & hair salons, it would be impossible for me to relocate to another plaza in this vicinity. Therefore ifRose Plaza is demolished it would cause me to go out of business.

B5-1

I would like to know if there are any provisions to compensate me for the loss of my bussiness & reimburse me for the money I have invested in this location

I would appreciate hearing from you on this grave situation.

I can be reached at (714) 528-3340

Kim (714) 277 0805
James (714) 883 8436

B5 RESPONSES TO COMMENTS FROM PERFECT NAILS AND HAIR SALON (NO DATE)

B5-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

McConaha, Michael

From: Casino, Jake [Jake.Casino@dreamdinners.com] on behalf of Orangethorpe and Tustin [Orangethorpe_TustinCA@dreamdinners.com]

Sent: Saturday, August 09, 2008 8:58 PM

To: McConaha, Michael

Subject: Lakeside Plaza- Opposed to Placentia Rail-Crossing Project

B6

Dear Mr. McConaha,

We currently own the Dream Dinners in Lakeside Plaza, and we are very concerned about the proposed Placentia rail-crossing project, especially Plan D. It is deeply disturbing that we potentially will be displaced within the next year or two. This project will be devastating to us financially. We have at least $125,000 in tenant improvements in our lease space, and we cannot afford to relocate. This notice on our shopping center essentially makes our property unsellable, so we are forced to stick it out. No one in their right mind would buy our business from us now just to have it torn down in a couple years. Relocation allowances will not be able to scrape the surface of the costs it will take for us to rebuild according to our franchise agreement, so once you take possession of the property we will be closing our doors permanently. B6-1

It is difficult to adequately describe what this would do to us. We are not entitled to anything from our landlord in the case of eminent domain per our lease. Nothing. Additionally, we will most likely get nothing from the city from what we've read. And, we actually contacted a business broker about a month ago, so we could sell our business and move to another state. But, it appears that we can't do that now either, because it's not worth anything anymore with this looming over it. We are extremely opposed to this rail-crossing project especially Plan D. You'll just be hurting a lot of people that are trying to live day-to-day. I would suspect that several other tenants are faced with the same situation: high relocation costs, no protection in their lease, and all their savings in their business. Sister Dream Dinners franchises in Southern California are selling anywhere from $150,000 to $250,000, but in the end we just threw our money away by buying in Lakeside Plaza. If this proposal goes through, the businesses need to be directly compensated in fair manner by the city. Because, our landlord isn't going to help us at all. B6-2

Sincerely,
Kerri Casino

Kerri Casino
Dream Dinners Anaheim Hills
3484 E. Orangethorpe Anaheim, CA 92806
714-524-4560 fax: 714-616-5400
orangethorpe_tustinCA@dreamdinners.com

B6 RESPONSES TO COMMENTS FROM DREAM DINNERS DATED AUGUST 9, 2008

B6-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B6-2 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

McConaha, Michael

B7

From: Kirk Lee [kirkbea@hotmail.com]
Sent: Monday, August 11, 2008 4:58 PM
To: McConaha, Michael
Subject: OCGP comment

Dear Placentia City Councils!
I am writing this e-mail because I have few concerns about OCGP that OCTA and City of Placentia proposed and notified to residents and business owners of area where it affected by the project. I went to public hearing on July 24,2008 at the Back's community Building and I talked couple of city employees who involved in this project but I have'nt got any clear answers what I asked for. So that I am wirtting a e-mail about my concerns related to OCGP.

B7-1

I have been doing a business which is King's Teriyaki & Burgers & Tacos for 19 years on corner of Orangethorpe Ave and Rose Dr. I spend almost half of my life at city of Placentia and my business is only source of income for my family.If city choose altenative D, my business has to relocate or buy out by city.

If I have to relocate my business, I need to stay with in half mile where I am now and I need to know how city pays for relocation cost and if couldn't find new location, what kind of fomula city will use to compensate my business. Also I need to know how long project will take from now to purchsing the property where involve because I could not even sell my business from now on to anybody . Please consider my business and save my business!!!

King's Teriyaki &Burgers & tacos Kirk Lee

Your PC, mobile phone, and online services work together like never before. See how Windows® fits your life

B7 RESPONSES TO COMMENTS FROM KING'S TERIYAKI & BURGERS & TACOS DATED AUGUST 11, 2008

B7-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

McConaha, Michael

B8

From: JoeRollino@aol.com
Sent: Monday, August 11, 2008 5:14 PM
To: McConaha, Michael
Cc: Nelson, Scott
Subject: Orange County Gateway Project

Comment Card:
Orange County Gateway Project
July 24, 2008

Name:
Joseph Rollino
Address: 3440 Orangethorpe
Anaheim, Ca
Affiliation: Subway Restaurant
Comment:

I have built owned and operated the Subway Restaurant since 2005. I have spent hundreds of thousands of dollars in the build out, marketing of this business. This space has come at a great premium because of the limited amount of good locations in this area. Subway already has multiple locations in this area which would make it almost impossible to relocate this store.

B8-1

I feel that this project is not being looked at the residents point of view. While I am not sure of the need for the project, I do know that it seems that the cities involved are taking the least expensive direction with no real regard for the citizens that you are effecting. I have a fairly extensive knowledge of city government and I hope that this situation can be worked out for all involved. I will be following this project with great scrutiny to its conclusion.

Thank you,

Joseph Rollino
714-473-3975

Joseph Rollino

FKJR Inc. dba
#11682, #12083, #20498, #30811, #36423, #6753

509 W. Lambert Rd.
Brea, Ca. 92821
714-473-3975 - cell
714-671-9035 - office
714-671-9035 - office fax
714-529-7232 - home fax
joerollino@aol.com - email

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B8 RESPONSES TO COMMENTS FROM THE SUBWAY RESTAURANT DATED AUGUST 11, 2008

B8-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

August 10, 2008

Robert Sackett
693 Scout Trail
Anaheim, CA 92807-4757

B9

City of Placentia
401 E. Chapman Ave.
Placentia, CA 92870

Attention: Mr. Michael McConaha
Senior Administrative Analyst

Reference: Public Comments, Orange County Gateway Project

Affiliation: Commercial Property Owner, Directly Effected by plans B and C

Dear City of Placentia,

Thank you for the opportunity to make comments regarding the planning and effects of the Orange Gateway Project.

I attended the Public Meeting, Thursday, July 24th, 2008. I was appalled at the obvious gaps and outdated materials and planning presented at this meeting. Much of these plans and many of the items displayed were between 5 and 8 years old, to the point that they are useless for planning and project decisions. B9-1

I think that the most obvious of the glaring deficiencies are the grossly underestimated costs of the plans B, C and D. Just looking at the land values of the properties to be acquired and their increased values in the last 8 years would tell anyone with a modicum of intelligence that the costs presented at the meeting were grossly underestimated. B9-2

May I suggest, a lot of the properties that were proposed as "takes" in plans B and C are not actually needed as full takes, but simply need underground easements for just a portion of the property, for underpinning of the "channel" walls and yet the entire properties were identified as takes.

A simple solution, don't take these properties, but instead, purchase easements and lease the remainder, as necessary, during construction for staging or what ever the need, and return the properties to their owners for return to the previous or different uses when the project no longer requires them. I would be able to deal with these plans by this method and it would cost far less to lease my property for the period of construction. B9-3

COMMUNITY IMPACTS

In section "3.4-27" the contractor that did this report said " 'Direct Impacts' 'Community Character'" under alternative B,C and D "These alternatives would not substantially change the character of the Cities of Placentia, Anaheim and B9-4

Yorba Linda because they would not remove or adversely affect community facilities or services in these cities".

I think this report is flawed! It doesn't consider that many residents in these cities park their business and recreational vehicles and equipment close to their homes in the areas affected. There is a definite lack of contractor equipment and recreational vehicle parking facilities in these cities and this project will definitely eliminate a large percentage, and disrupt others, that currently do exist! B9-4

FUNDING

Lastly, the funding streams were not identified! This project has been downsized, delayed and redesigned in the past due to pork barrel diversion of funding in the past. Once the true costs are realized, this project is likely to suffer these same changes in the future. Until hard and fast money is identified and in place, these plans, quite simply, cause undue stress and consternation on those affected and the hardships due to tie ups, disclosures and uncertainties of their properties. B9-5

Please accept my comments for consideration and inclusion in the planning process.

Sincerely,

Robert Sackett

Robert Sackett
(714) 998-0513

B9 RESPONSES TO COMMENTS FROM ROBERT SACKETT, COMMERCIAL PROPERTY OWNER, DATED AUGUST 10, 2008

B9-1 The design plans shown at the public hearing are 4 years old and the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was released for public comments in mid-2008. This is not uncommon as the preparation of technical studies and draft environmental documentation can take 2 to 5 years. The information in the technical studies and the Draft EIS/EIR for the Orange County Gateway (OCG) project does, generally, reflect conditions in 2004 to 2005 when the technical studies were initiated.

B9-2 It is acknowledged that property values can change over time and that those changes can affect the total estimated project costs. In addition, other economic conditions (e.g., extraordinary demand for building materials such as concrete) can also change project costs. As a result, costs provided in an environmental document are typically updated around the time the final environmental document is complete and the decision-making agency makes its selection of a preferred project.

Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

B9-3 As discussed in detail in Section 3.4.2, Relocations, in the Draft EIS/EIR, three types of property acquisitions were identified for each OCG Build Alternative:

- Full Parcel Acquisitions: These entire parcels would be acquired for the project
- Partial Parcel Acquisitions: Only parts of these parcels would be acquired for the project; the remainders of the parcels would typically be able to continue as the existing land uses.
- Temporary Construction Easements: These are parcels that are purchased or leased and are used only temporarily during construction; at the completion of construction, the property is returned to its original condition and it reverts back to the original owner.

The estimated full and partial acquisitions and the temporary construction easements (TCEs) for each of the OCG Build Alternatives are shown in detailed tables in Section 3.4.2 in the Draft EIS/EIR. The TCEs will be valued by the loss in the utility and desirability of the area used for the TCE, and may include

damage payment for restoration work after the termination of the use of the area as a TCE.

The full and partial acquisitions and TCEs described in Section 3.4.2 in the Draft EIS/EIR do not include underground easements. Underground easements, if needed, would be permanent and, therefore, would potentially result in a permanent change in the utility of the land above that easement by the property owners. As a result, permanent easements would be appraised and acquired the same as other real property acquired for the project.

B9-4 It appears this comment refers to off-street parking facilities for contractor equipment and recreational vehicles (RVs) owned by area residents. All partial acquisitions for the OCG Build Alternatives which take parking from a land use would include either replacement of that parking or appropriate compensation to the owner.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

While this commenter may believe that there is insufficient parking for contractor and RV parking in this area, this issue is not a result of the proposed OCG project and is well outside the scope of the OCG project. Further, if individual contractors or RV owners need off site parking spaces, it is their responsibility to find that type of space and buy or lease that space, as appropriate. Depending on the availability of that type of land use, individual contractors or residents may need to park their vehicles further from their business locations/residences than may be desired.

B9-5 Funding for proposed projects is not an environmental issue under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA) and therefore is not addressed in the Draft EIS/EIR. Funding for the four major grade separations under Alternative D is available at this time from a combination of funding sources; those funds would not be sufficient to provide full funding for Alternatives B and C.

Please also refer to Common Response 9 provided earlier in this Responses to Comments Report for information regarding funding for this project.

B10

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: TONY DOS SANTOS

ADDRESS: 3460 B EAST ORANGETHORPE AN ANAHEIM CA 92806

AFFILIATION: BARBER SHOP (LAKESIDE PLAZA

COMMENT: I WILL BE VERY DESUASTATED. FINANCIALY. YOU WILL DO WHAT YOU HAVE TO DO. WHATEVER I SAY YOUR GUYS NOT GOING TO CONSIDER, AND LETS US STAY. WE GOT TO KNOW ABOUT IT IN THE PRESS YOUR GUYS BEEN DOING ALL THE WORK WITHOUT US KNOWING. WE SHOULD HAVE BEEN INFORMED FAR AHEAD OF YOUR INTENTIONS

B10-1

B10 RESPONSES TO COMMENTS FROM TONY DOS SANTOS, BARBER SHOP (NO DATE)

B10-1 Please refer to Common Response 6, provided earlier in this Responses to Comments Report, regarding the public information process for the proposed Orange County Gateway (OCG) project.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card
Orange County Gateway Project
July 24, 2008

B11

NAME: Kathryn Gilbert

ADDRESS: 3474 E. Orangethorpe Ave. Anaheim, CA 92806

AFFILIATION: Stylist at Salon 9

COMMENT: As a stylist at Salon 9, I rely on my clientele for a steady income. If we have to be put out of business or relocate than many clients wont be able to have somewhere they can conveniently come get their services done. We will thus lose those clients and therefor lose our income. It will take years to rebuild a new clientele. That will greatly hurt my family and I.

Comment Card
Orange County Gateway Project
July 24, 2008

B11-1

NAME: KRISTIN BERGNAN

ADDRESS: 19205 STARTING HILL LN.

AFFILIATION: SALON 9

COMMENT: I HAVE BEEN a Stylist @ Salon 9 FOR 5 YRS. NOW AND Q TO HEAR THAT THIS BUILDING MAYBE TORN DOWN IS HEARTBREAKING! I HAVE CLIENTS WHO HAVE BEEN COMING TO THIS SALON FOR NEARLY 20 YRS. I AM THAT MANY PEOPLE WOULD BE UPSET TO HEAR THIS. TO EVEN MOVE THIS BUILDING WOULD BE AWESOME. NOT TO MENTION THAT THIS SALON PROVIDES INCOME FOR NEARLY 20 STYLISTS!

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Eman Sawada

ADDRESS: 111 w. Orangewood Anaheim, CA 92802

AFFILIATION: MASTER stylist [salon 9]

COMMENT: i am appalled by the fact that my place of employment might be torn down. This place is like my home. i spend ~~extra~~ over 40 hours a week here at salon 9. so i hope we can come to a compromisation and keep the salon open. ~~please~~ please dont let us down.

sincerely,

Eman Sawada

B11-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Kristen Macchio

ADDRESS: 715 E. TAFT Orange CA 92865

AFFILIATION: Salon 9 Employee

COMMENT:

PLEASE DON'T close down OUR salon!. It would be a large. inconvenience for myself & clientel.

THANK YOU.

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: McKenzie Penland

ADDRESS: ~~2474 E. ORANGETHORPE AVE. ANAHEIM~~ 92806

AFFILIATION: Stylist @ Salon 9

COMMENT: I am an stylist at salon 9 and I am devistated to hear that my job may come to an end. I have built up a clientel for the past year and I rely on my income to support my family and I. If I were to have to relocate I would have to start from scratch to build the great clientel I already have... PLEASE LEAVE IT HERE!!

B11-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Nicole McGlawn.

ADDRESS: 2474 E Orangethorpe Ave Anaheim CA 92806.

AFFILIATION: Stylist @ Salon 9.

COMMENT: I have been working here for 6 years I love this location and so do my clients. I support my family with this JOB and it means alot to me to stay here. If I had to relocate I would lose everything. All my clients live by here and so do I. I just had a baby. and this JOB is everything this Salon has been here and running for 20 yrs Please Leave it there. We all love it Soo Much.

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Latricia Davis

ADDRESS:

AFFILIATION:

COMMENT: It has taking me over 2 years to develop my clientel to a point where I am able to support myself I am now the main source of income for my family If we were to be displaced and I had to start over, it would be so detrimental to my family. The main source of income would be eliminated, putting me & my family in a very devestating financial situation. Everyone in my salon is thus affected. Having to rebuild at this point would be tremendously difficult and I would not be able to support my family

B11-1

B11 RESPONSES TO COMMENTS FROM STYLISTS AT SALON 9, LAKESIDE PLAZA (KATHERINE GILBERT, KRISTEN BERGMAN, EMAN SAVCODA, KRISTEN MACCHIO, MCKENZIE PENHALL, NICOLE [ILLEGIBLE], AND KATHLEEN STUCK) (NO DATE)

B11-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

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B12

August 11, 2008

REFER TO FILE NO.
35745-000

VIA MESSENGER

Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

Re: Draft Environmental Impact Statement/Environmental Impact Report - Orange County Gateway Project

Mr. McConaha:

This office represents Del Cerro Mobile Estates ("Del Cerro"). Del Cerro owns and operates a mobile home park located at 250 South Rose Drive, Placentia. The City of Placentia (the "City") and other public agencies are currently considering the Orange County Gateway Project (the "Project"), which is sometimes referred to as a series of railroad grade separation alternatives. In this regard, we have reviewed the Draft Environmental Impact Statement/Environmental Impact Report relating to the Project (the "Draft EIS/EIR"). B12-1

According to the fundamental assertions underpinning the Project in the Draft EIS/EIR, the future use of existing railroad and railway will cause 130 freight trains per day, seven days per week, 365 days per year to travel through the City. The trains are loud and relatively slow. They can consist of chains of rail cars up to 1.5 miles in length. Based upon these fundamental assertions set forth in the Draft EIS/EIR, Del Cerro supports the Project to the extent that it would proceed under Build Alternative B or C. If the Project were to proceed under Build Alternative D, the consequences to the City and to Del Cerro would be disastrous. B12-2

Build Alternatives B and C will result in some significant environmental impacts while accomplishing the goals of the Project. Yet, both B and C will provide significant environmental benefits. In comparison, Build Alternative D, accomplishes far fewer Project goals compared to Alternatives B and C, and results in significantly greater adverse environmental impacts than Alternatives B and C. In fact, in many environmental categories, Alternative D doubles, triples, quadruples, or multiplies by even greater numbers the significant adverse impacts. In short, Alternative D does not accomplish what is assertedly necessary. What it does do, it does not do well.

B12-2

The Draft EIS/EIR illustrates that Build Alternative D will accomplish fewer Project goals compared to Alternatives B and C, yet it will result in unacceptable and sometimes devastating environmental impacts, including, without limitation, the following: (i) Alternative D conceded it does not and cannot correct the significant noise problem the City experiences due to the noise of rail operations that run on the Burlington Northern Santa Fe ("BNSF") rail line within the Orangethorpe Corridor; (ii) Alternative D will result in permanent, unavoidable unacceptable adverse visual impacts; (iii) Alternative D requires the full and partial acquisition of many times more properties; (iv) the time to complete construction of Alternative D is unreasonably long and too uncertain; (v) Alternative D will completely close the intersection of Kraemer Boulevard and Orangethorpe Avenue for a projected 520 working days, causing gridlock for an unreasonable length of time; (vi) Alternative D may result in blight along the Project area; (vii) Alternative D will result in a permanent traffic delay at the intersection of Richfield Rd. and Orangethorpe Ave.; (viii) Alternative D does not prevent pedestrians and vehicles from accessing the tracks; and (ix) the perceived cost savings of Alternative D are greatly outweighed by its accompanying adverse environmental impacts.

B12-3

I. ALTERNATIVE D IS UNACCEPTABLE

1. Noise

"A major area of concern cited by City residents has focused for a number of years on train whistle and operational noise and traffic delays in areas in the vicinity of the BNSF tracks. This is an ongoing concern to the citizens as evidenced by the continuing input provided to the City's elected officials and staff. It is estimated that the City receives approximately 20 to 30 comments, concerns, and/or complaints about rail noise and/or traffic delays at rail crossings every week." (1.3.6.). It is worth noting that the noise complaints are based upon existing rather than the projected future rail operations.

B12-4

Indeed, the citizens' noise complaints have been highly publicized, as well as the City's ongoing battle to establish a "Quiet Zone," by prohibiting passing trains from blowing their whistles. As stated above, the citizens of Placentia have made it abundantly clear that reducing noise from trains on the BNSF tracks is a priority.

Simply put, Alternative D fails to meet the Project's stated goal to "reduce operational train noise and whistles." (Summary, p. 4.). As mentioned further herein, the whistle noise is no longer the real issue at all. The City has already addressed that with further protective measures at the "at-grade" crossings. The real issue is noise exposure from trains. According to Alternative D, train noise exposure will not be reduced at all for areas next to the standard grade separation, which is the case for all the residents affected in Alternative D. (Table 3.14K). Furthermore, the train noise exposure listed in Table 3.14K, 65 dB, is greater than the noise standards provided in the City of Placentia Municipal Code Chapter 23.76, Noise Control. The Placentia noise control ordinance provides that the base exterior noise level for residential use properties cannot exceed 55 dB for a cumulative period of time more than 30 minutes in any hour between 7:00 a.m. and 10:00 p.m. and cannot exceed 50 dB for a cumulative period of time more than 30 minutes in any hour between 10:00 p.m. and 7:00 a.m. As such, Alternative D fails to address a fundamental reason for the Project.

B12-4

In contrast, Alternatives B and C easily meet the Project's stated goal to "reduce operational train noise and whistles." (Summary, p. 4). These alternatives will provide a drastic reduction in train noise because of the relocation of the rail line into a trench. The trench walls will provide an effective barrier to train noise. Pursuant to the Draft EIS/EIR, train operations in the trench would receive a noise reduction on average of **21 dB** for noise receptors 100 feet from the edge of the trench and a noise reduction of **22 dB** for noise receptors 200 feet from the edge of the trench. (3.14-36). Such a noise reduction is a significant beneficial environmental impact that is unavailable in Alternative D. These alternatives also stem from the alternatives for which past and current City Councils and staff requested support.

In addition to train noise exposure, Alternative D will also cause an increase in vehicular traffic noise. As stated on p. 3.14-43 of the Draft EIS/EIR, average speed of vehicles on overcrossings would be higher than that of existing conditions, resulting in more vehicular traffic noise. However, unlike the additional traffic noise generated by vehicles in undercrossings, which may be absorbed by the undercrossing barriers, the

B12-5

additional noise generated by vehicles in overcrossings will not be effectively absorbed by the overcrossing barriers. (3.14-43). B12-5

The Draft EIS/EIR identifies that additional train noise is generated by hard or reflective surfaces adjacent to residential properties, yet fails to adequately address it. The train noise discussion states that bridges and overcrossing structures "could result in noise reflections that could reduce the effectiveness of the existing or planned noise barriers." (3.14-44).

After raising the issue, the Draft EIS/EIR goes on to state that "it is not possible to predict whether there will be a hard surface noise reflection impact under Alternative D." (3.14-44). While Alternatives B and C are stated to significantly reduce noise by design, the Draft EIR suggests that Alternative D is not, or even worse, cannot reduce noise by design. It states further that "the only way to assess the effects of reflective noise, if any, is after the construction of Alternative D is complete and railroad and street crossings are fully operational. At that time, additional measurements of actual noise levels in noise-sensitive areas can be taken." (3.14-44). Mitigation Measure NOI-2 will be implemented to conduct such future studies after completion of the Project. Like many other aspects of the Draft EIS/EIR, putting off analysis of substantial environmental issues, until after approval of the environmental document and after implementation of the project is not an acceptable environmental review methodology. The lead agency fails to provide important information for the decision makers and the public. B12-6

Pursuant to CEQA, Mitigation Measure NOI-2 is inadequate. Mitigation measures consisting only of further studies, or consultation with regulatory agencies that are not tied to a specific action plan, may not be adequate and should therefore be avoided. (*Sundstrom v. County of Mendocino* (1998), 202 Cal. App. 3d 296).

It is unacceptable that train noise impact related to hard or reflective surfaces was **not included** in the quantifiable projections of train noise. In legal or environmental analysis, when a party can present stronger evidence in support of its position and fails to do so, the weaker evidence that it does provide should be considered with suspicion. Moreover, road elevations are proposed to change. The Draft EIS/EIR has chosen to completely ignore this source of noise, take the chance that the noise impact from such hard or reflective surfaces will be minimal, and provide an inadequate method to mitigate this noise impact.

We disagree that it is impossible to predict whether there will be train noise reflected from the overcrossings, the overcrossing slope ramps and the proposed elevated roads. Similar structures exist locally, such as in the City of Anaheim, that could be studied to project the impact of such reflective noise. However, even without the availability of studies, above-ground structures will obviously reflect noise from passing trains. As such, the Draft EIS/EIR's discussion of this source of train noise is incomplete, inadequate, and misleading.

The Draft EIS/EIR also identifies Mitigation Measure NOI-1 as a way to reduce train noise under Alternative D. (3.14-51). This measure proposes to build sound walls along the rail line. Extensive data is provided in the Draft EIS/EIR which measures noise from 120 noise receptors and projects the reduction of such noise at these receptors by the construction of 22 sound walls. Many of these sound walls are considered to be effective by the Draft EIS/EIR at reducing noise levels at the noise receptors; however, because the City of Placentia limits the height of sound walls, only **two** of the 22 sound walls are both reasonable and feasible under Alternative D. (3.14-44). These two sound walls only extend about 100 yards apiece. B12-6

Thus, out of the approximately **five mile** Orangethorpe Corridor, sound walls are proposed along a mere **200-230 linear yards.** Furthermore, these two sound walls will only protect a total of **eight residences** and will only reduce train noise impacts between **5-8 dBs.** (Tables 3.14-P and 3.14-R). They are also an adverse aesthetic impact which is why the City limits their use and height. This mitigation measure hardly makes a difference in reducing train noise under Alternative D.

Residents' concerns include train vibrations. Alternatives B and C both provide the benefit of a reduction in train vibrations because of the lowering of the rail lines. Alternative D, on the other hand, will provide no reduction in train vibrations. Moreover, as rail use increases and the speeds increase, vibrations should also increase. B12-7

Given the overwhelming concern with train noise that Placentia residents have expressed, it is unfathomable that the City would ever seriously consider Alternative D. Alternative D actually **increases** train noise impacts. Meanwhile, there are two alternatives available that will **drastically reduce** train noise impacts. Arguably, the primary reason the Project was created in the first place was to reduce or eliminate train noise impacts. For the reasons stated above, Alternative D fails to meet the Project's fundamental objective. B12-8

2. Unavoidable Adverse Visual Impacts

Alternative D, unlike Alternatives B and C, calls for the construction of six raised ramp to bridge structures (overcrossings) between Kraemer Blvd. and Kellogg Dr. Alternative B does not utilize any overcrossings and Alternative C only utilizes one overcrossing.

The Draft EIS/EIR declares in Section 3.7 and Section 3.23 that overcrossings are "unavoidable adverse impacts related to visual/aesthetics." It states further in Section 3.23.1 that overcrossings "would **block and alter** views from existing residential areas, altering the visual experience as seen by residents in the area and as seen by motorists with temporary views from the area roadways." (Emphasis added). Moreover, the Vantage Point descriptions in Section 3.7.8.2 state that the visual character of the overcrossings proposed in Alternative D transitions the visual quality of the City to a heavily urban landscape. This is a decrease in the visual quality of the City's environment.

B12-9

Furthermore, the Draft EIS/EIR does admit the obvious in that the overcrossings will have "limited room for landscape improvements." In contrast, Alternatives B and C will allow for extensive environmental benefits such as extensive landscaping, as well as a fully landscaped greenbelt area with a pedestrian and bike trail. The visual impacts of these alternatives are beneficial.

B12-10

The benefits of choosing Alternatives B or C are obvious. These alternatives will beautify and revitalize the City, add community attractions in the greenbelt area which will promote community cohesion and preserve the suburban and residential character of the City. Whereas, Alternative D results in numerous visual and physical barriers, the at-grade freight rail line will detract from the City, urbanize the community, damage the residential character of the City, and deprive it of greenbelt and recreation.

The permanent, unavoidable visual detriment will be much worse under Alternative D (in contrast to a significant improvement under B and C), yet the Draft EIS/EIR simply glosses over the effects of these sea change impacts. It states in Section 3.7.10 that the permanent adverse visual impacts "would be reduced but not eliminated for Alternatives C and D with application of Mitigation Measures V-2, V-3, V-4, and V-5." The mitigation measures do not benefit the environment as do Alternative B or C, the measures somewhat reduce the negative impacts. It is totally inappropriate to mention the

B12-11

impact of mitigation measures on visual impacts of Alternative C and D into the same sentence. B12-11

Alternative C proposes only one overcrossing. It includes a greenbelt. Alternative D has six overcrossings and no greenbelt. As conceded, overcrossings result in adverse visual impacts. Furthermore, the ability to mitigate the permanent adverse visual impacts for overcrossings is admittedly "limited." (3.7-15). Alternative D will result in six times as many overcrossings as Alternative C, and therefore at least six times the permanent, unavoidable adverse visual impacts. B12-12

Further, Mitigation Measures V-2, V-3, V-4, and V-5 merely provide "limited" landscaping to the overcrossings of Alternative D, more concrete in the form of sound walls, and hardscaping in the form of "attractive walls, fencing, sidewalks, and other visually pleasing hardscape," none of which are included in the Draft EIS/EIR. (3.7-15 and 3.7-16). Because Alternative D is comprised of six overcrossings, the only desirable Mitigation Measure, landscaping, will only be effective for two of its eight crossings. B12-13

Maintaining a very active at-grade freight railway would be a terrible environmental mistake that present and future citizens of Placentia would regret. B12-14

3. Unreasonable Acquisition of Property

Using the Draft EIR/EIS numbers (which are believed to be underestimations) Alternative D requires the full acquisition of more than **600%** of the residential parcels than does Alternative B or C. Alternative D also requires the full acquisition of more than **300%** the nonresidential parcels than does any other "build" alternative.

In addition to being noisier, uglier and providing no recreational opportunities, Alternative D is stated to require the taking of **32 residential** and 43 nonresidential parcels, as well as the partial acquisitions of 6 residential and 28 nonresidential parcels. In total, this Alternative will require the full acquisition of 2,069,345 square feet and the partial acquisition of 493,926 square feet. B12-15

In comparison, Alternative B only requires the full acquisition of **5 residential** and 11 nonresidential parcels (873,222 sq. ft.) and the partial acquisition of 15 residential and 29 nonresidential parcels (188,726 sq. ft.). Alternative C requires the full acquisition of **5 residential** and 14 nonresidential parcels (1,301,643 sq. ft.) and the partial acquisition of 19 residential and 42 nonresidential parcels (167,836 sq. ft.).

As noted above, Alternative D requires the acquisition of significantly more parcels, most notably **residential** parcels, than does Alternative B or C. B12-15

Moreover, many of the residential parcels proposed to be acquired may be multi-family dwellings. It is not clear. Rather than list the acquisitions by units, as is common in EIRs, the Draft EIS/EIR lists the acquisitions by parcels. As such, it is impossible to tell how many residents of the City will actually be affected. Accordingly, simply listing the number of residential acquisitions as 32 may be misleading as to the actual number of residents that will be displaced from their homes. B12-16

As a consequence, residents do not even know whether or not they will be displaced. They are certainly not being provided notice by the Draft EIS/EIR. Such uncertainty is a significant environmental impact itself. The uncertainty created by this environmental document can only be considered to be purposeful. Under the Alternatives, there are street addresses that must already be known to result in displacement. The proposed displacees should have been provided with a specific listing of their property to be sure that they have the opportunity and incentive to comment on the Draft EIR/EIS. Assuming that a resident is to be displaced from their home, the amount of compensation is uncertain. Displacees may be unable to secure local housing due to the increased demand caused by multiple families forced into the housing market at once. Children of families forced out of the area will have to change schools, leaving behind friends and disrupting their education. B12-17 B12-18 B12-19

Further, many residents, including some that live in Del Cerro, may be unable to find affordable local housing due to the high housing costs in Orange County and the difficulty of obtaining financing. B12-20

In addition, Property owners who purchased at the higher levels of the latest real estate cycle may be forced into "realizing" losses they otherwise could avoid by awaiting a market increase if their property is acquired and the fair value of their property is worth less than their existing debt. As such, they would not be able to relocate to an equivalent or even comparable home. B12-21

Although the City refers to its Relocation Assistance Program ("RAP"), this will not provide adequate relief to the residents affected. As described in Section 3.4.2 of the Draft EIS/EIR, the purpose of RAP is to ensure "persons will not suffer **disproportionate** injuries as a result of projects designated for the benefit of the public use as a whole." Affected persons still suffer injury. The more affected, the greater the B12-22

individual and cumulative injury. Since the list of impacted is purposefully vague, residents that should be concerned may not be concerned simply because they do not know they are in the "take zone". And residents that are out of the "take zone" may believe that they are in the take zone. Thus, they may be suffering needlessly. B12-22

Further, the Draft EIS/EIR references that the City plans to implement its RAP to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "URA") and Section 104(d) of the Housing and Community Development Act (the "HCD"). However, it is our understanding that the City has not completed a formal relocation plan under the URA and the HCD, nor has it given notice of the planned acquisitions to the California Department of Housing and Community Development. As such, it is not possible to adequately address specific and unique impacts affecting displaced residents. This is another area where the Draft EIR/EIS points to a future study to address known environmental impacts. Again, this is an inadequate methodology. In addition, not all agencies that have jurisdiction by law with respect to the Project were given notice, as required by CEQA. The public should know now. The decision makers should know now. B12-23

Moreover, the Draft EIS/EIR acknowledges euphemistically that "even with mitigation, some displaced property owners may consider the experience of displacement to be a **substantial** adverse impact not fully mitigated." (3.4-84). It further acknowledges in Section 3.4.2.6 that "relocation of potentially displaced residents may be difficult given the current housing market and projected growth of the Orange County area." Accordingly, such a mitigation measure admittedly fails to adequately mitigate the damage that will be suffered by the affected residents-- although, since there is no specific list of displacees, the suffering cannot be appropriately assessed now. B12-24

The Draft EIS/EIR also lists additional mitigation measures, stating that the City will "coordinate and cooperate" with affected owners in relocating and finding replacement parking. (3.4-88). Such a mitigation measure is only theoretical. There is no certainty that such "coordination and cooperation" will provide anything meaningful. There is no specificity or enforceability standards to the "coordination and cooperation". Moreover, if the City will "coordinate", it has already shown that it won't because it has not "coordinated" with the specific list of displacees. B12-25

In sum, the mitigation measures proposed under Alternative D to alleviate the damage caused by property acquisitions will be unsuccessful in adequately relieving the injuries caused to residents and property owners, the number of which under Alternative B12-26

D far exceeds the number of residents and property owners affected under Alternative B or C. B12-26

Not only will such acquisitions be detrimental to residents and property owners, they will also be detrimental to Placentia businesses. Business owners will be confronted with the daunting task of discontinuing operations and restarting at a new location. Such interruption may be too much for some businesses to handle, and they may be forced to cease operations. Despite the availability of business locations, having to discontinue business and find the "right" relocation site can be fatal for businesses. B12-27

As a result of these acquisitions of businesses, the Draft EIS/EIR predicts that 1,258 employees will be displaced as a result of the Alternative D acquisitions (3.4-87), compared to only 306 employees under Alternative B (3.4-50) and 461 employees under Alternative C (3.4-66). Such a quantum difference in displaced employees is completely unacceptable given that Alternative B will result in 400% less displacement and Alternative C will result in 200% less displacement. B12-28

In addition to being a detriment to residents, business owners, and employees, such acquisitions will also be a detriment to the City and its citizens. The City and its citizens will be forced to accommodate multiple family units who are unable to secure or afford housing. Businesses in good standing with the City may no longer be able to provide services to the City's population. Schools will have to adjust to the interruption of relocating students and the accompanying loss of revenue. Once the residents, businesses, students, and employees have moved on, the likelihood of return to a noisier, more urbanized City is slim. B12-29

We recognize that it is impossible to complete the Project without the full and partial taking of some property. However, Alternatives B and C provide the correct compromise to this dilemma. Both alternatives allow for completion of the Project, while maintaining the Project's goals and minimizing the acquisition of properties. Alternative D is unacceptable when there are two less disruptive and intrusive means of accomplishing the goals of the Project. B12-30

4. Construction Schedule

The proposed construction schedule for Alternative D is unacceptable. As proposed, the eight crossings under Alternative D are anticipated to be designed and constructed separately, "as funding becomes available for each crossing." (Section B12-31

2.2.4.8). In addition, Table S-2, page S-38, states that there will be "temporary construction related impacts for **over 13 years**," for Alternative D, while stating that there will be "temporary construction related impacts for 38 months" for Alternatives B and C.

Thus, the Project under Alternative D is projected to drag on essentially intermittently for 13 years, in admittedly piecemeal fashion, with no certainty that the Project will ever be finished.

The delays along the Orangethorpe Corridor will be continuous for well over a decade, rather than the 38 month period proposed in Alternatives B and C. Such a delay will affect not only the current population in Placentia, but in addition to at least one **future generation** of Placentia citizens.

B12-31

The Draft EIS/EIR does not analyze the cumulative effects that the piecemealing of each crossing will have on the community. Residents, business owners, and visitors alike may be held captive by road blocks, detours, and street closures for an indefinite period of time. Such cumulative effects caused by over 13 years of gridlock and detours must be addressed.

B12-32

Third, the construction of each individual crossing will take an unreasonable amount of time. Figure 3.6-19 lists the number of working days required to construct each crossing. Two of the crossings will take **520 working days** to complete, including the major intersection of Kraemer Blvd. and Crowther Ave. The other six crossings will take **390 days** to complete.

B12-33

It is unfair to the citizens of Placentia to hold them hostage to construction for a period of 13 years or longer. Alternatives B and C provide for a reasonable construction period for the **entire Project** of 38 months, without piecemealing the construction of each crossing. For the reasons stated above, the proposed construction schedule of Alternative D is unacceptable.

B12-34

5. The Closing of Kraemer Boulevard is Unacceptable

Kraemer Blvd. is designated as a Major Arterial Highway on the Orange County Master Plan of Arterial Highways ("MPAH"). It has an existing traffic volume of approximately 18,000 vehicles per day.

Under Alternative D, Kraemer Blvd. will be completely shut down for the estimated 520 working day period it would take to complete construction of the crossing. Neither Alternative B nor C would completely close Kraemer Blvd.; both Alternatives would narrow it to one lane in each direction. (Figures 3.6-13, 3.6-18, and 3.6-19).

To "mitigate" this closure, Alternative D proposes a primary alternate route that would detour vehicles to Tustin Avenue-Rose Drive. (Figure 3.6-20). Tustin Avenue-Rose Drive is also designated as a Major Arterial Highway on the MPAH, and has an existing traffic volume of approximately 24,000 vehicles per day. (3.6-9). B12-34

Closing down Kraemer Blvd, and rerouting cars to Tustin Ave.-Rose Dr., would be a disaster. These two streets are the major arteries, really the gateways, to Placentia. Placentia streets would be gridlocked for the entire period that the Kraemer Blvd. crossing is under construction.

In addition to Alternative D causing the social and economic impacts of long-term gridlock, it will also cause emergency vehicles to experience delays traveling through the area, which will endanger those in need of emergency aid. The Placentia Police station on Kraemer Blvd. is located within a stone's throw of the intersection that is proposed to be closed. Diverting emergency vehicles away from one of Placentia's busiest thoroughfares is unacceptable. B12-36

Furthermore, Kraemer Blvd. provides the most direct route for students travelling to Valencia High School, Kraemer Middle School, Tynes Elementary School, and Ruby Drive Elementary School. Parents and students will be delayed and hindered in commuting to and from school. For some students, this could affect their entire stay in middle school or over half of their stay in high school. B12-37

6. Blight

The real uncertainties related to the more than decade-long odyssey of adding six overcrossings and two undercrossings pursuant to Alternative D will ultimately establish an unsightly, urbanized environment. Ultimately, urbanized environments are associated with lower pride of ownership, decreased morale, and potentially many other undesirable aspects of high population living. B12-38

Overcrossings can provide shelter for a transient population or a surface for graffiti. B12-39

For examples of the blight that may accompany concrete overpasses, there are several in nearby cities.

In addition to overcrossings, the undercrossings have potential to harbor blight as well. Take, for example, the railroad undercrossing on Commonwealth Ave. in Fullerton, between Euclid Ave. and Brookhurst Ave. This undercrossing is located directly adjacent to a residential area, just like the proposed undercrossings of Alternative D. At various times, transients have taken refuge both above and below the undercrossing, vandals have scribbled the concrete surfaces with graffiti, and litter abounds both above and below. Knowledgeable police and municipal officials would know that transients follow the rail lines west from the Fullerton train station until they find shelter. With the implementation of Alternative D, they will be able to travel approximately the same distance east along the rail lines to the overcrossings and undercrossings discussed herein. B12-40

City and police officials are aware that concrete overcrossings and undercrossings have the potential to attract transient or other illegal activities. The Draft EIS/EIR completely ignores this when discussing the adverse environmental impacts to community cohesion in Section 3.4.1. In the conclusion regarding community cohesion, Section 3.4.1.6 states simply, "Alternative B, C, and D would not result in adverse impacts related to community character and cohesion." No explanation is given. No analysis is provided. B12-41

Not addressing the adverse effects to community cohesion that may occur due to the urbanization of Placentia is unacceptable. B12-42

The Draft EIS/EIR's lack of analysis doesn't stop there. It also fails to address the beneficial effects to community cohesion provided by Alternatives B and C. The lowered rail lines and greenbelt area will give the community a sense of pride. In addition, it will give the citizens a beautiful new area to occupy and will revitalize the Orangethorpe Corridor. B12-43

As described above, the Draft EIS/EIR completely ignores both the potential for blight that may be caused by the overcrossings and undercrossings of Alternative D and the beneficial community cohesion that will be caused by the trenched rail lines and greenbelt area of Alternatives B and C. B12-44

7. Permanent Traffic Delay at Richfield Road

In the Summary section of the Draft EIS/EIR, page S-4, the first stated objective of the Project is as follows:

"Improve the economic vitality of the surrounding community by improving the projected future vehicle level of service (LOS) and reducing the amount of congestion and delay on the project area roadway network for residents, employees, and visitors to area businesses." B12-45

Among Alternatives B, C, and D, only Alternative D fails to meet this goal. After completion of the Project pursuant to Alternative D, the LOS condition at Richfield Rd./Orangethorpe Ave. would still be unsatisfactory, the only intersection to receive an unsatisfactory LOS out of the three alternatives. That the City would even consider an alternative that does not meet the stated objectives of the Project, let alone consider it the locally preferred alternative is not acceptable. Alternative D fails in this respect. For an alternative to be "viable," it should meet the fundamental objectives. If it does not, it is not viable.

8. Safety

One of the stated objectives of the Project is to "Increase public safety by eliminating at-grade rail/local street crossings." (S-4). All three build alternatives eliminate or minimize at-grade crossings, increasing public safety; however, Alternative D does not eliminate the ability of pedestrians and cars to access the tracks. Therefore, Alternative D does not increase public safety to the extent Alternative B or C does. B12-46

Under Alternative B or C, access to the tracks is minimized for pedestrians and effectively eliminated for vehicles. There are only four access points along the five mile trench; one at each end of the trench and two located along the trench at Lakeview Ave. and Jefferson St. These access points will be restricted to use by BNSF or emergency personnel. Furthermore, there will be protective fencing along the trench. In order to access the tracks, pedestrians will have to navigate the restricted access points or scale the protective fencing. Vehicles will be unable to access the tracks without circumventing restrictive measures implemented to limit access to BNSF or emergency personnel. B12-47

In comparison, Alternative D leaves the track exposed along the Orangethorpe Corridor. Pedestrians and vehicles may access the track at will. Although the safety concerns for at-grade crossings will be eliminated, the safety concerns associated with an exposed rail line are not. There will still be potential for accidents, suicides, and terrorist acts by pedestrians or vehicles that have access to the tracks. B12-48

The risk of a catastrophe will still be present. A homicidal attack, such as the one caused in Glendale by Juan Manuel Alvarez in 2005, will still be possible. Note that 11 people were killed and 180 were injured in that attack, which was caused by simply parking a car on the tracks. Alternative D does not eliminate this public safety risk, while Alternatives B and C do. B12-49

9. Financial Considerations

As illustrated in the Draft EIS/EIR, Build Alternative D will accomplish fewer Project goals compared to Alternatives B and C, combined with unacceptable environmental impacts. A decision making body could only even attempt to consider Alternative D based upon the perceived lower cost of Alternative D compared to Alternatives B and C. However, such consideration would be unfounded by the Draft EIS/EIR, short-sighted and mistaken. B12-50

Without foundation or support, the Draft EIS/EIR states that the costs of implementing Alternatives B, C, and D, respectively, are $560 million, $488 million, and $324 million. A combing of the Draft EIS/EIR reveals no basis for the cost estimates. It does not reference any Project budgets, bids or analyses. Since there is no basis shown for the assumed costs, they cannot be analyzed. They cannot be considered accurate or relevant. B12-51

There is not analysis of the financial benefits to the community based upon the alternatives. Moreover, the adverse environmental impacts that accompany Alternative D far outweigh any perceived cost savings. Even as expressed by the unsupported cost estimates, the projected differential in no way counterbalances the adverse environmental effects that current citizens and future generations of Placentia will be subject to under Alternative D. If the City is making its decision simply based on the unsupported cost estimates, it is better served implementing the No Build Alternative until it is financially feasible to implement Alternative B or C. B12-52

Alternative D may also cause a decrease in property values on a city-wide basis due to the urbanization of the city. This relative loss in property value, like the overcrossings, would be permanent. Conversely, property values would tend to appreciate with the addition of Alternative B or C due to the beneficial effect of the trenched rail line and greenbelt area. The cumulative effect of the depreciation in property values under Alternative D and the appreciation in property values under Alternative B or C would exceed any perceived cost savings. B12-53

Moreover, Alternative D will result in a substantial loss of annual property tax revenues due to the unreasonably high level of property acquisitions. The Draft EIS/EIR demonstrates that under Alternatives B and C, the total annual property tax loss will be $50,582 and $55,725, respectively. Under Alternative D, the total annual property tax loss will be **$408,830**. (3.4-50, 3.4-66, and 3.4-87). Capitalized at 5%, the Alternative D tax loss is equivalent to approximately $8.2 million. B12-54

II. FUNDAMENTAL PROCEDURAL & ANALYTICAL FLAWS OF THE DRAFT EIS/EIR

The primary purpose of an EIR is to inform decision makers and the public about a project's significant environmental effects and ways to reduce them, to demonstrate to the public that the environment is being protected, and to ensure political accountability by disclosing to citizens the environmental values held by their elected and appointed officials. (California State CEQA Guidelines, California Administrative Code (CEQA Guidelines), §§ 15003, 15121(a)). CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15003(i)) (Emphasis added). B12-55

The Draft EIS/EIR contains many fundamental procedural and analytical flaws which make it inadequate and incomplete. Furthermore, we believe there is ample evidence that it is not a good faith effort at full disclosure.

The Draft EIS/EIR evidences a bias or skewing toward selecting Alternative D, in contradiction of the evidence of significantly greater environmental impacts associated with Alternative D. The analysis of the No Build Alternative is inadequate and incomplete. The Draft EIS/EIR is incomplete because it does not analyze the Project as a

whole, which amounts to unlawful "piecemealing." The Draft EIS/EIR does not provide an analysis of the economic benefits of each alternative in comparison to its cost. B12-55

1. Evidence of Bias

The general tone of the Draft EIS/EIR attempts to minimize the adverse economic impacts of Alternative D while ignoring or downplaying the beneficial economic benefits of Alternatives B and C. B12-56

One only has to read as far as the Project Summary for this to become apparent. For example, the Project Summary describes Alternatives B and C as a "railroad lowering" and Alternative D as a "**standard**" grade separation. (S-2) (Emphasis added). The build alternatives either raise or lower to accomplish grade separation. Yet, Alternative D is labeled the "standard." To label it as "standard" may mislead the decision makers and the public to believe this is the "normal" or appropriate alternative. B12-57

As stated in detail above, it is obvious the analysis of the adverse environmental impacts for Alternative D is deficient. In fact, the Draft EIS/EIR seems to ignore its own data when it reaches conclusions. Take Section 3.14 for example, which discusses noise and vibration. Rationally, it can only be concluded that Alternative D would result in adverse noise impacts. However, the Conclusion Section on p. 3.14-53 comments on train noise by stating that "the impact of Alternatives B, C, and D is not considered adverse." B12-58

Such a conclusion is biased towards Alternative D. First, it minimizes the increase in noise that will be caused by Alternative D, which as discussed above will be significant. (Note also that road grades will be raised which will also generate increased noise to sensitive receptors.) Second, it ignores the fact that Alternatives B and C will cause a drastic reduction in the amount of train noise. The egregious understatement and omission can only be the result of bias towards Alternative D.

There are many similar examples of bias throughout the Draft EIS/EIR. Some specific examples are as follows: B12-59

- 3.4 **Community Impacts – Community Character and Cohesion:** Conclusion ignores the negative impacts on community character and cohesion for Alternative D, as discussed above, while minimizing

beneficial impacts associated with the greenbelt area for Alternatives B and C. B12-59

- 3.6 **Traffic/Transportation/Pedestrian and Bicycle Facilities**: Conclusion ignores the negative impacts on traffic caused by 13 years of construction, roadblocks, and detours for Alternative D, as discussed above, while minimizing beneficial impact on traffic of shorter construction schedule and beneficial impact of greenbelt area on pedestrian and bicycle facilities for Alternatives B and C. B12-60

- 3.7 **Visual/Aesthetics**: Conclusion minimizes adverse visual impact of six overcrossings for Alternative D while minimizing beneficial visual impacts of trenched rail line and greenbelt area for Alternatives B and C. B12-61

- 3.8 **Cultural Resources**: Conclusion minimizes potential adverse impact of Alternative D as compared to Alternatives B and C. Alternative D may potentially adversely affect almost double the built environment resources than would Alternatives B or C, yet the conclusion fails to note this difference. B12-62

- 3.10 **Water Quality and Storm Water Runoff**: Due to the acquisition of significantly more parcels under Alternative D than Alternatives B or C, the potential for new sources of potential pollutants is much greater for Alternative D. The conclusion does not consider this increased potential. B12-63

- 3.12 **Hazardous Waste/Materials**: Conclusion ignores the greater risk of releasing hazardous wastes under Alternative D due to the acquisition of significantly more parcels, notably many parcels that contain active or abandoned oil wells and homes that were built prior to 1980 that contain asbestos-containing materials. B12-64

The conclusions of most sections discussing environmental impacts follow the same pattern: they downplay and diminish the adverse environmental impacts of Alternative D while they ignore or understate the beneficial environmental impacts of Alternatives B and C B12-65

2. The Analysis of the No Build Alternative is Inadequate and Incomplete

According to the Summary Section of the Draft EIS/EIR, the amount of train traffic along the BNSF rail line will almost double. Freight trains, typically over 1.5 miles in length, are projected to run every 10 minutes, 24 hours a day, 7 days per week, every day of the year. Further, rail crossings are projected to be blocked 40 to 50 percent of the time during the peak hours of the morning commute. B12-66

This description paints a picture of vehicular shut-down in the City. Meanwhile, the rail lines would be choked with long, heavy, slow, smoky and noisy freight trains. Nevertheless, the Draft EIS/EIR inexplicably concludes that there will be no adverse environmental impact for many of the impacts discussed therein. For many of these impacts, there is no rational way to come to such a conclusion.

For example, Table S-1 states that there will be no adverse impact to existing and future land uses under the No Build Alternative ("Alternative A"). Given the above description of the traffic nightmare that Alternative A will lead to, how can the Draft EIS/EIR come to such a conclusion? With gridlocked "at-grade" crossings and 130, 1.5 mile long trains, passing daily through at the rate of one every 10 minutes and an LOS of F or worse, no land development or redevelopment will be able to take place whatsoever. B12-67

Similarly, Table S-1 does not list an adverse impact to public transit. Clearly, public transit, such as buses, will get trapped in the same gridlock that the Draft EIS/EIR describes. B12-68

Likewise, Table S-1 states that there will be no impact to visual/aesthetics. Obviously, having 1.5 mile long trains run through the City every 10 minutes, blowing smoke, causing traffic jams at each crossing, will be a major adverse visual impact. Again, the Draft EIS/EIR fails to even recognize this. B12-69

The Draft EIS/EIR is rife with comparable examples. Some similar examples are as follows:

- 3.2 **Growth** – The Draft EIS/EIR erroneously concludes that there will be no impact on growth. Alternative A will clearly impact growth because of the inability to develop land along the Orangethorpe Corridor due to constant traffic congestion. B12-70

- 3.4 **Community Impacts – Community Character and Cohesion** – The Draft EIS/EIR erroneously concludes that there will be no impact on community character and cohesion. There will be a severe negative impact on community character and cohesion due to the constant presence of freight trains and traffic congestion. B12-71

- 3.5 **Utilities/Emergency Services** – The Draft EIS/EIR erroneously concludes that there will be no impact on emergency services. Emergency services will be obstructed from travelling through the Orangethorpe Corridor by increased traffic congestion. B12-72

Such a failure to adequately and appropriately analyze Alternative A is unacceptable. There is no excuse for failing to provide an honest analysis of this alternative to the decision makers and the public. B12-73

3. Unlawful Piecemealing

CEQA Guidelines define "Project" to mean the "whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines 15378(a)). "Project is given a broad interpretation in order to maximize protection of the environment." *McQueen v. Board of Directors of Midpennsulia Region Open Space District*, 202 Cal. App. 3rd 1136 (1988). California courts have held that a lead agency in circumstances parallel to the City must analyze each "project" consisting of a part of an entire action in a single environmental review document and not "split" a project into two or more segments. Such single comprehensive review ensures that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have very dire consequences. *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991), 233 Cal. App. 3d 577 and *Bozung v. Local Agency Formation Commission* (1975), 13 Cal. 3rd 263. B12-74

This Draft EIS/EIR contemplates the expansion of the rail lines by BNSF to accommodate the additional trains it expects to travel through the BNSF lines, yet fails to analyze the rail line expansion. All three build alternatives even intend to leave room for such expansion, yet there is no accompanying analysis of the environmental impacts associated therewith.

By failing to analyze the reasonably foreseeable expansion of the BNSF line, the Draft EIS/EIR has unlawfully failed to analyze the Project as a whole. Such unlawful "piecemealing" deprives the decision making body and the public with the information it needs to adequately review the Project and is inconsistent with the public policy of defining a project broadly so that it maximizes protection of the environment. B12-74

4. Analysis of Economic Benefit as Compared to Cost

The three build alternatives will provide benefits to the community, while at the same time cause adverse effects to the environment, as discussed. Alternatives B and C, in particular, will result in considerable benefits to the City that Alternative D will not. However, the Draft EIS/EIR does not compare the benefits provided by Alternatives B and C to the cost of implementing them. B12-76

For example, Alternatives B and C will result in a reduction of up to half the train noise that exists today. Similarly, Alternatives B and C will cause a revitalizing and community-building greenbelt area. These considerable benefits have not been analyzed to determine the benefits as compared to the cost. Such an analysis is vital for the decision makers and the public. Furthermore, there is no discussion of the detriment to the City of the additional adverse economic impacts caused by Alternative D. Without this analysis, the Draft EIS/EIR is inadequate and incomplete.

III. CONCLUSION

The Project states many objectives, the most important of which are (i) reduce train noise, (ii) reduce traffic congestion, and (iii) increase public safety, particularly at the intersections with at-grade crossings. Assuming, the facts as presented by the Draft EIS/EIR, the analysis of Alternative A is fundamentally wrong. The conclusions are simply not supported by these facts. As set out in the Alternative D analysis, it does not reduce the train noise impact that has impacted Placentia residents for so long. Alternative D not only makes the noise problem worse, Alternative D fails to improve LOS at all intersections. It fails to relieve the City of traffic congestion and improve emergency vehicle response times. Finally, it fails to increase public safety by urbanizing the community. It also creates the potential for blight in the City. B12-77

Accordingly, we respectfully submit that the Project only proceed pursuant to Alternative B or C. In the event Alternative B and C are not financially feasible, we respectfully submit that Alternative A be selected. However, for the reasons set forth

B12-77

herein, we respectfully submit that the Draft EIS/EIR is inadequate for any proposed alternative. Specifically, the implementation of the Project pursuant to Alternative D would result in environmental consequences regrettable to the current Placentia City Council and to the residents and businesses of Placentia for generations.

Very truly yours,

Michael H. Leifer

MHL:fjf

cc: Del Cerro Mobile Estates
Ryan M. Easter, Esq.

B12 RESPONSES TO COMMENTS FROM PALMERI, TYLER, WIENER, WILHELM, & WALDON, REPRESENTING THE OWNERS OF DEL CERRO MOBILE ESTATES, DATED AUGUST 11, 2008

B12-1 Comments noted. Refer to responses to comments B12-4 to B12-77, below.

B12-2 Comments noted. Refer to responses to comments B12-4 to B12-77, below.

B12-3 Comments noted. This comment summarizes the comments later in this letter. Refer to responses to comments B12-4 to B12-77, below.

B12-4 The primary purpose of the proposed project is to improve safety and traffic flow on the major arterials that cross the Burlington Northern Santa Fe (BNSF) tracks by eliminating the existing at-grade crossings. The comment is correct in stating that by lowering the railroad tracks, Alternatives B and C would reduce both the train whistle and rail wheel noise along the corridor. Alternative D would also reduce the train whistle noise at the eight crossings by eliminating the need for train conductors/engineers to sound their whistles.

B12-5 The comment is correct in stating that Alternative D would increase the traffic noise in the vicinity of the proposed grade separations. Section 3.14, Noise, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) describes the noise levels and sound barriers that were modeled for each of the Orange County Gateway (OCG) Build Alternatives.

B12-6 The comment claims that the analysis failed to adequately model and mitigate the reflective noise from rail activities. As stated in Section 3.14 of the Draft EIS/EIR, it is not possible to model the effects of the new hard surfaces on the rail noise. It is feasible that the proposed structures would reflect some of the rail noise towards the existing residences. However, the California Department of Transportation (Caltrans) has never measured a noise increase larger than 2 A-weighted decibels (dBA) due to noise reflections (Caltrans, Technical Noise Supplement (TeNS), Section N-8100, October 1998). A noise level increase of 3 dBA or less is not perceptible to the average human ear in an outdoor environment. Therefore, noise reflections are not expected to result in a substantial noise impact. However, Measure NOI-2 was included in Section 3.14 in the Draft EIS/EIR in the event that reflective noise is substantial in the future.

The comment is incorrect in stating that Measure NOI-1 proposes sound barriers to mitigate the train noise. The purpose of these barriers is to reduce the traffic noise levels in the project area. Because the OCG Build Alternatives would not

result in any changes in the rail facilities or volumes, the train wheel noise levels with or without the proposed OCG Build Alternatives would be the same as existing conditions or be slightly reduced so no barriers would be required. The train whistle noise levels would be substantially reduced because the OCG Build Alternatives would eliminate the need for engineers/conductors to use whistles on this segment of the BNSF.

B12-7 The proposed project would not result in any change to the existing or projected future rail activities. Therefore, no avoidance, minimization, or mitigation measures were proposed to reduce the rail vibration impacts. Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

B12-8 Please refer to response to comment B12-4, above, regarding the increase in train noise due to Alternative D.

B12-9 In Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR, the visual setting under Alternative D is described as becoming "more urban" than the existing setting, not a "heavily urban landscape" as stated in this comment. As concluded in the Draft EIS/EIR, Section 3.7.10, all the OCG Build Alternatives would result in temporary and permanent adverse visual impacts. Implementation of the avoidance, minimization, and mitigation measures in Section 3.10 of the Draft EIS/EIR would eliminate the adverse visual impacts associated with Alternative B, and would reduce but not eliminate the adverse visual impacts associated with Alternatives C and D. Therefore, the Draft EIS/EIR properly concludes that Alternatives C and D would result in unavoidable adverse visual impacts after mitigation.

B12-10 In the current preliminary engineering designs, Alternatives B and C would allow for more landscaping improvements than Alternative D. With the exception of the Kraemer/Crowther intersection, the existing project setting has either little or no landscaping at the eight study intersections. As a result, any landscape associated with any of the OCG Build Alternatives would be a landscape improvement.

The railroad tracks and freight and passenger trains are part of the existing visual setting. Therefore, Alternative D would not result in the addition of adverse views of at-grade trains because those trains are already in views in this area and would not change under Alternative D.

B12-11 In Section 3.7 in the Draft EIS/EIR, the conclusion for Alternative D calls out every intersection that would be adversely affected by Alternative D, as such: "Construction of bridge structures (overcrossings) at Orangethorpe Avenue, Tustin Avenue/Rose Drive, Jefferson Street, Van Buren Boulevard, Richfield

Road, and Lakeview Avenue would create adverse visual impacts for viewers in the vicinity of these intersections. Construction of Orangethorpe Avenue as a roadway bridge structure over the railroad tracks just east of Miller Street would result in adverse visual impacts to the residents north of Crowther Avenue and Orangethorpe Avenue." The Draft EIS/EIR clearly states that there would be permanent, adverse visual impacts to those areas. The conclusion for Alternative C states that there would be a permanent, adverse visual impact at Lakeview Avenue only.

B12-12 Please refer to response to comment B12-11, above.

B12-13 As stated in Section 3.7 in the Draft EIS/EIR, the avoidance, minimization, and mitigation measures would reduce the adverse visual effects of Alternatives B and C, but would not eliminate them.

B12-14 Comment noted. The at-grade crossings are an existing condition that the proposed project intends to change by physically grade-separating the tracks and the arterials by either putting the tracks in a trench or constructing standard grade separations (over and under crossings) at each arterial street crossing of the tracks.

B12-15 As noted in this comment and as documented in Section 3.4, Community Impacts, in the Draft EIS/EIR, Alternative D would require acquisition of more residential and nonresidential parcels than Alternatives B and C.

B12-16 Tables 3.4-J, 3.4-N, and 3.4-Q in the Draft EIS/EIR list the type of property and square footage of each parcel that would require full acquisition under Alternatives B, C, and D, respectively. The parcel numbers and addresses of residential properties were excluded from these tables for privacy. Figures 3.4-4, 3.4-5, and 3.4-6 in the Draft EIS/EIR identify the anticipated full and partial acquisitions for each alternative. In addition, large wall plans of each alternative were available at the July 24, 2008, public scoping meeting that showed acquisitions. Please also refer to Common Response 3 on property acquisition needs refined during final design.

B12-17 Please refer to response to comment B12-16, above.

Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding property acquisition needs refined during final design.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B12-18 All residents and/or property owners within 300 feet of the project location were mailed a Notice of Availability of the Draft EIS/EIR. The same notice was provided in several local newspapers and one regional newspaper, and was posted at the City of Placentia offices and around the project site. The notice also included information on the time and place of the public hearing on the project and contact phone numbers for the City if there were any questions regarding the project, including effects on property.

Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding property acquisition needs refined during final design.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B12-19 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B12-20 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding property acquisition needs refined during final design.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B12-21 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

B12-22 Please refer to response to comment B12-18, above.

B12-23 The OCTA Right-of-Way Agents would prepare the project Relocation Assistance Program (RAP) during project final design. The RAP would identify the specific property to be acquired and would address issues related to replacement properties and other compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) requirements.

Notice to California agencies was available through the State Clearinghouse. No comments were received from the California Department of Housing and Community Development.

Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

B12-24 The adverse impacts of projects cannot always be reduced or fully eliminated. As noted in the cited text, relocation of affected property owners may not be fully mitigated from the perspective of the property owners. However, as required by the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), the Draft EIS/EIR discloses the project impacts and provides the applicable avoidance, minimization, and/or mitigation measures. The identified mitigation in the case of property acquisition is compliance with the Uniform Act requirements, which may not be perceived by property owners as being fully mitigated.

B12-25 The implementation of the avoidance, minimization, and/or mitigation measures is documented in the Environmental Commitments Record (ECR), which is provided in Section 7.0, Environmental Commitments Record, in the Draft EIS/EIR. Also, please refer to Common Response 10 provided earlier in this Responses to Comments Report for information regarding the role of the OCTA as the implementing agency of the project after completion of the environmental process.

B12-26 Measures CI-1 to CI-6 are standard measures for addressing impacts associated with the acquisition of privately owned property for public projects and the displacement of owners and tenants of that property. These measures apply to all three OCG Build Alternatives and would be expected to mitigate the effects to a similar level, regardless of the number of property acquisitions under any specific alternative. As committed to in those measures, compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (Uniform Act) (federal Public Law 91-646) will require that the OCTA, as the implementing agency for the OCG project, provide certain relocation services and benefits to eligible residents and businesses. Typically, compliance with the Uniform Act is considered to adequately address the effects of property acquisitions and displacements for public projects. Nonetheless, the Draft EIS/EIR does acknowledge that some displaced property owners may consider the experience of displacement to be a substantial adverse impact not fully mitigated, even with implementation of Measures CI-1 to CI-6.

B12-27 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

B12-28 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

Please also refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

B12-29 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

Please also refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

B12-30 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments would be considered by the decision-makers.

B12-31 This comment is correct in that the standard grade separations under Alternative D are proposed to be constructed over time for several reasons. First, it would be extremely disruptive to be constructing all eight crossings at once; delays for travelers across the BNSF tracks would be substantial. The proposal is to construct the crossings as funding becomes available, but not with two adjacent crossings under construction at one time. This would minimize the temporary and managed disruption to traffic across the tracks although it is acknowledged that there would be delays at the arterials where construction is actually occurring. As a result, there would be temporary construction impacts over a long period of time, but those impacts would not occur at all eight crossing locations at once; the impacts would be focused on the individual crossings where construction is occurring.

Secondly, the availability of funding is certainly critical to the ability to implement projects and is widely considered in the scheduling of implementation of larger public works projects and many private development projects. It is not uncommon to phase large public works projects such as highway widenings or multiple intersection improvement projects as funding becomes available (e.g., the Interstate 5 (I-5) widening through Orange and Los Angeles Counties).

Further, it should be noted that phasing projects over time, based on funding availability or other reasons (such as market conditions for private development projects), does not constitute "piecemealing." The Draft EIS/EIR documents the impacts of all eight grade separations and acknowledges that short-term impacts would occur at each crossing over a longer period of time than for the trench alternatives, but that they would occur at more limited locations (at the intersection crossings themselves) and only when construction is underway at each crossing.

B12-32 This comment seems to imply that all eight crossings would be subject to "road blocks, detours, and street closures for an indefinite period of time." As described in Section 2.2.4.8 in the Draft EIS/EIR, the construction of each individual crossing would be phased to minimize adverse traffic impacts; a number of specific construction features and phasing concepts for each intersection are provided in Section 2.2.4.8. Further, as noted above, construction of intersection crossings at two adjacent arterials would not occur at the same time. As a result, the adverse construction effects at each crossing, including delays, would be minimized. Refer also to response to comment B12-31, above.

B12-33 The construction schedules detailed in the Draft EIS/EIR are based on typical construction schedules and the best professional judgment of the project engineers, based on the conceptual designs for the OCG Build Alternatives. The types of overcrossings and undercrossings proposed in Alternative D are complex structures and are staged to minimize impacts to the surrounding areas. While there may be faster ways to construct these crossings (e.g., closing the road entirely), this is typically less desirable, and phasing of the construction is typically, but not always, proposed instead.

B12-34 The closure of Kraemer Boulevard was identified in the conceptual engineering as the most appropriate approach for construction of this intersection. In addition to providing detour routes, a detailed Traffic Management Plan (TMP) would be developed for the construction of each crossing under Alternative D. While it is acknowledged that the closure of Kraemer Boulevard would result in some congestion and delays at this intersection, the traffic study analysis did not conclude these streets would be "gridlocked for the entire period" that the crossing is under construction.

B12-35 There is no comment B12-35.

B12-36 The TMP would specifically include extensive consultation with the area emergency services providers to identify specific street operational criteria during construction to ensure that adverse impacts on emergency services are avoided or minimized during construction. These types of road closures and construction zones occur regularly throughout urban areas such as Orange County, and local

agency traffic personnel and emergency services providers are experienced at identifying alternative routes, operational criteria, and other actions to minimize impacts to emergency services operations during construction. In addition, it should be noted that there are emergency services offices on both the north and south sides of the BNSF tracks and, as a result, the service areas of each office can be temporarily adjusted to minimize the need to cross at the closed crossings.

B12-37 Valencia High School, Kraemer Middle School, and Tynes and Ruby Elementary Schools are all located north of Chapman Avenue in the City of Placentia:

- Valencia High School is at 500 North Bradford Avenue.
- Kraemer Middle School is at 645 North Angelina Drive.
- Tynes Elementary School is at 735 North Stanford.
- Ruby Elementary School is at 601 Ruby Drive.

All these schools are north of the OCG project construction limits, and none of the entryways to these schools is on Kraemer Boulevard. Ruby Elementary School is between Placentia and Bradford Avenues, more than 0.5 mile from Kraemer Boulevard.

The majority of students attending these schools live west, north, and east of the schools, outside the project limits. Therefore, few would require northbound/ southbound travel on Kraemer Boulevard at Crowther Avenue, where an undercrossing is proposed on Kraemer Boulevard under Alternative D. However, for those students/parents who use the Crowther/Kraemer intersection traveling to and from work and school, an alternate route/detour would be available during construction of the underpass. The Draft TMP described in Section 3.6 in the Draft EIS/EIR proposes detours at Tustin Avenue/Rose Drive, Miraloma Avenue, and Alta Vista Street. Other options for north-south travel in the area are available at Bradford Avenue, Melrose Street, and Chapman Avenue.

Please also refer to Figure 3.1-2 in the Draft EIS/EIR for the locations of public services including schools in the study area.

B12-38 The City of Placentia and the adjacent areas of the Cities of Fullerton and Anaheim are already largely developed in urban uses including residential uses of various suburban/urban densities, retail and commercial uses, offices, industrial and manufacturing uses, and infrastructure including all types of roads (freeways, arterials, local roads) and railroad tracks. With these uses throughout these Cities, there does not appear to be any widespread lower pride of ownership, decreased morale, or other potentially undesirable aspects of high population living in those cities. In addition, the proposed OCG project will not result in any changes in land use designations in this area from non-residential to residential uses and itself will

not provide any residential uses. As a result, the proposed OCG project would not substantially change the existing urban/suburban environment in the project area or residential densities in the area and, therefore, would not be expected to result in lower pride of ownership, decreased morale, or other potentially undesirable aspects of high population living in areas in the vicinity of the project limits.

B12-39 It is acknowledged that areas developed in urban and suburban uses, including areas around overcrossings may be attractive to transient populations and may provide opportunities for graffiti. However, there are existing overcrossings in the Cities of Placentia and Anaheim, such as along SR-91 and SR-57. The creation of new overcrossings would not be expected to specifically attract transients or to attract transients in any greater numbers, or graffiti than existing overcrossings. In addition, it should be noted that the Cities of Placentia and Anaheim Police Departments are alert to locations where transients and/or graffiti may occur and patrol those areas appropriately.

B12-40 It is acknowledged that areas developed in urban and suburban uses, including areas around overcrossings, may be attractive to transient populations and may provide opportunities for graffiti. However, there are existing overcrossings in the Cities of Placentia and Anaheim, such as along SR-91 and SR-57. The creation of new overcrossings would not be expected to specifically attract transients or to attract transients in any greater numbers, or increase graffiti compared to the existing overcrossings. In addition, it should be noted that the Cities of Placentia and Anaheim Police Departments are alert to locations where transients and/or graffiti may occur and patrol those areas appropriately.

B12-41 As discussed in the responses to comments B12-38 to B12-40, above, there is potential for transients or other illegal activities throughout the area cities, as part of the existing urban/suburban environment in those areas. Community cohesion, as defined on page 3.4-1 in the Draft EIS/EIR, is the degree to which residents have a sense of belonging to their neighborhoods, a level of commitment of the residents to their communities, or a strong attachment to neighbors, groups, and institutions. It is not anticipated that the project overcrossings would directly change the community cohesion of the residents in the project area, even if the overcrossing have the potential to attract transients or other illegal activities. The overcrossings/undercrossings would be at the existing intersections of the street/railroad tracks intersections and are not, themselves, major components contributing to the cohesion of the surrounding residential sues. In addition, the project crossings would not substantively change the land uses in the areas directly outside the project footprint. As a result, as discussed in the analysis of potential impacts related to community cohesion in Section 4, Land Use in the Draft EIS/EIR (pages 3.4.1 to 3.4-32) the project is not anticipated to result in adverse impacts related to community cohesion.

The analysis of the potential project impacts related to community character and cohesion is provided on pages 3.4-1 to 3.4-32. The text in Section 3.4.1.6, titled "Conclusion," is intended to provide a brief summary of the analysis provided on pages 3.4-1 to 3.4-32. Please refer to those pages for the analysis supporting the conclusions provided in Section 3.4.1.6.

B12-42 Refer to responses to comments P12-38 to B12-41, above.

B12-43 It is acknowledged that the trench alternatives will provide opportunities for some greenbelt uses that may contribute to the overall community sense of pride in this area; however, it is difficult to directly relate that to the sense of overall community cohesion and character.

B12-44 Refer to responses to comments P12-38 to P12-43, above.

B12-45 Refer to Measure TRA-1 on page 3.6-51 of the Draft EIS/EIR, which specifically addresses the adverse impacts of Alternative D on Richfield Road.

B12-46 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B12-47 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B12-48 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B12-49 The existing BNSF tracks are at-grade through the City of Placentia and are not fenced. Under Alternatives B and C, the entire length of tracks and all the crossings would be separated and a parapet wall along the trench walls such that no vehicles could drive on or material placed on the tracks. Under Alternative D, the existing at-grade railroad crossings at the major arterials would be grade separated, thereby removing opportunities for foreign matter (such as cars or other materials) to stop or otherwise be deposited on the tracks at those locations. The remainder of the length of the BNSF tracks in the City would remain unfenced, like the existing conditions, under Alternative D. Therefore, Alternative D would result in an improvement in safety at the crossings and no change along the rest of the alignment.

B12-50 Prior to making any decisions regarding the proposed OCG project, the decision-makers will consider a wide range of factors, including the findings of the detailed environmental analyses in the Final EIS for each of the Build Alternatives, the potential for each of the Build Alternatives to result in substantial adverse impacts that cannot be avoided or fully mitigated, the ability of each Build Alternative to meet the project purpose and need, and the availability of funding for the project. Project cost is not the only factor that will be considered.

B12-51 Please refer to Common Response 8 for updated cost information for the OCG Build Alternatives.

B12-52 CEQA and NEPA do not require the evaluation of financial benefits of a project to a community. The selection of a project alternative is not required under either CEQA or NEPA to balance project costs or savings against the project effects.

B12-53 Comments noted. Refer to response to comment B12-52, above.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

B12-54 Comments noted. No response necessary.

B12-55 Refer to responses to comments B12-56 to B12-76, below.

B12-56 There was no intent to bias the discussion of the financial effects of Alternative D compared to the effects of Alternatives B and C. For example, refer to Table 3.4-M on page 3.4-52 in the Draft EIS/EIR, which clearly states the property tax effects of all three Build Alternatives in the same format with no particular emphasis or de-emphasis on a specific alternative.

B12-57 The interpretation in this comment that "standard" implies that the grade separations under Alternative D are "normal" is incorrect. Standard as used in this context is intended to refer to the most common form of grade separations, where one facility crosses over or under another facility, on a bridge or in an undercrossing. This terminology is typical in highway and street design as a convenient way to refer to straightforward over and under crossings. The decision-makers have sufficient knowledge of the project alternatives so as not to assume that Alternative D represents a "normal" approach. These types of grade separations are very common and are absolutely appropriate alternatives to consider in the analysis for this project.

B12-58 Please note that the conclusionary text provided on page 3.14-53 is not stated in its entirety in this comment. The actual text reads "The long-term train noise levels would be similar or less than the No Build conditions under each of the OCG Build Alternatives. Therefore, the impact of Alternatives B, C, and D is not considered adverse." This comment specifically addresses train noise and not traffic noise, which is addressed in the first paragraph in the conclusion section and which clearly indicates the project would result in traffic-related noise impacts requiring mitigation. The train noise considered in this comment is the noise of the train wheels on the train tracks. Because none of the alternatives (including the No Build and Build Alternatives) result in any changes in the volumes or lengths of trains on the BNSF tracks, the conclusion that these alternatives would not result in substantive changes in train-related noise levels is appropriate.

B12-59 Section 3.4 in the Draft EIS/EIR states: "Alternative D would present some new physical barriers to both residents and businesses in the local area surrounding the Orangethorpe Avenue intersections at Tustin Avenue/Rose Drive, Van Buren Boulevard, Richfield Road, Lakeview Avenue, and Kellogg Drive. The grade separations at these locations would require the use of on-ramps and off-ramps to access the arterial roadways. However, the new grade separations would allow for safer crossings of the railroad right-of-way because the vehicle and pedestrian traffic would be separated from the train traffic. These impacts of Alternative D are not anticipated to adversely affect community cohesion because there is not a strong sense of community across the BNSF and across the major streets in the area. In addition, vehicles and pedestrians would be able to travel across the BNSF railroad at the interchange locations. Therefore, there would not be a long-term adverse indirect project impact related to community cohesion under Alternative D."

A brief description and the potential benefits associated with the greenbelt under Alternatives B and C were described in Section 2.0 in the Draft EIS/EIR. At the current conceptual level of design, details regarding the greenbelt are not available.

B12-60 Please refer to responses to comments B12-31, B12-32, B12-35, and B12-36, above, which discuss the potential traffic impacts associated with Alternative D.

While Alternatives B and C do include greenbelt areas, the conceptual design considered in the Draft EIS/EIR was not specific as to the uses in that greenbelt, specifically pedestrian and bicycle facilities. As described on page 2-13 in the Draft EIS/EIR: "In addition, a greenbelt would be implemented where feasible along the length of the OCG project area under Alternative B (Figure A-1, Sheets 3 and 4). As practical, the proposed greenbelt and landscaped areas would include pedestrian and bicycle paths." As a result, it is not possible at this time to

specifically identify pedestrian and bicycle facilities in the greenbelt as benefits of the project.

B12-61 The Draft EIS/EIR clearly states that Alternative D would result in adverse visual impacts after mitigation. The visual benefits of Alternatives B and C are described in Table S-1 and Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR. In addition, visual simulations of Alternatives B and C are provided in Section 3.7 that show the visual improvements under those alternatives.

B12-62 Refer to page 3.8-14 in Section 3.8, Cultural Resources, in the Draft EIS/EIR, which indicates there are very few historic buildings, as defined under CEQA and NEPA, in the Area of Potential Effect for the project. As discussed on pages 3.8-15 and 3.8-16, none of the OCG Build Alternatives results in adverse impacts to historic resources as defined under CEQA and NEPA. Therefore, although Alternative D requires the acquisition of more structures, it does not result in a greater impact on historic resources than Alternatives B and C.

B12-63 It is the legal requirement of the existing property owners to remediate contamination on their properties prior to their purchase by a public agency for a public project. Therefore, any existing contamination on properties anticipated to be required for all three OCG Build Alternatives would be remediated prior to when those parcels would be in public ownership and construction of the project begins. Therefore, there is no difference among the alternatives regarding hazardous contamination after the properties are acquired for the project.

B12-64 Comments noted. Refer to response to comment B12-63, above.

As noted in this comment, Alternative D would require the acquisition of more structures and, as a result, may result in the need to remove asbestos-containing building materials from a larger number of structures than Alternatives B and C. As discussed in Section 3.12, Hazardous Materials/Wastes, in the Draft EIS/EIR, remediation of asbestos would be conducted as required under applicable laws and regulations, which strictly control how these types of materials are removed, handled, transported, and disposed of. As a result, it is not expected that the amount of structures that require asbestos remediation would result in a greater risk under Alternative D than under Alternatives B and C.

B12-65 There was no intent to bias the discussions in the Draft EIS/EIR toward or away from a particular alternative. The conclusion sections were intended to be brief summaries of the detailed analyses provided in the Draft EIS/EIR. Those conclusions properly reflect the findings of the detailed analyses.

B12-66 Please note that the proposed OCG project is not a rail project and that the Draft EIS/EIR does not analyze any effects associated with rail operations or facilities.

The Draft EIS/EIR specifically focuses on the effects of using different grade levels to separate rail operations along the project segment of the BNSF from vehicular surface traffic. As a result, the impacts analyses and conclusions focus on changes associated with the surface vehicular traffic and not rail traffic or facilities.

Please also refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

B12-67 The No Build Alternative analyzes the effects of not building the proposed grade separations. It does not address background conditions that would exist with or without the proposed project, including the impacts associated with increased volumes and lengths of trains in the future. In addition, land development occurs as a result of a number of factors, including market conditions, need for certain land uses, environmental conditions in the area (such as traffic, air quality, etc). Therefore, it is very speculative to assume under Alternative A that traffic conditions would directly result in no land development or redevelopment in the area.

B12-68 Please refer to the text in column 2 (No Build) on page S-42 in Table S-2, which states that the No Build Alternative would result in "traffic delay/unsatisfactory level of service (LOS)." This summary statement was clearly intended to reflect traffic conditions on all vehicles on the crossing streets, including public transit vehicles.

B12-69 Please refer to response to comment P12-67, above, which explains that the Draft EIS/EIR does not address effects associated with rail operations or facilities.

Please also refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

B12-70 Please refer to response to comment B12-67, above.

B12-71 The No Build Alternative would not alter the existing setting and therefore would not increase or decrease the existing community character and cohesion of the area.

B12-72 The traffic impact analysis provided in Section 3.6 in the Draft EIS/EIR concludes that Alternative A, the No Build Alternative, would result in substantial delay for vehicular traffic and that those delays would be avoided under the three Build Alternatives. Refer to Section 3.5 in the Draft EIS/EIR, which concludes that Alternative A would adversely impact emergency services as a result on those

delays and that Alternatives B, C, and D would benefit emergency services by avoiding delays at the arterial crossings.

B12-73 Please refer to responses to comments B12-66 to B12-72, above.

B12-74 Please refer to Common Response 7, and responses to comments F1-2, F1-6 and F1-7, provided earlier in this Responses to Comments Report. Those responses describe rail improvement projects in southern California, including the potential third rail in the BNSF right-of-way and indicate why those improvements were not analyzed in the Draft EIS/EIR. Specifically, the proposed OCG project is not a rail facility or service improvement project. It is a surface transportation safety/level of service improvement project. The OCG will not change any existing rail facilities or service levels. Any such rail improvements would be within the purview of other parties and are well outside the defined scope and purpose for the proposed OCG project. Because the OCG project and possible rail improvements address different components of the transportation system and are in no way dependent on each other, the Draft EIS/EIR did not piecemeal the project description or the environmental analyses.

B12-75 There is no comment B12-75.

B12-76 The Draft EIS/EIR extensively analyzes the effects of all three OCG Build Alternatives and the No Build Alternative. Because the Build Alternatives meet the project purpose and objectives, they would result in benefits to the area. The potential effects of all the alternatives, without bias toward or against a specific alternative, are described in detail in Section 3.0, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and Mitigation Measures.

B12-77 Please refer to responses to comments B12-1 to B12-76, above.

HK&C
HART KING & COLDREN

Robert S. Coldren
rcoldren@hkclaw.com

August 11, 2008

Our File Number: 25383.389/4844-0887-8338v.1

B13

VIA FACSIMILE
(714) 961-0283

Mr. Michael McConaha
Senior Administrative Analysis
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

Re: Draft Environmental Impact Statement/Environmental Impact Report-
Orange County Gateway Project

Dear Mr. McConaha:

This letter is a supplement to the letter delivered to you today from Michael H. Leifer of Palmieri, Tyler, Wiener, Wilhelm & Waldron pertaining to specific mobilehome law aspects and impact of the above-referenced project. B13-1

The DEIR wholly and completely fails to appropriately address the fact that this is a mobilehome park, and that we are thus dealing in the unique regulatory environment affecting mobilehome parks. California Civil Code section 798 et. seq. constitutes the Mobilehome Residency Law ("MRL"), and provides for "just cause eviction" of mobilehome park residents. Civil Code 798.56(f) indicates that a mobilehome park can be closed as a result of a condemnation of the mobilehome park, and subsection (g) provides extensive noticing requirements to mobilehome park tenants. Subsection (g) specifies that a tenancy can be terminated as a result of a "change of use of the mobilehome park or any portion thereof". Thus, even if the "take" of 40 spaces does not result in an economically unviable remainder, triggering an obligation on the part of the condemning authority to take the entire mobilehome park, it does trigger an ability on the part of a park owner, in exercising the owner's reasonable business judgment, to close the entire mobilehome park. The DEIR fails to address the condemnation aspects and the potential consequences of a closure of the entire mobilehome park. The DEIR also fails to address the structural, fiscal and financial unbiased lack of viability of the remainder portion of the mobilehome park, and the potential impact thus on the availability of housing, and other aspects of the environment. B13-2

HK&C
HART, KING & COLDREN

Section 65863 of the California Government Code requires that the government undertake and discharge certain obligations when it is precipitating or causing the condemnation, closure, or change of use of all or a part of a mobilehome park. These requirements in turn will have a deleterious effect upon the availability of housing of a low and moderate income nature, will cause the movement of large structures (manufactured homes) on city streets, and will otherwise dramatically impact circulation, noise, traffic, and other impacts, none of which have been analyzed or studied in the DEIR. B13-3

Very truly yours,

HART, KING & COLDREN

Robert S. Coldren

RSC/nb

HK&C
HART, KING & COLDREN

Facsimile Transmission Cover Sheet

DATE:	August 11, 2008	PAGES (incl. cover sheet):	3
TO:	Mr. Michael McConaha		
COMPANY:	City of Placentia		
FAX NO.:	**(714) 961-0283**	PHONE NO.:	(714) 993-8231
FROM:	Robert S. Coldren, Esq.		
FILE NO.:	25383.389		
RE:	Draft Environmental Impact Statement/Environmental Impact Report-Orange County Gateway Project		

MESSAGE:

☐ ORIGINAL WILL NOT FOLLOW

☐ ORIGINAL WILL FOLLOW BY:
[U.S. MAIL]

If there are any questions regarding this FAX transmittal, please call Nancy at (714) 432-8700.

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL INFORMATION
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A Professional Law Corporation
200 Sandpointe, Fourth Floor, Santa Ana, California 92707 | Mailing Address: P.O. Box 2507
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457

B13 RESPONSES TO COMMENTS FROM HART, KING, & COLDREN DATED AUGUST 11, 2008

B13-1 Comments noted. Refer to comment letter B12 for the letter cited in this comment.

B13-2 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

As shown in Common Response 2, Alternative D would not result in the take of a substantial number of units at the Del Cerro Mobile Estates. As a result, it is not expected that the remainder would be uneconomical or trigger a need to close the entire mobile home park.

B13-3 As shown in response to comment B13-2, above, Alternative D is not expected to result in the take of a substantial number of mobile homes and therefore would not be expected to substantially affect the availability of low and moderate income housing in this part of Orange County. In addition, it is expected that the affected units would mostly be "permanent" structures and would not be moved to new locations. Large structures are safely moved on streets throughout Southern California with appropriate traffic controls. Nonetheless, Alternative D is not expected to result in movement of a substantial number of mobile homes on area streets or to result in impacts related to the movement of mobile homes on area streets.

MEMBERS OF THE GENERAL PUBLIC

COMMENTS AND RESPONSES

P1

Comment Card
ORANGE COUNTY GATEWAY PROJECT
July 24,2008

NAME: Norma Aparicio
ADDRESS: 127 Majorca Place Placentia
AFFILIATION: VISTARA HOMEOWNERS ASSOCIATION
COMMENT:
Plan B - I pray for God's provision of the necessary funding, this I ask in Jesus name Amen.

P1-1

To: CITY OF PLACENTIA
401 E. Chapman Avenue
Placentia, CA 92870
ATTN: Mr. Michael McConaha
Senior Administrative Analyst

P1 RESPONSES TO COMMENTS FROM NORMA APARATO (NO DATE)

P1-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

TARJETA DE COMENTARIO **P2**

Orange County Gateway Project

24 de Julio, 2008

NOMBRE: BAKER, Randy

DIRECCIÓN: 250 S. Rose Dr – #6 92870

AFILIACIÓN: Del Cerro Mobile Estates

COMENTARIO: RE: Orangethorpe/Tustin-Rose Realignment

Historically the City has not taken the mobile home community & residents in consideration for its traffic improvement projects. Witness the last widening of Rose from Castner to Orangethorpe: with the "improvement" came a raised/landscaped center median that makes the sightlines of drivers exiting the Park limited and adds an unnecessary element of risk to turning left into the southbound traffic. I think it would show more wisdom if the City would not make the same mistake at our expense when considering the "Gateway" project. P2-1

Orange County Gateway Project

24 de Julio, 2008

NOMBRE: BAKER

DIRECCIÓN: 250 S. Rose Dr – #6

AFILIACIÓN: Del Cerro Mobile Estates

COMENTARIO: Although my main concern is the possibility of sacrificing our quality of life for the benefit of a few and for the expediency of an uncreative gov't agency (or three), I want to address some basic and objective concerns for public safety. In the "overpass" alternative there are a couple of concerns regarding ingress & regress to & from the mobile home park. I am wondering what our public safety agencies think of how they will have to access the park in case of fire, health or law enforcement emergencies. Have you asked their input? RB P2-2

TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008

NOMBRE: BAKER, Randy

DIRECCIÓN: 250 S. Rose Dr. – 6

AFILIACIÓN: Del Cerro Mobile Estates

COMENTARIO: Support for the overpass idea/alternative is support for the diminishing of affordable housing stock for Placentia; the spoiling of a financially secure retirement for some citizens; ¡eaPardizin the positive homelife for many others. We of the mobile home community in question are more than space ✱'s on small rectangles on your charts and overhead photos: for each space is a family, a story, a purpose. To turn our park into a shell of its vibrant present for the benefit of a few business people by this land use change makes the City's motto a 'joke. Don't cheapen our lives with the cheap alternative. P2-3

P2 RESPONSES TO COMMENTS FROM RANDY BAKER (NO DATE)

P2-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P2-2 The Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was mailed to the County of Orange Planning Department and the Orange County Fire Authority for comment during the public circulation period (June 27 to August 11, 2008). For a list of recipients of the Draft EIS/EIR or a Notice of Availability and location of where the Draft EIS/EIR was available for review and comment, please refer to Chapter 9.0 in the Draft EIS/EIR.

Emergency access for each alternative is described in Section 3.6, Traffic, in the Draft EIS/EIR. Temporary impacts associated with construction would occur under each of the OCG Build Alternatives (B, C, and D). Emergency vehicles could experience some delay as a result of road closures or lane reductions on area streets. Those impacts would be minimized with implementation of Measures TRA-2, TRA-3, and TRA-4, described in Section 3.6 in the Draft EIS/EIR. Once operational, the grade separations provided under Alternatives B, C, and D would improve emergency vehicle access on the roads that currently are at-grade crossings.

P2-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P3

McConaha, Michael

From: McConaha, Michael
Sent: Friday, August 08, 2008 8:37 AM
To: 'ahuracats@aol.com'
Cc: Perez, Maria
Subject: FW: CITY WEBSITE EMAIL: Orange County Gateway Project

Mr. Baumann,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Perez, Maria
Sent: Thursday, August 07, 2008 5:21 PM
To: McConaha, Michael
Subject: FW: CITY WEBSITE EMAIL: Orange County Gateway Project

Maria G. Perez
714-993-8117

From: ahuracats@aol.com [mailto:ahuracats@aol.com]
Sent: Thursday, August 07, 2008 5:11 PM
To: Perez, Maria
Subject: CITY WEBSITE EMAIL: Orange County Gateway Project

The following was submitted from the City of Placentia website:

From: Robert Baumann
Email: ahuracats@aol.com
Telephone:
Message: To whom it may concern,
The Orange County Gateway project Plan "D" is totally unexceptable, the raising of Orangthorpe would cause more noise,vehicle pollution and not to mention major loss of our property value!! Rather than Plan "D" just leave it as is!!

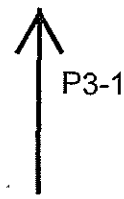
Plan "B" would be the best solution of all. If our "Placentia City Council members" are as good as I have felt and beleived (I have been a resident of Placentia for over 32 years)then they would vote on the Plan "B" and NOT even consider the horrible Plan "D".

I highly recommend REP Kim hold a meeting for our community so we can tell the

P3-1

railroad project coordinators the Plan"D" is a failure.

Thank you kindly,
R.H. Baumann



P3 RESPONSES TO COMMENTS FROM ROBERT BAUMANN DATED AUGUST 7, 2008

P3-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P4

Jerry and Avis Benning
250 S. Rose Dr. Sp. 64
Placentia, CA 92870
714-223-2865

1 of 1

We feel that alternative C would be the best choice. First of all, having the railroad lowered below ground would benefit the environment. Not only would the air be cleaner but there would also be the added benefit of noise reduction. Second, traffic flow would improve and there would be less traffic congestion. Lastly and most important people would not be forced from there homes. Del Cerro Mobile Home Estate has many senior citizens who live here on fixed incomes. This community is very affordable and to relocate at this time in their lives would create a hardship for the

P4-1

P4-2

We moved here because of the affordabil and to be closer to our family, as well as our doctors and a nearby hospital.

P4 RESPONSES TO COMMENTS FROM JERRY AND AVIS BENNING (NO DATE)

P4-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P4-2 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

McConaha, Michael

From: kevin biegler [kevinbiegler@hotmail.com]
Sent: Monday, July 28, 2008 9:37 AM
To: McConaha, Michael
Subject: RE: Meeting Thursday evening regarding GATEWAY PROJECT...

thanks...i will keep in touch!

Subject: RE: Meeting Thursday evening regarding GATEWAY PROJECT...
Date: Mon, 28 Jul 2008 08:26:03 -0700
From: MMcConaha@placentia.org
To: kevinbiegler@hotmail.com
CC: amuth@placentia.org

Mr. Biegler,

Thank you for your comments. As was mentioned at the meeting, the plans and drawings are still preliminary, as this is the environmental phase. City Staff will use all the comments heard to work with OCTA and Anaheim to develop the final alternative that is selected. Once that alternative is selected in December or January, we'll sit closely with OCTA during the design process and incorporate all input to make sure the final design includes as little impacts to the community as possible.

Please feel free to email me once in awhile and I can keep you updated on the projects. Also, if you have not done so, please provide any comments you may have related to the alternatives by August 11th.

Thank you.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: kevin biegler [mailto:kevinbiegler@hotmail.com]
Sent: Thursday, July 24, 2008 10:18 PM
To: McConaha, Michael
Subject: Meeting Thursday evening regarding GATEWAY PROJECT...

P5

I just want to say, Thank you!...

My wife and I appreciated the time you spent answering all of our questions regarding this issue...you were very informed and professional.

It is very tough for a new family, like ours, to face such a life changing predicament. Our home on Moreno Way will be impacted directly, as it sits right on Orangethorpe. I can only hope for the best for my family and hope that people like yourself(city of Placentia) understand the implications and hardships this means for us as well as others in our neighborhood.

P5-1

Once again,...Thank You for your time and information.

Sincerely,

Kevin Biegler
1040 Moreno Way, Placentia, Ca. 92870

Use video conversation to talk face-to-face with Windows Live Messenger. Get started.

With Windows Live for mobile, your contacts travel with you. Connect on the go.

P5 RESPONSES TO COMMENTS FROM KEVIN BIEGLER DATED JULY 24, 2008

P5-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P6

July 15, 2008

City of Placentia
Michael McConaha
401 East Chapman Ave.
Placentia, Ca. 92870

Dear Sir:

My Husband and I are Senior citizen living at 250 South Rose Mhne Space 108. Are very Concerned about the overpass Construction at Rose and Orangethorpe because

1. the dust from Construction would be unbearable for my Husband who is on oxygen and Nebulizer treatments. P6-1
2. the Construction noise would be terrible for us. We would be forced to stay inside all day. P6-2
3. the already train noise, the dust the construction noise will have added gas fumes from the Construction equipment. Not good. P6-3

We would certainly like to see Alternative B or C put in place. P6-4

Concerned Seniors
James P. & Mary Lou Flores

P6 RESPONSES TO COMMENTS FROM JAMES P. AND MARY LOU BROWN DATED JULY 15, 2008

P6-1 Measures AQ-1 to AQ-7, provided on pages 3.13-37 and 3.13-38 of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), would be implemented during construction to ensure that fugitive dust emissions are minimized and restricted to within the project site.

Refer also to the response to comment F1-11, provided earlier in this Responses to Comments Report, for new Measure AQ-8, which was added to the EIS/EIR.

P6-2 The comment is correct in stating that noise from construction activities would be perceptible at sensitive land uses in the vicinity of the project construction areas. Construction activities on the project site would adhere to the California Department of Transportation (Caltrans) Standard Specifications, the Cities of Placentia, Anaheim, and Yorba Linda Noise Ordinances, and the County of Orange Noise Ordinance. In addition, Measure NOI-3, provided on page 3.14-52, would restrict the placement of stationary equipment and the locations of vehicle staging areas during the project construction. These measures would substantially reduce the project-related construction noise levels.

P6-3 The comment is correct in stating that the construction equipment exhaust emissions would result in a temporary increase in local air quality emissions. Construction exhaust emissions would be reduced through the implementation of Measures AQ-2 to AQ-6, provided on pages 3.13-37 and 3.13-38 in the Draft EIS/EIR.

Please refer to response to comment P6-1, above, for discussion of the construction dust emissions.

P6-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P7

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Grigore and Mirela Budean

ADDRESS: 139 Majorca Pl

AFFILIATION: Vistara HomeOwners Association

COMMENT:

We are concerned about our quite neighborhood and disagree on this project, which will cause a tremendous change to our peaceful lives.

We live in a wonderful area and have wonderful neighborhood

P7-1

August 08,2008

ORANGE COUNTY GATEWAY PROJECT

To Whom It May concern:

We live very close to the Orangethorpe croosing at the **Vistara Community** (Chapman & Orangethorpe) and as Homeowners we are very disappointed with all this project situation.We are wondering if our homes will be taken away from Vistara Community and when will this happen? How does this work? P7-2

Do homeowners take their tax/rate amount when they buy a new house? Who pays for the loss in home value once the overpass is completed, if it is determined one has lost value in their house? Can you ask for your home to be taken by the project then for reasons affecting the residence closest to the project? What happens if FMV is not agreed buy the city/project and homeowner? P7-3

How are the plans going to make our neighborhood quite from overpass traffic if no homes taken. P7-4

Who pays for the damage to the houses from the construction? (Maybe foundation and wall cracks? P7-5

How do you inspect this damage and what happens after the inspection? If it is determined that a home will not be taken now, but later is, will any improvements be reimbursed after the homeowner was told they would not move? What is the rule on this? P7-6

What else should we be concerned about as Homeowners? P7-7

We would like to request an additional and accurate information about this project. P7-8

Regards,

Grigore and Mireya Budean

P7 RESPONSES TO COMMENTS FROM GRIGORE AND MIREYA BUDEAN (NO DATE)

P7-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P7-2 As shown on the conceptual engineering plans in Appendix A in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), the Orange County Gateway (OCG) Build Alternatives would not require the acquisition of residential property at or in the vicinity of the Chapman Avenue/Orangethorpe Avenue intersection.

Please also refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P7-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P7-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please also refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P7-5 Please refer to Common Response 13, provided earlier in this Responses to Comments Report, regarding compensation for structures damaged during project construction.

P7-6 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P7-7 The Draft EIS/EIR addresses environmental issues associated with the proposed OCG Build Alternatives. The commenter can review the Draft EIS/EIR to

understand the issues covered in that analysis and whether any of those issues are issues of concern to the commenter.

P7-8 It is not clear what additional information is requested. The project alternatives and the impacts of those alternatives are discussed in detail in the Draft EIS/EIR.

P8

Comment Card
Orange County Gateway Project
July 24, 2008

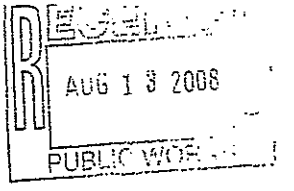
NAME: Paul + Thao Chang (714) 875-9683

ADDRESS: 1032 Moreno Way Placentia CA 92870

AFFILIATION: Placentia Residents impacted by Gateway Project

COMMENT: See page attached.

P8



8/11/08

City of Placentia
401 E Chapman Avenue
Placentia CA 92870
Attn: Mr. Michael McConaha, Senior Administrative Analyst

RE: Project Orange County Gateway

As an abiding citizen and loyal resident of Placentia for over 10 years, I am writing to express my extreme discontent, frustration, and concerns over this project. First off, I was not made aware of this project until a little less than a month ago when it seems that major decisions have already been made without notice to me. This is a disservice to my family and I and the neighbors I've come to rely upon in my community. This is extremely unjust when the building of this overpass will negatively impact my family both during construction and after construction. Had I been made aware years ago when plans for this project began, I would have made much better educated arrangements for the safety and security of my family and moved out of here. P8-1

I have two young children ages 2 and 4 in my household. As you begin construction, there is a high risk of pollution emanating from this process. Additionally, being so close to the construction site, this will present an increase in the noise my two young children will be subject to dealing with. Furthermore, not only does this present danger to my children, I must deal with more traffic and extreme inconvenience due to streets potentially being blocked off for construction. P8-2

After this structure has been built, more danger presents itself for my children. As a result of more cars traveling on this overpass, my children must then contend to the increased pollution from the car exhausts in addition to all the noise from much more cars traveling these streets. My children need their rest to function at their best. This is not the way I would like to raise my children; in harm's way. Please put yourselves in our shoes and ask what you would do if you were made aware of the risks and dangers to your children!

As this overpass is built so close to my home, this poses a great danger and risk to my family. There will be an increased risk of these cars running through my home; a home my husband and I have nurtured and loved for over 10 years. Already as it is, I am dealing with a great amount of stress and negative anticipation of the risks and dangers this project will present to my family. P8-3

I love living here in Placentia and the community I have here. However, the building of this overpass would mean that I will no longer have a view. Furthermore, this also means my property value will decrease dramatically!! Not only must I deal with the pollution, the increased danger of car accidents running through my home, the increased noise; now I cannot sell my home for these reasons! Please think of other alternatives such as building underground and stop the building of Project Gateway!!! P8-4

Regards,

Paul and Thu-Thao Chang, Loyal Citizens and Residents of Placentia
1032 Moreno Way, Placentia
(714) 875-9683

P8 RESPONSES TO COMMENTS FROM PAUL AND THAO CHANG DATED AUGUST 11, 2008

P8-1 The proposed Orange County Gateway (OCG) project has been in the conceptual engineering/planning and environmental planning stages since 2001 and has been discussed at a number of City of Placentia City Council meetings and in newspaper articles since 2001. A public scoping meeting was held in 2001 that included substantial notice to the public about the proposed project. In addition, the public was afforded many opportunities to comment on the project at City Council meetings.

Please also refer to Common Response 6, provided earlier in this Responses to Comments Report, regarding the public information process for the proposed OCG project.

As discussed in Section 2.0 in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), the City Council did select Alternative D as the Locally Preferred Alternative. However, the City Council will not make a final decision on the selection of an alternative until the environmental process under the California Environmental Quality Act (CEQA) is completed in late 2008. The City Council will consider the analysis in the Draft EIS/EIR, the comments received on the Draft EIS/EIR, and the project costs prior to making a decision on a preferred alternative.

P8-2 Please refer to responses to comments P6-3 and P6-2, provided earlier in this Responses to Comments Report, for discussion of mitigation for the short-term, construction-related air quality and noise impacts of the proposed project.

The comment is correct in stating that Alternative D would increase the traffic noise in the vicinity of the proposed grade separations. Section 3.14 in the Draft EIS/EIR describes the future with and without project noise levels and the sound barriers that were modeled for each OCG Build Alternative.

As shown in Tables 3.13-G and 3.13-H in the Draft EIS/EIR, the proposed project would reduce the vehicle exhaust emissions along local roads by eliminating the idling emissions at the existing at-grade railroad crossings. Therefore, the proposed OCG project would not result in an increase in vehicle exhaust pollution.

As shown in Section 3.6.3.2 on pages 3.6-41 to 3.6-51 in the Draft EIS/EIR, there would be some lane/road closures during construction. Detailed traffic management plans would be developed to minimize adverse traffic impacts

during construction. Measures TRA-2, TRA-3, and TRA-4 on pages 3.6-56 and 3.6-57 in the Draft EIS/EIR address the potential short-term adverse traffic impacts associated with lane and road closures during project construction.

P8-3 The project would be designed consistent with all applicable engineering, design, and safety standards. The design standards include providing sufficient barriers to keep vehicles from traveling off the overpasses.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P8-4 Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR concluded that Alternative D would result in possible adverse visual impacts to residents near the Orangethorpe Avenue overpass. The adverse visual impacts would be reduced but not eliminated through implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7. Building an underpass at this location was not an economically feasible option due to the substantially increased costs that would be incurred to address high groundwater levels in this area and the proximity to Anaheim Lake.

Please also refer to Sections 3.7 (Visual/Aesthetics), 3.13 (Air Quality), 3.6 (Traffic), and 3.14 (Noise and Vibration) in the Draft EIS/EIR.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card
Orange County Gateway Project
July 24, 2008

P9

NAME: David & Patricia Chavez

ADDRESS: 1113 mira LAGO Placentia

AFFILIATION: home owners

COMMENT:

- We are just concern about structural damage to our house during construction. Will we be compensated if anything happen? P9-1
- We are very concern ant our property loosing value. P9-2
- We are also concerned about the dirty area & dust during construction - will there be clean up P9-3

P9 RESPONSES TO COMMENTS FROM DAVID AND PATRICIA CHAVEZ (NO DATE)

P9-1 Please refer to Common Response 13, provided earlier in this Responses to Comments Report, regarding compensation for structures damaged during project construction.

P9-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P9-3 Please refer to response to comment P6-1, provided earlier in this Responses to Comments Report, for discussion regarding mitigation for fugitive dust emissions during construction.

McConaha, Michael

P10

From: Linda Mahnken [mahnken@beyondbb.com]
Sent: Monday, August 11, 2008 12:01 PM
To: McConaha, Michael; McConaha, Michael
Subject: Comment on EIS/EIR Draft

Dear Sirs,

My main concern with the Lakeview overpass is the loss of my family home and the effect it will have on my 93-year-old father. It's an emotional issue for us and I'm afraid the stress of taking my father's home will be more than he can handle. Our family has a long history here. We lived here before Orangethorpe was named Orangethorpe and before Lakeview came anywhere near Orangethorpe. My Dad lived on this property during the 1938 flood. He worked hard, saved his money, and eventually bought the grove where our house now stands. P10-1

We lost much of our property through eminent domain when Lakeview was extended through the middle of our grove and again when Orangethorpe was widened. It took five years and lots of legal fees before the matter was settled in court and my parents were paid for their land. At that time an authorized representative of the city of Anaheim told my parents, in court, that an overpass would never be built over the railroad tracks and no further damage would be done to our grove.
Perhaps you can now understand the emotional impact of this. We feel betrayed.

Our choices for this project are the no-build alternative or the plans that lower the railroad into a ditch. The railroad lowering would be quieter, improve traffic flow, and disrupt fewer lives than the Plan D overpass. It would also reassure a lot of citizens that the original Gateway Project wasn't a boondoggle and complete waste of taxpayers' money. If our preferences are ignored, I would like to ask that Lakeview be the last intersection to be disrupted, thus allowing my Dad to live his remaining years in the comfort and security of his lifelong home. P10-2

Thank you for your consideration.

Linda Collier-Mahnken
4501 E. Orangethorpe Ave.
Anaheim, CA 92807

P10 RESPONSES TO COMMENTS FROM LINDA COLLIER-MAHNKEN DATED AUGUST 11, 2008

P10-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P10-2 Please refer to Common Response 12, provided earlier in this Responses to Comments Report, for information on the design, right-of-way acquisition, and construction schedules for Alternatives B, C, and D.

P11

McConaha, Michael

From: Max [customhair@sbcglobal.net]
Sent: Tuesday, July 22, 2008 10:50 AM
To: McConaha, Michael
Subject: EIS/EIR

To Whom it May Concern,

I am a new resident at 1183 Curie Lane in Placentia. I purchased my first home April 23rd and have been stead fast in fixing up my fixer-upper until July 3rd when a neighbor showed us an article in the Placentia Times stating that the state was planning on putting train bridges to lessen traffic and noise at Rose/Orangethorpe Ave. This plan would possibly/probably lead to use losing our home! Our family has been through so many obsticles in order to finally get to the point where we could buy our own home and finally stop renting only to be slapped with this news. P11-1

I am not sure how many of the people who are in charge of making the decisions for this project actually live close to the proposed intersections or actually commute on a daily basis at these areas but as for me and my family and neighbors who do this seems a little aggresive as a solution. If you have ever sat at the train crossings waiting for the train to pass you would realize that even the longest train that has ever passed through there takes 1-2 minutes. This amount of time is not nearly long enough for large amounts of traffic causing overloading of the local streets. If people cannot wait 1-2 minutes the solution is to take other peoples homes and displace them like it is nothing! P11-2

As for the noise issue, I have lived along Orangethorpe for several years of my live at different locations, Del Cerro Mobile Home Park in the early 1990's (which was the closest to the tracks) and at 1785 Coolidge just off of Richfield for the past 3 years. If you chose to rent or buy a home near the train track you should not have the right to complain about the noise! You were very well aware of the fact that the track were there before you decided to reside along those areas, no one forced you to move in without noticing the train. A "No Train Horn" stipulation has been put in effect, which for the most part helps, although there are those particular conductors who continue to ignore it but so what! Is it worth losing your home over and having the city spend a ridiculous amount of money, time, and resources to build a bridge or underpass not to mention families and businesses being displaced? Absolutely not! P11-3

There are so many other areas in our city that need regenerating that could be money well spent. This project is not worth the cost in either dollars, time, or homes.

Should this project go through I extremely urge the decision makers to consider how they would feel if the told THEY were going to lose THEIR home or THEIR hard earned business before making such crucial decisions.

Sincerely,

Carol Crisostomo
Placentia City Resident
1183 Curie Lane Placentia, CA
714 402-4506

P11 RESPONSES TO COMMENTS FROM CAROL CRISOSTOMO DATED JULY 22, 2008

P11-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P11-2 Please refer to the discussion of the need for the proposed project on pages 1-3 to 1-9 in the Draft EIS/EIR, which indicates that train volumes are forecast to increase substantially over the next 20 years. In addition, traffic volumes on surface streets in this area are also forecast to increase over that period. As a result, delays for surface traffic at these rail crossings are also forecast to increase over that period.

In addition, the proposed project addresses safety issues by separating surface traffic and rail traffic, reduces delays to emergency service vehicles, and substantially reduces air quality emissions associated with idling vehicles.

P11-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

July 24-2008

Mr. Michael McConaha,
or To whom it may Concern.

I am a disabled person, and have lived in Del Cerro mobile Park for 21 years. It would hurt me and my Son who is also Disabled, if the project Intented is to be build to take my home. Mr. McConaha I would not know where to live if I lose my home. I'm 77 yrs old and on Social Security and just making it, With the cost of living the way it is, I'll be ending in the street Homeless. Please I'm begging don't lets me lose my home, I didn't make the meetings due to Illness Sorry. P12-1

Thank you.
Virginia Davila

P12 RESPONSES TO COMMENTS FROM VIRGINIA DAVILA DATED JULY 24, 2008

P12-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please also refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P13

McConaha, Michael

From: Simonida Dunvan [seventhguest@sbcglobal.net]
Sent: Saturday, August 09, 2008 8:32 AM
To: McConaha, Michael
Subject: OC Gateway Project

Thank you for making this information available to us. However, the number and sheer volume of information is confusing and it seems that everybody I talked to has a different image of how this is going to affect us.

I live at Bella Vista, directly across from the small shopping center on Orangethorpe and I was very shocked to hear a variety of potential direct impacts on my family.
I have lived in Placentia for over 20 years and I so far I always felt the City was concerned about its residents.
We have put up with the noise, vibration and pollution many years and I have welcomed the track lowering solution, I have heard about previously, because I thought the City wanted to make things better for us. Now I am very worried that our interests will be sacrificed for a "common" good and that the lowest cost building alternative will be chosen, regardless of the impact on the residents directly affected by it. P13-1

1. I understand that this project is supposed to ease traffic and decrease pollution. While I see the traffic part, how is the addition of a 3rd rail going to affect air quality? This is extremely important to me, because my child is breathing this air.
And wouldn't the vibration increase drastically by adding another rail? P13-2

2. My house is facing Orangethorpe - I read one of the proposals does not leave room for aesthetic improvements. This will hugely affect our resale value and view. We bought our house over 10 years ago and it is not fair to any of the front facing residents, to chose the cheapest solution for the city and compromise our quality of life. P13-3

I know some change is necessary but I hope the decision will take all of our and well-being into consideration. Thank you very much for your time. P13-4

S.Dunvan
Bella Vista Resident

P13 RESPONSES TO COMMENTS FROM SIMONIDA DUNVAN DATED AUGUST 9, 2008

P13-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P13-2 Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

P13-3 The three Orange County Gateway (OCG) Build Alternatives include aesthetic features. The designs of Alternatives B and C, however, would result in more areas for possible landscaping than the existing setting and under Alternative D. It is intended that the three OCG Build Alternatives will include landscaping within the public right-of-way when appropriate and consistent with applicable safety and access requirements. Please also refer to Section 3.7, Visual/Aesthetics, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a detailed discussion of the visual analysis conducted for the OCG project alternatives.

Please also refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please also refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

P13-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P14

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: IMA LEE EDWARDS

ADDRESS: 250 S. Rose Dr. #142

AFFILIATION:

COMMENT: I am 82 yrs old and have lived here in Old Cerro over 30 years. My daughter and I care for the family here. The "children" need a home and the parents can't buy a house at the price they want. Please don't put the "children" out of their home. P14-1

Ima Lee Edwards

"I'm not here for too long"
so I care for the children only.

P14 RESPONSES TO COMMENTS FROM IMA LEE EDWARDS (NO DATE)

P14-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please also refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P15

McConaha, Michael

From: eric estes [ericestes@hotmail.com]
Sent: Tuesday, July 29, 2008 3:04 PM
To: McConaha, Michael
Subject: RE: Orange County Gateway

Thanks - no apologies necessary

Subject: RE: Orange County Gateway
Date: Tue, 29 Jul 2008 13:30:52 -0700
From: MMcConaha@placentia.org
To: ericestes@hotmail.com

My apologies,

I did not see your original email. Unfortunately, I cannot provide you with any specific details regarding right of way acquisition. Currently, the projects are still in the very first phase, which is the environmental process. To this point only preliminary plans have been developed to show potential right of way acquisitions. If Alternate D were chosen, during the next phase of final design the actual properties affected will be determined. At that point, the right of way phase begins and your specific questions below would be addressed.

The Environmental Phase will be completed December of this year. The Design phase will start around January 2009. Once it has been determined exactly which areas are affected communications will be made with the community. This process will probably begin middle to late 2009. Both the design and right of way phases take one to three years to complete. Once all these phases are complete construction will begin.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: eric estes [mailto:ericestes@hotmail.com]
Sent: Tuesday, July 29, 2008 12:38 PM
To: McConaha, Michael
Subject: Orange County Gateway

Mr. McConaha:

I had not heard back from you regarding my emailed question last Friday so am forwarding it to you again. Any information you could give us on this would be greatly appreciated.

There is something I would like to clarify - it is my understanding that if Alternate D is chosen and the decision made to acquire property from our mobile home park, that the city would buy the entire park (since it is one parcel), take out the section they need and then re-sell the rest. Is this the way the city plans to proceed? And if so, will there be any guarantees that the new private owner would maintain the property as a mobile home park?

P15-1

With Windows Live for mobile, your contacts travel with you. Connect on the go.

Stay in touch when you're away with Windows Live Messenger. IM anytime you're online.

August 2, 2008

From: Eric Estes
250 S. Rose Dr., #144
Placentia, CA 92626

To: Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia

Mr. McConaha:

I would like to address the impact of OCG Alternate "D" upon our community.

The EIS states that "These impacts of Alternative D are not anticipated to adversely affect community cohesion because there is not a strong sense of community across the BNSF and across the major streets in the area".

As defined by EIS section 3.4.1.2 Methodology: "Community cohesion is the degree to which residents have a sense of belonging to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions, usually as a result of continued association over time".

A couple incidents that happened in our community over this past weekend clearly illustrate that we meet this definition.

On Saturday I was in the laundry room at the end of our street and heard a crashing sound outside then someone calling for help. I went out and found a young girl had crashed her bicycle and was lying in the street and had a large bruise that was rapidly swelling on her forehead.

Since I did not have my cell phone with me I started running towards home to call for help. I saw a neighbor out in front of his home and told him what had happened and he went to call 911 while I returned to the girl. My neighbor followed me back with his cell phone and we kept the girl calm while his wife went and got her parents and help soon arrived.

The other incident occurred this last Sunday morning. I was returning from shopping and as I started to turn in off of Rose Drive I saw a small dog running out our entry way and headed for traffic and an elderly man chasing behind him. Another resident had already stopped her car to block the dog so I stopped next to her. We weren't able to get a hold of the little guy, but we did stop him from getting out into traffic and he finally ran home.

In both these incidents members of our community responded to help others we did not even know, we just knew that they were a part of our neighborhood. I believe this demonstrates that the residents of Del Cerro estates do feel a strong bond to each other and a responsibility to help our neighbors.

P15-2

Under the preliminary planning for Alternate D at least some of our homes fall under the project footprint and would be acquired. But as is clearly stated in the EIS the amount of property needed for the project could change during the final planning process and we would not know for months if we are going to have to relocate.

P15-2

The EIS goes on to state that "Alternatives B, C, and D would not adversely affect the character of these census tracts because they would not remove or adversely affect community facilities or services in these census tracts"

Under the current preliminary planning the shopping center right next to our park at Orangethorpe and Rose is to be completely acquired by the city. The loss of these shopping resources would have a marked impact on those of our residents who must live with limited mobility, particularly our elderly residents. For many of them having these resources within easy walking distance means they can take care of some of their own basic needs without having to rely on others. The degree of self reliance this allows them to have is extremely important to their psychological well being as well as taking some of the load off those of us caring for them.

P15-3

Finally, the EIS states "The existing character of the local area is not anticipated to be adversely affected by Alternatives B, C, and D".

The character of our mobile home community is currently an open suburban type setting with plenty of access to fresh air and sunshine. The sound walls to be constructed along the rail road tracks as well as the overpass structure itself would block most if not all of our breeze as well as blocking a good bit of our sunshine. This would have the effect of changing our community's character to a closed in urban type setting. In addition, the loss of our breeze would cause the exhaust fumes from passing rail and road traffic to "settle in" on us with potential health impacts for all of us, particularly our older residents many of whom are already living with respiratory ailments.

P15-4

Thank you for your consideration

Respectfully,

P15 RESPONSES TO COMMENTS FROM ERIC ESTES DATED AUGUST 2, 2008

P15-1 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P15-2 There is a strong sense of community within the Del Cerro Mobile Estates from the examples provided in this comment letter. The statement in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) specified "across major streets in the area" as not having a strong sense of cohesion. The major streets in the project area are the eight major crossings discussed throughout the Draft EIS/EIR (Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, Jefferson Street, Van Buren Boulevard, Richfield Road, Kellogg Drive, and Lakeview Avenue).

Please also refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

Please also refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P15-3 The community facilities and services referred to in the Draft EIS/EIR are City or public facilities, such as police, fire, schools, and parks. Notwithstanding, it is understood that the shopping center on the corner of Rose Drive and Orangethorpe Avenue is important to some of the residents who live adjacent to it. Another shopping center is located approximately 0.5 mile to the north, at the intersection of Rose Drive and Alta Vista Street.

P15-4 The Orange County Gateway (OCG) project would not result in any changes (increases or decreases) in emissions associated with rail vehicles. By eliminating the existing at-grade crossings, the OCG Build Alternatives would reduce the vehicle idling emissions in the project area. Therefore, the proposed OCG Build Alternatives would result in a net reduction in long-term air quality emissions.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P16

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: ARMANDO FLORES

ADDRESS: 250 S. ROSE DR #101

AFFILIATION: DEL CERRO Mobile Estates RESIDENT

COMMENT: WE ARE hoping FOR ALTERNATIVE B OR C FOR ORANGE County GATEWAY PROJECT. THE RAIL ROAD COMPANY HAS FOR YEARS TAKEN LAND AND HOMES. THESE R.R. COMPANIES will PUT PEOPLE IN THE UNEMPLOYMENT LINE which WE ARE SEEING it HAPPEN today. ALSO PERHAPS EVEN GOING BANKRUPT and MAYBE IN THE Hospital. Will YOU CHOOSE OUR SIDE RATHER THAN SIZING WITH THE R.R. COMPANY.

P16-1

P16 RESPONSES TO COMMENTS FROM ARMANDO FLORES (NO DATE)

P16-1 The Orange County Gateway (OCG) project is proposed by the City of Placentia and not the Burlington Northern Santa Fe (BNSF) Railroad. The BNSF owns the existing track and right-of-way but has no obligation to construct any crossings over those facilities.

P17

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Teri Flores

ADDRESS: 250 S. Rose Dr. Sp. 101 Placentia Ca. 92870

AFFILIATION: Property Owner/Mobile Home Park

COMMENT:

I'm writing on behalf of all those in danger of losing homes in the Del Cerro Mobile Park. We have lived here only 8 months, but we love it here. We are asking that you consider the Alternative plans - #B & #C., or the plan not to do anything at all, (No Build) Consider the economic status of people. It is a recession and cost of living in other areas is, very high, especially for low income or retired residents. Thank you. Teri Flores

P17-1

P17 RESPONSES TO COMMENTS FROM TERI FLORES (NO DATE)

P17-1 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P18

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Karen Ford

ADDRESS: 1048 E. Moreno Way, Placentia

AFFILIATION: owner

COMMENT: I'm an owner of a dwelling in a "potential impact" area. According to documents in sec. 3, my property isn't on the full or partial acquisition list, but a major overpass (Orangethorpe/Chapman) is going to be at/or above my 2nd story level, impacting my view, safety and noise level, and property value. All small businesses around my home are going to be taken. What is going to be the recourse for these homes? Are we going to be protected by a sound wall? If option D is selected, when do we find out what the full impact of this overpass brings to our neighborhood? Why does the overpass (Orangethorpe) have to be so long, that Chapman and Miller/Crowther streets have to be lowered? I'm for changing the flow of the roads, but this overpass seems excessive, why can't it be just between Chapman & Miller/Crowthers?

P18-1

P18 RESPONSES TO COMMENTS FROM KAREN FORD (NO DATE)

P18-1 Please refer to response to comment B12-5, provided earlier in this Responses to Comments Report, for discussion of the potential traffic-related noise impacts under Alternative D.

The impacts of each Orange County Gateway (OCG) Build Alternative were documented in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). Those impacts are the most conservative or worst-case effects of those alternatives.

Please also refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR concluded that Alternative D would result in possible adverse visual impacts to residential uses near the Orangethorpe Avenue overpass. The adverse visual impacts would be reduced but not eliminated through implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7 in the Draft EIS/EIR. Please also refer to Section 3.7 in the Draft EIS/EIR for discussion of the visual analysis conducted for the OCG alternatives.

Please refer to Figure 3.14-3B and Table 3.14-P in the Draft EIS/EIR regarding sound walls. Sound Wall No. 5 (at 8 feet high) is the final reasonable and feasible sound wall (with the height limited by City Ordinance) for the intersection of Orangethorpe and Chapman Avenues. Please also refer to Section 3.14, Noise and Vibration, in the Draft EIS/EIR for discussion of the noise impact analysis conducted for the OCG alternatives.

The length of the overpass at this location is a result of Orangethorpe Avenue and the Burlington Northern Santa Fe (BNSF) tracks intersecting at an offset angle. In order for Orangethorpe Avenue to extend over the BNSF tracks, the overpass must be longer than if the road and tracks intersected at a right angle.

P19

McConaha, Michael

From: Eminent Grafix [service@eminentgrafix.com]
Sent: Saturday, August 09, 2008 4:11 PM
To: McConaha, Michael
Subject: Grade seperation project. 8-9-08 4:10pm
Importance: High

Michael McConaha
401 E. Chapman Ave
Placentia, CA 92870

August 7, 2008

Re: The Grade Separation Project

Dear Mr. McConaha,

As I understand it, my neighborhood and livelihood in this beautiful city may be upset due to the City of Placentia proposing a plan that would take away mine and my children's home. I am writing you to give my input, and I hope that my voice will be heard.

I have lived in Del Cerro Mobile Estates since March of 1999. Prior to that, I lived in Placentia on Santa Fe Ave. We moved to CA in 1997 from Chicago. My daughter has grown up in Placentia; going to Van Buren, then John Tynes, and now in Valencia High. She has been a member of Girl Scouts and participated in many Placentia Heritage Day Parades. I am also raising my 2 ½ year-old son as well in this city, and was looking forward to him being in the PYLUSD. I live on the very back wall of the park, closest to Orangethorpe. I want you to know the impact that losing my home will have on my family. For one, I am struggling financially to support my 2 kids as it is. My home is paid off, but between the lot rent and other bills, I am paying about $1300 a month. I have 1375 sq. ft. of living space, plus my yard and driveway. I will never be able to have that in an apartment if I am forced to move. I also have 2 dogs, a cat, and a "built-in" saltwater aquarium. No apartment will accept my pets, nor will I have a yard to let them play in. I will be forced to give up my pets, which will absolutely crush my family. And of course, I could never afford to purchase a house (let alone a house in Placentia), so we would be terribly affected by this whole project. We would be forced to re-locate to a less desirable city and my children would suffer in a bad school system and bad neighborhood. P19-1

Also Mr. McCohaha, I have sacrificed and spent a lot of money upgrading my 1970 model home. I have put in new floors, toilets, etc. I have spent lots of money painting and doing home repairs. I just spent $5000 alone 2 years ago putting in a new A/C unit, water heater, furnace and sub-floor. I also have spent a lot of money on fencing in my yard so my children and dogs would have a safe place to play. My home is beautiful inside, and my next 2 project were going to be re-doing my countertops and walling off my dining room to turn into a 3rd bedroom for my son. I have landscaping plans as well, but now I'm scared to do anything for fear of losing my life's investment.

My story is only one in hundreds of stories that will erupt from this eminent domain. I have chosen this city carefully and planned my life and finances based on what I have. I ask you to please not take my dream away and not upset my family. Please listen to my neighbors and listen to the lives that will be affected. Re-locating and upsetting children's lives is NOT that easy. My daughter is going into her

sophomore year and her grades are outstanding. Imagine being with your friends and peers for 10 years through school, then being snatched away in the middle of high school...all for what? To move a train track a few feet? It is not even close to being fair Mr. McConaha. Please listen to us. Please understand.

P19-1

Sincerely,
Davina Forrester
250 S. Rose Dr., Spc. 137
Placentia, CA 92870
Placentia resident since 1997

Davina Forrester
714-223-1538
www.eminentgrafix.com

P19 RESPONSES TO COMMENTS FROM DAVINA FORRESTER DATED AUGUST 7, 2008

P19-1 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P20

McConaha, Michael

From: McConaha, Michael
Sent: Monday, August 04, 2008 4:28 PM
To: 'myroisindubh@roadrunner.com'
Cc: Muth, Andrew; Perez, Maria
Subject: FW: Placentia Grade Seperation - Gateway Project

Mr. Gilbert,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Perez, Maria
Sent: Monday, August 04, 2008 2:35 PM
To: Butzlaff, Troy L.; Muth, Andrew; McConaha, Michael
Subject: FW: Placentia Grade Seperation - Gateway Project

Maria G. Perez
714-993-8117

From: Allan F. Gilbert [mailto:myroisindubh@roadrunner.com]
Sent: Monday, August 04, 2008 2:11 PM
To: Perez, Maria
Subject: Placentia Grade Seperation - Gateway Project

Greetings;
I have been trying to submit an alternate idea for the OCGP that has less impact on homes and businesses in Placentia but it seems nobody cares to listen to anything new.
I propose raising the BNSF Railroad mainline from Bradford avenue (crossing closed) to a height of 20 feet at Rose Drive/Tustin Avenue, then back down to existing grade east of Kellogg. All streets would go under the RR tracks with Rose/Tustin remaing at current grade (due to the storm channel adjacent to the tracjs and Ornagethorpe Avenue.
The combination of raised RR Right-of-way and lowered street undercrossings has proven effective in the SF Bay Area CalTrain corridor.
From a safety point of view seperating all vehicle and train traffic is ideal, it would also reduce emissions from vehicles not waiting for train traffic. It would not significantly impact RR operations or noise levels in surrounding neighborhoods.
It would not require the demolition and closure of homes or businesses along the proposed route.
If done properly construction related congestion and delays would be minimized.

P20-1

How it would work:
Phase 1
- relocate underground utilities
- install new grade crossing protection for temporary Railroad R-O-W. Reroute vehicle traffic where possible to

allow vehicle access during bridge/underpass construction.

Phase 2
- Build temporary RR R-O-W along south side of Orangethorpe from west of Imperial highway overpass to Orangethorpe/RR crossing, along north side of Crowther to east of Bradford pedestrian overcrossing.

Phase 3
- Build bridge abutments along route and begin filling raised embankment in between.
- Install new RR signals as required.
- Slope construction/ protection/ maintenace/landscaping included in this phase.

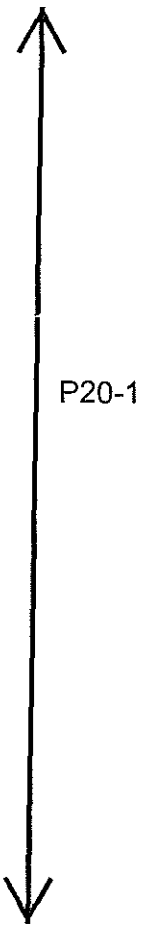
Phase 4
- Install bridges (cast names into bridge sides, city medalions into center support piers)
- ballast RR subgrade, relay tracks on new grade.

Phase 5
- remove temporary RR R-O-W and complete street underpasses, install sidewalks along Orangethorpe and Crowther, fencing where required
- Call it done.

Safety - impact: Reduced vehicle / pedestrian / train interaction, access for emergency vehicles improved.
Time - Completing all of this at the same time would lessen impact on residents and businesses.
Cost - No property acquisition required though project could not (and should not) be spread over several years as with other proposals.
Nobody loses a home, nobody loses a business under this plan.

Thank you for your time.
If you have any questions please contact me.

Respectfully,
Allan F. Gilbert
myroisindubh@roadrunner.com
714-300-5683
Placentia, CA



P20-1

McConaha, Michael

From: Allan F. Gilbert [myroisindubh@roadrunner.com]
Sent: Sunday, August 10, 2008 11:15 PM
To: McConaha, Michael
Subject: fw: CSX grade seperation Route 450 in Maryland - see?
Attachments: August_9_2008_047_Medium_.jpg; August_9_2008_050_Medium_.jpg; August_9_2008_061_Medium_.jpg; August_9_2008_058_Medium_.jpg; August_9_2008_071_Medium_.jpg; August_9_2008_067_Medium_.jpg

No reason this couldn't be done in Placentia

Subject: CSX grade seperation Route 450 in Maryland

Bladensburg, Maryland.
Proof that you can make a grade seperation without destroying surrounding properties.

This is a continuation of a series of pics I took since the beginning of the CSX Rt.450 grade crossing separation project in Bladensburg, Maryland along the old B&O Alexandria extension. The Rt.450 and Upshur street crossings will be eliminated when the overpass is placed into service around later September of this year. I have not posted updates on this special project in a while so here they are. Pics are taken today this Saturday August the 9th afternoon.

First through third pics are of the eastern most end of the Rt.450 project taken at Tanglewood Drive near the Hyattsville wye. The structure is being built to handle two tracks but for now only one track will be installed. The temporary shoo-fly track to the right was built so the overpass could be built on top of the original B&O alignment of the Alexandria extension.

Gilbert

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Fourth pic is a view looking eastbound on the extension toward the Hyattsville wye from the Tanglewood Drive crossing.

Fifth pic is the western most end of the Rt.450 project near Lloyd Street in Bladensburg, Maryland. L173 led by CSX 5467 and 5279 is passing westbound at 2:50 pm on the shoo-fly track heading for the RF&P in Virginia. The ballast is down on the overpass and next is to install the track on this western most end of the project.

Sixth pic is looking westbound toward Jones Hill from Bladensburg Park. As you can see the shoo-fly track was installed in a zig zag fashion to accommodate the overpass project. I'll post more pics as work progresses.

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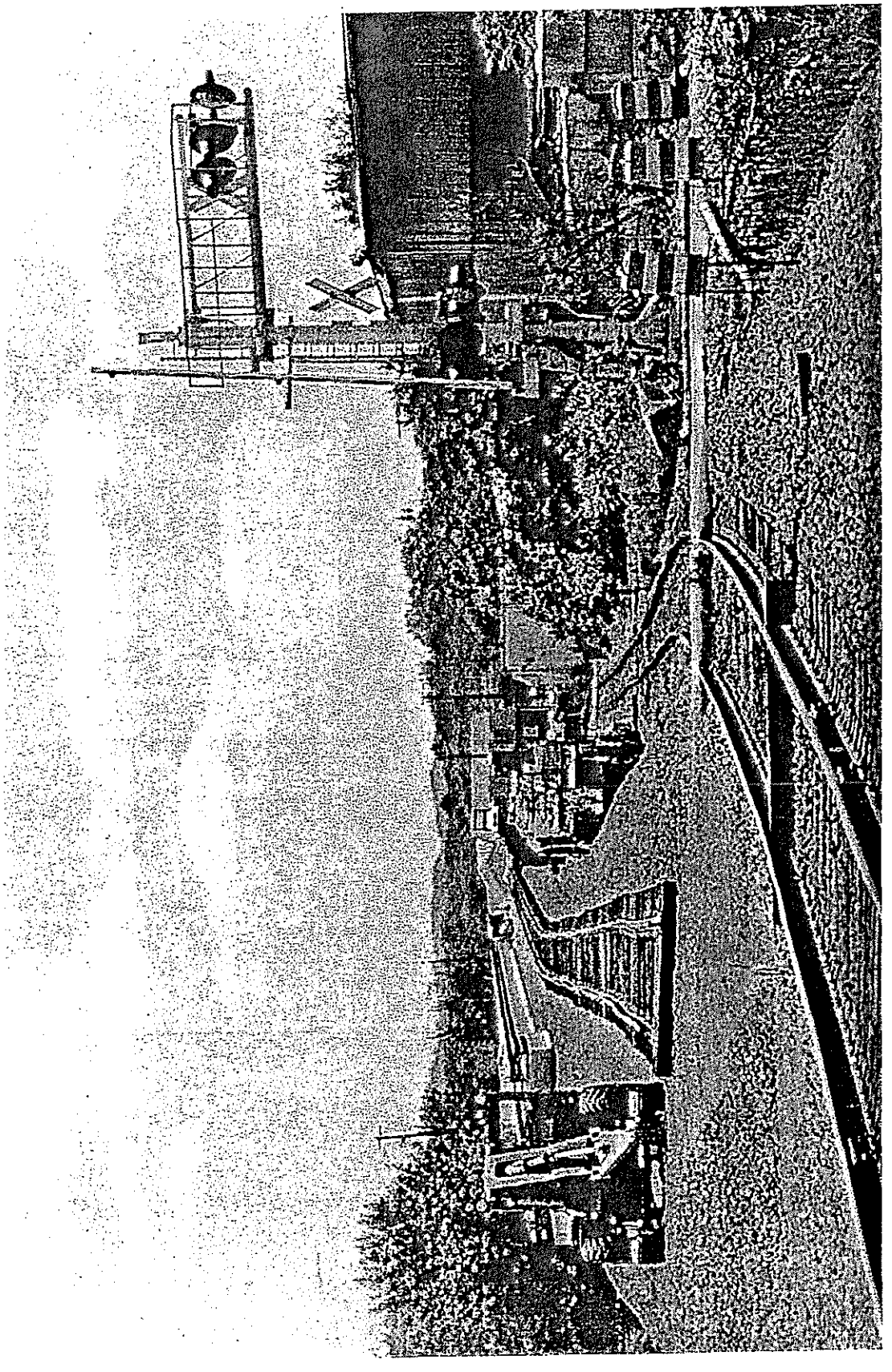
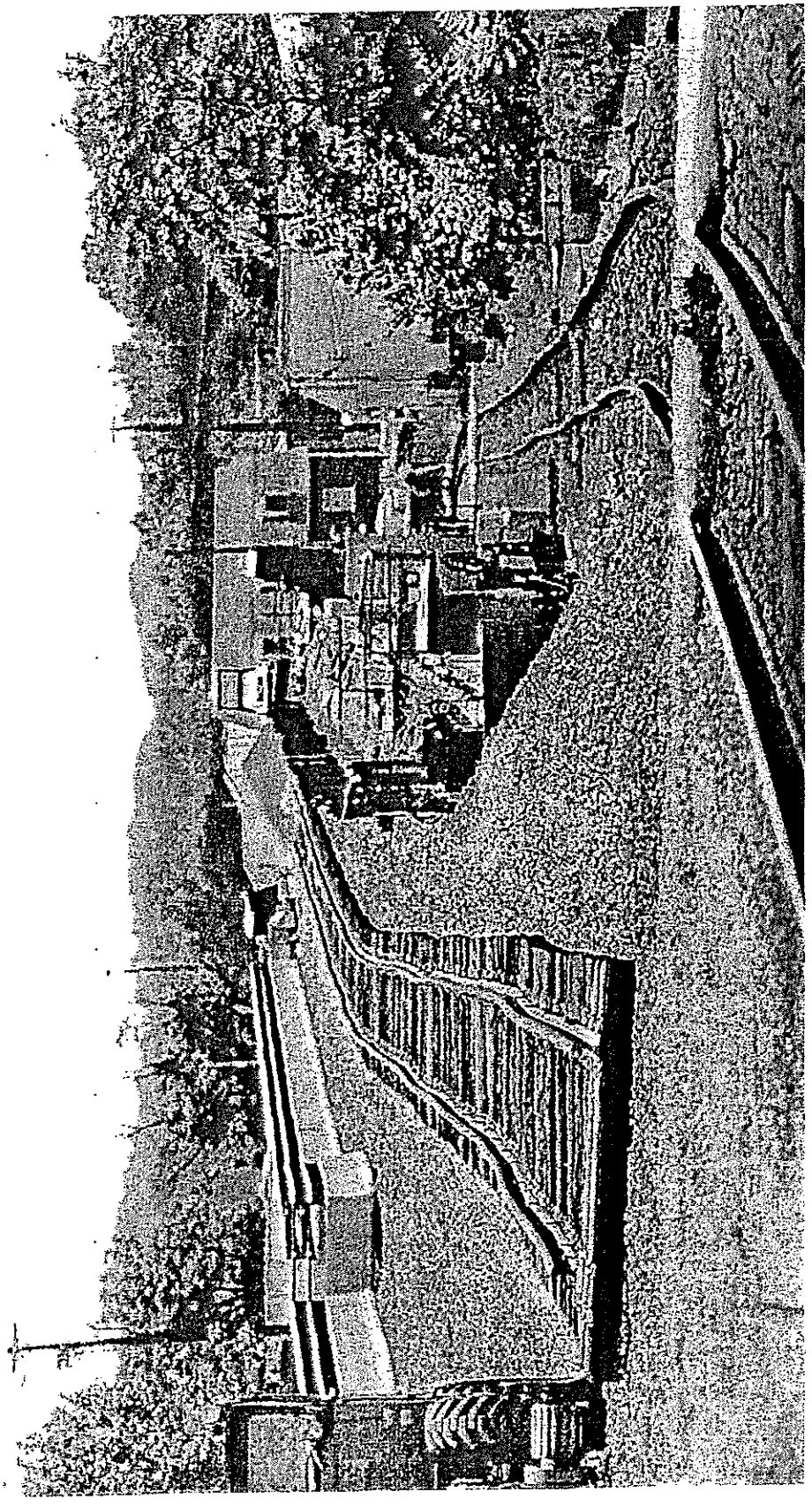
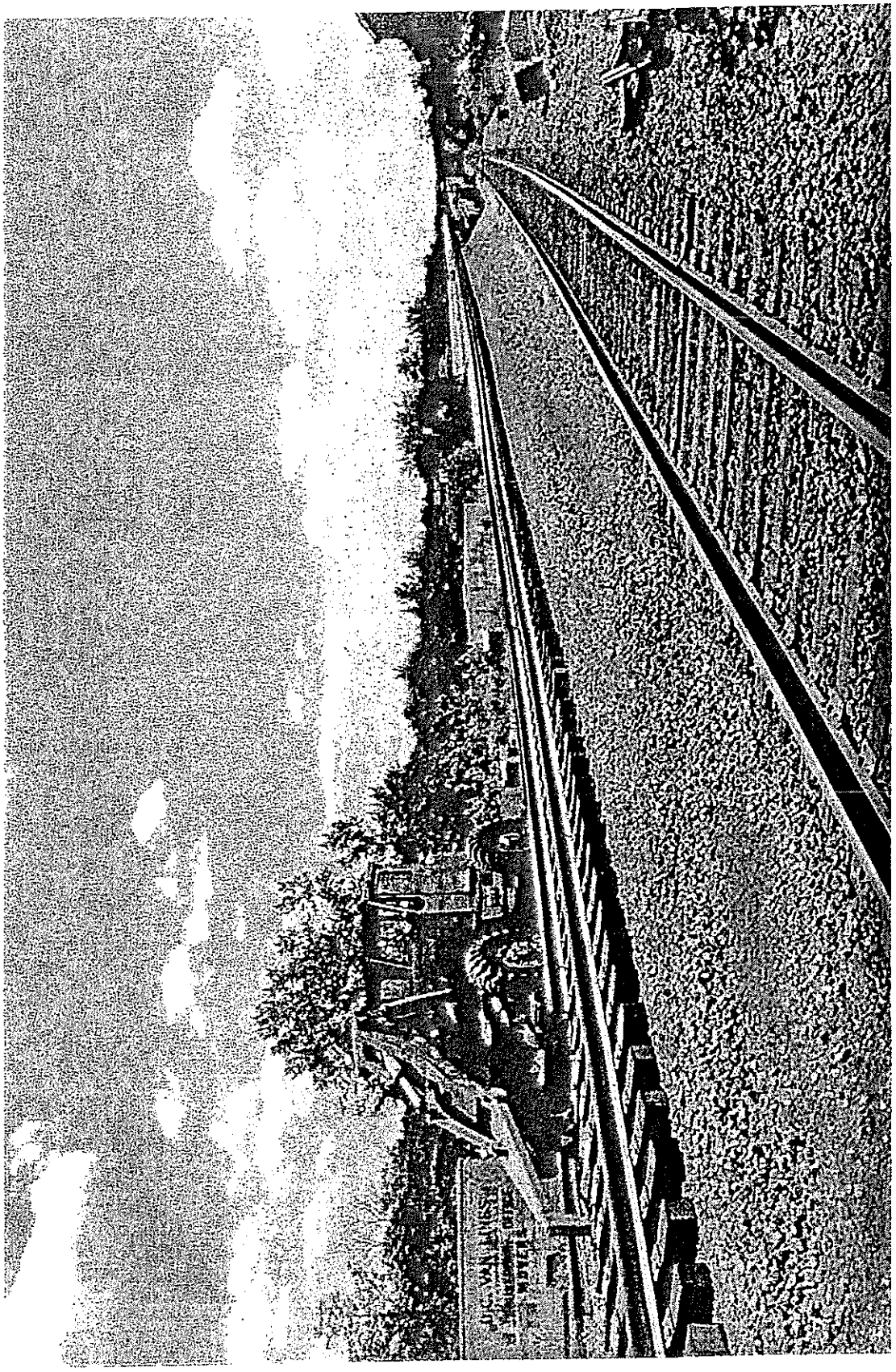
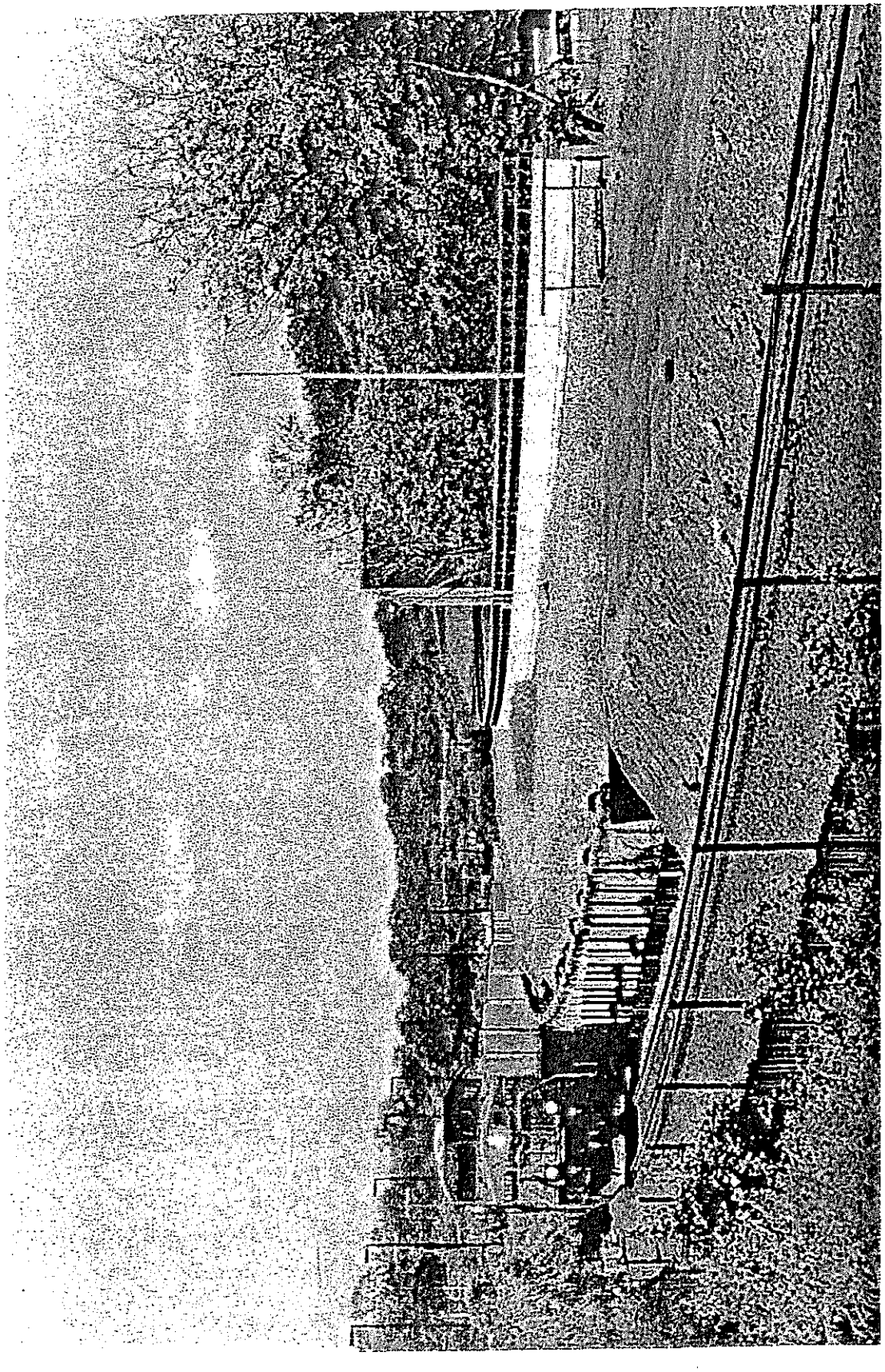
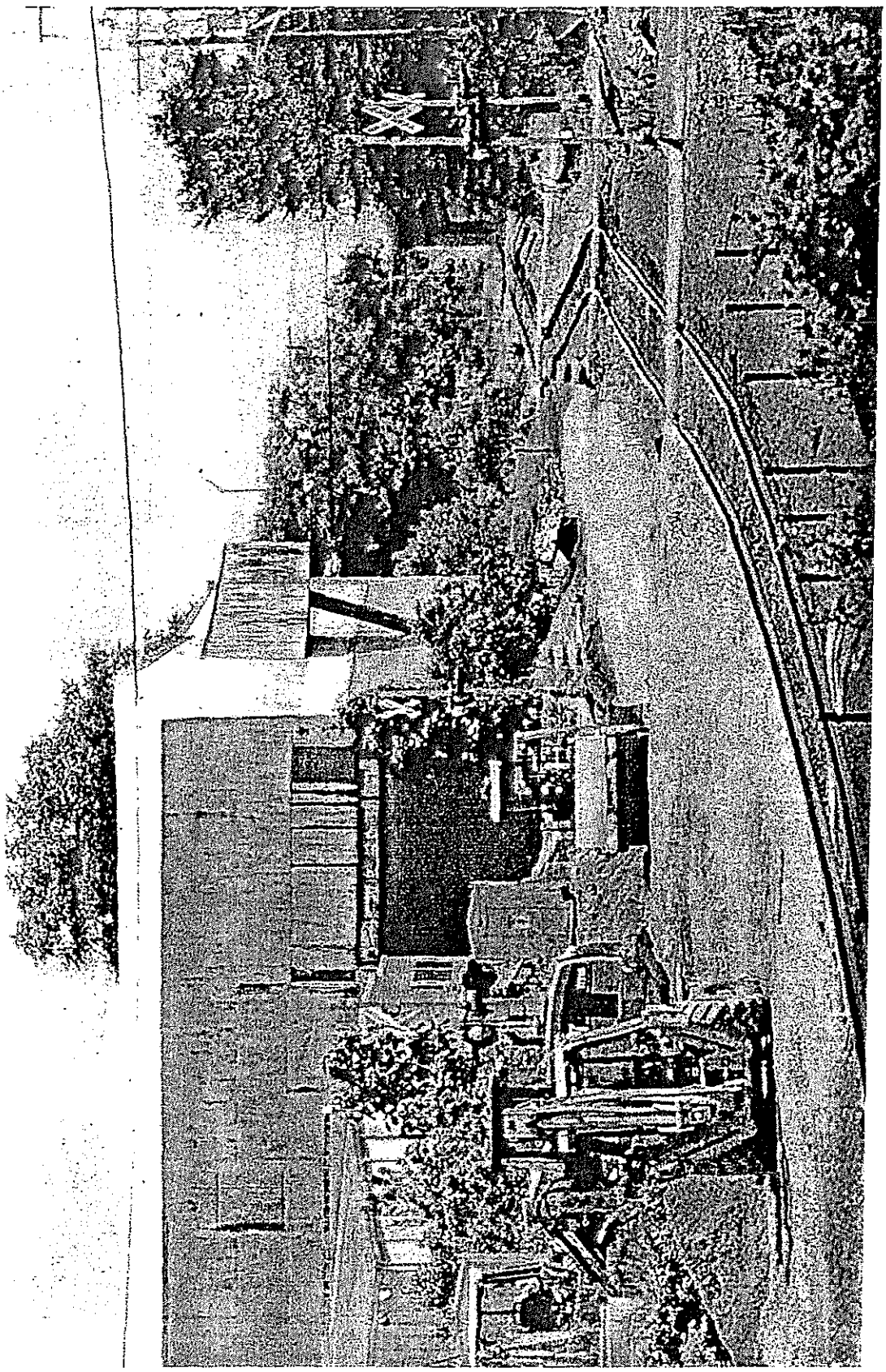
P20-1











P20 RESPONSES TO COMMENTS FROM ALLAN F. GILBERT DATED AUGUST 4, 2008

P20-1 Raising the Burlington Northern Santa Fe (BNSF) tracks to pass over a surface street crossing would require raising the tracks for a substantial distance along the project segment in the study area as well as to both the east and the west. This is because trains require a substantial distance to change grades (going up or down hill) because of the weight and lengths of the trains. As a result, it is not feasible to raise the tracks and then lower the tracks in a very short distance back to the original grade.

P21

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: JIE HAN

ADDRESS: 145 MAJORCA PLACE PLACENTIA CA 9287

AFFILIATION: Home Owner

COMMENT:

"Yesterday, all my troubles seemed so far away..." until I found out that an overpass was planned.

Plan D is a most unwelcome invasion of the quality of life within our already disrupted living environment. Residing next to railroad tracks, an intersection, no less, has caused much noise pollution as of now. Even with the bright, glaring signs declaring that there will be no horn blown by the trains, the horns are still breaking the silence of the still nights with their loud, obnoxious shrieks. Luckily, these occasions are somewhat rare, and bearable. However, with the construction of an overpass, pollution and noise would seep over the low walls of our community. Building a taller wall to block such occurrences would not suffice, either. Our region is blessed with cool, balmy nights that make the use of air conditioning unnecessary. However, with taller walls surrounding the neighborhood, we would enjoy these conditions no more, and be required to use the air conditioner. Such uses of electricity would drive up utility costs, as well as further strain an already low supply of power. This, combined with a definite decrease of housing value, would strain the economic welfare of those residing in our community. We would be most grateful if any of the other plans, rather than plan D, was chosen to be implemented. Lastly, it is important to keep in mind that Plan D will not have a fleeting impact. Such results would have to be lived with for years on end. If something is meant to last for a long period of time, it is important to put in the funds as well as the effort to create an outstanding monument to the achievement of this city. Building a tunnel for the train would be that structure which will stand the test of time. If something is created haphazardly and with malign effects for those who will have to live with the consequences, such as an overpass, it would be better not waste the funds at all.

P21-1

P21 RESPONSES TO COMMENTS FROM JIE HAN (NO DATE)

P21-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P22

McConaha, Michael

From: Penny Hansen [prhansen@pacbell.net]
Sent: Saturday, August 09, 2008 7:41 PM
To: McConaha, Michael
Subject: EIS/EIR Comments

To: Placentia City Council
Michael McConaha
Department of Public Works
401 East Chapman Avenue
Placentia, CA 92870

Re: Draft EIS/EIR

I am writing both on behalf of my father, Jack Brass, a resident of the Del Cerro Mobil home park, and on behalf of my husband and myself, residents of the Bella Vista community. We are saddened and very concerned in regard to the city's proposed plans for the over crossings on Rose Drive (Alternative D). The reasons for our concern are as follows:

1. We lament the aesthetic impact these proposed over crossings and off ramps will have on our community. We fear our neighborhood will take on the appearance of a freeway interchange rather than the neighborhood we now enjoy and call our home. P22-1

2. We are concerned over the reality of years of noise, dirt, and construction mess in our neighborhood and the impact these will have on the value of our property and the quality of our daily lives should Alternative D by adopted. P22-2

3. We are especially distressed for the health and welfare of my father who is 87 years old, living on a limited and fixed income, and in fragile health suffering from glaucoma and muscular dystrophy. He is able to currently have a measure of independence, living in his mobile home while being nearby to my husband and myself. However, if the city decides to take his home in the Del Cerro mobile home park, then his welfare and way of life will be in jeopardy. P22-3

It is our hope that our City Council members will put the welfare and the rights of the people of Placentia foremost in their minds as these important issues are decided. We urge the city to choose either Alternative B or Alternative C instead of Alternative D, which would disrupt and put at risk the lives of many of Placentia's citizens. P22-4

Sincerely,

Penny and Ray Hansen
114 Sims Way
Placentia, CA

Jack Brass
250 S. Rose Dr., #19
Placentia, CA

P22 RESPONSES TO COMMENTS FROM PENNY AND RAY HANSEN AND JACK BRASS DATED AUGUST 9, 2009

P22-1 Section 3.7, Visual/Aesthetics, in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) concluded that Alternative D would result in possible adverse visual impacts to residential uses near the Orangethorpe Avenue overpass. The adverse visual impacts would be reduced but not eliminated through implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7 in the Draft EIS/EIR. Please also refer to Section 3.7 in the Draft EIS/EIR for discussion of the visual analysis conducted for the Orange County Gateway (OCG) alternatives.

Please also refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

P22-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P22-3 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P22-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Illyse Harber

ADDRESS: 151 S. MAJORCA PL

AFFILIATION: VISTACA Homes - Orangethorpe Crossing

COMMENT: See Attached

No to Plan "D"

No over Crossings

P23-1

We live very close to the Orangethorpe crossing. (Vistara Community) P23-2

1. Are they going to take homes away from the Vistara Community on Chapman and Orangethorpe? P23-3
2. If so, when? If Plan "D" goes into motion, please buy our homes. We do not want to look at a roadway. P23-4
3. How does this work? Eminent domain? P23-5
4. How many homes will be taken? P23-6
5. Do the homeowners take their tax rate/amount when they buy a new house? What is the law? P23-7
6. What if they take homes, but not yours and you are not happy because you are to close to the overpass? P23-8
7. Who pays for the loss in home value once the overpass is completed, if it is determined one has lost value in their house? We want compensation if Plan "D" goes as we were told on July 24th. P23-9
8. We will most likely be looking at Plan D. The overpass will cause us to be looking at a road that will have the appearance of a block wall. Our view of Anaheim Hills and Anaheim Lake will be gone. Who will compensate us for this inconvenience? How much? When? Who will help us? P23-10
9. Can you ask for your home to be taken by the project then for reasons affecting the residence closest to the project? I did not buy my house 13 years ago to look at a roadway. I was told, "Check this view out from your house." They were talking about the pretty lights and lake. P23-11
10. What if FMV is not agreed buy the city/project and homeowner? What happens? P23-12
11. Take our homes in Vistara and put a shopping center in there. I do not want to view a road in Plan D. I am sure Subway, 7-11, the Barber shop and others will like to stay close to where they are now. Buy my house and rent it, if you plan on leaving our Vistara community, to someone willing to live this life. P23-13

12. If no homes taken, how are the plans going to make our neighborhood quiet from the overpass traffic? P23-14
13. How tall are the walls to protect the neighborhood? P23-15
14. Who pays for the damage to the houses from the construction? Maybe foundation cracks and wall cracks? Can we have in writing that our house will be fixed, if damaged. I was told on July 24th that our house would be fixed if damaged by the contractors. Can we have this in writing? P23-16
15. What happens if our house vibrates and the noise from the cars at the peak of road/overpass since cars accelerate upward from both sides. Do we get compensated for our troubles? P23-17
16. How do you inspect this damage and what happens after the inspection due to construction and vibrations? P23-18
17. If it is determined that a home will not be taken now, but later is, will any improvements be reimbursed after the homeowner was told they would not move? What is the rule on this? P23-19
18. Curve the Orangethorpe Ave. road over Anaheim Lake so we do not have the road by our Vistara Community. Maybe the mobile homes and 7-11 and other stores could be saved by doing this. P23-20

19. Put the trains all underground and make everyone happy (PLAN B). Sue the companies that you know harmed Placentia and make them pay for the construction for the underground railroad. P23-21
20. Why are we to suffer in the future for mistakes and fraud committed by others involved in On-Trac project Are we making those companies and people involved pay for this? P23-22
21. Most of the neighbors in the Vistara community still think the railroad is going underground. I guess they did not read the newspapers and failed to look at the green flyers that went out 2-3 times to each of our mail boxes prior to the July 24th meeting. P23-23
22. I say stay with option A, do nothing. The whistles are not blowing and we are happier. Plan "D" is not good for us or anyone near the Orangethorpe and Tustin crossings. P23-24
23. We want our view & health & green yards & home value; Plan "D" does nothing for us.
24. Plan "D" will harm our way of life and are health. Do the studies. Keep your residences happy.
25. 12 million dollars (of 36M) is still unaccounted for according to the audit by the state and CalTrans. How does this affect the railroad project and homeowners and business owners? P23-25
26. What else should we be concerned about as homeowners? Did we/I miss something? P23-26

Thank you for your time. Please help us stay happy. We love our City- Placentia!!!!

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: JASMIN Tell

ADDRESS: 157 S. Majorca PL Placentia C

AFFILIATION: Chapman Orangethorpe

COMMENT: NO PLAN D.
NO OVERPASS

P23-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: BRAD + ILLYSE HARKER

ADDRESS: 151 S. MAJORCA PLACE, PLACENTIA

AFFILIATION: Homeowner Since 95' - Orangethorpe Crossing

COMMENT: No to PLAN "D" - No overpass

YES: TO "A" or "B"

P23-1

Please read my comments:

(See Attached)

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Francisco Herrera

ADDRESS: 157 S. Majorca Pl Placentia C

AFFILIATION: Chapman & Orangethorpe Av

COMMENT: NO TO 241 PLAN D.
NO OVERPASS

P23-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Frankie Herrera

ADDRESS: 157 S. Majorca pl Placentia CA 92870

AFFILIATION: Chapman and Orangethorpe Ave

COMMENT: No overpass and no to plan D

P23-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: ALONZO HOWELL

ADDRESS: 1106 E. MONTEGO WAY

AFFILIATION: VISTARA HOUSING TRACT

P23-1

COMMENT:

SEE ATTACHED LETTER.

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Evelia Robles

ADDRESS: 157 S. Majorca Pl Placentia

AFFILIATION: Chapman of Orangethorpe Ave

COMMENT: NO to plan D/
NO Overpass

P23-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Jennyfer Sickler

ADDRESS: 157 S. majorca Pl Placentia, CA 92870

AFFILIATION: Chairman of Orangethorpe

COMMENT: No to Plan D

No overpass

P23-1

P23 RESPONSES TO COMMENTS FROM ILLYSE HARKER AND OTHERS (NO DATE)

A number of persons submitted the same comment letter with questions/comments regarding the proposed project in the vicinity of the Vistara community. In addition to Ms. Illyse Harker, listed above, the following persons also submitted this common letter: Yazmin Gill, Brad and Illyse Harker, Francisco Herrara, Frankie Herrara, Alzono Howell, Evelia Robles, and Jennyfer Sickler.

P23-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-2 As noted above, this comment letter was submitted by a number of persons who reside in the Vistara community.

P23-3 As shown on the preliminary design plans in Appendix A and the detailed acquisition maps in Section 3.4, Community Impacts, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), no residences in the Vistara community are anticipated to be acquired for the Orange County Gateway (OCG) Build Alternatives.

P23-4 Property outside the right-of-way limits for a proposed project is typically not purchased as part of a project. However, rare exceptions are made when the property owner would suffer unduly if that property were not purchased. These cases occur only very rarely and are considered on a case-by-case basis during the property acquisition phase of a project.

P23-5 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P23-6 Please refer to response to comment P23-3, above, regarding the anticipated property acquisitions in the Vistara community for the OCG project.

P23-7 Please refer to Common Response 5, provided earlier in this Responses to Comments Report, regarding the transfer of base year values for tax purposes.

P23-8 Please refer to response to comment P23-4, above, regarding properties not anticipated to be acquired for the project that are adjacent to or in the vicinity of the project limits.

P23-9 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-10 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-11 Please refer to response to comment P23-4, above, regarding properties not anticipated to be acquired for the project that are adjacent to or in the vicinity of the project limits.

P23-12 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P23-13 Please refer to response to comment P23-4, above.

P23-14 The potential noise impacts and the proposed measures to address those noise impacts under Alternative D are evaluated in Section 3.14, Noise, in the Draft EIS/EIR.

P23-15 Please refer to Figure 3.14-3B and Table 3.14-P in the Draft EIS/EIR regarding sound walls. Sound Wall No. 5 (at 8 feet high) is the final reasonable and feasible sound wall (with the height limited by City Ordinance) for the intersection of Orangethorpe and Chapman Avenues.

P23-16 Please refer to Common Response 13, provided earlier in this Responses to Comments Report, regarding compensation for structures damaged during project construction.

P23-17 The potential noise impacts and the proposed measures to address those noise impacts under Alternative D are evaluated in Section 3.14, Noise, in the Draft EIS/EIR.

The road traffic on the proposed overpasses would not result in perceptible vibration impacts. The OCG Build Alternatives would not result in any changes in rail traffic volumes and therefore would not result in any changes in train vibration levels.

P23-18 Please refer to response to comment P23-16, above.

P23-19 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P23-20 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P23-21 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-22 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-23 Comments noted. No response necessary.

P23-24 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P23-25 The California Department of Transportation (Caltrans) audit has no effect on the decision to approve the environmental document for the proposed OCG project. The Orange County Transportation Authority (OCTA) has secured funds for future phases of the OCG project. Therefore, the outcome of the Caltrans audit would have no effect on the proposed OCG project.

P23-26 The Draft EIS/EIR provides analysis of the potential environmental impacts of the proposed OCG project. This information is provided, in part, to address concerns of property owners in the project area.

P24

July 25, 2008

City of Placentia
Attn: Michael McConaha, Sr. Administrative Analyst
401 E. Chapman Avenue
Placentia, CA 92870

Re: Orange County Gateway Project EIS/EIR

Dear Sir,

It has come to my attention, after reading a rather biased article in the Placentia newspaper by Eric Neff, the City is planning on renovating the intersection of Rose/Tustin and Orangethorpe. The grade separation project will have a multifaceted impact on many homes and businesses. Since one of the homes is mine, I am writing this letter. P24-1

I understand that the State of California and OCTA are funding this project. It has also come to my attention that there are four Alternatives. One of the Alternatives – do nothing – really is not acceptable. It is the other three that I wish to discuss. P24-2

My understanding of Alternatives B and C would lower the railroad tracks. The barrier provided by lowering the tracks would provide less noise by silencing the horns and reducing the noise from the interaction of the wheels to the track.

I realize that the trains aren't to use their horns, but some still blow them even late at night. The trains can run unimpeded if the tracks are lowered, which in the long run, is safer for vehicles and pedestrians. Either one of these Alternatives would also relieve the traffic congestion at all the intersections of the Gateway Project which seems to be the goal of the City Council. P24-3

Alternative D, which impacts me the most, has the appearance of costing the City less money. We all know that the initial cost of $324 million doesn't include land acquisition. So, the projected amount spent will be a lot more. This eliminates the argument of Alternative D costing less. P24-4

On the pollution aspect of the project, this will affect my entire neighborhood and the surrounding neighborhoods as well. The noise pollution of the construction zone will be horrendous. And if the construction noise isn't enough, the remaining homes will be subjected to additional noise. According to the Table 3.14-J Vehicular Noise Impact Summary, the noise level near an overcrossing, such as the one proposed at Rose/Tustin and Orangethorpe, will increase. The train noise level according to Table 3.14-K Train P24-5

Noise Exposure Summary will exceed the acceptable standard. The amount of traffic and the amount of trains is only going to increase. The conclusion I find is plain and simple – more noise. P24-5

The amount of dust and debris from a project this size will ultimately cause health issues for those with allergies, asthma or other lung ailments. Have you ever remodeled your home? It always is louder and takes longer than you expect and the mess can take weeks to clean up. Just image that kind of pollution on the scale of Alternative D. P24-6

The aesthetics are another issue. An overcrossing would greatly detract and lower property values, because frankly, who wants to live next to a freeway. P24-7

I find it amazing that the mayor of Placentia and some of the members of OCTA Board of Directors seem unaware of Alternatives B and C. There are three different conclusions that can be drawn. The first is they are ill-informed. The second, the City of Placentia doesn't wish Alternatives B or C to be considered. The last conclusion is they are all liars. Which one is correct? P24-8

Since I have lived in Placentia for over 26 years, I have used this intersection at various times of the day, including rush hour. For years I have listened to the trains and have sat in traffic because of them. I know that the traffic situation must be relieved I just don't want to lose my house in the name of progress. P24-9

I appreciate your comments on this matter.

Sincerely,

Maryliz Harris
250 S. Rose Drive, #103
Placentia, CA 92870

P24 RESPONSES TO COMMENTS FROM MARYLIZ HARRIS DATED JULY 25, 2008

P24-1 Comment noted. Please refer to responses to comments P24-2 to P24-9, below, for responses to the comments provided in this letter.

P24-2 Comments noted. No response necessary.

P24-3 This comment is correct in that the lowering (trench) alternatives would eliminate the use of train horns and would beneficially affect the operations of the local streets at their crossings with the railroad tracks. Alternative D, the standard grade separations, would also accomplish these objectives of the proposed Orange County Gateway (OCG) project.

P24-4 The estimated costs for each OCG Build Alternative provided in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) do include costs for right-of-way acquisition.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs, which indicate that Alternative D is substantially less expensive to implement than the other two Build Alternatives (B and C).

P24-5 Please refer to response to comment P6-2, provided earlier in this Responses to Comments Report, for discussion of the potential construction-related noise impacts of the OCG Build Alternatives.

Please also refer to response to comment B2-5, provided earlier in this Responses to Comments Report, for discussion of the traffic noise impacts associated with Alternative D.

P24-6 Please refer to responses to comments P6-1 and P6-3, provided earlier in this Responses to Comments Report, for discussion of the construction-related dust and exhaust emissions, respectively, under the OCG Build Alternatives.

P24-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P24-8 The Draft EIS/EIR analyzes and evaluates each alternative at an equal level of detail. All local agencies and cities have been part of the scoping process and are

routine participants in the development of the proposed alternatives and the environmental document. The Orange County Transportation Authority (OCTA) Board of Directors and the Placentia City Council are informed about all the OCG alternatives, including the three Build Alternatives and the No Build Alternative. As noted on page 2-26 in the Draft EIS/EIR, the City Council did select Alternative D as the Locally Preferred Alternative for the proposed project after considering all three Build Alternatives.

The 2004 cost estimates are from the "Project Cost Estimates" Technical Study.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P24-9 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P25

McConaha, Michael

From: McConaha, Michael
Sent: Monday, July 28, 2008 4:11 PM
To: 'Edward Hartmann'
Subject: RE: Gateway EIS/EIR comments

Mr. Hartmann,

All comments received by the City on the Draft EIS/EIR, including email comments such as your email comments dated 7-28-08, will be responded to after the end of the public review period on August 11, in the RTC "Response To Comments" Report.

Briefly in response to your email comments:

- The Draft EIS/EIR does not consider any future plans of the BNSF, including whether the BNSF would require additional right-of-way in the future. Any BNSF improvements would be outside the scope of the proposed Orange County Gateway project and the Draft EIS/EIR.
- The estimated construction period for each overpass or underpass, based on the preliminary engineering available at this time, is +/- three years.
- The costs for the build alternatives are shown on pages 2-11, 2-19, and 2-28 in the Draft EIS/EIR
- .

If you have any further questions, please provide them to the City by the end of business, 5 PM, on August 11."

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Edward Hartmann [mailto:echartmann@sbcglobal.net]
Sent: Sunday, July 27, 2008 4:00 PM
To: McConaha, Michael
Subject: Gateway EIS/EIR comments

1. In which case will the BNSF require additional right of way? P25-1
2.
2. What is the estimated time it will take to complete the Kraemer underpass (Alternative D)? P25-2
3. What is the estimated time it will take to complete the Rose overpass (Alternative D)? P25-3
4. Where can I find details on the cost estimates (Alt B=$560Mil, Alt C=$488Mil, Alt D=$324)? P25-4

Ed Hartmann

P25 RESPONSES TO COMMENTS FROM EDWARD HARTMANN DATED JULY 27, 2008

P25-1 Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

P25-2 The estimated construction period for each overpass or underpass, based on the preliminary engineering available at this time, is ±3 years.

Please also refer to Common Response 12, provided earlier in this Responses to Comments Report, for information on the design, right-of-way acquisition, and construction schedules for Alternatives B, C, and D.

P25-3 Please refer to response to comment P25-2, above.

P25-4 The estimated costs for the Build Alternatives were shown on pages 2-11, 2-19, and 2-28 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P26

McConaha, Michael

From: McConaha, Michael
Sent: Tuesday, August 05, 2008 5:04 PM
To: 'Tom Hartman'
Cc: Perez, Maria
Subject: RE: OCGateway Comments - PLS FWD to elected City Council Officials

Mr. Hartman,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Ms. Perez will forward your email to the City Council members.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Tom Hartman [mailto:tomhartman62@hotmail.com]
Sent: Tuesday, August 05, 2008 4:50 PM
To: McConaha, Michael; Perez, Maria
Subject: OCGateway Comments - PLS FWD to elected City Council Officials

To the members of the Placentia City Council and all involved in the OCGateway Project -

With regard to the OCGateway Project DRAFT EIS/EIR: due to the unstable and insecure financial condition of the City of Placentia, it would be *fiscally irresponsible*, a *gross misuse of resources*, and a *blatant disregard* for the well-being of the city, its citizens, and the responsibilities entrusted to, of, and by the Placentia City Council members to consider or pursue any Alternative other than A. If an Alternative, other than A, MUST be chosen, the most economically responsible Alternative *for all parties involved* is Alternative B.

For over 10 years, this project has been at some point in the investigative, planning, or DRAFT phase: costing the City of Placentia *millions of dollars* (sinking the City to the brink of bankruptcy), resulting in felony "Conflict of Interest" indictments of former Placentia City Officials Chris Becker and Robert D'Amato (while the entire City Council should have been recalled and indicted as well), and continually receiving the same recommendation from multiple engineering firms - other than no action, a lowered rail is the most economically, and environmentally feasible solution with little or no permanent, negative effects on the surrounding communities while providing the greatest overall benefit to all parties involved. P26-1

While receiving this recommendation on more than one occasion and from various engineering groups, the Council again displays an absurd indifference for the financial well-being of the City and the voting citizens by unofficially selecting Alternative D. Compared to Alternative B, Alternative D will displace 59 more families - resulting in > 5% loss of annual revenues from property taxes alone; displacing an additional 27 businesses = 932 jobs. Of these residents and businesses, how many would actually relocate within and contribute back to the city of Placentia?! How many businesses would relocate and stay in business, rather than take the money and move elsewhere - jeopardizing more local jobs in an already unstable economy?!

Due to the slump in the real estate market, the city may acquire properties at a very low fair-market value. How many of the properties in question were purchased within the last 5 years, and are now worth less than the residents owe? These residents, families, would be faced with the choice of a credit- P26-2

destroying shortsale or lose their property completely through emminent domain. These families would likely be unable to qualify for or afford comparable housing within Placentia - regardless of their housing situation, why would they want to stay within, and pay taxes to, the city that forced them out of their home? Placentia wouldn't seem like such "a pleasant place to live" anymore...

P26-2

While the primary drive for this project is the increased traffic and safety concerns at the rail crossings, consider that the significant increase in recent years may be directly attributed to drivers temporarily using alternate routes to avoid the heavily conjested construction zones at Imperial/Orangethorpe and Imperial/La Palma. Next, consider the significant decrease that will take place at these crossings when the overpass at Imperial is completed... The secondary argument, that emergency vehicles are delayed at rail crossings, is moot; the areas in focus are served by separate cities, departments, or inner-departmental teams - each with comparable, and more than adequate resources available on both sides of the railway. In the 13+ years that I've lived in Placentia and regularly traveled these routes, I have yet to see an emergency vehicle delayed at the railway while en-route to, or from, an emergency (displaying lights and sirens).

P26-3

P26-4

While the individual members of this council have excelled in their professions and fields, as a team they have only a dark history of appearing exceedingly neglegent, acting with boorish irresponsibility for the resources and power with which they've been entrusted. It would be overwhelmingly harmful for this Council to follow a plan that has once again dreadfully underestimated the financial cost and permanent, adverse effects upon the community and residents by whom it was elected. Clearly, the wisest selection at this time is Alternative A. Only when the City has replenished its financial stores, and the necessary resources become readily available, should it coordinate the proper completion as outlined in previous project proposals and the current Alternative B.

P26-5

Thank you for your time.

Thomas M. Hartman
1973 Thomas Circle
Placentia, CA. 92870

Get Windows Live and get whatever you need, wherever you are. Start here.

P26 RESPONSES TO COMMENTS FROM TOM HARTMAN DATED AUGUST 5, 2008

P26-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P26-2 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

The purchase of privately owned property by a public agency under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), as described in Common Response 4, is based on fair market value at the time the property is acquired. If the existing loan/loans for a property exceed the purchase price, disposition of the loan balance would have to be negotiated between the lender and borrower.

P26-3 Please refer to response to comment P11-2, provided earlier in this Responses to Comments Report, regarding the need for the proposed Orange County Gateway (OCG) project.

P26-4 Please refer to Figure 3.5-1 in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), which shows the location of fire stations in the project area. As shown, there are three fire stations in the general study area north of the Burlington Northern Santa Fe (BNSF) tracks and two stations south of the BNSF tracks. These stations cooperate with and assist other stations when needed. If emergency vehicles are required to cross the BNSF tracks, then those emergency vehicles are subject to the same existing delays as vehicles experience at the arterial crossings of the BNSF tracks. Please also refer to Section 1.0, Purpose of and Need for Project, in the Draft EIS/EIR for discussion regarding the purpose of the project, which includes minimizing delays for all vehicles at these crossings, particularly as rail volumes increase in the future.

P26-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P27

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: LORI JEAN HARTWELL

ADDRESS: 250 S. Rose Dr., Sp#37 Placentia, CA 925,

AFFILIATION: Del Cerro Mobile Estates

COMMENT:

PLEASE READ ATTACHED LETTER.

Thank-you

Lori Hartwell

P27-1

August 6, 2008

RE: DEL CERRO MOBILE ESTATES

Dear Mr. McConaha:

Somehow I feel that writing this letter probably won't make a bit of difference in determining what happens to mine and my neighbors' homes, but I hope you read this letter.

I am a single mother in Southern California, which is no easy task in itself. I am working to put my daughter through college after one of the most difficult moves in our lives two years ago. Even though we may live in mobile homes, they are nonetheless homes to us. I am probably more fortunate than some of my neighbors, in that I am able to work two jobs to keep things status quo, although it does take working two jobs. This is the first home I have ever owned, and I am very disheartened to hear that the City of Placentia is making plans to possibly terminate our neighborhood. P27-1

I would hope that you consider how many lives will be changed by these plans and that you can somehow find a way to do the upgrading that is needed without disrupting our neighborhood at all, or disrupting it as little as possible.

However, in the event that the City of Placentia decides to do the upgrading that destroys our homes, I would hope that we will be compensated for our distress and anxiety. If it comes to where we have to move, I don't think a lot of us could afford to buy a new home which comes with it even bigger monthly payments. I would not be able to make ends meet if I were to have a house payment, which I don't now, only space rental. I know a lot of my neighbors are in the same boat. P27-2

Please, Mr. McConaha, save our neighborhood.

Sincerely,

Lori Jean Hartwell

Lori Jean Hartwell
250 S. Rose Dr., Spc #37
Placentia, CA 92870
Hm# 714-985-4772
Cell# 714-296-9030

P27 RESPONSES TO COMMENTS FROM LORI JEAN HARTWELL DATED AUGUST 6, 2008

P27-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P27-2 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P28

PAUL & IDA HENRY
250 S. Rose Drive, Space 143
Placentia CA 92870-1143
USA

Attn: Mr. Michael McConaha
City of Placentia
401 E. Chapman Ave.
Placentia, CA 92870

Mr. McConaha:

Thank you for giving us the opportunity to come and discuss the Gateway Project. I think everyone there was trying their best to give a straight and honest answer, although I sure some of our questions were difficult to answer.

There are a couple of points, given in favor of the project that I believe will not stand the up to the scruntiny of engineers and thinking people.

First is the delay of safety equipment. Very simple answer. You strategically place this equipment on both the north side and south side of the railroad tracks and the equipment on the north side only goes north, east and west and never crosses the tracks. Likewise, the equipment on the south side of the tracks only goes south, east and west and never goes north across the tracks. We are fortunate to have excellent hospitals in both directions from the tracks that can provide any kind of care that may be needed. There may be one time in a millennium that you would need to have any equipment cross the tracks to respond to an emergency.

P28-1

Choice of the solution by the cost. Many times yesterday, it was pointed out that Alternative D cost the least. I am reminded of the astronaut who stood in the doorway of the rocket and said, "Do you know this thing was made by the lowest bidder?" I do not believe the choosing Alternative D as the solution just because it is close to the amount of money available or costs the least is the answer. The solution should be which Alternative causes the least upheaval of humans and property. And we should visualize what is it going to look like when it is finished? I would also ask the question, how many times have you known the California Legislature to even cough over another hundred million dollars?

P28-2

Alternative B or C The film you were running showed convincingly that the lowering of the tracks is best answer to the problem both from the standpoint of

P28-3

being pleasing to the eye and upheaval. When you dig a trench, you are only removing DIRT!!! It may cost more, but would be much more satisfactory in the long run. I for one do not wish to look out my window at monstrous concrete structure because it is cheap, knowing all the time there is a better way.

P28-3

Thank you for the opportunity to present this opinion.

Sincerely,

Paul M. Henry Jr.

P28 RESPONSES TO COMMENTS FROM PAUL AND IDA HENRY (NO DATE)

P28-1 Emergency services are typically provided on a local jurisdictional basis, and the service areas are not typically divided by physical features such as railroad tracks. In addition, as discussed in detail in Section 1.0, Purpose of and Need for Project, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), the project is proposed to address a number of needs, including minimizing traffic delay, enhancing safety by separating rail and vehicular traffic, reducing air quality emissions associated with idling vehicular traffic, and minimizing delays for emergency vehicles.

P28-2 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P28-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P29

Comment Card
Orange County Gateway Project
July 24, 2008

AUG 11 2008
PUBLIC WORKS

NAME: Jerry & Bonnie Hodson

ADDRESS: 250 S. Rose Dr. Space #74, Placentia, CA 92870

AFFILIATION: Del Cerro Mobile Estates resident

COMMENT:

Please see attached letter.

P29-1

Jerry & Bonnie Hodson Space 74

We used to live in a mobile home. We traded it in for a manufactured home in 1998. It is now paid for and we love it. In fact we love living in Del Cerro Mobil Home Park. It is a safe community to live in. With alot of very well kept homes, families, children and pets. A very nice and up to date Club house.

I am retired and live on a fixed income and we live here very comfortly. We can't afford to live in an apartment or any place else, simply because we just don't have enough money to do so.

Going under plan D would disrupt our home and the complete Del Cerro Community.

P29-1

Our Club house has a pool, hot tub and a grass area for the kids to play. Inside a lot of tables for eating and arts and crafts. A T.V. room, office space, a reading room, pool table, kitchen, and bath rooms, of which every room has up to date equipment.

The streets have well lit street light for everyone's safety, and the streets are laid out just right for making it easy to get around through out our complex. That's why we want to keep our homes and community in tact.

P29 RESPONSES TO COMMENTS FROM JERRY AND BONNIE HODSON (NO DATE)

P29-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P30

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: ALONZO HOWELL

ADDRESS: 1006 E. MANTEGO WAY

AFFILIATION: VISTARA HOUSING TRACT

COMMENT:

SEE ATTACHED LETTER

Alonzo C. Howell
1106 E. Montego Way
Vistara Home Owner

August 11, 2008

RE: Orange County Gateway Project

Back on March 3,1995 the day on purchased my home here it didn't much matter to me having a railroad crossing outside my front door, as the sound of the passing train reminded me of my youth growing up in another part of the country. I purchased my home because of the view I have of Anaheim Lakes, the view of the city lights from Anaheim Hills and the mountain range all from the second story of my home.

One day I sat outside for 4-6 hours while my home was under construction to see if the number of trains passing by and the flow of vehicle traffic would affect my quality of life. At that time it had not. Since then however, I have seen and increase in train usage as well as the increase in the amount of vehicle traffic on Orangethorpe Avenue. P30-1

Since then numerous problems have arised in the last ten years. These problems include the increased use of Orangethorpe Avenue as a major thoroughfare from the city of Yorba Linda to the city of Long Beach to offset the congested 91 freeway. The increase in traffic volume has caused numerous traffic accidents at the Crowther Avenue and Orangethorpe Avenue crossing as car accelerate to beat the crossing gate just outside the walls of our community. The other problem is the increased volume of trains that utilize this crossing (whistles still blow after bans has been re-instated), which also the Metro Blue Line.

I did not bring up these issues to sound in favor of the gateway project, on the contrary. I point out these issues because of the decrease in property value of my home as well as the health and hazardous concerns I have for this community and the others involved.

My biggest concern is my family, some of suffer from asthma and how the increased emissions from excessive vehicle traffic would affect their personal well being as well as the rest of the community. P30-2 The other issue is the decrease in my property value if you take away the spectacular view outside my window and replace it with a gaudy looking overpass. P30-3

In closing, I do not believe that any of the plans you have set forth on the Gateway Project is beneficial to our community or to myself and would prefer you bought my house from me as part of the expanding project. P30-4

Sincerely,

VISTARA HOMEOWNERS

We have until **AUGUST 11th** to turn in the card attached to this letter. Please fill out the card & voice your opinion regarding the railroad. Go to www.placentia.org to see the details of the Orange County Gateway Project.

On July 24th some of the homeowners saw the proposed Plans- A, B, C & D. Plan "D" seems to be the favorite due to the amount of funding available. Plan "D" will disrupt our lives forever. We will be looking at a rising road approximately 30 feet in the air. We will lose our view of Anaheim Lake & Anaheim Hills. We will end up listening to the rumbling trains; & vehicles accelerating to the peak of the new road, which will be just outside our neighborhood. At this time, the projects do not call for the need of our neighborhood, just our views & value of our homes that will be gone forever if Plan "D" is voted as the project to be.

The people representing the project gave us so many hints that we should be asking for Plan "D" to go away or to ask them to buy our homes at FMV or ask for compensation for loss of home value. We can not sell our home if Plan "D" goes into motion without disclosing the railroad project. If Plan "D" is voted on as the project to be, then we will have emissions from the road that will harm our health & dirty our homes & yard over time. Plus, we will have construction damage to our homes, which is to be anticipated as Plan "D" is completed, if approved. We were told we would be compensated for any damage, but we did not see this in writing.

P30-5

FYI: Plan "B" is the best, but the funding will not cover this. Plan "B" would not take any property & the trains would all travel underground.

It seems we are suffering due to the fact that the OnTrac project was not managed properly & now 2 people involved, (BECKER, CHRIS / D'AMATO,ROBERT), were indicted for their wrong doing. It seems that the counsel representing Placentia should have caught this & maybe we would have had all the trains underground, but now we are paying for others failing to do their job in our city. Our city still has not accounted for 12M of 36M dollars for the 1st project. We need to stand together. Call our/your Management Company. The telephone number is on your bill. Call & ask for our REP, Kim, to call a meeting for our community. We need to tell the railroad project coordinators that Plan "D" is a failure.

Please fill out the card; attach your concerns by stapling them to the card & drop it off at city hall or go on line & complete it there. Thanks, your Vistara neighbor.

P30 RESPONSES TO COMMENTS FROM ALONZO C. HOWELL DATED AUGUST 11, 2008

P30-1 Comments noted. No response necessary.

P30-2 As shown in Tables 3.13-G and 3.13-H, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), the proposed Orange County Gateway (OCG) Build Alternatives would reduce vehicle exhaust emissions along local roads by eliminating the idling emissions at the existing at-grade railroad crossings. Therefore, the proposed OCG project would not result in an increase in vehicle exhaust pollution.

P30-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P30-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P30-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P31

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Michael and Mary Howe

ADDRESS: 250. S. ROSE DR. #107 PLACENTIA

AFFILIATION: DEL CERRO Mobile ESTATES Resident

COMMENT: SEE Attached

P31-1

RCVD AUG 11 2008

August 7, 2008

Mr. Michael McConaha
Senior Administrative Analyst

Placentia City Council

To whom it may concern:
We are writing to you to express our tremendous concern about the possibility of loosing our home. The only way we know how to express that concern is to relay to you our very personal story. My wife and I have been long time residents of Placentia. Approximately four and a half years ago my wife was diagnosed with terminal lung cancer; at the time we lived in the Fairways development just north of Alta Vista in a very nice two story home on the golf course. As time went by my wife became increasingly more unable to deal with the stairs and the difficulties of a large home. We knew we needed to make life easier, we also knew that the financial realities of paying for care as a result of a terminal illness would be exhausting. We took the only resource we had our home and sold it two years ago. We took some of the proceeds and bought a brand new 1700 sq. ft. Manufactured Home in Del Cerro Mobile Estates. The rest of the money was put away earmarked for my wife's medical care as her illness worsened. This move allowed us to acquire single story living space in a safe environment, close to the medical services required, among the friends we have known and all within the city we love. Now we are in danger of loosing all that, taking the money that was for my wife's medical care and having to use it to find new living arrangements at a time when the entire emotional and physical trauma is at an almost unbearable level. It is insane to think that maybe the best way out is for her to "hurry up and die" so she won't have to go through all the upheaval and the certain financial hardship that would exist as a result of this action. THERE MUST BE A BETTER PLAN. There are 171 homes in the Del Cerro community, but more than that there are hundreds and hundreds of lives involved; **it is about a lot more than just houses, square footage and overpasses, its about the people!** THERE MUST BE A BETTER WAY TO DEAL WITH TRAINS AND TRAFFIC THAN ANY PLAN THAT WOULD BE SO DEVISTATING TO SO MANY PEOPLE. My wife and I along with hundreds perhaps thousands of people impacted by this Gateway project expect and require that the people who are the decision makers do the right thing, and only adopt a plan that will have the least amount of negative impact on the fewest amount of people; THAT BEING THE ADOPTION OF ALTERNATIVE B OR C.
WE MUST KEEP OUR HOMES AND OUR LIVES INTACT.
Thank you for your time.
Sincerely,

Michael Howe Mary Howe

Michael and Mary Howe
250 So. Rose Drive spc.107
Placentia Ca. 92870
714-572-2765
CC: Star Management

P31-1

P31 RESPONSES TO COMMENTS FROM MICHAEL AND MARY HOWE DATED AUGUST 7, 2008

P31-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card
Orange County Gateway Project
July 24, 2008

P32

NAME: FEI-CHIU HUANG & HSIU YEN

ADDRESS: 150 MAJORCA PL. PLACENTIA.

AFFILIATION:

COMMENT: We strongly oppose the "Plan D" construction to be approved. Because "Plan D" will disrupt our lives forever. We will be looking at a rising road in the air and lose our view of Anaheim Lake and Anaheim Hills. We'll be ending up listening to the rumble traffic and vehicles on the overpass. P32-1

The OrTrac project was not managed properly & now 2 people (Becker and Diamato) involved were indicted for their wrong doing. We are paying for others failing to do their job in our city. This is a fraud.

If "plan D" is approved, we'll have emissions from the road that will harm our health & dirty our home & yard over time. We'll have construction damage to our home.

We request that either buy our home at Fair Market Value or pay us compensation for loss of home value, if "plan D" is approved.

P32 RESPONSES TO COMMENTS FROM FEI-CHIU HUANG AND HSIU YEN (NO DATE)

P32-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P33

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: RON & RENE' LEMKE

ADDRESS: 1143 E. MIRA LAGO LN. PLACENTIA

AFFILIATION: VISTERA HOME OWNER

COMMENT:

COMMENTS AND CONCERNS

ATTACHED.

Ron and Rene' Lemke
'Vistara' a Planned Residential Community
1143 E Mira Lago Ln
Placentia, CA 92870
The NW corner of Chapman and Orangethorpe

Attn: Mr. Michael McConaha
Senior Administrative Analyst

We have lived in Placentia "A Pleasant Place to Live" for nearly 14 years. We have had many reasons for enjoying our community and all that Placentia has to offer.

Our comments and concerns on the OC Gateway Project if Plan 'D' goes forward –

- How are we protected from property and structural damage to our home during and after construction ? I need this in writing. P33-1
- How are we compensated for loss in property and home value ? P33-2
- We have many palm tress, tropical plants, and birds of paradise. Our specific property will be directly beside a thirty foot overpass that will minimize and eliminate our direct sun light – who will compensate our thousands of dollars in landscape that needs sun light year round ? P33-3
- Our community as well has many trees, ivy, shrubs, grass, and bushes along our outer greenbelts. What effect will any construction have on our greenbelts ? P33-4
- What protection do we have towards our health during construction ? Noise? Dust? Emissions? Vibrations? Detours? Loss of time/privacy? What protection do we have ? P33-5
- Health issues could arise from the poor air quality along with anxiety and stress we could experience from this entire process. P33-6
- Will there be a wall to block the noise and vehicles on an overpass if plan D is implemented ? P33-7
- How are we compensated for losing our lake view properties ? We live on "Mira Lago Ln" translated is "Lake View Lane". This was a major and primary selling point for purchasing our homes and living in our Vistara Placentia community. We have a beautiful view of Anaheim Lake; any construction of an overpass would completely remove our view of the lake and any lights or view of Anaheim Hills. How will we be compensated ? P33-8
- The whole major purpose and selling point for any of the cross grade separations (initially a railroad trench) was for the fact that emergency vehicles could and are being hindered by passing trains. Living at the corner of Chapman and Orangethorpe, I have never seen an emergency vehicle turn right onto Orangethorpe at the end of Chapman. For one, the city turns from Placentia to Anaheim, secondly, I would suggest and recommend do nothing (plan A) at Orangethorpe crossing and save the millions of dollars. If an overpass is put in at Orangethorpe which would cross over Chapman – it would for a FACT delay any emergency response times from Chapman to east Orangethorpe. How is this going to be better? I would like this in writing. P33-9
- If a thirty foot wall (overpass) is constructed next to and towers over our residence like plan 'D' indicates - Who is going to compensate us for the rise in energy cost do to concrete urban effects? We will be warmer during the summer and we will be cooler during the winter. The video at the 'open house meeting' showed our property in the shadows of an overpass (my wife thought we were under the bridge - not funny – our property is the closest to any proposed overpass). P33-10

- Who is going to keep our community clean during construction if Plan D goes forward ? Our streets, houses, vehicles, park, and yards ? I've seen personally what the BNSF upgrades have done, with clouds of dirt and dust floating into our community. I could only imagine the amount of dirt, dust, soot, and emissions that we will experience during and after construction. P33-11
- If Plan D goes forward – will the no train horns still be in effect during construction ? If not, who will compensate us for the additional stress from the horns on top of the stress from construction ? P33-12
- When were the proposed estimates done and where can we get an itemized breakdown in cost for plans B, C, and D ? The cost of gas, steel, concrete, and other materials have all gone up very recently do to oil. P33-13
- Our concern if Plan D (under and overpasses) goes forward is that it will bring in gang graffiti, tagging, and crime. P33-14

- My fear and concerns are that decisions will be made predicated on time frames set forth for funding. (The state can withhold funding of $183 million if the project for a plan is not completed by 2013). This has not given the surrounding communities the time to gather their voice towards concerns, thoughts, and ideas – possibly leading to community and city misrepresentation. P33-15

- It would absolutely make sense to support and add the additional funds to go toward plan B or C (proposed trench), especially with the huge success of the Alameda Corridor and there Environmental Impact Report www.acta.org. The 'Reconnaissance Phase Report' (prepared by Management Facilitators, Inc. and John M. Tettemer and Associates for the City of Placentia) says it all, after reading all the material, it would amaze me that City of Placentia "A Pleasant place to Live" would not want to be a leader, an advocate, for lowering the tracks....., if your going to spend the money spend the extra – make it beautiful for everyone. Think of our community over the next 50 years, let alone the next 2 years. P33-16

- Please, I implore that you push for plans B or C and save all the communities along Orangethorpe and all of the Placentia's residents. If you are uncertain, than we need to suspend all decisions and operations immediately

These are our commits and concerns –
Please – please take all this into consideration to make Placentia the "Pleasant Place to Live".

Your friendly community residents,

Signed by: _____

Date: 8/16/08

Signed by: _____

Date: 08-10-08

P33 RESPONSES TO COMMENTS FROM RON AND RENE LEMKE (NO DATE)

P33-1 Please refer to Common Response 13, provided earlier in this Responses to Comments Report, regarding compensation for structures damaged during project construction.

P33-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P33-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P33-4 Alternative D would not require the removal of the existing landscaping on the northwest corner of Chapman Avenue and Orangethorpe Avenue, near 1143 East Mira Lago Lane.

P33-5 Sections 3.13, Air Quality, and 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) provide avoidance, minimization, and mitigation measures to reduce dust, exhaust emissions, and noise/vibrations that would be generated during construction of the Orange County Gateway (OCG) Build Alternatives.

As shown in Section 3.6.3.2 on pages 3.6-41 to 3.6-51 in the Draft EIS/EIR, there would be some lane/road closures during construction. Detailed traffic management plans would be developed to minimize adverse traffic impacts during construction. Measures TRA-2, TRA-3, and TRA-4, on pages 3.6-56 and 3.6-57 in the Draft EIS/EIR, address the potential short-term adverse traffic impacts associated with lane and road closures during project construction.

Please refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

P33-6 Section 3.13 in the Draft EIS/EIR provides Measures AQ-1 to AQ-7, which are specifically intended to reduce the fugitive dust and exhaust emission impacts during construction.

Please refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

P33-7 Section 3.14 in the Draft EIS/EIR describes the noise levels and sound barriers that were modeled for each of the OCG Build Alternatives.

P33-8 Anaheim Lake is a recharge basin surrounded by light industrial land uses. It is not defined as a scenic resource in the local City or County General Plans. However, Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR concluded that Alternative D would result in possible adverse visual impacts to residential uses near the Orangethorpe Avenue overpass. The adverse visual impacts would be reduced but not eliminated through implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7 in the Draft EIS/EIR.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P33-9 Please refer to response to comment P11-2, provided earlier in this Responses to Comments Report.

P33-10 Property outside the right-of-way limits for a proposed project is typically not purchased as part of a project. However, rare exceptions are made when the property owner would suffer undue hardship if that property were not purchased. Hardship cases occur only very rarely and are considered on a case by case basis during the property acquisition phase of a project.

Please also refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P33-11 Section 3.13 in the Draft EIS/EIR provides Measures AQ-1 to AQ-7, which are specifically intended to reduce the fugitive dust and exhaust emission impacts during construction. These measures include street sweeping, the installation of wheel washers, and the covering of haul trucks to reduce the dust impacts on neighboring land uses.

Refer also to response to comment F1-11, provided earlier in this Responses to Comments Report, for an additional measure (AQ-8) to address short-term air quality impacts.

P33-12 If Alternative B, C, or D is selected for implementation, the existing Quiet Zone and other train whistle restrictions would be in effect until the construction at each crossing (Alternative D) or the construction of the trench (Alternatives B and C) is completed. Once each crossing is grade separated or the trench is completed, it would not be necessary for the trains to blow their whistles as they approach each new crossing or while the train is within the trench segment of the project area. Please note that the current whistle restrictions allow each train conductor to use the train whistles as he/she sees fit. Therefore, it is possible that during construction of Alternatives B, C, and D, conductors would continue to use their whistles at some or all of the crossings.

P33-13 The preliminary cost estimates for each alternative were developed in 2004. The costs have been reexamined for current dollars and have increased based on materials and labor. The proportionate cost difference between each alternative has not changed.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs. These updated costs were prepared in 2008 and reflect increases on building materials over the last couple of years.

P33-14 Under Alternative D, there is no basis for anticipating increased gang activity or levels of graffiti. All alternatives would be built using graffiti-resistant materials to the extent possible. Additionally, the City has a graffiti hotline and an effective graffiti removal program to mitigate graffiti throughout the City.

P33-15 The OCG project has been proposed since late 2000, and the public has been provided several opportunities to comment on the environmental studies and the project since that time. In addition, any citizen or business representative has the opportunity to comment to the City Council at any Council meeting on any issue, including the proposed project.

P33-16 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P34

August 8, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

My name is Julieanne Linam and I reside in the Del Cerro Mobile Estate with my family of three children. My family has been residents with the community for the past 14 years and only three years ago were we able to live our dream of owning our own home. Without the affordability of our modular home we would have been forced to continue renting or possibly find an affordable home in a community much further from our great community of Placentia which would have been at the detriment of our children who are thriving within this school district. Just last year my husband died suddenly and now I find myself all alone with very few options to financially afford to move. Even if I was assisted in relocation costs, that does not help my family financially with the cost of a mortgage that I currently do not have to worry about. My children and I are fortunate enough to only have to pay the monthly cost of space rent to the Mobile Home Park and any utilities. A mortgage would dramatically affect my family and I know I am not the only family in my community with this trepidation. P34-1

I have been involved within this community through teaching as a substitute teacher, a private school teacher, a Girl Scout Leader, and the PTA both at the school site level and the Placentia Yorba Linda Unified School Council level. This has always been a family oriented community as I have seen it throughout my residency and I am convinced that any major changes must take into account the individual family, the beautification of our community and our next generation's wellbeing.

It is a major concern of mine that the Orange County Gateway Project will transform our beautiful and quaint community into something less desirable. In reviewing the Draft, I feel that our best plan of action would be to choose Alternative C as this Alternative has more advantageous benefits to our community. P34-2

- The noise pollution of the trains would diminish
- The whistles would be discontinued – which is the whole point of 'the Quiet Zone'
- Businesses and residents would not have to worry about losing their homes and livelihoods
- A greenbelt would beautify and upgrade the project area substantially
- Compared to Alternative B, it is the least expensive alternative.

In addition to the negative transformation to our community, Alternative D of the OC Gateway Project would directly impact the private community of the Del Cerro Mobile Estates. Many of the residents moved into these homes due to their affordability and cannot afford to move elsewhere nor can they manage through any type of construction phase should their homes be the few spared. It is my understanding that the gated community of Bella Vista would also be affected in that a few of the homes along the perimeter of Rose Drive would be acquired for the purpose of construction. The homes in both communities that are spared would then not only have to live through possibly years of construction but once the overpass is complete would then be living close to a now very busy street, one that will have much more traffic and at a higher level alongside a once very quiet mobile home park and a gated community.

P34-3

I can imagine that the driving force for the City would be Alternative D due to the cost difference. However, I am well aware that costs rise and it is very possible that with the type of construction needs Alternative D would require, that more land could need to be acquired and therefore the cost for Alternative D could be substantially higher in the long run. Construction contracts can be set prior to construction thus having a more tangible amount for Alternatives B and C. Additionally, it is my understanding that there is a bill (SB-947) that, should it pass, could assist in the funding of this particular project and the financial aspects of this project would not be as unattainable.

P34-4

According to the Draft, Alternatives B and C would benefit the beautification of our community with a greenbelt and walkways specifically for pedestrian traffic. Alternative D would not accommodate this. There is a high school along Orangethorpe and there are several students who walk from different directions throughout each day when school is in session. Without a safe walkway, these children would have a difficult time getting to and from their school. The school is a continuation school and it is important to note that most of these students have staggered schedules – some attending a morning session – some an afternoon/evening session. We must take into account the welfare of these children.

P34-5

Please help our community maintain its beauty, safety and wellbeing by choosing Alternative B or C rather than the obviously destructive Alternative D. Again, I feel that our best plan of action would be to choose Alternative C as this Alternative has more advantageous benefits to our community.

P34-6

Sincerely,

Julieanne Linam
250 S. Rose Drive, Sp#3
Placentia, CA 92870
(714) 854-4196
jlprays@msn.com

P34 RESPONSES TO COMMENTS FROM JULIEANNE LINAM DATED AUGUST 8, 2008

P34-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P34-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P34-3 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

The traffic volumes on Tustin Avenue/Rose Drive are not anticipated to increase under Alternatives B, C and/or D, compared to the No Build Alternative, as explained in Section 3.6, Traffic, in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

P34-4 Each alternative was evaluated for a worst-case scenario. During final design, possible design options for the preferred alternative would be reviewed to further minimize impacts to private properties and inconvenience to the public. Senate Bill 974 would levy a $30 fee per loaded 20-foot container of goods coming through the Ports of Long Beach, Los Angeles, and Oakland to address the transportation congestion and air quality impacts in the vicinity of those ports that are specifically related to goods movement. If Senate Bill 974 is approved by the California legislature, it is unknown when funds would become available, the process by which the funds would be allocated, and the amount of funds, if any, that may be available for projects on the Orangethorpe Corridor.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P34-5 The three Orange County Gateway (OCG) Build Alternatives would increase safety for pedestrians and bicyclists by providing grade-separated crossings of the arterial streets and the Burlington Northern Santa Fe (BNSF) tracks. Sidewalks are included in the design of the three OCG Build Alternatives.

P34-6 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35

ORANGE COUNTY GATEWAY DRAFT EIS/EIR

TELEPHONE COMMENT RECORD
Comment Period: June 27 to August 11, 2008

Date: 7/2/08 Staff: Michael McCanaha

CALLER CONTACT INFORMATION

Name: Linda Lucio

Title:

Organization:

Address: 250 S. Rose Drive, Space 17, Placentia CA 92870

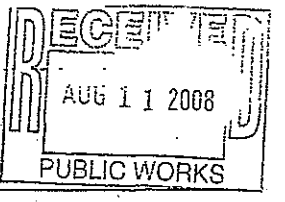
Phone Number: 714-223-9552

COMMENTS: Linda asked if issues related to increased oil prices were addressed in the document. She thought increased prices would reduce traffic counts.

I informed Linda there was a section in the document related to traffic and future growth. I informed her to review the document and provide me with a formal comment if she wished to do so. P35-1

She also asked about right-of-way issues that were not related to the environmental document being reviewed. P35-2

TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008



NOMBRE: Linda C. Lucas

DIRECCIÓN: 250 S Rose Dr. Space # 17 Placentia CA

AFILIACIÓN: Del Cerro Mobile Estates resident

COMENTARIO:

Please see attached letter

P35-3

August 10, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

As a resident of the Del Cerro Mobile Estates, I am writing you to voice one of my concerns regarding Alternative D of the Orange County Gateway Project and my mobile home park, Del Cerro Mobile Estates. I feel that either Alternative B or C would save my home in this park and improve the surrounding areas.

P35-3

Concerns regarding the City of Placentia's position on Alternative D:

My first concern is based on what I read in Volume I of the *ORANGE COUNTY GATEWAY PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT* in the SUMMARY under the **PROPOSED PROJECT, Project Description, Summary, Page S-2:**

> *"At its meeting on September 4, 2007, the City of Placentia City Council identified Alternative D, Standard Grade Separation, as the locally preferred alternative for the OCG project . . . As described later in Section 2.6, After Public Circulation, FHWA will make its decision regarding the federally preferred alternative after circulation of the Draft EIS/EIR."*

P35-4

If this is already identified as the Alternative that the City Council prefers, is the City Council really going to listen and respond to what the residents of Placentia have to say? Or is it that the City Council has been so badly pressured by someone or some agency outside the City to select this Alternative that the residents of the City of Placentia have no choice in the matter whatsoever? I am very concerned that there have been deals made and sealed without the public's knowledge regarding this project and its alternatives. As it was, at the Open House workshop the City held on July 24, it seemed like the only Alternative the City and its Consultant Team was pushing was Alternative D.

Adding to my concern about the City's position and the possibility that it is already decided what alternative will be selected, is what I read in Volume I under **1.0 PURPOSE OF AND NEED FOR PROJECT, Page 1-11, 1.4.3 OCTA Orange County Goods Movement Study, 1.4.3.1 Railroad Involvement:**

> *"Interactions have occurred and continue to occur with BNSF as the railroad operator and principal stakeholder. BNSF has some concerns with the railroad lowering approach but is open to such a project if their technical and operational concerns are addressed. . . . .During the NOP scoping period, BNSF expressed concerns about Alternative B due to the lack of a permanent detour or bypass route in the event of train derailment or any other condition that forces closure of the trench section. Such a bypass track is not included as a design feature of Alternative B. In light of these comments, Alternative C was developed to address the concerns raised by BNSF. Of the alternatives under consideration, BNSF recognizes that Alternative D would provide the least disruption to their operations during construction and poses no challenges . . . other factors that might increase their concerns of possible temporary closures."*

P35-5

If the BNSF is leaning toward Alternative D because it would experience the least disruption to their operations, how much weight will the residents input have on the City Council's decision when the railroad is pushing its own agenda?

According to the City's of Placentia's own website under the heading of Railroad Projects, Resource Center, there is a Reconnaissance Phase Report that stated that the City of Placentia found in its CONCLUSIONS AND RECOMMENDATIONS the following:

> *"1. A Lowered Railroad Project is physically possible. The June, 1996, report prepared by OCTA and the findings by MFI and JMT during the reconnaissance phase, did not discover any technical*

P35-6

problem which cannot be solved by using established engineering principles during the design phase.

2. The value between constructing standard grade separations or constructing a lowered railroad for this project must be compared on the basis of constructing standard grade separations at Lakeview, Richfield, Van Buren, Jefferson, Orangethorpe, Rose, Kraemer, Bradford and Melrose with the cost of a lowered railroad for these same streets. When this comparison is made, the cost differential between a lowered railroad and standard grade separations is minimal.

3. The economic, social and environmental benefits derived from a lowered railroad are of immensely greater value than the minimal cost differential between a lowered railroad and standard grade separations through the City of Placentia."

The report goes on to state: *"The ports and railroads didn't agree with Huntington Park's position, but had to acknowledge and accept it because it was their official approved position. This gave Tom Jackson, Mayor of Huntington Park, the opportunity to declare publicly that the lowered railroad concept was the only acceptable construction method which would ever be allowed in Huntington Park. He constantly expressed this opinion at any meeting he attended. Since the project is now out to bid as a design and build project, with construction scheduled to be completed by August, 2001, this method was the right way to go."* I feel that it is important for the City Council to review all the options again to determine if what was decided when the Reconnaissance Phase Report was written, still holds true today. If it does, then Alternative B or C would be the City Council's choice for the project. Even if the OCTA, Caltrans, the FHWA and the railroads are against either Alternative B or C, it is important to seriously consider these alternatives again given that at one time the City of Placentia considered them the best option for Placentia. Once City of Placentia's position was the following: *"The railroad lowering is the only viable method of construction which should be allowed in the City of Placentia. The millions of dollars the city has expended for the Santa Fe redevelopment area will be completely wasted if over 100 trains per day pass through that area at existing grade. Placentia should take the position, unequivocally, that the lowered railroad is the only acceptable alternate within the city."* Please make that position Placentia's position again by choosing either Alternative B or C.

P35-6

If cost is the only consideration that the City is basing its decision on, then maybe it is time to reevaluate the costs between the overcrossings and the lowered train tracks. It is better to spend a little more money and get it right in the eyes of the residents, than to do the project cheaper and destroy the flavor that the City of Placentia has as a delightful community and city. The city motto is "A Pleasant Place to Live" will not be true if Alternative D is selected.

I would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. Please do not allow the City of Placentia to be pressured or bullied into making a decision that would adversely affect a large number of residents, myself included. The choice you make will affect me, my home, the mobile home park I live in, my community and the City forever. Please make the right choice: Save Del Cerro Mobile Estates and my home by choosing Alternative B or C.

P35-7

I look forward to your response, in writing, to all my questions in this letter.

Sincerely,

Linda C. Lucio
250 S. Rose Drive #17
Placentia, CA 92870

cc: **Placentia's City Council**
Scott Nelson, Mayor of the City of Placentia
Greg Sowards, Mayor Pro Tem
Joseph V, Aguirre, Councilmember
Scott P. Brady, Councilmember
Constance Underhill, Councilmember

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Chris Norby, Chairman
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Allan Mansoor
Carolyn V. Cavecche
Arthur C. Brown
Richard Dixon
Miguel Pulido
Cathy Green
Jerry Amante
Paul G. Glaab
Gregory T. Winterbottom
Cindy Quon, Caltrans Director, District 12

TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008

RECEIVED
AUG 11 2008
PUBLIC WORKS

P35-8

NOMBRE: Linda C. Lucio

DIRECCIÓN: 250 S. Rose Dr., Space #17 Placentia

AFILIACIÓN: Del Cerro Mobile Estates resident

COMENTARIO:

Please see attached letter

August 10, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

As a resident of the Del Cerro Mobile Estates, I am writing you to voice one of my concerns regarding Alternative D of the Orange County Gateway Project and my mobile home park, Del Cerro Mobile Estates. I feel that either Alternative B or C would save my home in this park and improve the surrounding areas.

Other Issues and Concerns:

Seismic: How would the overcrossings fare in a major earthquake given the recent earthquake in July? Experts are saying that the fault this recent earthquake occurred on intersects with the Whittier Narrows fault as well as the one that runs from Yorba Linda through Chino and Corona. Even the recent quake of 5.4 caused significant damage to the Placentia Library. Has the City done any more recent seismic studies? In not, why hasn't a more recent study been done, given that Southern California is considered *earthquake country.*

Not taking as much from the northwest corner of Rose Drive and Orangethorpe as from the Northeast corner: When I went to the Open House workshop, I asked one of the City's Consultant Team members why was only a sliver of land being taken from the northwest corner of Rose Dr. and a very large amount (namely all the businesses, part of Del Cerro Mobile Estates if not all of the park) being taken from the northeast corner of Rose Dr. He didn't have an answer; only said that he didn't know and that was a good question. So my question to you is, if Alternative D is the preferred alternative, why isn't more land being taken from the northwest corner of Rose Dr.? Is it because the homes there are more expensive? I am just very curious about that. Telling me that it is because more land is needed for the street design on the northeast corner of Rose Dr. is not an answer. I say to that, redesign the throughway to take less land. It can be done, why not do it? Better yet, choose Alternative B or C and the issue becomes moot.

Use of information from studies from 2000, 2004 and 2006 as well as from the old OnTrac Project: I noticed while reading through the OCGP EIS/EIR, that much of the information was dated or taken from the studies done for the OnTrac Project. Were only those studies used that would support the City's preferred alternative, Alternative D? Why was no effort made to do more current studies? If the OnTrac Project no longer exists, why was so much of the information from that project used in the OCGP EIS/EIR? Are they even considered two different projects? Or, is the OCGP just the OnTrac Project in another form and skewed to support Alternative D?

Problems arising if Alternative D is selected: With the building of the overcrossing and the destruction of Del Cerro Mobile Estates, either by the acquisition of some homes or the whole park, Alternative D would cause the degradation of the quality of life I now experience by drastically changing the look of my mobile home community as well as the layout of the park. At the very least, the City would carve up Del Cerro so that it would no longer be as nice as it originally had been before Alternative D. At the very worst, the whole park would be acquired by the City under eminent domain. Another concern is that the construction of the overcrossing as well as the completed project would create more problems with the traffic patterns at the intersection of Rose Dr./Tustin Ave. and Orangethorpe by creating more traffic congestion. Especially if the design for the northeast corner of Rose Dr. were to remain as is according to the plan the City had up on the wall at the Open House workshop on July 24, 2008. A big concern is the problems emergency vehicles will have getting in and out of Del Cerro Mobile Estates. If it becomes too hard for the vehicles to get into the park, the delay could be life threatening to those in need. Choosing Alternative B or C over Alternative D would eliminate most, if not all, of these problems.

Who is really making the final decision regarding Alternative D? At the July 21, 2008 OCTA Transportation 2020 meeting, a statement was made by Chairman Curt Pringle. He said that the final alternative is

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P35-12

not a board-preferred alternative. The City of Placentia, being the lead agency for the environmental report, is also the certifying agency for this project. Once Placentia decrees what alternative they have chosen, OCTA can't alter that decision. At the August 5, 2008 Placentia City Council meeting, Mayor Scott Nelson said that the OCTA was making the final decision. And, according to the OCGP the FHWA makes the final decision. In Volume I Section **2.0** PROJECT ALTERNATIVES, **2.2** PROJECT ALTERNATIVES, Pages **2-38 & 2-39** it states in the following section:

> **2.6 AFTER PUBLIC CIRCULATION:** *"After the public circulation period for the Draft EIS/EIR, all comments will be considered, and FHWA will identify a preferred alternative and make the final determination of the project's effect on the environment. In accordance with CEQA, the City will certify that the project complies with CEQA, prepare findings for all significant impacts identified, prepare a Statement of Overriding Considerations (SOC) for impacts that will not be mitigated below a level of significance, and certify that the findings and SOC have been considered prior to project approval. The City will then file a Notice of Determination with the State Clearinghouse that will identify whether the project will have significant adverse impacts under CEQA, mitigation measures were included as conditions of project approval, findings were made, and an SOC was adopted. The Final EIS will be available for public review for 30 days. Following that public review period, FHWA will document and explain its decision regarding the selected alternative, project impacts, and mitigation measures in a Record of Decision in accordance with NEPA."*

P35-12

So, who is really making the final decision and why can't I get a straight answer from any of the agencies involved? Also, where does Caltrans figure into this project? Will all my comments as well as all the Del Cerro residents comments have any real impact on the decision making process? Or, will my efforts to comment on this project, as well as all the other people who took the time to comment on this project, be just a waste of our time because someone is determined to select Alternative D no matter what the consequences or objections the public has to it? I worry that my comments will either fall on deaf ears, be set aside, not to be looked at, dealt with, or considered or they will find their way to the trash bin. I wish I could feel more assured and confident in the City and this public review process. After my experience at the Open House workshop, I felt that the City was just going through the motions because they had to. I did not come away with my questions answered or feeling that I understood the reasoning behind the City wanting Alternative D any better.

In the end when all is said and done, I hope that the City will reconsider and do the right and ethical thing by selecting either Alternative B or C. We the residents, myself included, made the effort to comment on the project within the short period of time we were given, just 45 days. The fact that the OCGP was almost 1300 pages long and very hard to read through and understand as a civilian without any expertise in the fields the OCGP discussed was daunting in itself.

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I would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. Please do not allow the City of Placentia to be pressured or bullied into making a decision that would adversely affect a large number of residents, myself included. The choice you make will affect me, my home, the mobile home park I live in, my community and the City forever. Please make the right choice: Save Del Cerro Mobile Estates and my home by choosing Alternative B or C.

I look forward to your response, in writing, to all my questions in this letter.

Sincerely,

Linda C. Lucio
250 S. Rose Dr. Space #17
Placentia, CA 92870

cc: Placentia's City Council
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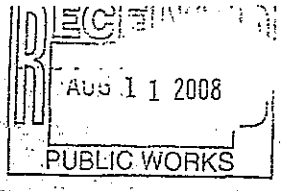
TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008



NOMBRE: Linda C. Lucio

DIRECCIÓN: 250 S. Rose Dr Space #17

AFILIACIÓN: Del Cerro Mobile Estates resident

COMENTARIO:

Please see attached letter

P35-14

August 10, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

As a resident of the Del Cerro Mobile Estates, I am writing you to voice one of my concerns regarding Alternative D of the Orange County Gateway Project and my mobile home park, Del Cerro Mobile Estates. I feel that either Alternative B or C would save my home in this park and improve the surrounding areas.

P35-14

Traffic and Train Noise and Emissions:

In Volume II of the OCGP in Section 3.13.3 IMPACTS, 3.13.3.1 Permanent Impacts Vehicular Emissions, Page 3.13-28 in Table 3.13-J: Summary for Long-Term Regional Emissions the following statement was made: *"Alternative D ends up with total emissions about the same as the baseline which was Alternative A, the No Build Alternative. Both B and C were lower than the baseline in total emissions."*

I do not understand why the City would prefer Alternative D if the total emissions would be the same as if the overcrossing had not been built. Choosing Alternative B or C would help the environment by being lower in total emissions than the baseline, which was to do nothing at all. So given that there is a better choice environmentally, why would the City prefer one that would do more damage to the environment than make it better? Especially given this day and age of increased global warming. The same or more emissions do not help the environment at all.

P35-15

In Volume II of the OCGP in Section 3.14 NOISE AND VIBRATION, Page 3.14-28, Table 3.14-J: Vehicular Noise Impact Summary the following statement was made: *"Alternative D is up to 4dBA high for areas adjacent to overcrossing up to 5 dBA lower for areas adjacent to undercrossing. Both B and C were similar to the baseline with C being 1 dBA higher for areas adjacent to overcrossing and up to 1 dBA lower for areas adjacent to undercrossings."*

In the City's own study, the vehicular noise will be greater if the overcrossing were built. It is loud enough as it is without the overcrossing. I am unable to imagine the noise being louder than it is now. My concern is how badly will the increase in noise damage my hearing. Does the City have any studies done in other areas of Orange County that go into detail about the possibility of hearing damage? If not, why not? Increased noise would be a definite negative and adverse impact on the area.

P35-16

In Volume II of the OCGP in Section 3.14 NOISE AND VIBRATION, Page 3.14-28, Table 3.14-K: Train Noise Exposure Summary the following statement was made: *"Alternative D is the same as baseline for areas next to standard grade separation and exceeds 65 dBA L_{dn} standard..."*

Alternative D <u>will not</u> make it less noisy in this area. In regards to train noise, building the overcrossing will be no different than if there had been no overcrossing built at all. With the trains at grade with the overcrossing, there is no guarantee that the horns will be silenced. It may be just as noisy if the overcrossing were built, maybe worse, than it is now without an overcrossing. How will the City remedy the excess noise that is created by building the overcrossing? Why prefer Alternative D when selecting Alternative B or C could easily remedy the noise problem?

P35-17

In Volume II of the OCGP in Section 3.14 NOISE AND VIBRATION, Page 3.14-29, Table 3.14-L: Train Vibration Impact Summary the following statement was made: *"Alternative D would be similar to baseline which is Alternative A which would have no change. Both B and C are lower than baseline.*

Again, here is another issue I have with this environmental report. Why would the City want to choose Alternative D when the vibrations that the neighborhood surrounding the Rose Dr./Tustin Ave. and Orangethorpe would experience would be the same as not building the overcrossing. The City's own summary states that Alternatives B and C would be lower than not building.

Here are some more reasons why Alternative D is not the best choice for the City. Why would the City prefer Alternative D, which appears to do nothing to change the vehicle and train noise, as well as wouldn't change emission rates? Especially when there are two other more viable options available to choose from: Alternative B or C. This thinking just does not make any sense.

Reading Volume II of the OCGP, Section 3.14 NOISE AND VIBRATION, Page 3.14-44, Train Noise the following statement was made that just made me shake my head in complete and total puzzlement about the City's and City's Council's decision to select Alternative D as the preferred alternative. That statement was:

*"Under Alternative D, train noise exposure levels would be similar to the Alternative A conditions. Trains would travel at-grade through the OCG corridor as they do under the existing and future Alternative A conditions. **The undercrossings and overcrossings for vehicular traffic under Alternative D would not affect the train operations and would not provide much train noise reduction. Construction of the proposed bridge, overcrossing and undercrossing structures under Alternative D would result in the location of hard reflective surfaces adjacent to existing residential areas.** Although the potential is small, **these hard surfaces could result in noise reflections that could reduce the effectiveness of existing or planned noise barriers and direct this reflected noise into noise sensitive residential areas.** Current noise models and methodologies do not provide the capabilities to model the potential noise reflection from hard surfaces such as bridge, overcrossing and undercrossing structures. Therefore, it is not possible to predict whether there will be a hard surface noise reflection impact under Alternative D. **The only way to assess the effects of reflective noise, if any, is after the construction of Alternative D is complete and railroad and street crossings are fully operational.** At that time, additional measurements of actual noise levels in noise-sensitive areas can be taken to assess whether the postproject noise levels include the effects of reflective noise off the project structures."*

P35-18

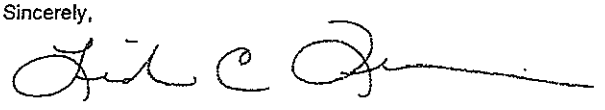
Once the overcrossing is built, it is too late to fix what was messed up by building it. If the City has to wait until after the overcrossing is built to determine if there is any reflective noise, what good does that do the residents in the area, like myself, to find out too late when nothing can be done? It is not my choice to live by an overcrossing. If I had wanted to live close to one, I would have picked a different home. I picked my home here in Del Cerro Mobile Estates because it was quiet for the most part. With an estimated 120 trains running on the tracks in the future, add in the reflective noise from the overcrossing and the residents around here, like myself, will be experiencing constant, loud noise that we can do nothing about. Choose Alternative B or C to help avoid this noise problem.

I would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. Please do not allow the City of Placentia to be pressured or bullied into making a decision that would adversely affect a large number of residents, myself included. The choice you make will affect me, my home, the mobile home park I live in, my community and the City forever. Please make the right choice: Save Del Cerro Mobile Estates and my home by choosing Alternative B or C.

P35-19

I look forward to your response, in writing, to all my questions in this letter.

Sincerely,



Linda C. Lucio
250 S. Rose Dr. Space #17
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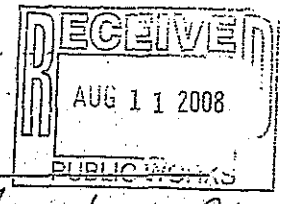
TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008



NOMBRE: Linda C. Lucio

DIRECCIÓN: 250 S. Rose Dr. Space #17 Placentia CA

AFILIACIÓN: Del Cerro Mobile Estates resident

COMENTARIO:

Please see attached letter

P35-20

August 10, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

As a resident of the Del Cerro Mobile Estates, I am writing you to voice one of my concerns regarding Alternative D of the Orange County Gateway Project and my mobile home park, Del Cerro Mobile Estates. I feel that either Alternative B or C would save my home in this park and improve the surrounding areas.

Community Character and Cohesion:

In Volume I, in Section 3.4.1 COMMUNITY CHARACTER AND COHESION, Page 3.4-1, it states in the following section:

> ***"3.4.1.1 Regulatory Setting***
>
> *The National Environmental Policy Act (NEPA) of 1969, as amended, established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [42 United States Code (USC) 4331(b)(2)]. In its implementation of NEPA [23 USC 109(h)], the Federal Highway Administration (FHWA) directs that final decisions regarding projects are to be made in the best overall public interest. This requires taking into account adverse environmental impacts such as destruction or disruption of human-made resources, community cohesion, and the availability of public facilities and services."*

Choosing Alternative D would not provide the residents in the neighborhood of Rose Dr./Tustin Ave. and Orangethorpe (including Del Cerro Mobile Estates, Rosecrest, Bella Vista and Vistara) with the safe, healthful, productive and aesthetically and culturally pleasing surroundings that the NEPA has established. There is nothing about Alternative D that would even meet those standards. The question of how safe the neighborhood would be is very important. With an overcrossing, there may be an influx of homeless people and transients seeking a place to sleep and their first choice would be to sleep under the overcrossing. The neighborhood would not be any healthier because of the lack of breeze because the overcrossing would block the wonderful breeze we have now. (The breeze that comes through Del Cerro is one reason why we choose our mobile home here.) Air would stagnant and more emissions, particles and dust would hang over the neighborhood. The neighborhood or its surroundings would definitely not be aesthetically pleasing once the overcrossing were in place. Who would find an oversized structure of cement pleasing to the eye?

P35-20

Back in Section ***1.0 PURPOSE OF AND NEED FOR PROJECT, 1.1 INTRODUCTION, 1.1.1 Project History*** in Volume I, it states:. . . *Two of the Build Alternatives* [those are Alternative B and C] *include a green belt that would include pedestrian and bicycle facilities . . ."* While Alternatives B and C had green belts planned as part of the beautification and improvement of the surrounding areas, <u>Alternative D does nothing to improve the surrounding areas.</u> In fact, according to OCGP, there will be a significant, adverse impact to the surroundings if the overcrossing goes up at Rose Dr./Tustin Ave. and Orangethorpe. According to Volume II of the OCGP, in Section 3.7.8 VISUAL IMPACTS OF PROJECT ALTERNATIVES, 3.7.8.2 Permanent Impacts, Page 3.7-10, it states that:

> *"Vantage Point 2. Under Alternatives B and C, there would be no adverse visual impacts to the identified viewer groups from Vantage Point 2 (Tustin Avenue/Rose Drive). As shown in Figure3.7-3, trains passing by would no longer be visible to motorists, residents, bicyclists, and pedestrians because the railroad would be lowered, which is considered an aesthetic benefit. Another aesthetic benefit would be the addition of greenbelt areas where feasible as described earlier and shown in Appendix A. The visual character would remain urban and the visual quality would improve. <u>Under Alternative D, Tustin Avenue/Rose Drive would become a bridge overcrossing the existing at-grade railroad, creating an adverse impact from Vantage Point 2 (Figure 3.7-12), particularly for residents north of Orangethorpe Avenue</u> . . . However, the adverse visual impact of the bridge structure would remain for people traveling on*

P35-21

Orangethorpe Avenue and for residents north of Orangethorpe Avenue. The visual character would become more urban and the visual quality would decrease at this crossing under Alternative D."

The problem with the landscape changing as a result of the overcrossing and becoming more urban, in my opinion, is that with an urban setting, urban sprawl and blight will slowly creep into the neighborhood. Unfortunately, I have seen in other cities in Orange County that have overcrossings, people living under the overcrossing as well as gang graffiti, gang symbols and tagging. I worry that as the gangs and taggers move in to mark their territory, the overcrossing, the safety of Del Cerro Mobile Estates would be in jeopardy. At this time, gang symbols and taggers have not tarnished the area surrounding Del Cerro Mobile Estates. By choosing either Alternative B or C, the landscape would not be urban and that would help keep our neighborhood clean of the spread of this modern and ugly urban blight.

P35-21

Also in Volume I, Section ***3.4 COMMUNITY IMPACTS, Page 3.4-1, 3.4.1 COMMUNITY CHARACTER AND COHESION*** in ***3.4.1.1 Regulatory Setting*** it states:

"Under the California Environmental Quality Act (CEQA), an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then that social or economic change may be considered in determining whether the physical change is significant. Because the proposed Orange County Gateway (OCG) project would result in physical changes to the environment, it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects."

Whether the City realizes it or not, there will be a tremendous social and economic change as a result of Alternative D. Without the overcrossing in place, my social environment would continue as is and my economic environment would probably improve as the housing market improved. If the overcrossing were to be built, even if my home were not acquired by the City under eminent domain, I would feel a tremendous economic hit because I would probably not be able to sell my home for very much given the fact that few people would want to live with an overcrossing so close to their home. Can the City prove that there would be no social or economic change as a result of Alternative D? If the City can, I would love to see it. What if the housing market is worse than it is now? If fair market value for my home at the time the City would acquire my home is less than what I paid at the time of purchase, is that not a recognizable change in my economic environment as well as a change for my neighborhood?

P35-22

Has the City, the OCTA, Caltrans and the FHWA really looked at the significance of the project's effects on the communities or neighborhoods involved? Have the changes been truly considered and evaluated by all involved (the City of Placentia, OCTA, Caltrans and the FHWA) in the best overall public interest? I have real questions about that because if they did, they would not be so quick and ready to destroy so many lives, homes and businesses just to get a few overcrossings up for the railroad.

In Volume 1 of the OCGP, Section ***3.4 COMMUNITY IMPACTS, Page 3.4-1, 3.4.1 COMMUNITY CHARACTER AND COHESION*** in **3.4.1.2 Methodology**, it states:

"Community cohesion is the degree to which residents have a sense of belonging to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions, usually as a result of continued association over time. Community cohesion can be defined based . . . demographic characteristics such as home ownership, ethnicity, and length of residence. For the OCG project analysis, cohesion was considered based on the geographic area crossed by the project alignment, the demographic characteristics of that area, and the presence of possible activity centers in that area. Community cohesion is of particular importance when a transportation facility is proposed that would divide an existing developed area."

P35-23

I find it interesting that the City has not done a door-to-door survey of my neighborhood to determine the real demographics of Del Cerro and the surrounding neighborhoods. I am of Mexican descent and know that many other different cultures and races live in Del Cerro. I also know that there are some residents who have lived in Del Cerro for years, sometimes decades. Does the City have any of this demographic information about Del Cerro on file or in any studies they have done? On page 3.14-14 of the OCGP it states: *"Secondary sources of information included the 2000 United States decennial census, the 2002 economic census, and the 2004/2005 Orange County Community Indicators."* Things change greatly in the past 3, 6 and 8 years since the information used was gathered. We did not live here in 2000. Many of the older residents have moved out or died. Many new residents have moved in. Has the City done anything to update or revise their original figures? If the City has, where can I find this information? If not, why not?

In Volume 1 of the OCGP, Section *3.4 COMMUNITY IMPACTS,* 3.4.1.4 Impacts Alternatives B, C, and D, Permanent Impacts Direct Impacts, Community Character. *Page 3.4-27* it states the following:

"Alternative D would result in new transportation structures that would be visible from the adjacent areas. These structures would be similar to existing urban structures and land uses and would not be inconsistent with the suburban character of the adjacent cities."

P35-24

My question to you is how will these 7 or 8 structures be similar at all to the existing urban structures in the neighborhood? Where else in Orange County are there 6 overcrossings in a row situated on major thoroughfares in any one given city? And, how would they not be inconsistent with the suburban character of adjacent cities? Building 6 overcrossings will be gaudy, distracting and possibly dangerous to the community it is situated in. Living in Del Cerro with an overcrossing on the main street next to the mobile home park worries me. What will the City do to keep a car from flying off the overcrossing at a high rate of speed and crashing into a home in Del Cerro or Bella Vista? Cars driving off of overcrossings have happened before on other overcrossings. Building an overcrossing at Rose Dr./Tustin Ave. and Orangethorpe would create a situation ripe for something horrible like that happening. Has the City addressed that possibility at all?

P35-25

In Volume 1 of the OCGP, Section *3.4 COMMUNITY IMPACTS, Page 3.4-5,* it states:

*"The final level of geographic analysis considered those areas in the Cities of Placentia and Anaheim and unincorporated Orange County immediately adjacent to the project segment of the BNSF. **Evaluating potential impacts at this level was important to assess whether the proposed project would result in a direct impact to community features, services and/or facilities or whether the project would adversely affect community character and/or cohesion at this local level . . .** "*

P35-26

In my opinion, Alternative D would directly and adversely impact the neighborhood I live in. By building the large overcrossing at Rose Dr./Tustin Ave and Orangethorpe, the intersection and neighborhood will forever be changed. The look of the area will be different in a way that is not a positive change. The character of the neighborhood will be destroyed. The community cohesion will be torn apart. The ways the overcrossing will impact my home and my neighborhood is tangible and easily detailed. It is the unexplored intangibles of this project that worry me. By choosing Alternative D, the City will destroy the goodwill the residents feel for the City. That is an intangible that may never be recovered. There are others that have not even be thought of or considered. It is those intangibles that I worry have not been addressed.

I would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. Please do not allow the City of Placentia to be pressured or bullied into making a decision that would adversely affect a large number of residents, myself included. The choice you make will affect me, my home, the mobile home park I live in, my community and the City forever. Please make the right choice: Save Del Cerro Mobile Estates and my home by choosing Alternative B or C.

I look forward to your response, in writing, to all my questions in this letter.

Sincerely,

Linda C. Lucio
250 S. Rose Drive #17
Placentia, CA 92870

cc: **Placentia's City Council**
Scott Nelson, Mayor of the City of Placentia
Greg Sowards, Mayor Pro Tem
Joseph V, Aguirre, Councilmember
Scott P. Brady, Councilmember
Constance Underhill, Councilmember

cc: **OCTA Board of Directors**
Chris Norby, Chairman
Curt Pringle, Chair of the Transportation 2020 Committee
Peter Buffa, Vice Chairman
Janet Nguyen
John Moorlach
Bill Campbell
Patricia Bates
Mark Rosen
Allan Mansoor
Carolyn V. Cavecche
Arthur C. Brown
Richard Dixon
Miguel Pulido
Cathy Green
Jerry Amante
Paul G. Glaab
Gregory T. Winterbottom
Cindy Quon, Caltrans Director, District 12

TARJETA DE COMENTARIO
Orange County Gateway Project
24 de Julio, 2008

RECEIVED
AUG 11 2008
PUBLIC WORKS

P35-27

NOMBRE: Linda C. Lucio

DIRECCIÓN: 250 S Rose Dr. Space #17

AFILIACIÓN: Del Cerro Mobile Estates resident

COMENTARIO:

Please see attached letter.

August 10, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

As a resident of the Del Cerro Mobile Estates, I am writing you to voice one of my concerns regarding Alternative D of the Orange County Gateway Project and my mobile home park, Del Cerro Mobile Estates. I feel that either Alternative B or C would save my home in this park and improve the surrounding areas

Concerns on Housing:

My next concern is regarding relocation and finding comparable, affordable housing if Alternative D is selected by the City Council. Again in the *SUMMARY* under ***PROPOSED PROJECT, Project Description Summary, Page S-11, Avoidance, Minimization, and Mitigation Measures:***

"CI-6 The Uniform Act requires that comparable, decent, safe, and sanitary replacement housing that is within a person's financial means be made available before that person may be displaced. In the event that such replacement housing is not available to "re-house" persons displaced by the project within statutory limits for replacement housing payments, the City of Placentia may provide Last Resort Housing in a number of prescribed ways. Last Resort Housing would be provided in the event that comparable housing for displaced residents is not available. Last Resort Housing can include increased housing payments or the construction of new housing, depending on the specific circumstances associated with the housing needs for an individual project. (Applies to Alternatives B, C, and D.)" The homes in Del Cerro Mobile Estates are very affordable at a time when there is little affordable housing in Orange County. Where in the city of Placentia do you hope to relocate me in replacement housing that is as decent, safe and sanitary as where I live now? Will you be rezoning part of Placentia so that a new mobile home park with comparable prices can be built so I can find a home that I can afford? These are all questions I have regarding Alternative D and I wonder if the City has any real answers for them.

P35-27

In Volume I, ***Section 3.1 LAND USE, 3.1.1.5 Impacts to Existing and Future Land Uses, Socio-economics, and Public Facilities, Page 3.1-19,*** The OCGP stated the following:

"Alternative D:

Socio-economics. *The anticipated full and partial permanent and temporary property acquisitions under Alternative D are summarized in Table 3.1-E. Alternative D would require acquisition of 32 residential properties and 43 nonresidential parcels consisting of commercial, open space, and industrial land uses. High housing costs in Orange County may make relocation efforts difficult for displaced residents under Alternative D and could affect the availability of comparable housing for displaced residents in the project area. This would result in a permanent, direct impact related to housing under Alternative D. . . ."*

P35-28

My husband and I live on a very tight budget with only one income. If we had not found our older affordable mobile home here in Del Cerro Mobile Estates, we would have never been able to own our own home. This was the only way for us to own. The duplex we had lived in for 26 years had been sold and the new owners evicted all the tenants. We had to look and act quickly to find a new home. We found the mobile home in Del Cerro that had such potential for us that we made an offer for it. As it was, we had to withdraw from my husband's IRA to make the down payment for our home and we bought it AS IS. While it still needs lots of work, love and care, it is our first real home and we love it. If the City were to acquire Del Cerro Mobile Estates through eminent domain, where could we find affordable housing as nice as what we have here in this wonderful area of Placentia? We looked at other mobile home parks and none of them came close to how nice

Del Cerro was. The City Council has the opportunity to save my home and this mobile home park as affordable housing by selecting either Alternative B or C.

P35-28

After some research, I found that mobile homes are considered affordable housing under the California Housing Element under **Government Code Section 65580-65589.8.** On the California Department of Housing and Community Development under the section ***Building Blocks for Effective Housing Elements Housing Programs: Conserve and Improve the Existing Housing Stock***, it states the following regarding the government code: *"Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Government Code Section 65583.(c)(4))."* Under the section ***II. PROGRAM REQUIREMENTS*** it states *"The existing affordable housing stock is a valuable resource and the element must include programs to conserve and improve the existing affordable housing stock. . . . Conservation includes both maintenance activity such as code enforcement in deteriorating buildings or in response to complaints and improvements to the housing stock such as weatherization programs which help reduce housing costs or other actions, policies or programs to conserve the affordability of housing such as a mobile home park preservation ordinance."* Additional research provided the information that the City of Placentia is working on its Housing Element to submit to the State of California. By choosing Alternative D, the City of Placentia will ultimately eliminate the opportunity for people such as myself to find affordable housing within Placentia's city limits. My question to you is: If the City of Placentia takes my home or any home in Del Cerro Mobile Estates under eminent domain, how does that not possibly conflict with California's Housing Element and the need to conserve affordable housing for the City of Placentia?

In section **III. Policy and PROGRAM Options**, the state talks about conserving and protecting affordable housing. It says, *"Policies and program should be tailored to the results of the analyses and specific local situations."* Some of the recommendations that were made included:

The following strategies are not exhaustive:

Conservation

- *Zoning - Provide stable zoning to preserve affordable housing. For example, change the underlying zoning for a mobilehome park from commercial to mobilehome park.*
- *Replacement Requirements - Require one-to-one replacement of any housing units demolished due to public or private action.*

P35-29

My main concern is that the City has not submitted a new draft of its Housing Element, yet it is moving forward with a substantial road project without addressing how that will affect the affordable housing aspect Del Cerro Mobile Estates represents. According to the **CALIFORNIA HOUSING ELEMENT MANUAL, 2nd Edition, Law, Advocacy and Litigation, April 2008** written by the **California Affordable Housing Law Project, of the Public Interest Law Project** in the **INTRODUCTION, page 4** under the following section:

Importance of the Housing Element to the Siting and Approval of Affordable Housing

It says *". . .Failure to adopt an adequate housing element or taking actions inconsistent with the element subject the local government to significant legal consequences. Finding inadequacy, a court must issue an order curtailing the right of the local government to approve residential and nonresidential development until it adopts an adequate element. It may also order approval of an affordable housing development. Finding inconsistency, the court should issue an order enjoining the inconsistent action."*

My next question to you is has the City addressed its Housing Element in regards to how Alternative D will affect affordable housing and Del Cerro Mobile Estates? If not, why? There are only four mobile home parks in Placentia. Two are senior only, 55+, mobile home parks. We would not be able to live there. The only other mobile home park is Twin Palms. Even if I wanted to move my home there, I couldn't. They appear to only have spaces for singlewide homes. Twin Palms is not even close to being as nice as Del Cerro Mobile Estates. The area surrounding Twin Palms is not as nice as it is near our home either. By choosing Alternative B or C, the City of Placentia would not find itself in conflict with the State when it comes to affordable housing.

P35-30

While the City of Placentia has a very small project in the works for its affordable housing, why has it not taken the steps to rezone Del Cerro Mobile Estates as a mobile home park on its zoning map? The other three parks in the city enjoy this designation. Del Cerro falls within the city's zoning identified as "Specific Plan–7". My biggest worry, given the way this particular area is zoned, is that without a specific mobile home park zone designation, Del Cerro will fall victim to being in an area that the City will rezone for other use as defined

under "Specific Plan–7". If the other parks are zoned as mobile home parks, why not Del Cerro, especially given the fact that this park has been in existence since 1969? Part of the Housing element states that it *"...encourages the appropriate zoning to encourage a variety of housing for all income levels, including: ...mobilehomes..."*.

P35-30

My hope is that the City will truly take a harder look at Del Cerro Mobile Estates and reconsider it as a valuable source of affordable housing in Placentia. Given the fact that many of the homes in Placentia go for more than $500,000 in the area Del Cerro is located, the ability to live in such a nice area at a decent price is truly appealing. Where else in Orange County or even in Placentia can I own my own home without paying the exorbitant prices houses in this area have?

P35-31

I would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. Please do not allow the City of Placentia to be pressured or bullied into making a decision that would adversely affect a large number of residents, myself included. The choice you make will affect me, my home, the mobile home park I live in, my community and the City forever. Please make the right choice: Save Del Cerro Mobile Estates and my home by choosing Alternative B or C.

I look forward to your response, in writing, to all my questions in this letter.

Sincerely,

Linda C. Lucio
250 S. Rose Drive #17
Placentia, CA 92870

cc: **Placentia's City Council**
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Bill Campbell
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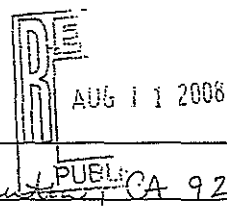
Mark Rosen
Allan Mansoor
Carolyn V. Cavecche
Arthur C. Brown
Richard Dixon
Miguel Pulido
Cathy Green
Jerry Amante
Paul G. Glaab
Gregory T. Winterbottom
Cindy Quon, Caltrans Director, District 12

Comment Card
Orange County Gateway Project
July 24, 2008



NAME: Linda C. Lucio

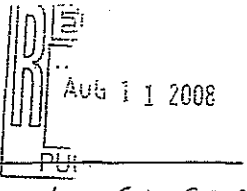
ADDRESS: 250 S. Rose Dr. Space #17, Placentia, CA 92870

AFFILIATION: Del Cerro Mobile Estates Resident

COMMENT: A concern I have is that the construction will be so nerve wracking that it will increase my stress and anxiety levels. Who will pay for my medical bills due to stress related illnesses as a result of Alternative D?

P35-32

Comment Card
Orange County Gateway Project
July 24, 2008



NAME: Linda C. Lucio

ADDRESS: 250 S. Rose Dr. Space #17 Placentia CA 92870

AFFILIATION: Del Cerro Mobile Estates resident

COMMENT: My concern is about right of way acquisition and payment. I am worried that if my home is acquired, I will not receive adequate compensation to fund comparable housing. How much will I be paid for my home? I have a mortgage to pay off. I am worried that I won't be paid enough to cover my mortgage and fund another place to live. This mobile home park is one of the only ways to find affordable housing that is nice. Please choose Alternative B or C.

Thank You.

P35-33

P35 RESPONSES TO COMMENTS FROM LINDA LUCIO DATED AUGUST 10, 2008

P35-1 Oil prices are not an environmental issue under either the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The traffic volumes used in the traffic analysis in Section 3.6, Traffic, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for existing conditions were traffic counts taken in 2003, well before the rapid and high increases in gas prices experienced in late 2007 and most of 2008. The long-term forecasts developed for the project extend to 2030. Typically, traffic forecasts are based on land uses in an area and less on outside factors that may or may not temporarily affect overall traffic demand. For example, high gas prices in 2007 and 2008 may have a temporary effect of reducing some travel by some people. However, in the longer term, gas prices would not be expected to substantively change trip generation because those trips are based on land uses in the area.

P35-2 Mr. Michael McConaha discussed this commenter's right-of-way issues verbally during the phone conversation on July 2, 2008. No further response is necessary.

P35-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-4 Please note that it is acceptable under CEQA for a lead agency to identify a preferred alternative in a Draft EIR. However, that does not commit the lead agency to the selection of that alternative. As noted in this comment, the Federal Highway Administration (FHWA) would make its decision on the preferred alternative as part of the Final NEPA EIS.

As shown in the Draft EIS/EIR, all three Orange County Gateway (OCG) Build Alternatives and the No Build Alternative were evaluated at the same level of detail, which provides the decision-makers equivalent analyses for the three Build Alternatives.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-5 The Burlington Northern Santa Fe (BNSF) is the owner and operator of the rail facility in this corridor. As a result, it was appropriate for the City to consult with the BNSF, through the scoping process, to solicit their input on the project and the proposed EIS/EIR, consistent with its solicitation of input from public agencies, interested parties, and members of the general public. Because the BNSF right-of-way is a substantial consideration in the project alternatives, it was appropriate to describe the input provided by the BNSF in the Draft EIS/EIR. Please also refer to response to comment B35-4, above.

P35-6 Please note that the cited report was prepared in 1998, well before the project conceptual engineering in 2004 and the Draft EIS/EIR in 2008. That early report was prepared specifically to determine if a trench alternative was feasible from an engineering perspective and did not, and was not intended to, indicate that only a trench alternative would be considered for the project. As a result, the findings of that study must be considered in an historic perspective, including consideration of the work conducted since 1998. Refer also to responses to comments P61-3 to P61-12, provided later in this Responses to Comments Report, which address additional comments regarding this 1998 report.

P35-7 The decision-makers will consider the analysis in the Draft EIS/EIR, the comments received on the Draft EIS/EIR, and the project costs prior to making a decision on a preferred alternative.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs. As shown, the difference in cost between a trench alternative and Alternative D is substantial.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-8 During final design, very detailed, project-specific geotechnical analyses would be conducted regarding soils and geologic conditions in the area, including faults and other seismic conditions. Consistent with best engineering practices, all structures and facilities for any OCG Build Alternative would be designed and constructed consistent with all applicable design standards, including seismic standards, in effect at the time the project is designed and constructed.

P35-9 The conceptual design for Alternative D reflects the need for land on the northeast corner of the intersection to accommodate a loop road based on engineering standards. It was not designed to specifically avoid residences to the west or to concentrate right-of-way acquisition on the northeast corner.

Please also refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P35-10 The Orange-North American Trade Rail Access Corridor Authority (OnTrac) was the name of the Joint Powers Authority formed to identify and implement improvements in the Orangethorpe Corridor in the Cities of Placentia and Anaheim. Many of the projects identified during the period that OnTrac was operational have been implemented. The OCG project technical studies were initiated while OnTrac was still operational. The technical studies supporting the Draft EIS/EIR were all prepared specifically for the proposed OCG Alternatives, independent of whether OnTrac was operational or not.

P35-11 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates. As shown, Alternative D would not require acquisition of the entire Del Cerro Mobile Estates.

Part of the final design for Alternative D would be to specifically evaluate the effects of the construction and operation of that alternative on local streets and circulation. Measures TRA-2 to TRA-4 in the Draft EIS/EIR address short-term traffic impacts that would occur during project construction. The final design of Alternative D would include detailed evaluation of traffic movements into/out of Del Cerro Mobile Estates and appropriate traffic lanes and traffic controls would be provided, consistent with applicable traffic engineering standards, to ensure access to/from Del Cerro Mobile Estates for residents and emergency vehicles.

P35-12 Two parties will make the decision on the preferred alternative. The City of Placentia, as the State/local lead agency, will make a decision on the Locally Preferred Alternative after the completion of the environmental process under CEQA. FHWA, as the federal lead agency under NEPA, will consider the City's preferred alternative and is expected to concur with that selection as part of the Final EIS under NEPA. The Orange County Transportation Authority (OCTA) is not, at this time, in the decision-making loop for this project.

It is important to note, however, that OCTA will assume responsibility for the implementation of the preferred project after completion of the CEQA and NEPA environmental processes. In addition, as the primary agency with oversight and funding responsibilities for projects of local and regional importance, OCTA has indicated support for the proposed OCG project as part of its countywide program to improve local traffic circulation and to reduce or avoid delays and public safety issues at road/rail crossings.

P35-13 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-14 Please note that Table 3.13-J in the Draft EIS/EIR provides information on both train emissions and emissions from vehicles operating on the crossing arterial streets. As show in that table, all three OCG Build Alternatives result in train emissions the same as Alternative A (the baseline) because no Build Alternative results in any changes in train volumes or operations. Therefore, the emissions from trains operating on the BNSF tracks would be the same under all three Build Alternatives and the No Build Alternative. Table 3.13-J further shows that all three Build Alternatives would result in reduced vehicular emissions compared to Alternative A.

P35-15 The comment is correct in stating that Alternative D would increase the traffic noise in the vicinity of the proposed grade separations. Section 3.14, Noise and Vibration, in the Draft EIS/EIR describes the noise levels and sound barriers that were modeled for each of the OCG alternatives. The future noise levels with Alternative D would range from 55 to 72 dBA L_{eq} (equivalent continuous sound level measured in A-weighted decibels). These noise levels are well below the 80 dBA level that is considered potentially dangerous to human hearing.

P35-16 This comment is correct in that the trains would continue to operate at grade under Alternative D and that adjacent uses would still hear train wheel noise. However, with the grade separations under Alternative D, the train engineers/ conductors would no longer need to use their whistles as they approach arterial crossings; as a result, the existing whistle noise would be eliminated under Alternative D.

P35-17 This comment is correct in noting that train-related vibration under Alternative D would be similar to under the No Build Alternative. This is because the trains would continue to operate at grade under Alternative D, and there would be no changes in train volumes under Alternative D.

It should be noted that the lead agency can select an alternative for implementation even if it does not reduce or avoid impacts that would occur under the no project condition. The intent of the environmental process is to disclose to decision-makers the potential effects of proposed alternatives, even if those effects are the same as the no project condition.

P35-18 Please refer to response to comment B12-6, provided earlier in this Responses to Comments Report.

P35-19 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-20 Please refer to response to comment P33-14, provided earlier in this Responses to Comments Report.

Please refer to response to comment P15-4, provided earlier in this Responses to Comments Report, for analysis of the potential impact a barrier may have on pollutant concentrations.

P35-21 Please refer to response to comment P33-14, provided earlier in this Responses to Comments report regarding graffiti and transients.

P35-22 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

As discussed in Common Response 2, Alternative D would not result in the acquisition of a substantial number of mobile home space/units at the Del Cerro Mobile Estates. As a result, it is not expected that Alternative D would result in tremendous social and economic change as a whole to this area. However, it is acknowledged in Section 3.4, Community Impacts, in the Draft EIS/EIR that, even with mitigation, some displaced property owners may consider the experience of displacement to be a substantial adverse impact not fully mitigated. Please also refer to Common Response 4 regarding the property acquisition and eminent domain processes.

P35-23 Specific demographic data for the residents in the Del Cerro Mobile Estates is not publicly available information. The data used in the *Community Impact Assessment* (LSA Associates, Inc., 2006) and the OCG Draft EIS/EIR were the most up-to-date, readily available information at the time. The information from the United States 2000 Census was and still is the most current and available data available for the required analysis.

Please also refer to response to comment P52-4, provided later in this Responses to Comments Report, regarding minority and low-income populations.

P35-24 Other existing urban structures in the City of Placentia include the arterial road/freeway interchanges along State Route 91 (SR-91) and State Route 57 (SR-57), the railroad tracks, and the industrial uses primarily on the south side of Orangethorpe Avenue.

As concluded in Section 3.7.10 in the Draft EIS/EIR, all the OCG Build Alternatives would result in temporary and permanent adverse visual impacts. Implementation of the avoidance, minimization, and mitigation measures in Section 3.7, Visual/Aesthetics, would eliminate the adverse visual impacts associated with Alternative B, and would reduce but not completely avoid the adverse visual impacts associated with Alternatives C and D. Therefore, the Draft EIS/EIR properly concludes that Alternatives C and D would result in unavoidable adverse visual impacts after mitigation.

P35-25 Please refer to response to comment P8-3, provided earlier in this Responses to Comments Report.

P35-26 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P35-27 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P35-28 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P35-29 The Housing Element contains a Housing Policy Program that includes specific policy actions for the 2006–2014 Planning Period. These policies are related to the preservation, improvement, and development of housing in the City. The emphasis is on actions enabling the City to increase and maintain housing opportunities affordable to extremely low-, very low-, low-, and moderate-income households. To the best extent possible, the City would endeavor to fulfill these specific policy actions to address current and future housing needs as required by State law.

P35-30 The zoning on the Del Cerro Mobile Estates property could be changed to a mobile home designation at the request of the property owner and after consideration and evaluation by the City Planning Department and City Council.

However, to date, the City has not received any request from the property owner to change the zoning designation for the property.

P35-31 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P35-32 Construction would be limited to daylight hours only, Monday through Friday and possibly also on Saturday. As described throughout the Draft EIS/EIR, a number of measures to reduce construction-related impacts have been developed. Further, because these construction activities would occur during the day, when background noise levels are typically higher than during evening and night hours, it is not anticipated that the construction would represent a substantial source of new stress in this area.

P35-33 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P36

Comment Card
Orange County Gateway Project
July 24, 2008

RECEIVED
AUG 11 2008
PUBLIC WORKS

NAME: Linda Lewkowski

ADDRESS: 290 S. Rose #78, Placentia, CA 92870

AFFILIATION: Del Cerro

COMMENT: I am an old poor woman who acquired a mobile home as a means to a place away from the noise & congestion of an apartment. My adopted father helped me with the process & I like the park. I worked hard to pay for it. Trains in trenches is the preferred method, Work for me, seems cheaper than displacing all these homes & building new ramps, sidewalks etc. Forcing people & businesses to pack up & move is hard on everyone. P36-1

Please mail me detailed costs of each method (B, C, D) & please respond to this Comment Card. P36-2

Thank you very much

P36 RESPONSES TO COMMENTS FROM LINDA LUKOWSKI (NO DATE)

P36-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P36-2 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P37

Comment Card
Orange County Gateway Project
July 24, 2008

Name: Ronald Manug
Address: 121 S. Majorca Place, Plac. CA 92870
Affiliation: Vistara Community
Comment:

I would like to voice out my concern regarding the O.C. Gateway Project which directly affects my community. I lived in Vistara Community, a small neighborhood consisting of 29 homes. If Plan D is chosen, it will greatly create a negative impact on our way of living. The overpass construction will most likely pose a health hazard to the residents and pose danger to our existing homes. It does not really correct the problem: the noise from the train will still remain and the pollution from the traffic will bring hazards to everyone's health. It will most likely become the homes of the homeless and the taggers, which will eventually turn our neighborhood into a slum. Our homes will eventually decline in value and is probably hard to sell. P37-1

Please consider implementing Plan B – a choice for all affected residents. Plan B makes the environment healthy and safe. P37-2

P37 RESPONSES TO COMMENTS FROM RONALD MANUG (NO DATE)

P37-1 This comment addresses many of the same issues raised in comment letter P23, which was provided earlier and that discusses a number of issues related to the Vistara community. Please refer to the responses to comment letter P23 for discussion of the issues raised in this comment.

P37-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P38

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: JIMMY. MASTER

ADDRESS: 1044 MORENO WAY. PLACENTIA, CA 92870

AFFILIATION: RESIDENT

COMMENT: I do not favor this project, the noise pollution for 5+ years would kill us. Please choose different ways rather than make us suffer.

I favour Alternative A and worst or second best Alternative B.

Please do not have Alternative D pass. It is not fair for us, we would be the losers.

Please call me (714) 809-0215. Thanks.

P38-1

P38 RESPONSES TO COMMENTS FROM JIMMY MASTER (NO DATE)

P38-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P39

A little bit of history of Del Cerro Mobile Estates

My mother and father sold their 4 bedroom house after me and my sister moved out and moved to Del Cerro Mobile Estates in 1975. At that time the park only allowed adults 35 or older. They also allowed small pets. Rose Drive was a two lane road and there was nothing around except the tree farm. You used to be able to park on Rose Drive when there was no available guest parking and walk into the park. About half of the park was single wide mobile homes. A lot of the residents were retired and this park provided them with affordable housing. They held monthly pot lucks at the clubhouse (as they still do) and various activities. A great tradition. There were a lot of people that volunteered their time to the City of Placentia, at the library, at Placentia-Linda Hospital, etc. My father passed away but I still felt good knowing my mother had great neighbors that would watch out for her and her for them. I became friends with a lot of people that lived here.

A strip mall was built on the corner of Rose Drive and Orangethorpe with places to eat and a 7-11. The park eventually turned into a family park. A shopping center with a Hughes grocery store was built up the street. Everyone in the park supported the city building the shopping centers. Rose Drive became a 4 lane road. Homes went up across the street. Still the people in this community supported the City of Placentia.

My mother passed away in 1999 and my husband and I were able to come live here. I was overjoyed as I already knew my neighbors and knew what a great community this is. The tree farm was taken out and more houses were built around the park and a median with trees (that makes it difficult to see on-coming traffic) was put on Rose Drive. The people here still supported the City of Placentia because we felt safe. We knew in our hearts that we were safe and that the city would continue to support us. The park provides affordable housing, is a quiet, very low crime community. We continued to supported the city.

P39-1

The railroad decided after more than 25 years to start blowing the whistles 24 hours per day. The city supported their community in finding a way to silence the whistles. The people here were overjoyed and were happy to live in a city that supported their citizens. Everyone knew that they were not wrong in supporting such a great city.

A lot has changed in the park, new homes, different people but the dreams and traditions of the people who live here have not changed. This park provides affordable housing too many families, especially with the housing market as it is. There is a sense of community, neighborhood watches, the monthly pot luck, and various other activities. The people that live here have always supported the City of Placentia. They shop in Placentia, volunteer in Placentia and have supported their growth.

Now it seems as if the City of Placentia is turning their back on a community that has always given their support.

Diana M. McKissick
Sp 165

P39 RESPONSES TO COMMENTS FROM DIANE M. MCKISSICK (NO DATE)

P39-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card **P40**
Orange County Gateway Project
July 24, 2008

RECEIVED
AUG 0 6 2008
PL

NAME: MR & MRS German medel

ADDRESS: 1012 Mineno Way Placentia CA 92870

AFFILIATION:

COMMENT: see attached letter

August 01, 2008

Mr. Michael Mcconaha
City Administrative Analyst
c/o: City of Placentia
401 E. Chapman Ave
Placentia, CA 92870

Dear Sir:

We are writing this letter since we are one of the residents that will be affected by the city project. We have been living in our home for about 10 years now and never did we think that something like this will affect us.

We were filled with joy when we bought this house and we knew this won't just be any house but it will be a home that we can build wonderful memories with our family and friends. We chose to live in this place and location since it is near our job. When we initially bought this house my job was just less than 7 miles away and now that I am retired my part time job is only 1 mile from our home, and my husband as well who is approaching retirement age. It has given us security being in a gated community. Most of all, the peace and quiet place, good neighbors and the view from our balcony from our upstairs bedroom which we have enjoyed the most has given us quality of life. It is a home we thought we could enjoy our retirement life. But this news of this enormous project the city plans to undertake has shattered our dreams and plans. When we first heard about this we had a couple of sleepless nights thinking of what will happen to us and our home.

P40-1

A lot of things will change if they do build an overpass near our home. There will be a question of increased noise as well as invasion of privacy as passersby can look down to see us inside our home. We will also miss the view of the lake and the trees from our bedroom windows when waking up in the morning. Instead we will see an oversized concrete structure blocking our view. Our private gathering and party in our backyard will be seen by on lookers from the overpass. These will definite change our way of life, something we did not foresee coming when we bought our home.

P40-2

If this project goes through, our property will also loss its value and it will be nearly impossible to sell our home especially if this overpass is built. If we could only predict the future it would have been good to sell our home when everything was being sold instantly and its value still intact. But at that time we thought we can live here forever, savor and enjoy the fruits of our retirement in this home.

P40-3

Nothing will be the same if this overpass is built. It would be less of an inconvenience if an underpass is built instead (plan B or C), so as not to bother us residents much. What will happen to us is the big question as this will be a major change in our life and our future plans. P40-4

Will we be compensated for the inconvenience of this project? Will we be compensated for the devaluation of our home since we are losing the view, the privacy, peace and quiet neighbors, safe place to live...qualities that has added value to our home? Will we be given guarantee that we may still be able to enjoy a home that we love so much? P40-5

We do hope that somehow our frustrations will be heard and this letter and our situation be considered. P40-6

Sincerely yours,

Gregoria Aguas Medel

German M. Medel

1012 MORENO WAY
PLACENTIA, CA. 92870

P40 RESPONSES TO COMMENTS FROM GREGORIA AGUAS MEDEL AND GERMAN M. MEDEL DATED AUGUST 1, 2008

P40-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P40-2 Section 3.7, Visual/Aesthetics, in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) concluded that Alternative D would result in possible adverse visual impacts to residential uses near the Orangethorpe Avenue overpass. The adverse visual impacts would be reduced but not eliminated based on implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7.

The comment is correct in stating that Alternative D would increase traffic noise in the vicinity of the proposed grade separations. Section 3.14, in the Draft EIS/EIR, describes the noise levels and sound barriers that were modeled for each of the Orange County Gateway (OCG) Build Alternatives, including Alternative D.

Please refer to Common Response 11 provided earlier in this Responses to Comments Report for discussion regarding quality of life issues.

P40-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P40-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P40-5 Please refer to response to comment P40-3, above.

P40-6 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P41

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Alice Meyers

ADDRESS: 252 S Rose DR #76 July 24, 08

AFFILIATION:

COMMENT: Re route the trains to go side by side 91 Freeway - Silly ? No! We need good air to breathe and less noise. to function well. This overpass; more Cars - more trains, will not make things better.

Do Not Build. Alternative "A" "No build"

OR if really needed - do "B" Lower Railroad below Ground level — AM

P41-1

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Alice Meyers July 30, 08

ADDRESS: 250 So Rose DR #76

AFFILIATION:

COMMENT:

They say lowering the train will be more expensive. What will it cost to re-settle 100+ families to an ? Children will have to go to up root & go to different schools, some of us can't move - no funds. Our Roots are here. Who will move us, give us a new home, pay us what we've invested in our homes & break us from "Park Family"

P41-2

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Alice Meyers

ADDRESS: 200 So Rose Dr #76 Placentia

AFFILIATION:

Aug 2, 08

COMMENT: The traffic is backing up now as it is on Rose from Alta Vista to Orangethorpe. Now, the proposed overpass would make it worse. Also the pollution is bad enough — I have 3 air filters in my house & they have to be cleaned every week from the black dirt from the trains & cars. My car is covered with black dust every day. I wish some one would come down here & see these things. We are breathing in the stuff & we can't let it get worse! Alice.

P41-3

P41-4

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Alice Meyers Aug 4-08

ADDRESS: 250 So Rose DR #76

AFFILIATION: Home owner Very concerned about our health

COMMENT: It's hard enough as it is to get into our driveway here at Del Cerro w/o adding more traffic. Getting out onto Rose Dr is hard, too. Then we have to stop at Costner Light. The back up from Alta Vista comes right down the street past Costner most time at beginning at 2:30 pm every day. It's hard getting into & out of the Shopping Center - esp exiting. There are children coming & going to school up & down Alta Vista & Rose. The air quality is bad now we don't want it worse than it is. Needed: Train in a "ditch"! or leave it all as is! AM

P41-5

P41-6

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Alice Meyers

ADDRESS: 250 So Rose Dr. #76

AFFILIATION:

COMMENT: Put train below ground level so we can live as is.

Aug 7-08 AM

P41-7

P41 RESPONSES TO COMMENTS FROM ALICE MEYERS DATED JULY 24, JULY 30, AUGUST 2, AND AUGUST 4, 2008

P41-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P41-2 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P41-3 Traffic on Tustin Avenue/Rose Drive would move more smoothly with the overcrossing because there would be no at-grade intersection/crossing at Orangethorpe Avenue and no delays at the Burlington Northern Santa Fe (BNSF) crossing. Therefore, delays at Alta Vista Street would be reduced because there would be no delays at the BNSF/Orangethorpe Avenue crossing.

P41-4 Please refer to response to comment P30-2, provided earlier in this Responses to Comments Report, for discussion regarding vehicle emissions.

P41-5 Refer to responses to comments P41-3 and P41-4, above, for responses regarding traffic and air quality.

P41-6 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P41-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P42

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870
August 8, 2008

Attn: Mike McConaha - Senior Administrative Analyst

RE: Rose/Tustin and Orangethorpe intersection and Del Cerro Mobile Estates

Mr. McConaha:

I am writing again (please see my comment card of Aug 2nd) regarding the Orange County Gateway Project and proposed plan D which would absorb Del Cerro Mobile Estates in the process of building. As a resident of Del Cerro Mobile Estates I am very much against this. And I am still puzzled as to why the city seems so decided on this plan. P42-1

I keep hearing that this is the least expensive of the plans. How can this be? When you are not only buying land on both sides of the tracks, you would be displacing about 20 businesses – with a number of restaurants (including one specialty one that is geared specifically to the Muslim community – and is rather one of kind for them as well) – as well as the 171 units in Del Cerro. This seems a expensive endeavor indeed – a great many of the homes in are park are pre-fabricated house – not mobile homes. We cannot just pick them up and move them. Some of the houses are brand-new with all the fancies one might wish for. Several established houses are custom homes... lovely, and expensive indeed. Moving and reestablishing people can get very involved and costly. P42-2

When was the study done that said Plan D would be the least expensive – how is it in comparison to plans B and C? The money for the project, as I understand, is pretty much being supplied by OCTA and some from SB974 out of Sacramento. Why can't the plan to drop the track be reestablished? If the problem is disruption of freight/Amtrack/Metrolink service – how where things handled after the train accident at Richfield? The tracks were closed for several days then. Is this something that the public may demand in the future, so the whole thing will have to be re-done? When were the studies done on B and C – what details make them the more expensive? Is this really the only criteria what makes D attractive? P42-3

Mr. McConaha – I have lived in Placentia for more than 25 years, when my late husband was alive, he was on the ADA compliance committee – this city means a lot to me. As does my little home – the dream house I thought I'd never have, and am extremely unready to give up. P42-4

Please crunch your numbers and dimensions again. Please save affordable housing in Placentia. Save a community within your city. Save Del Cerro. Save my home.

Thank you for your attention.

Shirley Mills

Shirley Mills
250S. Rose Drive Space 119; Placentia, CA 92870

July 24, 2008

NAME: Mills

ADDRESS: 250 S. Rose Dr. #119 Placentia CA 92870

AFFILIATION: resident near Rose/Tustin & Orangethorpe

COMMENT: I believe the idea of facilitating traffic flow is good one, the displacement of affordable housing in Placentia and disruption of small regional & specialized businesses is appalling — Also how can the city of Placentia afford cost overruns in project, when being reviewed for poor management on a previous one?

P42-5

P42-6

A council person I met on July 24 advised that the city wishes to acquire as little as possible so I ask you review plans again — trim the traffic underpass → at Rose/Tustin Orangethorpe. Save a community with the "Pleasant Place to Live", leave the homes people can afford — keep this long narrow city a place we can live, shop & work in — not just a series of cement overpasses.

P42-7

P42-7

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870
Attn: Mr. Michael McConaha,
Senior Administrative Analyst

92870+6133

P42 RESPONSES TO COMMENTS FROM SHIRLEY MILLS (NO DATE)

P42-1 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P42-2 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P42-3 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

Please refer to Common Response 9, provided earlier in this Responses to Comments Report, for information regarding funding for this project.

P42-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P42-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P42-6 The Orange County Gateway (OCG) project is supported by the California Transportation Commission and the Orange County Transportation Authority (OCTA). The project is considered to be nationally and regionally significant because of the importance of the Burlington Northern Santa Fe (BNSF) corridor for the movement of goods and freight from the Ports of Long Beach and Los Angeles to destinations across the United States. The OCTA has secured funding and would assume responsibility for implementation of the project after completion of the environmental documentation.

Please also refer to response to comment P23-25, provided earlier in this Responses to Comments Report, and to response to comment P61-14, provided later in this Report.

P42-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P43

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Joe and Lisa Montoya

ADDRESS: 1001 Haas Pl. Placentia, CA 92870

AFFILIATION: Bella Vista on the Green.

COMMENT: NO EMINENT DOMAIN, NO CONSTRUCTION.
Our house is our only asset. We were going to move 2 years ago but were assured that there wasn't any funding for over/under passes here. We stayed and now we are faced with this. At the least our house lost a lot of value. Now we are "stuck" here because no one will want to buy our house with all of this going on. Please Please Please NO EMINENT AND NO CONSTRUCTION NEAR OUR HOUSE.

P43-1

P43 RESPONSES TO COMMENTS FROM JOE AND LISA MONTOYA (NO DATE)

P43-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

The address provided in this comment (1001 Haas Place, Placentia) would not be acquired under any of the Orange County Gateway (OCG) Build Alternatives. Haas Place is not adjacent to Orangethorpe Avenue, where an overcrossing is proposed for Alternative D. However, as concluded in Section 3.7, Visual/ Aesthetics, of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Alternative D would result in adverse impacts to residential uses within sight of that overpass. The adverse visual impacts would be reduced but not eliminated based on implementation of project design features and avoidance, minimization, and mitigation measures described in Section 3.7.

Please refer to Common Response 11, provided earlier in this Responses to Comments Report, for discussion regarding quality of life issues.

P44

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Margaret Morbee-Cassidy

ADDRESS: 250 S. Rose Drive, Space 1, Placentia, CA 92870

AFFILIATION: Del Cerro Mobil Estates Resident

COMMENTS:

We believe that Schedule **"B or C"** would be more appropriate for the area, as it would be better to have the trains below eye level. Also, in reference to the high-end neighborhoods along Orangethorpe, having the trains in the trench would take away looking at them; in addition to cutting down on the noise level, and would give a much more visual appeal. P44-1

Concerning Schedule **"D"**, this would displace a lot of people out of their homes, especially in Del Cerro Mobile Estates. Looking at the trains and hearing them would still be there, for not only Del Cerro, but for the rest of the communities along Orangethorpe. P44-2

P44 RESPONSES TO COMMENTS FROM MARGARET MORBEE-CASSIDY (NO DATE)

P44-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P44-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P45

McConaha, Michael

From: Nicholas Orlandos [nicholas_orlandos@sbcglobal.net]
Sent: Sunday, August 10, 2008 2:41 PM
To: McConaha, Michael
Subject: Rose Drive and Del Cerro Mobile Home Park

I have been shocked to hear about this project. When we moved to this location it was our thoughts that this will be an ideal place to spend our retirement years, now it may not be here for us. P45-1

Our plan was to have an affordable home that was close to our children, grandchildren in a central location that did not require a lot of driving for shopping, medical facilities etc. As a result I see that in the past few years the areas around Chino Hills vastly developed as well as the Brea area and all you have to do is to traverse Rose Drive to see that these people are using Rose as a short cut to both areas as they do not have to use the freeways as much.

I see that this project is going to become a health issue for people that have respitory, sinus and similar ailments more than ever. P45-2 Road and tire dust continually get blown by the wind across our area and raising this road is only going to make it worse, P45-3 which means higher homeowner costs to keep the homes washed down and/or painted. The noise is already loud but will be louder. Pollution is already here but will be worse. P45-4 How can the ingress and egress of this property be of any quality for all concerned, homeowners, service vehicles, fire and police

Didn't Placentia learn anything from the first attempt at these railroad issues. If going under was OK then, lowering the tracks OK then why is it not OK now. It cannot possibly be less expensive in view of todays market vs. then. Learn by the mistakes made on the first try, it was maybe trial and error but it certainly wasn't a smart move, it wasn't even the best use of a location that would be beneficial to the many. P45-5

Has anyone considered that there may be unstable ground that could be affected by the old oil wels and oil operations that use to dot this area. Similar projects in Huntington Beach causes oil to surface up out of the ground around homes due to vibrations in building roads, homes and the like. Wake up folks. P45-6

This project is only for commuters that could use the freeways instead of our street and want to have everything their way, let them suffer not us, have them use the roads that were built for traffic. P45-7

Nicholas Orlandos
Carolyn Orlandos
250 S. Rose Drive #9
Placentia, CA 92870

P45 RESPONSES TO COMMENTS FROM NICHOLAS AND CAROLYN ORLANDOS DATED AUGUST 10, 2008

P45-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P45-2 Please refer to response to comment P33-11, provided earlier in this Responses to Comments Report.

P45-3 Please refer to Section 3.14, Noise, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which describes the noise levels and sound barriers that were modeled for each of the Orange County Gateway (OCG) Build Alternatives.

P45-4 Please refer to response to comment P41-3, provided earlier in this Responses to Comments Report.

P45-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

The estimated costs of Alternatives B, C, and D have increased compared to the 2004 cost estimates. The proportionate increase in costs between each alternative has remained essentially the same. The Orange County Transportation Agency (OCTA) has listed the OCG project as a regionally significant project.

Please also refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

P45-6 As is typical practice, detailed soils studies, including analysis of borings and consideration of any abandoned wells in the project area, would be conducted during final design, and appropriate features that address any soil stability issues would be incorporated in the final design of the preferred project.

P45-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P46

McConaha, Michael

From: McConaha, Michael
Sent: Thursday, July 24, 2008 11:16 AM
To: 'Jane Reifer'
Subject: RE: Grade Separation DEIR Public Comment

Jane,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

-----Original Message-----
From: Jane Reifer [mailto:cluttercontrol@earthlink.net]
Sent: Thursday, July 24, 2008 10:45 AM
To: McConaha, Michael
Subject: Grade Separation DEIR Public Comment

Dear Michael McConaha,

Thank you for the opportunity to submit this comment regarding the large grade separation projects.

I would like to request that specific guidelines and protocols be developed for protecting pedestrian, bicyclist and bus rider mobility in the specific areas affected by the separations both during construction and in the final "product". Unfortunately, these modes of traffic are continually overlooked or accommodated insufficiently in most major construction projects I've witnessed. Worse, there are often amenities or high level-of service features currently in place that are lost or reduced. In order to assure no loss of mobility, an evaluation of current levels of service for these modes is warranted.

Regarding the final design, an example of an innovative and pedestrian-friendly walkway can be seen at the Lemon St. grade separation in Fullerton, located just south of Commonwealth Ave. The walkway is somewhat elevated so that the pedestrian doesn't have the "walk both down the hill and then up it" exertion caused by most grade separation projects.
The distance is also substantially reduced, and ADA access enhanced.

Please advise me of the response to my comments, including the verbiage of the protocols for the construction process, the design accommodation in the final project, and the evaluation of any pedestrian, bicyclist and bus rider amenities and levels of service that would be lost or lowered.

Thank you,

Jane Reifer
149 W. Whiting Ave.
Fullerton, CA 92832
714-525-3678

P46-1

ORANGE COUNTY GATEWAY DRAFT EIS/EIR

TELEPHONE COMMENT RECORD
Comment Period: June 27 to August 11, 2008

Date: ~~6-27-08~~ Staff: Michael McConaha

CALLER CONTACT INFORMATION

Name: ~~John Garza~~ Jane Reifer

Title:

Organization:

Address:

Phone Number: 714-240-1628

COMMENTS: During and after construction work consideration for pedestrians, bicycle, bus services along sidewalk and affected area.

P46-1

P46 RESPONSES TO COMMENTS FROM JANE REIFER DATED JULY 24, 2008

P46-1 The existing sidewalks and bicycle facilities on the roads crossing the Burlington Northern Santa Fe (BNSF) would be replaced as part of each Orange County Gateway (OCG) Build Alternative as described on pages 2-12, 2-20, and 2-27 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for Alternatives B, C, and D, respectively.

P47

McConaha, Michael

From: McConaha, Michael
Sent: Friday, August 08, 2008 8:36 AM
To: 'JOANNE ROBINSON'
Subject: RE: Gateway Project

Ms. Robinson,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: JOANNE ROBINSON [mailto:jrobinson5457@sbcglobal.net]
Sent: Thursday, August 07, 2008 6:07 PM
To: McConaha, Michael
Subject: Gateway Project

Please see attachment regarding the train issue at Orangethorpe and Rose Drive in Placentia.

Regards,

Joanne Robinson
250 S Rose Dr Sp 65
Placentia
714-993-4380
jrobinson5457@sbcglobal.net

Joanne Robinson
250 S Rose Dr Sp #65
Placentia Ca 92870
714-993-4380
Jrobinson5457@sbcglobal.net

Concerning the Train Issue:

I have lived in Del Cerro Mobile Estates for over 24 years. I am a widow and my husband was terminally ill when we moved here. He wanted a place that I could afford and feel safe. This park is a nice place to live. It is well kept. It had a complete makeover around 2000. I actually could not afford any place else. There are other widows and widowers who live here and they are probably in the same situation.

P47-1

This park is now a family park. These young people live here because it is affordable. They need a decent place to raise their children too.

Please for the sake of decency go with either alternative C or D.

Joanne Robinson
250 S Rose Dr Sp 65
Placentia Ca 92870
714 993-4380
Email jrobinson5457@sbcglobal.net

Alternative C would be the best solution for our environment.
Trains are very noisy. There are the whistles and they shake the ground when they pass. They are dirty and they pollute the air which makes it difficult for people who have breathing issues. P47-2

My understanding is if they were to lower the tracks they would put in a green belt. That would beautify our whole community.
Placentia means pleasant place. We are proud of our community. That would give us cause to be even more proud. P47-3

I'm sure there will be homes and businesses that will be affected. These are all vital for Placentia to continue to be a nice community. Del Cerro Mobile Estates would be affected. That park has many young families and seniors living there. Some of the seniors are widows or widowers. It is difficult enough to lose a mate. To be put out would be devastating for them. This is affordable housing for all the families. Most of the people there couldn't afford to live any place else. I've been here 24 years and I know the area is nice. It is a nice park and well kept. P47-4

P47 RESPONSES TO COMMENTS FROM JOANNE ROBINSON DATED AUGUST 8, 2008

P47-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P47-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P47-3 The three Orange County Gateway (OCG) Build Alternatives include aesthetic features. The designs of Alternatives B and C, however, would result in more areas for possible landscaping than the existing setting and under Alternative D. It is intended that the three OCG Build Alternatives would include landscaping within the public right-of-way when appropriate and consistent with applicable safety and access requirements. Please also refer to Section 3.7, Visual/Aesthetics, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a detailed discussion of the visual analysis conducted for the OCG project alternatives.

P47-4 This commenter is correct in that the OCG Build Alternatives would require acquisition of property from uses such as the Del Cerro Mobile Estates. The estimated acquisitions under Alternative D are described in detail in Section 3.4.2 in the Draft EIS/EIR.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P48

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Steven D. Rodriguez

ADDRESS: 1125 Mira Loma Ln, Placentia

AFFILIATION: Vistara Resident

COMMENT:

I'm against the building of an overpass at orangethorpe. Emissions from an overpass will harm our health and dirty our neighborhood over time. This will be an eye sour when I walk out my front door. It will block our views of surrounding hills and lake. I think Fullerton has it right in building only underpasses.

P48-1

McConaha, Michael

From: McConaha, Michael
Sent: Monday, August 04, 2008 4:32 PM
To: 'steverods@sbcglobal.net'
Cc: Perez, Maria
Subject: FW: CITY WEBSITE EMAIL: O C Gateway Project

Mr. Rodriguez,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Perez, Maria
Sent: Monday, August 04, 2008 1:07 PM
To: McConaha, Michael
Subject: FW: CITY WEBSITE EMAIL: O C Gateway Project

Maria G. Perez
714-993-8117

From: steverods@sbcglobal.net [mailto:steverods@sbcglobal.net]
Sent: Monday, August 04, 2008 11:30 AM
To: Perez, Maria
Subject: CITY WEBSITE EMAIL: O C Gateway Project

The following was submitted from the City of Placentia website:

From: Steven D Rodriguez
Email: steverods@sbcglobal.net
Telephone: 714-524-2776
Message: I am writing this letter in opposition to the building of an overpass at the orangethrope crossing. I live in the Vistara track at the corner of Chapman ave and Orangethrope. The original plan before the monies were mismanaged was to have the railway be under ground. I believe the best solution would be to have an underpass at this crossing. I do not want to see an overpass when I walk put my front door. I enjoy seeing Anaheim Lake and the surrounding hills as a view. I think the money to build an underpass is very close to being the same as an overpass without seeing a high structure from the surrounding homes that would be affected and having our property values go down more than what the economy is already doing on its own. The only other solution is to not build anything at all. I rather have nothing built than have the view of an overpass from my home.

P48-1

P48 RESPONSES TO COMMENTS FROM STEVEN D. RODRIGUEZ DATED AUGUST 4, 2008

P48-1 This comment addresses many of the same issues raised in comment letter P23, provided earlier in this Responses to Comments Report, which discusses a number of issues related to the Vistara community. Please refer to the responses to comment letter P23 for discussion of the issues raised in this comment.

P49

McConaha, Michael

From:	arnel [arnelius@yahoo.com]
Sent:	Sunday, August 10, 2008 7:22 PM
To:	McConaha, Michael
Cc:	McConaha, Michael; chris norby
Subject:	Comments to OCG Draft EIS/SIR
Attachments:	Comments to OCG Draft EIS-EIR dated 08-10-08.pdf

Attached are my comments/input on the Draft EIS/EIR for the OCG Project.

Please confirm receipt of this e-mail for my records.

Thanks,
Arnel Sarmiento

Aug. 10, 2008 (sent via e-mail to ocgateway-eis/eir@placentia.org)

Mr Michael McConaha
City of Placentia (mmcconaha@placentia.org)
401 E. Chapman Ave.
Placentia, CA 92870

Subject: Comments to OC Gateway Project Draft EIS/EIR dated June 2008 presented in a Public Hearing on June 24, 2008.

It is important to note here that **I support Alternative B or C** because it offers a balanced solution to address the environmental impacts of the proposed project in order to achieve the project's need and purpose. With that stated, the following are my comments: P49-1

1. The Placentia City Council, in its Sept. 4, 2007 meeting designated Alternative D as the preferred alternative. Given that this alternative would displace the greatest number of existing residents due primarily to the construction of overpasses and connectors, what were the reasons that led the City Council to support Alternative D? P49-2
2. Given the information presented in the Draft EIS/EIR, how will project funding and cost estimate affect the final decision and selection of the preferred alternative? P49-3
3. Undoubtedly, reviewing this draft EIS/EIR, talking with agency representatives at the public hearing, and given the City's preferred alternative, there's a definite support here for Alternative D. Is it because funding identified and/or secured only allows for the cheapest alternative as the only viable solution, which undermines this review process? P49-4
4. I'm very thankful with the notice for the last public hearing, which was delivered in my front door. Out of curiosity, how were the affected residents and the public in general notified in previous public hearings for this project? How can we expect notices for future public hearings? P49-5
5. NEPA of 1969 establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings. Although the purpose and need statement for the project addressed safe, healthful and productive requirements, it did not address the aesthetically and culturally pleasing surroundings requirement. Why? P49-6
6. A statement in the need and purpose for the project should include and address the aesthetically and culturally pleasing surroundings requirement of NEPA.
7. The City successfully implemented measures to eliminate train whistles (great job!). This is no longer a valid benefit from this project. P49-7
8. The project's purpose and need identifies improvement of the projected future vehicle LOS as one of the objectives. Tustin/Rose Ave. is classified as a Principal P49-8

Arterial Highway in the MPAH. Yet, the typical section for the Tustin Ave. Overhead shows a narrower overhead, not designed to address the projected future LOS.

P49-8

9. Sec. 2.2, Project Alternatives. It's hard to confirm this draft EIS/EIR report's basis for ruling-out the undercrossings because NO undercrossing typical sections were included in the report. On the contrary, I found 2 typical sections for the preferred overcrossings.

P49-9

10. The need and purpose statement indicates reduction in the air pollution. Is there really a net reduction in air pollution given that a higher volume of vehicles per day will likely be traveling these areas and at a higher speed generating proportionately higher noise levels? How can you quantify these reductions in air pollution, if any?

P49-10

11. The contention in this draft report that an undercrossing at Orangethorpe Ave. would result in more property acquisitions is only true if it is assumed that the sideslopes created by the excavations are finished at a 2:1 slope (V-shaped). To reduce or eliminate property acquisitions, it is an accepted engineering practice to introduce vertical slopes (U-shaped). The use of vertical slopes at the proposed crossings for Alternative D should be a part of a true alternatives analysis.

P49-11

12. An undercrossing design at Orangethorpe Ave. will eliminate the proposed looping connector road from Chapman and also eliminate acquisition of the property at the southeast quadrant.

13. An undercrossing design at Orangethorpe Ave. will also eliminate the undercrossing at Miller and the proposed connector (over Carbon Canyon Channel) from Crowther to Orangethorpe Ave.

P49-12

14. There are existing proven engineering solutions for addressing groundwater levels in construction projects. Which ones were analyzed for the undercrossings?

P49-13

15. Talking about that connector over Carbon Canyon Channel (concrete box?), how will the impact to the waters of the US and the movement of existing wildlife from upstream through this corridor addressed?

P49-14

16. There is nothing that Alternative D could propose to mitigate the permanent visual, noise, etc. impacts to the nearby residents.

P49-15

17. The draft report states that "Orangethorpe Avenue would be elevated, thereby creating a more expansive view for motorists and pedestrians." What is your assessment for those motorists and pedestrians under the overcrossing?

P49-16

18. The above quote implies pedestrians will be able to cross the overcrossing, do these overcrossing comply with the requirements of the American Disabilities Act for access?

P49-17

19. I did not notice any mention of alternatives for Alternative D realigning the rail tracks and/or the flood control facilities. This should be analyzed as well.

P49-18

20. Alternative D will wipe out most if not all service related businesses along Orangethorpe Avenue. What is the mitigation plan for the nearby residents who now have to travel farther to avail of various services and supplies? P49-19

21. This draft report should include a requirement to consult the nearby residents and/or Home Owner's Associations in developing any landscape/hardscape plans to address all visual impacts. P49-20

22. What is the mechanism proposed to monitor and verify that the mitigation measures identified in this draft report are implemented? P49-21

23. Who verifies and signs-off the document attesting compliance with the mitigation measures? How and where will the public access this document for review and verification?

As I mentioned in my opening statement, I support a balanced project but not a project that would label my beloved city as the "Southland's Overpass Capital." P49-22

I really do appreciate the opportunity to comment and provide my input.

Sincerely,

Arnel Sarmiento
1053 Davis Way
Placentia

P49 RESPONSES TO COMMENTS FROM ARNEL SARMIENTO DATED AUGUST 10, 2008

P49-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P49-2 As shown on page 2-26 in the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), the City of Placentia City Council identified Alternative D as the Locally Preferred Alternative at the September 4, 2007, City Council meeting. One of the reasons is because it can be implemented through a phased approach of major and minor intersections. During final design, all plans would be reviewed and revised to the extent feasible to minimize property acquisitions.

Please also refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

P49-3 The decision-makers will consider the analyses in the Draft EIS/EIR, the comments received on the Draft EIS/EIR, and the estimated project costs prior to making a final decision on the proposed project. Under the California Environmental Quality Act (CEQA), the local agency can select an alternative that is not currently fully funded. Under the National Environmental Policy Act (NEPA), the preferred project must be either fully funded or identified in a regional plan that provides for opportunities to receive full funding in the future.

P49-4 The decision-makers will consider the analyses in the Draft EIS/EIR, the comments received on the Draft EIS/EIR, and the estimated project costs prior to making a final decision on the proposed project. One area of key concern to the decision-makers prior to making a decision on the project is understanding whether the project is fully funded or can be implemented in phases as funding becomes available.

P49-5 Notices regarding the scoping meetings held in 2002 were provided via a Notice of Preparation mailed to area agencies, newspaper notices in several local area newspapers, information on the Orange-North American Trade Rail Access Corridor Authority (OnTrac)/City of Placentia website, and at City of Placentia City Council meetings. In addition, over the last several years, there have been a number of newspaper articles in the local papers discussing this proposed project.

Please also refer to Common Response 6, provided earlier in this Responses to Comments Report, for additional information regarding the public information process for the proposed Orange County Gateway (OCG) project.

P49-6 The purpose and need statement for the project, provided in Section 1.0, Purpose of and Need for Project, of the Draft EIS/EIR, specifically details the purpose of the project related to reducing congestion and delay, train noise, emergency response times, and air pollution, and increasing public safety. NEPA does not require that each of the issues cited in this comment be addressed as part of either the project purpose or need. As a result, the Draft EIS/EIR does not identify "...aesthetically and culturally pleasing surroundings..." as part of the project purpose. However, consistent with requirements of NEPA, Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR does evaluate the potential aesthetic impacts of the OCG alternatives.

P49-7 It is acknowledged that the recent Quiet Zone project substantially reduced the use of train whistles in the project area. However, the Placentia Quiet Zone does not eliminate pedestrian and vehicle crossings over the Burlington Northern Santa Fe (BNSF) tracks. In addition, train conductors and engineers are still required to use the train whistles when a dangerous situation exists or at any time they deem appropriate. The three OCG Build Alternatives all remove existing at-grade arterial crossings of the BNSF tracks and therefore eliminate the interaction of vehicles, pedestrians, and trains at those crossings.

P49-8 Rose Drive/Tustin Avenue is designated as a Major Highway, not a principal one. The Orange County Resources & Development Management Department "Standard Plan 1101" for Major Highways requires a curb-to-curb width of 102 feet and a right-of-way width of 120 feet, which is consistent with the proposed width on the overhead bridge at this crossing.

P49-9 Please refer to Figures A.8, A.9, and A.10 in Appendix A in the Draft EIS/EIR, which show the proposed under or overcrossings at the eight street crossings on the project segment.

P49-10 Please refer to response to comment P41-1, provided earlier in this Responses to Comments Report.

P49-11 An undercrossing at Orangethorpe Avenue was not considered economically feasible due to the substantially increased costs that would be incurred to address high groundwater levels in this area and the proximity to Anaheim Lake.

It is acknowledged that the use of steeper slopes at Orangethorpe Avenue may result in reduced right-of-way needs. Please refer to Common Response 3,

provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design. This refinement would include consideration of alternative design features such as steeper or U-shaped slopes.

P49-12 Please refer to response to comment P49-11, above.

P49-13 Please refer to response to comment P49-11, above.

P49-14 Please refer to Section 3.16, Natural Communities and Plant Species, in the Draft EIS/EIR, which indicates that the project area is largely developed in urban and suburban uses and that there are existing terrestrial wildlife corridors in the area. Therefore, the OCG Build Alternatives would not result in impacts to wildlife corridors.

Refer to Section 3.17, Wetlands and Other Waters of the United States, in the Draft EIS/EIR, which identifies the jurisdictional waters in the study area and describes the impacts of the OCB Build Alternatives on those waters. A number of measures, which are described in Section 3.17, would substantially reduce the adverse impacts of the proposed OCG project on jurisdictional waters.

P49-15 Please refer to response to comment P40-2, provided earlier in this Responses to Comments Report.

P49-16 As described in Section 3.7, Visual/Aesthetics, in the Draft EIS/EIR, Alternative D would result in adverse visual impacts for viewers in the vicinity of the proposed bridge structures at Orangethorpe Avenue, Tustin Avenue/Rose Drive, Jefferson Street, Van Buren Boulevard, Richfield Road, and Lakeview Avenue. Those viewers include pedestrians and motorists.

P49-17 All project alternatives are required under federal law to comply with the applicable requirements of the Americans with Disabilities Act (ADA) for pedestrian access.

P49-18 Alternative D proposes the grade separation of the arterial streets and the BNSF tracks. Because Alternative D proposes improvements only at the street crossings (and not continuously along the BNSF alignment), realigning the tracks or substantial modifications to flood control facilities (outside the immediate footprint of each crossing) would not be necessary. The realignments of rail tracks and flood control facilities are not considered as viable options and are not considered as part of Alternative D in the analysis in the Draft EIS/EIR. Therefore, under Alternative D, no realignment of the rail tracks or the flood control channels was considered.

P49-19 It is acknowledged that some businesses along Orangethorpe Avenue would be acquired for the project. Some of those businesses may relocate in the surrounding area. Nonetheless, as noted in this comment, some area residents may have to travel further to access certain businesses. No specific mitigation is necessary as these residents have access to the area public streets to travel to any area business they wish.

P49-20 Any landscaping on privately owned property, if adversely affected during project construction, would be replaced in kind in consultation with the property owner. Any landscaping provided on public property would be provided consistent with the landscape plan described in Measure V-2 on page 3.7-16 in the Draft EIS/EIR. While public input to this plan is welcome, there is no requirement that this plan must include consultation with any private property owners as this plan addresses only landscaping provided on publicly owned land.

P49-21 The Orange County Transportation Authority (OCTA), as the implementing agency for the proposed project, would be responsible for implementing and documenting the implementation of the project avoidance, minimization, and mitigation measures as listed in Section 7.0, Environmental Commitments Record, in the Draft EIS/EIR. Refer also to Common Response 10 provided earlier in this Responses to Comments Report for information regarding the role of the OCTA as implementing agency of the project after the completion of the environmental process.

P49-22 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P50

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Joanne Schleicher

ADDRESS: 716 Sue Dr. Placentia 92870

AFFILIATION: homeowner

COMMENT: How will the residents be compensated for the drastic loss of values in the homes if you select plan D? As a teacher I give plan D an F. Those bridges will be such an eye sore. Who would want to live in our city then? Not me!

P50-1

P50 RESPONSES TO COMMENTS FROM JOANNE SCHLEICHER (NO DATE)

P50-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: DAVID C. SCHLEICHER

ADDRESS: 716 SUE DR PLACENTIA 92870

AFFILIATION: PLACENTIA HOMEOWNER

COMMENT: I DO NOT AGREE WITH PLAN D. IT TAKES AWAY TOO MANY HOMES AND WILL BE AN EYESORE. PLAN B IS THE ONLY LOGICAL AND BEST CHOICE. THIRTY YEARS OF NO WHISTLES... TEN YEARS OF WHISTLES. WE ARE SICK OF IT ... PUT IT UNDERGROUND ALREADY!

P51-1

P51 RESPONSES TO COMMENTS FROM DAVID C. SCHLEICHER (NO DATE)

P51-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P52

Response to the Orange County Gateway Project

Matt and Kristin Schleicher
1107 E Mira Lago Lane
Placentia, CA 92870

Attn: Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

As a citizen of Placentia, I am excited that efforts are being made to make a significant improvement to our city, state, and country. Like many other residents along this corridor, I have waited to see a solution to the challenges of growth we have experienced recently and expect to see in the near future. My family and I have endured many days and nights of loud noise pollution and traffic congestion. We were excited when we purchased our home in Placentia 6 years ago because we were aware of the On Track project. That project helped make our decision to purchase a home near the train, because we knew one day the problems would be addressed and solved with this plan. When On Track fell through, we were of course disappointed. When the quiet zone was finally created after trial and tribulation, we were so thankful and happy. Now, with the exception of the occasional whistle, we can finally get a decent night sleep. To hear the news of the possibility of the future Gateway Project happening, we are once again elated. However, after carefully looking at the four proposed plans, I have mixed feelings. I believe the right plan is among the four, but do not believe there is a strong movement of support for it. It is my hope that, with this letter, I may regenerate some excitement and support for the plan I believe is the best choice. P52-1

First, let me say, that I do not support plan A. Inaction is no solution. This country has seen enough of the results of inaction and lack of preparedness. I agree something needs to be built to address the future growth. There is too much at stake to do nothing.

After considering the other three plans, I found that two of the plans are quite similar, plans B & C, and one is quite different, plan D. Plans B and C are basically the ideas originally conceptualized with the On Track trench project. Plan D is an alternative to the trench. I think there should be another alternative to the trench similar to plan D but without some questionable property acquisitions. All three plans will obviously impact certain members of our community in adverse ways. No plan is perfect if it involves the removal of homes and businesses. However, I strongly believe we as a community can choose something

that affects the current community and environment in a way that causes the minimal amount of displacement. It is our duty to see that we do all that we can to minimize the impact. I question whether changes can be made to plans B, C, and D that would minimize the adverse impacts.

All 3 plans involve bridging of some sort of another. However, which of the plans is most secure in regards to surviving a major earthquake? Let us reflect that none of our engineering retrofit projects in the past 20 years have been tested by the massive quake that is due to hit the southern California area. Experts predict we have a 97% chance of this occurring in the next 30 years. Everyone is in agreement that it is not a matter of if, but when. We have an opportunity here to build something that addresses these facts. We have an opportunity to build something that actually prepares for the future instead of providing just a quick fix. I fear that if we choose the wrong plan, we will follow the same mistaken path of others. If we do not build something that better prepares us for the future, we fall susceptible to time and natural disasters. Let us remember hurricane Katrina. Those levies were not designed to withstand a hurricane of that size. Why not? Experts knew there was the potential to experience a hurricane of that proportion. Is it because of cost? How much is it costing us now to pay for the rebuilding of a city versus what it would have cost to be better prepared? Also, let us remember the bridge collapse in Minnesota. We all know that as the population increases, the number of cars and heavy trucks driving over our bridges also increases. Why wasn't the bridge in Minnesota updated to handle the increasing loads? Is it because of cost? How much is it costing us now to pay for the lawsuits and retrofitting projects on bridges across the country versus what it would have cost to be better prepared?

In some instances I might agree that cost should be a determining factor in making this decision, but in this project I say no it should not matter or influence the choice. If the trade flowing through the Alameda Corridor East is as important as studies have shown and amounts to 100 billion dollars worth of trade, then I think an investment of considerable size is worthy. This is a major artery servicing a vast majority of the country. This is not some small commuter track. Without this connection to the rest of the US, our economy would be severely impacted. 1 billion dollars is only a measly 1% of the amount of potential that flows through this corridor and almost doubles the cost of the most expensive plan. We should not be discouraged or afraid to invest to do the right thing. It is vital to our country that these trains pass and it is vital to our community that we let them pass without them hindering our efforts to perform our daily duties as well. We should invest in a project that both solves the problems of the future as well as keep the interests of the past. We should not change the landscape if it means loss of homes and

P52-1

P52-2

P52-3

property. I feel plan B does the best job to satisfy the environmental and community concerns both today and tomorrow.

I am discouraged to learn that the Placentia City Council and OCTA is satisfied and supports Plan D. I do not believe this is a good plan. Why is the city so excited about plan D? It results in the most impact to the community. The removal of businesses, homes, mobile homes, and apartments displaces and affects a great number of people. Plan D appears to come dangerously close to violating Title VI of the Civil Rights Act of 1964. The number of low-income citizens and minorities, in the Kraemer apartment complex and the Tustin mobile-home park, adversely impacted by Plan D is disproportionate to the neighboring communities. If the city of Placentia is in favor of plan D, I would like to see an amendment to this plan that can accommodate these areas more proportionally. Furthermore, plan D is the most visually obtrusive plan. Eight bridges or underpasses will result in a significant adverse change in what property owners and drivers see and hear in the affected area. One of the proposed "bridges" that crosses the track on Orangethorpe is actually an elevated highway that significantly impacts the homes and businesses in the immediate area. Our home is in one of the community of homes impacted. It lies outside the boundary of the project, yet will have an extremely adverse change if plan D is approved. This overpass will obstruct our view. The elevated street traffic will increase the noise in our neighborhood. Is the city of Placentia prepared to compensate us for the decrease in property value our homes will see as a result of this? If not, is the city prepared to pay us fair market value to buy our homes?

Furthermore, all 3 plans require the removal of a business strip along Orangethorpe that was just renovated in the last 5 years. Now, we are going to tear it down? I don't see why the removal of the Orangethorpe businesses is necessary for plans B & C. The plans show the trench to the south side of the existing tracks. There is the same amount of land between the existing track and the buildings as is between the existing tracks and homes/condos/apartments along Crowther and East of Kraemer? So why does the strip mall need to be removed in place of a greenbelt/walkway and not all of the homes/condos/apartments along Crowther? Looking at the aerial photos, there is plenty of land to the south of the tracks behind these businesses. Why can't that land be acquired instead of removing the buildings?

After researching the many documents prepared for this project, I believe the members of the gateway project have done a thorough and detailed job. However, there are some questionable design choices that adversely impact too many people and in some instances, unnecessarily. I think all of the plans could use some adjustments, but B and C would need the fewest. I believe we are capable and can do better than plan D and I am shocked it is even being considered. Plan D will

P52-3

P52-4

P52-5

P52-6

P52-7

not solve the problems we face in the future. Plan D is just a quick fix to satisfy a problem today but will not help us in the future. Traffic will continue to increase as the years go by. Drivers getting on and off these streets and bridges by the use of on-ramps and off-ramps will not eliminate this problem it will only exasperate it. If plan D is approved, large obtrusive bridges and overpasses will forever scar this section of our city.

Even if it means we must choose the most costly plan, I strongly support and believe plan B is the right choice. It is the least impacting to the existing community and the most aesthetically pleasing. It was the original intent and design this city dreamed of. It is the one that advances us forward in a positive direction. For the safety and satisfaction of our residents, please consider investing in our city. Spend more money now to do what is right for tomorrow. If the funding is not available now, then I urge the Placentia City Council and the OCTA to wait until it is before an unsightly blemish is added to our community for future generations to fix. SAVE OUR HOMES AND BUSINESSES AND SELECT PLAN B!

P52-7

Sincerely,

8/8/08

Matt Schleicher

8.8.08

Kristin Schleicher

P52 RESPONSES TO COMMENTS FROM MATT AND KRISTIN SCHLEICHER DATED AUGUST 8, 2008

P52-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P52-2 The Orange County Gateway (OCG) Build Alternatives would be constructed to existing required design standards, including all applicable design standards related to seismicity, soils, and other geotechnical characteristics. These crossings would be designed to accommodate the vehicle loads forecast for these types of arterial roads.

P52-3 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P52-4 It is assumed that the "Kraemer apartment complex" cited in this comment refers to the Cinnamon Tree Condominiums on the northeast corner of Kraemer Boulevard and Crowther Avenue. Figure 3.4-6 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) mistakenly showed this corner of the intersection as a full-parcel acquisition under Alternative D. However, as shown on the design plans for Alternative D in Appendix A of the Draft EIS/EIR, Alternative D would require only partial acquisition of the parcel occupied by the Cinnamon Tree Condominiums. This would be a narrow sliver of land along the frontage of the parcel on Kraemer Boulevard. This partial take would not require the acquisition of any of the residential units in this complex. Please refer to the design plans for Alternative D in Appendix A of the Draft EIS/EIR for a figure that correctly shows this partial acquisition.

The potential effects of the OCG alternatives on low-income and minority populations were analyzed in Section 3.4, Community Impacts, in the Draft EIS/EIR. According to the United States Census, the poverty rates in Census Tracts 218.21 and 117.16 (where the Del Cerro Mobile Estates and the Cinnamon Tree Condominiums are located, respectively) are below the County of Orange rate of households below the level of poverty. Ten (10) percent of households in

Tract 218.21 and 5 percent of households in Tract 117.16 are below the level of poverty, compared to the rate in all of Orange County of 14.1 percent. With the exception of the Asian population, there are lower percentages of all minorities in Census Tracts 218.21 and 117.16 compared to the percentages for all of Orange County. Please refer to Table 3.4-D in the Draft EIS/EIR for additional information on minority populations in the OCG study area.

P52-5 Please refer to response to comment P40-2, provided earlier in this Responses to Comments Report.

Please refer also to Section 3.14, Noise and Vibration, in the Draft EIS/EIR.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P52-6 The locations of the trench walls under Alternatives B and C were defined based on a number of factors, including minimizing impacts to the existing railroad right-of-way, minimizing impacts associated with large utility facilities, design and engineering considerations, and consistency of the trench wall locations along the entire project length. The locations of the walls shown in the conceptual designs for Alternatives B and C reflect a balance among those factors. It is acknowledged that as currently shown, the noted shopping center would be acquired under any of the three OCG Build Alternatives.

P52-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

McConaha, Michael

From: McConaha, Michael
Sent: Tuesday, August 05, 2008 7:42 AM
To: 'aschultz@mail.rowland.k12.ca.us'
Subject: RE: Concerned taxpayer- OC gateway on Orangethorpe

P53

Ms. Schultz,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

-----Original Message-----
From: Angela Schultz [mailto:aschultz@mail.rowland.k12.ca.us]
Sent: Monday, August 04, 2008 10:59 PM
To: McConaha, Michael
Subject: Concerned taxpayer- OC gateway on Orangethorpe

am a career oriented (6-year high school science teacher), single mother, who has fallen in love with Placentia. This year I moved my son from my school district to Tynes. He played pony baseball and met even more friends. I bought my home in Del Cerro Mobile estates 3 years ago. I saw the empty lot first, then my brand new home. It was better than any condo or apartment going for the same price. I have a porch, a patio, a shed, and a grass area. On the premises there is a safe clubhouse where my seven year old can swim and play with me. Imagine my surprise this past month with talk of me possibly losing my home. I not only purchased my home, I paid for skirting, landscaping, a shed, the coverings, and the cost of the old home that was moved off the lot. I incurred all these costs and would have to add to them if I was forced to move my home and start again. A more obvious question would be where? I can't just park it down the street or on the next empty field. It is a home. I pay property taxes to Orange County! And if my home were able to stay who would be liable for any damage that could occur as a result of construction? What if construction caused cracks or breakage to windows, walls, the frame, porch, sidewalk, skirting or overhangs (carport and porch)? How would the increased noise pollution and dust affect my child and me? Has anyone considered the noise pollution to the remaining residents from the echoes an overpass causes? What about the increased birds and bats that will decide to nest underneath? How about the extra train noise (echo) from the traveling train under an overpass? As a teacher I am also concerned for the at-risk kids who attend the continuation school. They have to travel by private means i.e walk, ride bikes, bus, etc. to get there. If you restrict their ease of access to school with on and off ramps, I believe most at-risk kids would decide it was not worth it. They already have a lot going on in their lives. I feel the most confused about the fact that the city has been focused on the trains going under ground (plans B and C), but now are going with the most unappealing, unattractive, and invasive plan (D).

P53-1
P53-2
P53-3
P53-4
P53-5
P53-6
P53-7

Angela Schultz
250 S. Rose Dr. Spc 44 Placentia
Nogales High School-Earth Science
626-965-3437

Sent via the WebMail system at mail.rowland.k12.ca.us

P53 RESPONSES TO COMMENTS FROM ANGELA SCHULTZ DATED AUGUST 4, 2008

P53-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P53-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P53-3 Sections 3.13, Air Quality, and 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), include analyses of the potential for dust, exhaust emissions, and noise/vibration impacts that could occur during construction of the Orange County Gateway (OCG) Build Alternatives.

P53-4 The design of the overpasses is anticipated to provide very limited locations suitable for bird nesting. However, should birds nest under the overpasses, there are commercial products available to restrict their access to places in the structure where they can nest.

P53-5 Please refer to response to comment B12-6, provided earlier in this Responses to Comments Report.

P53-6 Please refer to response to comment P46-1, provided earlier in this Responses to Comments Report.

P53-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P54

McConaha, Michael

From: Scott, Becky [scott_b@auhsd.k12.ca.us]
Sent: Tuesday, July 22, 2008 8:29 AM
To: McConaha, Michael
Subject: RE: EIS/EIR COMMENTS

Thank you so much for taking the time to read them and respond to me. I really appreciate it.

Have a great day.

From: McConaha, Michael [mailto:MMcConaha@placentia.org]
Sent: Tuesday, July 22, 2008 8:26 AM
To: Scott, Becky
Subject: Re: EIS/EIR COMMENTS

Ms. Scott,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Scott, Becky [mailto:scott_b@auhsd.k12.ca.us]
Sent: Tuesday, July 22, 2008 8:13 AM
To: McConaha, Michael
Subject: EIS/EIR COMMENTS

Gentleman,

As a concerned Placentia resident I have attached some concerns/comments regarding the upcoming Railroad project at Tustin Ave./Orangethrope.

Thank you for taking the time to read my concerns.

Becky Scott
Senior Admin. Assist.
Loara High School

"One Days the Dragon Wins"

NOISE IS A DISTURBANCE TO THE HUMAN ENVIRONMENT THAT IS ESCALATING AT SUCH A HIGH RATE THAT IT WILL BECOME A MAJOR THREAT TO THE QUALITY OF HUMAN LIVES.

****

As a concerned citizen who lives in the near vicinity of the proposed Railroad Projects at Tustin Ave and Orangethorpe Blvd. I would ask that you read the above statement and take it into serious consideration when making your decision on the 4 proposals now on the agenda. P54-1

I think it is safe to say that Item A, where nothing is done, is not an option for anyone. And in regards to reducing noise pollution Item D, where you build the bridge over the train tracks will not take care of this problem either. I understand there is already a law in effect where the trains are not suppose to blow their whistles at the double gated crossings, well we can all attest to the fact that THAT LAW is not working. Trains blow their whistles at all hours of the day and night and if the volume of trains is doubling in the next few years so will the whistle noise. In addition, raising the traffic level to above the trains will produce more noise by having them elevated with nothing to block the sound. P54-2

Therefore it seems to me the most logical solution to help the environment and cut down on the huge noise pollution and vibration problem is either Item B or C, lowering the train tracks to go under the streets with a retaining wall built to buffer sound. These proposals also include items like pedestrian walk ways (for safety) and flowing greenbelts (to improve the esthetic value of the area and provide vegetation for a better breathing environment) With the trains below the crossings there would be no need for them to blow their whistles as no cars/pedestrian would be in jeopardy. This would reduce noise pollution twofold. P54-3

I have done a small bit of research on noise pollution and the problems and dangers it can cause. Below I have listed some of the research and study findings of the harm it can do to human and animal life. Please kindly consider these findings and the harm they can do when you make your final decision on which plan to approve. P54-4

There are many homes and several schools in the near vicinity of these tracks, you have the opportunity to make the quality of life better for the children and adults who live in this community, please don't let us down. P54-5

Thank you for your time and consideration regarding this very important matter.

Becky Scott
250 S. Rose Dr. Sp 110
Placentia, Ca 92870

Findings from research done by the University of Irvine, French investigator, Vallet, and New York University's institute of Environmental Science.

- Studies have shown that noise pollution disrupts the activity or balance of human and animal life. It is also harmful to our daily health and welfare.
- Noise pollution can cause temporary hearing loss and often permanent damage to the auditory nerve connections in the Organ of Corti.
- Noise pollution that disturbs REM sleep –can be both physiologically and psychologically damaging.
- Sudden and unexpected noise has been observed to produce marked changes in the body, such as increased blood pressure, increased heart rate and muscular contractions. It has also been known to cause digestion, stomach contractions and the flow of salvia and gastric juices to stop.
- Elementary students in schools close to noise pollution sources read at least one year below grade level, also reading and math scores were much lower. Children who attend schools in these areas also showed a deficit on standardized tests for scholastic achievement. **(please note there are two schools on either side of the tracks that are effected)**
- Noise pollution and constant vibration can upset the animal eco system by dislodging nests, scaring baby animals causing them to scurry into oncoming trains or traffic and disrupting the food chain.

P54-6

McConaha, Michael

From: Scott, Becky [scott_b@auhsd.k12.ca.us]
Sent: Tuesday, July 29, 2008 12:57 PM
To: McConaha, Michael
Subject: RE: EIS/EIR COMMENTS

Thank you so much for taking the time to read these emails and respond so quickly.

Becky

From: McConaha, Michael [mailto:MMcConaha@placentia.org]
Sent: Tuesday, July 29, 2008 12:56 PM
To: Scott, Becky
Subject: Re: EIS/EIR COMMENTS

Thank you Ms. Scott. You are correct. All comments are being accepted at this time. Your comments below will be added to your original comments.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Scott, Becky [mailto:scott_b@auhsd.k12.ca.us]
Sent: Tuesday, July 29, 2008 12:18 PM
To: McConaha, Michael
Subject: RE: EIS/EIR COMMENTS

Mr. McConaha,

We were first told that we had to limit our comments to just environmental issues regarding the project but have learned from the OCTA chairman, Mr. Pringle, that we should express all our concerns before the August 11th date. Therefore adding to my environmental concerns I would like to add some personal concerns regarding this project. I will keep it brief. P54-7

If Item D is approved I understand it would mean the acquisition of Del Cerro Mobile Estates or at least part of the park to make this happen. I would hope the committee would think long and hard about the effect this would have on the 171 homeowners who live there. This is one of only two family parks in Placentia and many of the homeowners have lived here for many, many years. The park has retired homeowners on fixed incomes, single women who are first time home buyers like myself, young families who were looking for a nice place to raise their families, widows and blended families who have found a place they could afford. I realize we would be offered "Fair Market Value" but with the economy the way it is and real estate in a slump what do you consider Fair Market? Where can these residents go to find a place within this budget? It could prove to be a major hardship on these folks. P54-8

In the 171 homes are 350 residents who support the City of Placentia, have helped put the elected officials in office, shop at the local stores and businesses and kids who attend the

local schools. They are involved in community activities, support local sports and are proud and happy to live in such a nice community. It is my sincere hope that when the powers that be make their final decision on which project is really best for the City of Placentia they will remember the residents of Del Cerro and not let us down.

P54-8

Thank you for your time.

Becky Scott
250 S. Rose Dr. Sp 110
Placentia, Ca 92870

From: McConaha, Michael [mailto:MMcConaha@placentia.org]
Sent: Tuesday, July 22, 2008 8:26 AM
To: Scott, Becky
Subject: Re: EIS/EIR COMMENTS

Ms. Scott,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Scott, Becky [mailto:scott_b@auhsd.k12.ca.us]
Sent: Tuesday, July 22, 2008 8:13 AM
To: McConaha, Michael
Subject: EIS/EIR COMMENTS

Gentleman,

As a concerned Placentia resident I have attached some concerns/comments regarding the upcoming Railroad project at Tustin Ave./Orangethrope.

Thank you for taking the time to read my concerns.

Becky Scott
Senior Admin. Assist.
Loara High School

"Some Days the Dragon Wins"

P54 RESPONSES TO COMMENTS FROM BECKY SCOTT DATED JULY 22, 2008

P54-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P54-2 Please refer to response to comment P49-7, provided earlier in this Responses to Comments Report, regarding train whistle noise.

Please also refer to Section 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which describes the noise levels and sound barriers that were modeled for each of the Orange County Gateway (OCG) Build Alternatives.

P54-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P54-4 Please refer to responses to comments P54-5 and P54-6, below.

P54-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P54-6 Please refer to Section 3.14 in the Draft EIS/EIR, which discusses the characteristics and impacts associated with noise and vibration. The noise levels associated with each of the proposed OCG Build Alternatives and the project avoidance, minimization, and mitigation measures are also provided in Section 3.14.

P54-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P54-8 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P55

August 11, 2008

To: Mayor, Scott W. Nelson
Mayor Pro Tem, George Sowards
Council Member, Joseph V. Aguirre
Council Member, Scott P. Brady
Council Member, Constance Underhill
City Clerk, Patrick Melia
Public Works, Michael McConaha

Placentia City Hall
401 E. Chapman Ave
Placentia, CA 92870
(714) 993-8117 – Placentia City Council
(714) 993-8131 – Personal Work Phone, Michael McConaha
Mmcconaha@placentia.org

Dear Sirs and Madame,

I am writing this letter on behalf of my family, friends, and neighbors in Del Cerro Mobile Home Park, Rose Plaza, and Las Palmas Estates, with regards to a very important issue: The Orange County Gateway Project (OCPG). My mother, Francisca V. Abisia, 88 years old, who lives with my family and me in Del Cerro Park, attended the meeting in the Backs Building regarding this matter on June 24, 2008. I also attended the Del Cerro Clubhouse Meeting on July 11, 2008. P55-1

My family and I do not envy your appointed position in providing crucial input to the owners and stock holders of BSNF toward the final planning and construction of this project.

The people at BSNF may or may not be aware of the tremendous moral, financial, and environmental impact of OCGP to an individual's life, let alone to hundreds of people in an area which is a mere dot in the map. Some of the affected people are affluent, others indigent; some are healthy, others are disabled and sickly; some are employed, others unemployed or retired; some are voters, others are too young to vote; some are highly educated, while others uneducated, but all are human beings, living the best they could in this small community. P55-2

To the people at BSNF, the economic and environmental benefits of this project (i.e.: decrease of pollution, noise pollution via trains, accidents, and traffic delays) may indeed outweigh the deleterious, adverse disadvantages (i.e.: moral, economic, and environmental sequelae in people's everyday lives), during construction and in the unforeseen future. We were even kindly advised by our neighbors, who were working diligently to arouse and unite community interest for the preservation of our Del Cerro park, not to show emotional issues on our comments/letters, but to emphasize more of matter-of-fact environmental impacts and construction dilemmas. P55-3

Eventually, my family and I came to the conclusion that we should leave the more intricate and complicated business of architecture, construction, and environmental issues to the professional architects and civil engineers. As we studied the proposal plans (A→D), we became convinced that OCTA/EIR reports have covered most of the details already. If we even find a minute error, here and there, the builders will merely consider the appropriate changes in their blueprints.

We sincerely believe that the people in Del Cerro Park, in one way or another may have been erroneously dissuaded or may be unaware and thereby unable to fully express the severe, deep-seated, depressing emotions they feel about OCGP, and its future consequences in their own lives. Some people may be presently distracted by other private survival issues, to have enough time or energy to "put out one more fire" that is being created before their eyes. I'm humbly reiterating these present events:

A. The recent 5.4 seismic scale earthquake with epicenter five miles NE of Del Cerro. Please consider, in your plans, a recurrence of a greater magnitude during construction of Proposals B, C, and D.
B. Consider also the present decrease in house sales, and a person's ability to buy a home if relocated.
C. Consider the increase in price of gas, with a consequent increase in living expenses.
D. Consider the increase in unemployment.
E. A year ago, one of our neighbors in the park lost her husband and father of their three, two of which are elementary students. She is working presently to support her two young children; she does not want to move; she wants to raise her children in this safe environment and school district.
F. Most people in the park are elderly and feeble; some are unable to attend the meeting and communicate their situations to the city officials.
G. One neighbor, husband and wife, without children, said, "As long as they pay me my house worth [...]," not considering he will be compensated (I've read 25% of what the mobile home is worth, as stated in the park newsletter), nor calculating moving expenses, or purchasing a lot for their home. If the BSNF, through eminent domain, purchases the home so the house stays, how about considering the expenses to moving to an apartment, and how about considering people with bad credit history?
H. What will be the harmful effects in moving children to other places where the environment are not as safe or children friendly?
I. Consider the impact on surrounding businesses'—owners and workers alike—tax contributions. Most of the workers and owners of stores within Rose Plaza (NE corner of Orangethorpe and Rose Dr.) are well known to us as neighbors and friends, who we know are working so hard to earn a living and have developed close relationships with people in Del Cerro Park.

We realize the need for improvement in the railroad tracks in anticipation of more train boxcars, more train schedules, and consequent increases in traffic, pollution,

P55-3
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P55-13

accidents, and train noise. We also have considered the tremendous dollar amount invoked by Proposals B/C and D ($400 mil and $300 mil respectively), and therefore proposition A may be more realistic to BSNF. Presently some natives are already noticing an increase in box cars and traffic delays (as well as emergency vehicle impediments), and are thereby using alternate side roads to avoid the problem. We are also aware that in the future, even these "native" routes will be fully affected as well.

P55-13

Truly proposal B/C, with the railroad tracks under the trenches, will eliminate the need to remove homes and businesses north of Orangethorpe Ave., keeping also the present track route intact, decreasing noise pollution and accidents, as well as the aesthetic benefit, which outweighs Proposal D.

P55-14

One lady from the park pointed out in the June 24 meeting, that Proposal D's blueprint is "lopsided," a majority affecting the Del Cerro Park and the Rose Plaza, versus a mere sliver of Las Palmas Estates' lawn, located at the boundary of Rose Dr. We cannot help to that think the prices of the homes in Las Palmas versus the homes in Del Cerro Park and Rose Plaza are a big factor in Proposal D's consideration, or are the engineers considering the geographic and construction expenses as well. She asked the personnel if Proposal D is chosen, is it possible to balance the cloverleaf exit roads on both sides of Rose Dr.?

P55-15

With Proposal D, I could not help to think that the entire Del Cerro Park will have to be removed during construction as well as after construction because of the proximity of the homes to the exit roads in the blueprint. I also see the possibility of eliminating more homes on the NW corner of the park, to open a new entrance. I also consider decreased access for emergency vehicles into the park.

P55-16

The more we think about it, the more we are convinced that a few thousand dollars and a few hundred people will not win over the economic and environmental benefits of the OCGP. We are humbly pleading to the Placentia City Officials, as well as to the owners and stockholders of BSNF for their kind considerations over the tremendous moral impact of their decisions in our lives, now and in the future of the passage of proposal D.

P55-17

My neighbor, Mr. David Price, a retired history teacher from Katella High, told me yesterday of the school's 40th year high school reunion. He was so amazed at the former students' endearing remembrance of everything he taught them in class. One is an attorney general, another is a millionaire, and others are common, hard-working and responsible citizens. They all thanked him for how he had positively influenced their lives. He jokingly said to me, "If only the government could increase the teachers' wages [...]." I responded, "It was your giving love to these young, former students which they truly remembered, [and which positively affected their attitudes to give back to their community and provide services to others], but your reward is in heaven, Mr. Dave." He humbly laughed and agreed.

This project may indeed benefit others and may adversely affect only a few, but we want to speak up for those few, even if it is only for one person or one family. Keep in mind that whatever BSNF, as well as the Placentia City Council and Public Works finally decide, this decision will be in people's hearts forever. At the present time, people are intimidated to argue with these significant issues, for fear that it will fall on deaf ears. You may remember the movie "It's a Wonderful Life," starring Jimmy Stewart, whose character, George Bailey, confronted Mr. Potter, the richest man in town, to preserve Bailey Park, an affordable housing project. Whatever position of authority we now have, bear in mind that it is truly given to us by Christ Jesus, our choices may greatly affect us and other people, now and eternally.

P55-17

We sincerely thank you for allowing us to express our opinion and for your kind consideration in this matter. You are deeply appreciated for explaining the details of the proposals. God bless all of you—you are in our prayers.

Respectfully,

Minda A. Sena M.D.

Minda A. Sena, M. D.

Dean V. Sena

Dean V. Sena

Derek T. Sena, son, 20 yrs. old,
Jhonathan F. Sena, son, 13 yrs. old
Francisca V. Abisia, grandmother, 88 yrs. old

250 S. Rose Dr. Spc. 98
Placentia, CA 92870
Home: (714) 996-6522

P55 RESPONSES TO COMMENTS FROM MINDA A. SENA, M.D., AND DEAN V. SENA DATED AUGUST 11, 2008

P55-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P55-2 The proposed Orange County Gateway (OCG) project is not a Burlington Northern Santa Fe (BNSF) project and would not result in any changes to the BNSF facilities or services in the study area.

Please also refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

P55-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P55-4 Please refer to responses to comments P55-5 to P55-12, below.

P55-5 Please refer to response to comment P52-2, provided earlier in this Responses to Comments Report.

P55-6 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P55-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P55-8 Please refer to Section 3.4.2, Relocations, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which addresses employment impacts under the OCG Build Alternatives.

P55-9 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under

CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P55-10 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

P55-11 The ability to identify potential impacts on children if they relocate to areas "where the environment are not as safe or children friendly" is highly speculative as it is not possible to identify those locations at this time or to assess what, if any effects, might occur to relocated children.

P55-12 Please refer to Common Response 11, provided earlier in this Responses to Comments Report, for discussion regarding quality of life issues.

P55-13 Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

P55-14 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments would be considered by the decision-makers.

P55-15 The prices of property, including residential uses, were not a factor in laying out and designing the Tustin Avenue/Rose Drive overcrossing for Alternative D. The connector road was placed on the east side of Rose Drive to provide greater spacing between intersections on Orangethorpe Avenue between the proposed Rose Drive connector and the Chapman Avenue connector. Maximizing the intersection spacing on Orangethorpe Avenue was based on typical engineering standards for intersection spacing and sound engineering judgment.

Providing connectors on both the east and west sides of Rose Drive would only eliminate the traffic signal on Rose Drive (i.e., both connectors would be right-in/right-out only on Rose Drive with signals for all movements at the intersection at Orangethorpe Avenue). The horizontal and vertical geometrics would not change on the eastside connector by simply adding a westside connector. The horizontal and vertical geometrics for the connector are based on curve radius and profile grade standards and the vertical clearance required for the road to safely pass over the BNSF tracks.

P55-16 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

P55-17 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P56

McConaha, Michael

From: Donald Stewart [dbs40@yahoo.com]
Sent: Tuesday, July 08, 2008 9:46 AM
To: McConaha, Michael
Subject: Rail Construction at Rose and Orangethorpe

Dear Michael,

It was a pleasure talking to you yesterday regarding the upcoming Environmental Impact for the rail construction in Placentia.

I am very concerned about the noise, traffic and impact that this construction will have in my neighborhood. I am concerned about the amount of dust and dirt that this construction will cause. Will there be any potential damage to my tile floors in my house due to the vibration of the heavy equipment that will be used? P56-1 P56-2

I am planning on attending the upcoming meeting of July 24th. Please keep me updated on any further developments.

Thank you.

Don Stewart
1179 Curie Lane
Placentia, CA 92807
(714) 524-6380

P56 RESPONSES TO COMMENTS FROM DON STEWART DATED JULY 8, 2008

P56-1 Sections 3.13, Air Quality, and 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) include measures to reduce dust, exhaust emissions, and noise/vibration impacts that might occur during construction of the Orange County Gateway (OCG) Build Alternatives.

Section 3.6, Traffic/Transportation, in the Draft EIS/EIR addresses the potential traffic impacts of the OCG Build Alternatives and provides mitigation for those impacts.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P56-2 Section 3.14.3.2 in the Draft EIS/EIR evaluates the vibration levels that might be generated by construction equipment during construction of the OCG Build Alternatives. No damage to structures or property from construction vibration is anticipated during construction of the OCG Build Alternatives.

Please also refer to Common Response 13, provided earlier in this Responses to Comments Report, for information regarding potential compensation for damage to private property during project construction.

Please refer to Section 3.6 in the Draft EIS/EIR, which discusses short-term traffic impacts during construction of the OCG Build Alternatives. Those impacts may include delays and temporary lane and road closures. A Traffic Management Plan (TMP) would be prepared during final design to develop appropriate traffic management and control features to address those short-term impacts in the vicinity of the project construction.

Please refer to Section 3.13, Air Quality, in the Draft EIS/EIR, which discusses short-term air quality impacts during construction of the OCG Build Alternatives. Those impacts may include dust from the project site and emissions from construction equipment. Section 3.13 provides a number of measures to specifically address the control of dust and equipment emissions during project construction.

Please refer to Section 3.14 in the Draft EIS/EIR, which discusses short-term noise impacts during construction of the OCG Build Alternatives. Those impacts may include intermittent periods of loud noise and an increase in ambient noise levels during the day when construction is underway. Section 3.13 indicates the project construction would comply with the requirements of the applicable City of Placentia, City of Anaheim, and County of Orange Noise Ordinances. Those ordinances identify the days and hours when construction can occur as well as other restrictions on noise sources and noise levels during construction.

P57

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Quanjai Jirbwattanasuk

ADDRESS: 1136 Mira Lago Lane, Placentia, CA 92

AFFILIATION: Vistara

COMMENT: Pls do not build the overpass. The project will destroy the ambien of the comm Placentia will lose the image of nice quite community. Health issue and Safety issue are the real concern. I'm just new to the community who already in love with the quietness and safety Placentia has to offer. Please do not put something that will destroy the image of Placentia

P57-1

P57 RESPONSES TO COMMENTS FROM [ILLEGIBLE] (NO DATE)

P57-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P58

Comment Card
Orange County Gateway Project
July 24, 2008

AUG 11 2008
PUBLIC

NAME: ROBERT AND ELOISA TALENS

ADDRESS: 1137 E MIRA LAGO LANE, PLACENTIA 92870

AFFILIATION: VISTARA COMMUNITY, CENTURY 21 SUPERSTARS

COMMENT:

PLEASE SEE ATTACHED LETTER.

August 10, 2008

The City of Placentia
Kraemer Avenue corner Chapman Avenue
Placentia, CA 92870

Attention: Mr. Michael McConaha, Senior Administrative Analyst

Subject: Proposed Orange County Gateway Project

Dear Mr. McConaha:

This letter is regarding the proposed Orange County Gateway in the City of Placentia which is quite a bit of concern for most, if not all, the residents of the Vistara community, located in the NW corner of Chapman and Orangethorpe Avenues.

We - my family and I - are very concerned about this proposed project in a multitude of ways and would like you and your whole group to consider as well:

1. Health - The health of me and my family is first and foremost and putting up an overpass along Orangethorpe will create so much air and noise pollution that I don't know where to start. I have an illness that has affected me since 2004, went on a surgery and is fighting for the affliction not to spread. With more airborne allergens and dust, I am afraid of the consequences and am hopeful that the city will consider Alternate B or C instead. My children will be growing up in an environment of pollution, the effects of which we don't really know but have seen in the city of Los Angeles. I believe that creating an underpass along Orangethorpe will be a better alternative, lesser noise for our neighborhood, not to mention lesser dust and dirt flying around. Has the city investigated on this and what are you doing to negate all of these concerns? P58-1
2. Property Value – Being a Realtor, my belief and experience tells me that once this Alternate D of the project is finished (and even during construction), the value of my property would come down so much that it would be next to impossible to sell. Unless someone or somebody compensates us and the entire community of Vistara for the devaluation and disturbance, this proposal should be put on hold, examined thoroughly and effectively before even planning to proceed. Do you have such a plan? P58-2
3. Quality of Life – With the construction of this proposed overpass, the quality of life in our community just goes down the drain. The view of the lake, which was one of the primary reasons why we chose to live in Vistara, will be covered by this really tall wall so designed to prevent noise, and maybe, dust from flying over from Orangethorpe. There is no guarantee that noise and air pollution will be eliminated by this wall either. P58-3

4. Visual Impact – Constructing above-ground totally destroys the beauty of the surrounding area. What is more pleasing will be like the underpass that the city constructed along Melrose Avenue in old town Placentia. That, we believe, is the best way to do this.

P58-4

Mr. McConaha, you are our hope that this project goes as it should. Thoroughly planned, studied and executed, with all things considered. We are hoping that you will do the right thing – choose Alternate B or C – if not for the city, for all of us at the Vistara community of Placentia. And, if B or C is not doable, then, maybe not doing anything at this time is the wise thing to do.

P58-5

Thank you very much for taking some time and reading this letter. My family and I hope that you and the city make the right decision on this matter. We hope that you make the decision based not only on what is good for the community but, also, what the community wants. We hope that you continue making Placentia a "Pleasant Place To Live"

Very truly yours,

Elsisa A. Talens

Robert and Elsisa Talens
1137 E. Mira Lago Lane
Placentia, CA 92870

P58 RESPONSES TO COMMENTS FROM ROBERT AND ELOISA TALENS DATED AUGUST 10, 2008

P58-1 Please refer to responses to comments P8-2 and P49-11, provided earlier in this Responses to Comments Report.

P58-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P58-3 The comment states there is no guarantee that noise and air pollution would be eliminated by constructing barriers. The purpose of the modeled barriers is to reduce, not eliminate, the traffic noise impacts in the project area. The construction of sound barriers would not reduce the air emission concentrations from either train or road vehicle activities. Sections 3.13, Air Quality, and 3.14, Noise, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) include analyses of the potential for dust, exhaust emissions, and noise impacts that could occur during construction of the Orange County Gateway (OCG) Build Alternatives.

Please also refer to response to comment P40-2, provided earlier in this Responses to Comments Report.

P58-4 Building an underpass at this location was not an economically feasible option due to the substantially increased costs that would be incurred to address high groundwater levels in this area and the proximity to Anaheim Lake.

Please also refer to response P40-2, provided earlier in this Responses to Comments Report.

P58-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P59

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Glen Tarman

ADDRESS: 157 S. Majorca Pl. Placentia CA 92870

AFFILIATION: Chairman Fullerton Chapter

COMMENT: NO to Plan D

NO alignments

P59-1

P59 RESPONSES TO COMMENTS FROM [ILLEGIBLE] (NO DATE)

P59-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P60

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Sandy Waite

ADDRESS: 250 S Rose Dr #405

AFFILIATION: Del Cerro Resident

COMMENT: I vote for plan B or C

I don't want to loose my home.

I can't afford to move or relocate. P60-1

(I've been out of work for over a year)

I don't believe in taking out loans.

Thank you for listening

Why waste resources -- when it's not necessary

Lower the tracks - this will not effect

existing residents & save a lot of concrete & H2O

& resources

P60 RESPONSES TO COMMENTS FROM SANDY WAITE (NO DATE)

P60-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

McConaha, Michael

From: Debbie Wales [djdjwales@yahoo.com]
Sent: Monday, August 11, 2008 11:52 AM
To: McConaha, Michael
Cc: Perez, Maria
Subject: GATEWAY PROJECT
Attachments: Gateway Meeting Letter.doc

ATTENTION: Michael McConanha, Public Works Department
ATTENTION:
Mayor, Scott W. Nelson
Mayor Pro Tem, Greg Sowards
Councilmember, Joseph V. Aguirre
Councilmember, Scott P. Brady.
Councilmember, Constance Underhill
City Clerk, Patrick Melia
Treasurer, Lee Castner
Public Works, Michael McConaha (Handling the EIR)

URGENT MESSAGE IN ATTATCHMENT

Debbie Wales
250 S Rose Dr. Space 169
Placentia, CA 92870
714-605-1773
djdjwales@yahoo.com

P61

Hello,
My name is Debbie Wales, I live at 250 S Rose Dr., #169 in Placentia, in the Del Cerro Mobile Home Park with my sister in law, her two daughters and two grandchildren..
This park is a clean, safe and affordable housing with 171 families and approximately 3-400 people living there including children and elderly.
Most of the people who live there, own their own home and pay the space rent with utilities.
Our children go to good schools, the park is safe, beautiful and clean.
There are also allot of elderly who live there, who have a fixed income and cannot afford, like the rest of us to move, nor do any of us want to.
In my household, nobody can afford to be relocated as we do not qualify for other housing, and we are not talking about section 8.
If you take our park, where would we go? I know the majority of us live from pay check to paycheck.
Plan B and C, by information on The City of Placentia's own website, "THE CITY OF PLACENTIA," has a RECONNASSAINCE PHASE REPORT, "RAILROAD LOWERING PROJECT – CITY OF PLACENTIA" which I would like to refer to from this Report:

P61-1

Reconnaissance Phase Report

Railroad Lowering Project - City of Placentia

P61-2

Prepared by Management Facilitators, Inc. and John M. Tettemer and Associates

1. A Lowered Railroad Project is physically possible. The June, 1996 report prepared by OCTA and the findings by MFI and JMT during the reconnaissance phase, did not discover any technical problem which cannot be solve by using established engineering principles during the design phase.
2. The value between constructing standard grade separations or constructing a lowered railroad for this project must be compared on the basis of constructing standard grade separations at Lakeview, Richfield, Van Buren, Jefferson, Orangethorpe, Rose, Kramer, Bradford and Melrose with the cost of a lowered railroade for these same streets. When this comparison is made, the cost differential between a lowered railroad and standard grade separation is minimal.
3. The economic, social and environmental benefits derived from a lowered railroad are of IMMENSELY GREATER VALUE than the minimal cost differential between a lowered railroad and standard grade separations through the City of Placentia.
4. The City of Placentia should serve as the lead agency for the lowered railroad project.
5. The City of Placentia should approve this Reconnaissance Phase Report and immediately proceed with the Project Funding and Implementation phase.

P61-3

P61-4

P61-5

P61-6

Findings: Paragraph 5

We have considered carefully the concern about future flooding of the trench. This problem could be a project killer if not properly addressed. John M. Tettemer and Associates was retained to study this problem, and their report is incorporated herein.

Their basic conclusion is that the railroad concern about flooding can be solved by using well established engineering principles and techniques during the design phase of the lowered railroad. The flooding problem should not serve as a project killer. Their report will be extremely helpful in overcoming this and many other technical problems we will face in future stages of the project.

P61-7

Paragraph 6

One similarity between this project and the Alhambra railroad lowering project, is that an engineering study was prepared which showed standard grade separations as the most economical method of construction. The City of Alhambra had retained a structural engineering firm to conduct a grade separation study for the Southern Pacific Railroad adjacent to Mission Blvd. through the city. The consultants recommended standard grade separations at Fremont, Atlantic and Garfield.

P61-8

Paragraph 8

After the city council was shown the value of not having fire, ambulance and police vehicles delayed by freight trains and recognized the economic benefits to be gained by the city by being able to delvelop all four conrners of Atlantic, Garfield and Fremont with a LOWERED RAILROAD, the endorsed the concept. Once the city council designated the LOWERED RAILROAD as the preferred alternate, we were able to convince other agencies of how wise this decision was, which was critical for funding requests.

P61-9

Paragraph 17

Both Alhambra and Huntington Park were more committed to making their railroad lowering projects become reality, than the railroads, Caltrans, PUC or the ports were committed to killing the project. In sports, you sometimes see a definite underdog win, because of their greater commitment to win and not give up! Both Alhambra and Huntington Park were underdogs with their LOWERED RAILROAD projects, but wouldn't give up! In both cases there was no money available initially for the lowering, and railroads were against the concept.

P61-10

Paragraph 18

Alhambra undertook their railroad lowering concept, event though no one had ever tried one before. They were immediately told by the railroad and other agencies, the many reasons why the idea wouldn't work. Even though there wasn't a funding source for the project, the city made a substantial financial commitment to try and develop the project. After the project was completed ten years later, the city was HAPPY they had made that commitment!

P61-11

Paragraph 24

The railroad lowering is the only viable method of construction which should be allowed in the City of Placentia. The millions of dollars the city has expended for the Santa Fe redevelopment area will be completely wasted if over 100 trains per day pass through that area at existing grade. Placentia should take the position,

P61-12

unequivocally, that the lowered railroad is the only acceptable alternate within the city.

P61-12

The above is from the City of Placentia's OWN website for the Reconnaissance Phase Report in their own words.

P61-13

There is no reason not to do the lowering of the railroad and take care of the people who live in the City of Placentia and make it even more beautiful with the lowering and have all of the beautiful landscape on the sides of this lowering!

P61-14

Also, it is my understanding that the City of Placentia, a few years ago was given $50 million dollars towards this plan for lowered railroad, and since, there has been City Council members fired because there is approximately 13 million (or less) with no accounting for the monies gone. Where is the MONEY?

P61-15

If you are for the Citizens of Placentia, you are not for putting in an overpass on Rose Dr/Tustin Ave or any of the other streets involved!

P61-16

There can be no good to displacing all the citizens, businesses, and not to mention all of the pollution from the construction of the overpass witch supersedes the pollution of the lowering of the railroad.

P61-17

Also, this land use to be owned by an oil company, what about sink holes and other harm that could come from the land disruption?

Do you have a site for relocating us in another beautiful Park? What are you going to do when all of the people who have physical illnesses and the elderly get sick from the construction of the overpasses.

I lived in Westminster where they were constructing the 22 fwy and my apartments were not even as close as all of these homes are, it also had a wall for the fwy and many people got sick from all of the dust, dirt, pollution flying through the air. Not to mention the noise which would be subdued from lowering!

P61-18

Are you willing to have perspective law suits against the City for all of these issues?

There are soooo many people who are Placentians, who are against this and if you care about the people of Placentia you will LOWER THE RAILROAD vs the destruction of DEL CERRO and the many other homes and businesses and people it will effect.

P61-19

Thank You,

Debbie Wales
250 S Rose Dr., #169
Placentia, CA 92870
714-605-1773 djdjwales@yahoo.com

P61 RESPONSES TO COMMENTS FROM DEBBIE WALES DATED AUGUST 11, 2008

P61-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-2 Please note that the cited report was prepared in 1998, well before the project conceptual engineering in 2004 and the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in 2008. That early report was prepared specifically to determine if a trench alternative was feasible from an engineering perspective and did not, and was not intended to, indicate that only a trench alternative would be considered for the project. As a result, the findings of that study must be considered in an historic perspective, including consideration of the work conducted since 1998. Refer also to responses to comments P61-3 to P61-12, below.

P61-3 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs. As shown, the cost difference between a trench alternative and the grade separations is substantial, which is different from the findings of the 1998 report. It should be noted that the 1998 report was based on very preliminary engineering and that the 2008 costs are based on more detailed engineering and more consideration of specific design features including the flood control channel crossings, flood potential in the trench, etc. As a result, the findings of the 1998 study should be considered to be updated by the 2004 engineering study and the 2008 Draft EIS/EIR.

P61-4 Please refer to responses to comments P61-2 and P61-3, above.

P61-5 The City of Placentia has served as the lead agency for the project since its inception. At the completion of the environmental process, the Orange County Transportation Authority (OCTA) will assume responsibility as the implementing agency for the project. Refer also to Common Response 10 provided earlier in this Responses to Comments Report for information regarding the role of the OCTA as implementing agency of the project after the completion of the environmental process.

P61-6 Since 1998, the City has conducted conceptual engineering (2004) and has prepared and is currently processing the environmental documentation for the project.

P61-7 As described in the engineering report and the Draft EIS/EIR, localized flooding may occur in a trench. This can be addressed with existing engineering standards and appropriate design features.

P61-8 Comments noted. No response necessary.

P61-9 Comments noted. No response necessary.

P61-10 Comments noted. No response necessary.

P61-11 Comments noted. No response necessary.

P61-12 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-13 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-14 All previous grant funding went to the development and completion of the Melrose Avenue and Placentia Avenue Grade Separations and the closure of the Bradford Avenue at-grade crossing. The Placentia Avenue Underpass was halted when State grant monies were frozen due to the State budget crisis.

P61-15 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-16 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-17 Please refer to response to comment P45-6, provided earlier in this Responses to Comments Report.

P61-18 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P61-19 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P62

McConaha, Michael

From: McConaha, Michael
Sent: Monday, July 28, 2008 10:28 AM
To: 'Kimberly Williams'
Subject: RE: Orange County Gateway Project - Pro Alternative B/C

Ms. Williams,

Thank you for submitting your concerns/comments regarding the OC Gateway Project. Your comments will be responded to at the end of the Public Comment period.

Michael McConaha
Senior Administrative Analyst
City of Placentia
(714) 993-8245

From: Kimberly Williams [mailto:mskimberlywilliams@sbcglobal.net]
Sent: Sunday, July 27, 2008 3:31 PM
To: McConaha, Michael
Cc: Nelson, Scott; jaguirrre@placentia.org; Brady, Scott; Underhill, Constance; Melia, Patrick; eneff@ocregister.com
Subject: Orange County Gateway Project - Pro Alternative B/C

Dear Mr. McConaha,

I came to live at the Del Cerro Mobile Estates a year ago with it being the first time I have ever lived in a mobile home or being in one for that matter. I purchased my mobile home and have cleaned, painted, gardened and essentially made a home for myself and my 4 year old daughter. I have been pleasantly surprised at the parks residents and there welcoming of a new neighbor. People walk, wave, say hello, have Saturday morning coffee and donuts, have community meetings, and holiday celebrations. All in all it's a neighborhood, not just a "trashy" mobile home park as some people think or portray the park as but a neighborhood, just like any other one. P62-1

I just recently learned about the Orange County Gateway Project and its alternative construction plans for different intersections in Placentia. My Del Cerro community has been an advocate in letting the park knows of these future plans for the Rose/Orangethorpe intersection. As I am sure that most of the Placentia community, if they do not read a newspaper, does not know what is ultimately taking place with regards to these intersections and the adjacent property. I was outraged at why common sense would not be a default in the minds of the city council. I would have figured that they would take into consideration the "family community and wholesome living" that cities always claim to provide and strive for. By putting in a train overpass not only will detract from the ascetic view of some of Placentia's most affluent neighborhoods it also will increase the noise at a common level with the homes around the golf course thus having it echo through their backyards, 150 times a day, is not looking at your city's best interest – for the neighborhoods nor for its residents. P62-2 P62-3

There have been numerous studies, around 2 dozen, done since the 1970's on children's cognitive development and environmental noise, be it from trains, airplanes and freeways they all conclude that environmental noise does cause impairments in children's ability to learn to read. In some studies, environmental noise pollution is found to elevate blood pressure and P62-4

stress hormone levels, thus effecting children physically. I am sure that the State of California would not want to see test scores in schools decreasing because overpasses were built thus affecting the children in neighborhoods around it. P62-4

Also, property values across the nation have deteriorated much of the value of homes. Why is the City of Placentia trying to build an overpass less than a few blocks away from some of the most affluent neighborhoods? So people can have a more difficult time trying to sell their beautiful homes with a train overpass in their backyards horizon. Again, the city is not taking into consideration a long term view on the scope of this project in regards to its residents. P62-5

I am not here to say the trains should not come through our community, because they are and they will continue too. What I am saying is, let's keep Placentia a family based community where the city is compassionate about all of its residents. Having the railroad go below ground level is a solution that resolves the majority of the environmental concerns, as well as, the community ones. P62-6

Best Regards,

Kimberly Williams

250 S. Rose Drive, Sp. # 127

Placentia, CA 92870

P62 RESPONSES TO COMMENTS FROM KIMBERLY WILLIAMS DATED JULY 28, 2008

P62-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P62-2 Please refer to response to comment P40-2, provided earlier in this Responses to Comments Report.

P62-3 Please note that none of the Orange County Gateway (OCG) Build Alternatives proposes putting the tracks on an overpass. The proposed overpasses would serve surface traffic on the arterials as they cross over the tracks. In Alternative D, which proposes those overpasses, the trains would continue to operate at grade.

P62-4 Please refer to response to comment P54-6, provided earlier in this Responses to Comments Report.

P62-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P62-6 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P63

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Darren & Kimberly Williams

ADDRESS: 1101 Mira Vaya Lane, Placentia, CA 92870

AFFILIATION: Vistara Homeowner

COMMENT: Worried abt health of family, construction damage of my house, loss of value of home & property value, compinsated for any losses, loss of view, the right for peace & privacy

* Need under pass *

P63-1

P63 RESPONSES TO COMMENTS FROM DARREN AND KIMBERLY WILLIAMS (NO DATE)

P63-1 These comments are provided by homeowners in the Vistara residential area and are similar to comments provided in comment letter P23. Please refer to comment letter P23, and the corresponding responses, provided earlier in this Responses to Comments Report.

P64

NOTE:

I DO NOT UNDERSTAND WHY THIS CITY ALLOWED BUILDING A HOMES NEAR THE RAILROAD WHEN NOISE OF TRAINS CAN NOT SOLVE AND GIVES MUCH PROBLEM TO CITIZEN WHO PAY TAXES.. IT SEEMS THEY DIDN'T CARE.....

P64-1

P64 RESPONSES TO COMMENTS FROM AN UNNAMED COMMENTER (NO DATE)

P64-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Residential uses can be adjacent to and in the vicinity of other land uses such as roads, railroads, industrial areas, etc. This is part of the land planning process and often reflects the demand for residential uses in an area.

Comment Card
Orange County Gateway Project
July 24, 2008

P65

NAME: The Residents of Del Cerro Mobile Estates

ADDRESS: 250 S. Rose Dr.

AFFILIATION:

COMMENT: Please see attached letter

RECEIVED
AUG 11 2008
PUBLIC WORKS

August 8, 2008

Michael McConaha, Public Works Department
Senior Administrative Analyst
City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. McConaha:

We, the residents of the Del Cerro Mobile Estates, are writing to voice our concerns regarding Alternative D of the Orange County Gateway Project and our mobile home park, Del Cerro Mobile Estates. We feel that either Alternative B or C would save our homes in this park and improve the surrounding areas. By making Alternative B or C the preferred choice for the City of Placentia, the City and the City Council members would show true vision, compassion and understanding of the needs of their local residents as well as real leadership for our city.

Del Cerro Mobile Estates is a wonderful all age family park with mobile homes and manufactured homes. It was established in 1969. Our residents include seniors, some who have been here as long as the park has been in existence, as well as families, many multi-generational. Choosing Alternative B or C would keep Del Cerro Mobile Estates intact as well as improve and beautify the surrounding area, thus helping the city to live up to its city motto, "A Pleasant Place to Live". P65-1

We are very concerned about our health and well-being, our homes, our mobile home park, our neighbors and the local businesses as a result of Alternative D as described in the Orange County Gateway Project. Some of our concerns include:

1.) If Alternative D is the design the city selects, it would cause the degradation of our quality of life by substantially changing the existing character of our mobile home community as well as the layout of our park. The construction of the overcrossing as well as the completed project would forever alter the traffic patterns locally creating more traffic congestion. Problems for emergency vehicles getting in and out of Del Cerro Mobile Estates could be life threatening to those in need. Alternative D would also create a less aesthetically pleasing environment in the park. Choosing Alternative B or C would eliminate those problems. P65-2

2.) We also have concerns about our health once construction begins. Health issues could arise as a result of the poor air quality from construction for the healthy residents. For those of us who have respiratory problems, mild to serious, or terminal illnesses, the poor air quality could be life threatening. The anxiety and stress we are experiencing from this whole process is taking its toll on us in ways we are unable to describe. P65-3

3.) The homes in Del Cerro Mobile Estates are very affordable at a time when there is little affordable housing in Orange County. Many of us live on fixed incomes or tight budgets. This affordable housing, which is located in a very nice area of Placentia, is one way we can still achieve the American Dream of owning our own homes. This is a dream many of us would not have been able to afford if not for the lower prices found in this mobile home park. Given the prices of homes in the local area, this is the only way for many of us to own our own homes. For many of P65-4

us who are seniors, this is the place we want to spend our golden years. For those of us with families, the area where Del Cerro Mobile Estates is located is an excellent place to raise our children. If the City were to acquire Del Cerro Mobile Estates through eminent domain, where could we find affordable housing as nice as what we have here in this wonderful area of Placentia? Twin Palms on the corner of Placentia and Orangethorpe comes nowhere near what we have here at Del Cerro. The other two mobile home parks on Orangethorpe are 55+ parks. Many of the families and all the younger residents would not even qualify to live there. The City Council has the opportunity to save this mobile home park as affordable housing by selecting either Alternative B or C. Choosing Alternative D would adversely impact the lives of every single resident living in this park.

P65-4

4.) If we were to have to relocate as a result of the City of Placentia acquiring Del Cerro Mobile Estates under eminent domain, where could we be relocated that would even come close to what we have here in Del Cerro Mobile Estates? Where would we find homes in an area as nice as where we live now? Where could we move that would have all the local businesses close at hand for us like we do here at Del Cerro? Given the cost of housing, the high cost of living in Orange County and the escalating cost of transportation, relocation would be very difficult for most of us. The hardships we would experience as a result of having to move from our homes would be physically, mentally, emotionally, spiritually and financially draining. Choosing Alternative B or C would not cause as much pain and hardship.

P65-5

5.) According to the description of the visual impact Alternative D would have on this area, the landscape would become more urban. With an overcrossing creating a more urban look comes the likelihood of urban sprawl and blight. With the overcrossing, gang graffiti and tagging of gang symbols would appear as it has appeared on other overcrossings in other cities in Orange County. As the gangs and taggers move in to mark their territory, we worry that the safety of Del Cerro Mobile Estates would be in jeopardy. At this time, the area surrounding Del Cerro Mobile Estates has not been tarnished by gang and taggers symbols. Choosing either Alternative B or C would help keep our neighborhood clean of the spread of this modern urban blight.

P65-6

Our priorities are the same as yours: healthy living, a pleasant environment, community involvement and making Placentia the best place to live in the county.

We would like to encourage you and the City Council to seriously consider all the possibilities when it comes time to make a committed decision. This is an important choice for our community and the City. Please make the right choice: Save Del Cerro Mobile Estates and our homes by choosing Alternative B or C.

P65-7

Sincerely,

The Residents of Del Cerro Mobile Estates
250 S. Rose Drive
Placentia, CA 92870

cc: Scott Nelson, Mayor of the City of Placentia
Greg Sowards, Mayor Pro Tem
Joseph V, Aguirre, Councilmember
Scott P. Brady, Councilmember
Constance Underhill, Councilmember

Save our Homes! No on Alternative D.

NAME	ADDRESS
Mike + Julie Hileman	250 S. Rose Dr. Sp. 116 92870
DEBBIE WALES	250 S Rose Dr. #169 Placentia
Leanna Wales	250 S Rose Dr. #169
Kathi Wales	250 S. Rose Dr. #169
Linda Lukowski	250 S Rose Dr. #28
M. MEZA	" " " " #31
[illegible]	" " #100
Maria Magdalena Luna	" " #91
Sergio Nunez	" " #91
Esther Gonzalez	" " #104
[illegible]	" " 105
[illegible]	" " 106
[illegible]	250 S. Rose Dr. Sp. 65
JEREMY N. SUGGS	" " "
Brenda Suggs	250 S. Rose Dr. #69
J. B. Woodard	" " " " #71
Lillian Riggs	250 S Rose Dr #720
Brian McKee	250 S Rose Dr #73
Nita Carter	230S Rose Dr #73
Bonnie Hixson	250 S Rose Dr #74
Jerry D. Hixson	250 S. Rose Dr Sp 74
Shirley Heckerman	250 S. Rose Dr. Sp 75
Joe Heckerman	250 S. ROSE Dr #75
Celia Meyers	250 So Rose Dr #76
BOB KNIGHT	250 S. ROSE DR #78
Nancy Childers	" " " #80
Judy A. Wall	" " " #82

Save our Homes! No on Alternative D.

NAME	ADDRESS
Maria Flores #86	
Tedora Hernandez #86	Armanda Flores #86
David Duff #66	Janet Flores #86
[illegible]	
[illegible]	SP #88
Geraldo L Benning	# 64
Gina Benning	SP. 64
Rebekah Harris	#103
Jordan Harris	#103
Timothy T. To	#102
JOANNE ROBINSON	#105
DAVE PRICE	#97
Judy Bennett	# 96
Lara Castro	# 96
John C. Beth	#97
[illegible]	119
Felipe J Pinon	113
Carolyn F Delgado	9
[illegible]	9
Minda A. Sena	98
Derek Sena	98
Francisca V. Abisia	
Teri Flores	101
[illegible]	101
[illegible]	14
[illegible]	23
Dena Mills	23
[illegible]	250 S. Rose Dr. Space #17
Byron D. Albright	250 S. Rose Dr. Spce #17

Save our Homes! No on Alternative D.

NAME	ADDRESS
Bob Moyer	250 S Rose Dr 147
H. D. Issemi	250 S Rose Dr SP 145
DIEP VIEIRA	250S. Rose drive #145
Mai Vo	250 S. Rose Dr #145
ERIC GATES	250 S. ROSE DR. #144
Debra Pettis	250 So. Rose Dr. #144
Hilda Rivera	250 S. Rose Dr #149
Marie Cohen	250 S. Rose Dr. #150
Sara Clintsman	250 S Rose Dr # 135.
Mark Clintsman	250 S. Rose Dr # 135
Davina Forrester	250 S. Rose Dr. #137
Paul Stangl	250 S. Rose Dr. # 143
[illegible]	250 S Rose D # 139
[illegible]	250 S Rose Dr #162
Paul Meyers	250 S ROSE Dr # 163
Linda L. Silvestri	250 S. Rose Dr. #164
Steve & Ms. Kirkpatrick	250 S. Rose Dr. # 165
Diana M. McKenrick	250 S. Rose Dr. #165
[illegible]	250 S Rose Dr # 159
Marcella Gonzales	250 S. Rose DR SP # 158
Mary D'Mars	250S. ROSE R. SP.#157
Jose de Jesus Robles	250 S Rose Drive SP # 153.
Maria [illegible]	250 S Rose DR. SP# 153
[illegible]	250 S. ROSE DR # 133
Darlene Ramos	#40
Dean Lopez	#40
Chanelle L. Mistretta	# 138

Save our Homes! No on Alternative D.

NAME	ADDRESS
Mark V. Mistretta	#138
Ebony C. Courtee	#138
Sue Hukin	#89
Rosa & Jose Roan	#49
Rosa J Roan	#49
Lizett Roan	#49
[illegible]	#155
[illegible]	#155
[illegible]	#81
Silvia Limoran	#81.
Richard Gina Hagerty	SP118

Save our Homes! No on Alternative D.

NAME	ADDRESS
Zoe Trefethen	250 S. Rose Dr. Sp. 11
[illegible]	" " Sp 10
[illegible]	" " Sp 7
[illegible]	" " Sp 7
[illegible]	" " Sp 8
[illegible]	Sp 4
Vilma L. Uhle	#2
Isis garcia	#2
[illegible]	#2
[illegible]	250 So Rose # 107
[illegible]	" " # 107
Becky Scott	250 S. Rose # 110
[illegible]	250 S Rose # 94
R Brennan	" " " #53
[illegible]	250 S. Rose Dr. Spc #93
[illegible]	#123
[illegible]	#120
David H. [illegible]	124
[illegible]	#20
Margie Cavillon	#20
Jack [illegible] Malloy	#13
Dan Galeck	#12
Erma Galeck	#12
[illegible]	38

Save our Homes! No on Alternative D.

NAME	ADDRESS
H. M. Williams	250 S. Rose Dr. #35
Patricia McWilliams	250 S Rose Dr #27
Olivia Torres	250 S. ROSE Dr. #36
DEAN V. SENA	250 S. ROSE DR. #98

Save our Homes! No on Alternative D.

NAME	ADDRESS
Frank Fuentes	SP 88
Gerald L Benning	" 64
Avis Benning	" 64
Rebekah Harris	#103
Jordan Harris	#103
Timothy T. To	#102
JOANNE ROBINSON	#65
DAVE PRICE	#97
Judy Benedict	96
Jose Castro	96
John C. Betz	92
Shirley Mills	119
Felipe G. Pinon	113
Carolyn J Orlando	9
	9
Minda A. Sena	98
Derek Sena	98
Francisca V. Abisia	
Teli Flores	101
	101
	14
	23
Dena Mills	23
Linda Chavez	250 S. Rose Dr. Space #17
Betty D. Stanfield	250 S. Rose Dr, Space #7

P65 RESPONSES TO COMMENTS FROM THE RESIDENTS OF DEL CERRO MOBILE ESTATES DATED AUGUST 8, 2008

P65-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P65-2 Part of the final design for any Orange County Gateway (OCG) Build Alternative would be to specifically evaluate the effects of the construction and operation of the alternative on local streets and circulation. Measures TRA-2 to TRA-4 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) address short-term traffic impacts that would occur during project construction. If Alternative D is selected, the final design would included detailed evaluation of traffic movements into/out of Del Cerro Mobile Estates and appropriate traffic lanes and traffic controls would be provided, consistent with applicable traffic engineering standards, to ensure access to/from Del Cerro Mobile Estates for residents and emergency vehicles.

Please refer to response to comment P40-2, provided earlier in this Responses to Comments Report.

Traffic volumes on Tustin Avenue/Rose Drive under the OCG Build Alternatives would be the same as the traffic volumes under the No Build Alternative. However, traffic would move more smoothly with the overcrossing because there would be no at-grade crossing at Orangethorpe Avenue and no delays at the Burlington Northern Santa Fe (BNSF) crossing. Therefore, delays into/out of Del Cerro Mobile Estates would be reduced because there would be no delays at the intersection of the BNSF tracks and Orangethorpe Avenue.

Please also refer to Sections 3.7 (Visual/Aesthetics), 3.13 (Air Quality), 3.6 (Traffic), and 3.14 (Noise and Vibration) in the Draft EIS/EIR.

P65-3 Please refer to response to comment P33-6, provided earlier in this Responses to Comments Report.

P65-4 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under

CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P65-5 Please refer to response to comment P65-4, above.

P65-6 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P65-7 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

P66

August 8, 2008

Chris Norby, Chairman
Board of Directors of the OCTA
Orange County Transportation Authority
550 S. Main St.
P.O. Box 14184
Orange, CA 92863-1584

RE: The Orange County Gateway Project and Del Cerro Mobile Estates

Dear Mr. Norby:

We, the residents of the Del Cerro Mobile Estates, are writing to voice our concerns regarding Alternative D of the Orange County Gateway Project and our mobile home park, Del Cerro Mobile Estates. We feel that either Alternative B or C would save our homes in this park and improve the surrounding areas. By making Alternative B or C the preferred choice, the OCTA would show true vision, compassion and understanding of the needs of their local residents in regard to transportation and their quality of life,

← Note: This letter is identical to letter P65; refer to the comments and responses to letter P65.

Del Cerro Mobile Estates is a wonderful all age family park with mobile homes and manufactured homes. It was established in 1969. Our residents include seniors, some who have been here as long as the park has been in existence, as well as families, many multi-generational. Choosing Alternative B or C would keep Del Cerro Mobile Estates intact as well as improve and beautify the surrounding area making it easier for those of us to live here as well as the local community to use public transportation.

We are very concerned about our health and well being, our homes, our mobile home park, our neighbors and the local businesses as a result of Alternative D as described in the Orange County Gateway Project. Some of our concerns include:

1.) If Alternative D is the design selected, it would cause the degradation of our quality of life by substantially changing the existing character of our mobile home community as well as the layout of our park. The construction of the overcrossing as well as the completed project would forever alter the traffic patterns locally creating more traffic congestion. Problems for emergency vehicles getting in and out of Del Cerro Mobile Estates could be life threatening to those in need. Alternative D would also create a less aesthetically pleasing environment in the park. Choosing Alternative B or C would eliminate those problems.

2.) We also have concerns about our health once construction begins. Health issues could arise as a result of the poor air quality from construction for the healthy residents. For those of us who have respiratory problems, mild to serious, or terminal illnesses, the poor air quality could be life threatening. The anxiety and stress we are experiencing from this whole process is taking its toll on us in ways we are unable to describe.

3.) The homes in Del Cerro Mobile Estates are very affordable at a time when there is little affordable housing in Orange County. Many of us live on fixed incomes or tight budgets. This affordable housing, which is located in a very nice area of Placentia, is one way we can still achieve the American Dream of owning our own homes. This is a dream many of us would not have been able to afford if not for the lower prices found in this mobile home park. Given the prices of homes in the local area, this is the only way for many of us to own our own homes. For many of us who are seniors, this is the place we want to spend our golden years. For those of us with families, the area where Del Cerro Mobile Estates is located is an excellent place to raise our children. If the City were to acquire Del Cerro Mobile Estates through eminent domain, where could we find affordable

housing as nice as what we have here in as wonderful area of Placentia? Twin Palms on the corner of Placentia and Orangethorpe comes nowhere near what we have here at Del Cerro. The other two mobile home parks on Orangethorpe are 55+ parks. Many of the families and all the younger residents would not even qualify to live there. The OCTA has the opportunity to save this mobile home park as affordable housing by selecting either Alternative B or C. Choosing Alternative D would adversely impact the lives of every single resident living in this park.

4.) If we were to have to relocate as a result of the City of Placentia acquiring Del Cerro Mobile Estates under eminent domain, where could we be relocated that would even come close to what we have here in Del Cerro Mobile Estates? Where would we find homes in an area as nice as where we live now? Where could we move that would have all the local businesses close at hand for us like we do here at Del Cerro? Given the cost of housing, the high cost of living in Orange County and the escalating cost of transportation, relocation would be very difficult for most of us. The hardships we would experience as a result of having to move from our homes would be physically, mentally, emotionally, spiritually and financially draining. Choosing Alternative B or C would not cause as much pain and hardship.

5.) According to the description of the visual impact Alternative D would have on this area, the landscape would become more urban. With an overcrossing creating a more urban look comes the likelihood of urban sprawl and blight. With the overcrossing, gang graffiti and tagging of gang symbols would appear as it has appeared on other overcrossings in other cities in Orange County. As the gangs and taggers move in to mark their territory, we worry that the safety of Del Cerro Mobile Estates would be in jeopardy. At this time, the area surrounding Del Cerro Mobile Estates has not been tarnished by gang and taggers symbols. Choosing either Alternative B or C would help keep our neighborhood clean of the spread of this modern urban blight.

We would like to encourage the Board of Directors of the OCTA to seriously consider all the possibilities when it comes time to make a committed decision. This is an important choice for our community and neighborhood. Please make the right choice: Save Del Cerro Mobile Estates and our homes by choosing Alternative B or C.

Sincerely,

The Residents of Del Cerro Mobile Estates
250 S. Rose Drive
Placentia, CA 92870

cc: Curt Pringle, Chair of the Transportation 2020 Committee
Peter Buffa, Vice Chairman
Janet Nguyen
John Moorlach
Bill Campbell
Patricia Bates
Mark Rosen
Allan Mansoor
Carolyn V. Cavecche
Arthur C. Brown
Richard Dixon
Miguel Pulido
Cathy Green
Jerry Amante
Paul G. Glaab
Gregory T. Winterbottom
Cindy Quon, Caltrans Director, District 12

Save our Homes! No on Alternative D.

NAME	ADDRESS
Mike & Julie Hilgeman	250 S. Rose Dr. Spc 116
Kathi Wales	250 S. Rose Dr. #169
Leanna Wales	250 S. Rose Dr. #169 92870
DEBBIE WALES	250 S. Rose Dr #169 Placentia
Linda Lubanski	250 S. Rose #86, Placentia
M. MEZA	" " " #31
[illegible]	" " " #100
Maria Magdalena Nuno	" " #91
Sergio Gomez	" " #91
Esther Gonzalez	" " #104
[illegible]	" " #105
[illegible]	" " 106
JEREMY A. [illegible]	250 S. Rose Dr. #69
Brenda Suggs	" " " #69
J. A. Moore	" " " #72
Lillian Rigg	250 S. Rose Dr. #2
Brian McKee	250 S Rose Dr #73
Nita Carter	250 S Rose Dr #73
Bonnie Hoover	250 S Rose Dr. #74
Larry D. Hoover	250 S. Rose Dr Sp 74
Lesley Heckerman	250 S Rose Dr. Sp 75
[illegible]	250 S. ROSE DR. #75
Alice Moreno	250 S Rose Dr # 76
Bob KWIGX7	250 S Rose Dr #78
Nancy Childers	" " " #80
Judy L Wade	" " " #82

Save our Homes! No on Alternative D.

NAME	ADDRESS
[illegible]	SP 88
Gerald L Benning	" 64
Avis Benning	" 64
Rebekah Harris	#103
Jordan Harris	#103
TIMOTHY T. TO	#102
JOANNE ROBINSON	#65
DAVE PRICE	#97
[illegible]	96
[illegible]	96
John C. Betz	92
[illegible]	119
[illegible]	113
[illegible]	9
[illegible]	9
Minda A. Sena	98
Derek Sena	98
Francisca V. Abrica	
[illegible]	101
[illegible]	101
[illegible]	14
[illegible]	23
[illegible]	23
[illegible]	250 S. Rose Dr. Space #17
[illegible]	250 S. Rose Dr, Space #7

Save our Homes! No on Alternative D.

NAME	ADDRESS
Bob Morgan	250 S Rose Dr 147
[illegible]	250 S Rose Dr 145
DIEP VIEIRA	250 S. Rose drive space 145
Mai Vo	250 S. Rose Dr. #145
[illegible]	250 S. Rose Dr. #144
[illegible]	250 So. Rose Dr. #142
Hilda Rivera	250 S. Rose Dr #149
Marie Cohen	250 S. Rose Dr. #150
Sara Clintsman	250 S Rose Dr # 135.
Mark Clintsman	250 S. Rose Dr # 135.
Daiana Yarrington	250. S. Rose Dr. #137
[illegible]	250 S. Rose Dr #143
[illegible]	250 S Rose Dr #139
[illegible]	250 S Rose Dr #162
Paul Meyers	250 S ROSE Dr # 145
[illegible]	250 S. Rose Dr. #164
Stan McKissick	250 S. Rose Dr. #165
Diana M. McKissick	250 S. Rose Dr. #165
[illegible]	259 S Rose Dr # 159
[illegible]	250 S. Rose Dr Sp #158
Mian R Mir	250S. Rose Dr Sp. #157
[illegible]	250S Rose Dr. Sp# 153
[illegible]	250S Rose Dr Sp# 153
[illegible]	250 S. Rose Dr #133
[illegible]	#40
[illegible]	#40
Chanelle L Mistretta	#138

Save our Homes! No on Alternative D.

NAME	ADDRESS
Mark V. Mistretta	#138
Ebony C. Cuntee	#138
Sue Hu[illegible]	#89
Rosa & Jose Roan	#49
ROSA J ROan	#49
Lizeth Roan	#49
Ceil A. Fuller	#155
[illegible]	#155
Montenia Giovanny	#81
Batila Limolim	#81
Richard Gina Hagerty	SP 118

Save our Homes! No on Alternative D.

NAME	ADDRESS
Zoe Trethewey	250 S. Rose Dr, Sp. 11
[illegible]	" " Sp 10
[illegible]	" " Sp 7
[illegible]	" " Sp 7
[illegible]	" " Sp 7
[illegible]	Sp 4
[illegible]	" " #107
Mary Kaye	" " #107
Becky Scott	250 S. Rose Dr. #110
[illegible]	250 S Rose Dr. #94
[illegible]	" " " " #57
[illegible]	250 S. Rose Dr. Spc #93
[illegible]	#123
[illegible]	#120
David H. Henry	124
[illegible]	#20
[illegible]	#18
Jack Mallon	#13
Don Gabert	#12
Dona Gabert	#12

Save our Homes! No on Alternative D.

NAME	ADDRESS
Hilda M. Williams	250 S. Rose DR, #35
Patricia M. Williams	250 S. Rose Dr. #27
Olivia Torres	250 S. Rose Dr. #86

P66 RESPONSES TO COMMENTS FROM THE RESIDENTS OF DEL CERRO MOBILE ESTATES DATED AUGUST 8, 2008

Comment letter P66 is identical to comment letter P65, but is addressed to a different party. For responses to the comments in letter P66, please refer to the responses provided earlier to comment letter P65.

P67

NO ON ALTERNATIVE D

THE ATTACHED SIGNATURES WERE COLLECTED AT THE ROSE PLAZA SHOPPING CENTER

1200 E. ORANGETHORPE AVE.

P67-1

Save our Homes! No on Alternative D.

NAME	ADDRESS
Jesse Morse	476 S. Chatham Cir, Anaheim
Steve Leto	798 San Diego Ln Placentia
Danielle Leto	" " " "
Lisa Leto	" " " "
Helen Chrysovergis	1823 N. Orange Park Blvd Orange
Paulo Chrysovergis	" "
D Sanchez	19812 Magnolia Circle YL
D. Kramer	
Sharon Goodwin	8463 Hickory Dr. B.P. 90620
Emery Kendrick	228 E. Commonwealth ave. Apt 113
Catherine Arnesen	Fullerton CA. 92832.
Kim Collins	5378 Via Vicente Yorba Linda 92887
Jeff Collins	5378 Via Vicente Yorba Linda 92887
Gayle Collins	5378 Via Vicente Y.L. 92887
PAUL COLLINS	5378 VIA VICENTE YL 92887
Sharon Hoke	16688 Carmel Circle YL 92886
David Rojo	310 S. Jefferson 226 Placentia, CA 92870
Katherine Bay	6859 E Monaco Pkwy #6 92841
Travis Radcliffe	13013 Camellia Rd. Victorville CA 92
Shervin Zadeh	8609 E. Cliffside Dr., Anaheim 92808
Devon Blasier	13100 Launer Dr., La Habra 90631
Shashi Goosamagalashi	1010 E. Y.L. Blvd #CA. 92887
Cheick Diarrassouba	1212 E Orangethorpe Pl. CA. 92831
Linda Singh	1212 E. orangethorpe Pl. CA. 92831
Tina Rodriguez	250 S. Rose Dr. Pl. CA. 92870
GURINDER SANDHU	331 E CONCORD WAY PLACENTIA CA 92870
GILL SINGH	250. S ROSE Dr #172 PLACENTIA CA 92870

Save our Homes! No on Alternative D.

NAME	ADDRESS
	20267 FERN CREEK LN Yorba Linda CA 92
	4119 Forest Highlands Cir Corona CA
	250 S. Rose Dr. #134 Placen
Ann-Marie Fleeger	5815 E. La Palma Ave # 278 Anahei
Justin Scott	1137 Stillwater dr Corona CA 9288
Bryan Blagg	1192 N. Grove St. Anahim
NICHOLAS STEWART	1240 N. VAN BUREN, #109, ANAHEIM CA 92807
DIANE DAVIS	1430 N. BLAKE ST ORANGE 92806
RON BAUDRIDGE	25227 VIA PORA MISSION CA. 9256
Jerry Jones	4333 E Cornwall Ave Orange CA 92867
Tom Drury	2020 S. La Quinta CT, La Habra 906
JOHN HALLENBECK	1133 N TUSTIN ANAHEIM 92807
Frank Hasson	12408 Savanna Tustin CA 92782
	324 N. MICHAEL FULLERTON 92833
	4211 La Concetta Dr. Yorba Linda 92886
	995 So La Salle Cir Anaheim 2280
	322 Wisonsin Ave, Long Beach 9280
	4717 McKinley, Anaheim, 92807
	1 Weyndham, Aliso Viejo Ca 92656
	2220 E. Chapman Ave #18 Fullerton CA 928
	21322 Calle Balsa Lake Forest CA 9
	3235. Del Giorgio. Anaheim 92808
	323 S. Del Giorgio, Anaheim 92808
	4280 Corbusier Ave LA 90066
	3261 Wilshire LA. 85610
	P.O. Box 1751 Oceanside Ca 92051
	1411 Alabama St. HB CA 92648

Save our Homes! No on Alternative D.

NAME	ADDRESS
Janette Pettigin	12yrs employed @ Kings Dons & Orange
Maria Pettigin	4yrs employed @ Kings Dons & Orange
Armando Arriaga	16yrs emply @ Kings Dons & Orangethorp
Arturo Lozano	5yrs employed @ Kings Dons & Orangethorp
Ubaldo Rendon	6yrs employed @ Kings Dons & Orangethorp
Andres Garcia	10yrs employed @ Kings Dons & Orangeth.
Nomura Reyes	8yrs employed @ Kings Dons & Orangeth.
Kevin Kenton	2505. Rose Dr 84 Placentia
Ginnie Gosselin	Railroad Inn
Candace Williams	Railroad Inn
Randy Bevan	Railroad Inn
Matt Williams Bevan	Railroad Inn
Trinidad Taseca	Railroad Inn
~~Jesus Cid~~	~~3745 Birch Rail Road Tus~~
Nancy Jones	RAILROAD Inn
Henry Lopez	RAIL ROAD INN
SANDRA GOMEZ	RAIL ROAD INN
Kitty Tackle	Railroad Inn
John Tackle	Railroad Inn
Candice Rogers	RAILROAD INN
Stacey Ferrell	4 years Employed Rail Road Inn
John Patterson	owner 25 yrs.
THANG MANH LE	14 years OWNER
John Bean	14 years

Save our Homes! No on Alternative D.

NAME	ADDRESS
LANCE BONNEY	661 W. ROBERTA AVE - FULLERTON
NANCY. DEFAZIO	263 MORNING GLORY - BREA
JON DEFAZIO	263 MORNING GLORY - BREA
Dan Schumacher	3840 Mirada Anh.
DAVE DRATMA	6129 PEPPERWOOD LAKEWOOD
Linda L. Voorberg	6621 Kameka Circle Yorba Linda
P Brown	6140 Paramount Anaheim Hills
TALAN A. RODRIGUEZ	14738 FAIRGROVE AVE LA/Norwalk
Susanna Edom	5630 SOUTHVIEW Yorba Linda
Jose L. Salgado	2900 W Lincoln #D202 ANAHEIM
Ed Chavez	4332 E. Lobelia Ave. Anaheim
Cindy Ordonez	1601 S. Garey Ave #101 Pomona
[illegible]	825 S. ARDEN ST. ANAHEIM
Donald Malloy	5308 VIA GERALDINA, YORBA LINDA
[illegible]	746 S. Van Buren Ste A, Placentia
Traci Alcala	27616 S Etrail Ridge W. Moreno Valley
Dorothy SANDOVAL	136 S. LARKWOOD ST ANAHEIM 92807
FRANK [illegible]	3530 FELA AVE LB CA 90808
[illegible]	1208 E. Orangethorpe Ave Placentia 92870
[illegible]	1208 E. Orangethorpe Ave Placentia 92870
~~1208 E Orangethorpe Placentia~~	

Save our Homes! No on Alternative D.

NAME	ADDRESS
DEBBIE WALES	250 S. Rose Dr. #169, Placentia CA 92870
Vera Karapetian	1010 E. Yorba Linda Blvd #92870
Vicki Hartouni	1010 E Yorba Linda Blvd Pl 92870
Robin Alexander	250 S. Rose #32 plac.
Rick Bradley	" " " "
Linda [illegible]	250 Rose Dr. #17 Placentia
Bev D. Wright	250 Rose Dr. #17, Placentia

P67 RESPONSES TO THE PETITION REGARDING ALTERNATIVE D (NO DATE)

P67-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

WRITTEN COMMENTS RECEIVED FROM MEMBERS OF THE GENERAL PUBLIC AT THE JULY 24, 2008, PUBLIC HEARING AND RESPONSES

A number of members of the general public provided written comments on the comment cards provided at the July 24, 2008, public hearing and gave those completed comment cards to staff at the meeting. Those comment cards have been numbered as PH1 to PH42 and are provided following this page. Responses to the comments are provided following the last page of the comment cards.

In addition to the written comments received from members of the general public at the July 24, 2008 public hearing, members of the business community and organizations also provided written comments at the public hearing. Those comments are listed in Table 1 under "Comments from Businesses and Organizations" and in the section titled "Businesses and Organizations Comments and Responses."

Comment Card
Orange County Gateway Project
July 24, 2008

PH1

NAME: Patricia McWilliams

ADDRESS: 250 S Rose dr, Space #27, Placentia

AFFILIATION: resident of Mobile Home Park.

COMMENT:

Please do not do this.

Environmentally would be very damaging - more noise more chance for train accidents, not safe.

It will crush the hearts of the residents, including me & I have lived in the park since 1987.

I vote for plan B or C if we have to vote.

PH1-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH2

NAME: Elma Garlock

ADDRESS: 250 S. Rose Dr. # 12 Placentia, Ca. 92870

AFFILIATION: Del Cerro Mobile Homes.

COMMENT: I am very upset thinking that our privacy and Quiet neighborhood is going to be up-rooted, dirty, noisy and inconvenienced during this project. The entrance change would direct the traffic right to my front door and I am very upset. The traffic would increase and make it very difficult to pull out onto Rose Dr. from our home.

If you decide to take us all out where would you move us to? Or would you buy all of us out?

PH2-1

PH2-2

Comment Card
Orange County Gateway Project
July 24, 2008

PH3

NAME: Doug & Christine Micheletti

ADDRESS: 3050 Cardinal St.

AFFILIATION: Resident in impact area

COMMENT: Options B & C remove all home across the street from us. This would destroy a neighbor hood, and the homes Left behind would have a much reduced value, and feel very cut off from the rest of the neighborhood. Option D leaves the homes.

PH3-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH4

NAME: DON GARDNER

ADDRESS: 4539 LARKSPUR CIR.

AFFILIATION: HOMEOWNER

COMMENT:

LOWER THE RAILROAD. KEEP LAKEVIEW & ORANGETHORPE FLAT. ALT. C TRENCHING THE RR MAKES SENSE TO KEEP PROPERTY VALUES FROM GOING DOWN. ALSO CUTS DOWN NOISE.

PH4-1

Comment Card PH5
Orange County Gateway Project
July 24, 2008

NAME: PATRICK J. MELIA

ADDRESS: 437 HILLCREST AVE PLACENTIA

AFFILIATION: SELF

COMMENT: EACH ALTERNATIVE HAS A DOLLAR ESTIMATE. WHAT YEAR DOLLARS ARE THEY? WHAT ARE THE ESTIMATES ASSUMING ~~FOR~~ PRESENT LAND VALUES? PH5-1

No "to Alt D
Yes" to Alt B or C PH6-1

Comment Card PH6
Orange County Gateway Project
July 24, 2008

NAME: Kimberly Williams

ADDRESS: 250 S. Rose Drive Sp.# 127, Placentia, CA 92870

AFFILIATION: Resident

COMMENT: My comments regarding the OCG Project will be directed in an e-mail. I have concerns over the environmental noise from the train that continues. There have been many studies since the 1970's regarding cognitive development in children and environmental noise. Also, property values across the nation are at an all time low. Why is the City of Placentia trying to build an overpass less than a few blocks away from some of the most affluent neighborhoods. So people can have a more difficult time trying to sell their beautiful homes with a train overpass in their backyards horizon PH6-1 PH6-2

PH7

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Lori Wright

ADDRESS: 1042 Davis Way

AFFILIATION:

COMMENT: Concerned about many things. If you raise up orangethorpe I worry about the air quality for my children. I'm trying to put my house up for sale, Now I'm worried about no one buying after disclosing this. What will happen to the value of my home? It will go down! Will homeowners be compensated for this huge loss? You say you want to take the fewest homes, wouldn't that be going underground? This Sucks! PH7-1 PH7-2 PH7-3

PH8

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: LARRY VALDEZ

ADDRESS: 300 DOLORES CIRCLE PLACENTIA CA 92870

AFFILIATION: HOME OWNER

COMMENT:

ALTERNATIVE D IS A NO GO!

ALTERNATIVE C WOULD GET MY VOTE. PH8-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH9

NAME: Sylvia Wilber

ADDRESS: 3079 E. Cardinal St Anaheim

AFFILIATION:

COMMENT: PLAN "D"

- less money
- will take less homes

I have lived in my home for 28 years!
Please don't take it.
Please don't take so many peoples home's

PH9-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH10

NAME: Bryon Wilber

ADDRESS: 3079 E. Cardinal St. Anaheim 92806

AFFILIATION:

COMMENT: PLAN "D" IS MY CHOICE
BECAUSE THE COST FACTOR & LESS HOMES TAKEN.

PH10-1

I'm MAINLY CONCERNED WITH THE NOISE, MESS, & LENGTH OF TIME IT WILL TAKE TO COMPLETE THIS OR ANY OTHER PLAN.
ALSO THE POSSIBILITY OF MY HOME BEING WORTH LESS WHEN THIS PROJECT IS COMPLETED

PH10-2

Comment Card
Orange County Gateway Project
July 24, 2008

PH11

NAME: ANNA BETHA

ADDRESS: 3060 E. CARDINAL St

AFFILIATION: Anaheim, CA 92806

COMMENT:

Prefer A or D

PH11-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH12

NAME: Jeff Leck

ADDRESS: 1400 E 4th street

AFFILIATION: Del Cerro Mobile Estates

COMMENT: Please provide me with a CD copy of the Scoping Summary Report Dated 4/2/02 Thanks.

PH12-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH13

NAME: Luann Lovejoy - Giusiana

ADDRESS: 5527 Paseo Arnaldo, Yorba Linda CA 92886

AFFILIATION: Owner of Space #171 Del Cerro Estates

COMMENT: I have been damaged by the article which came out in the OC Register in regards to the Project. I have my manufactured home for sale and because I now have to disclose info. on the project I have no interested parties to either buy or lease my property. I must continue to pay monthly space rent of $800 with no income from the property. When I bought in May of 2002 nothing was disclosed to me about the project or the prospect of the project.

PH13-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH14

NAME: TONY GIUSIANA

ADDRESS: 5527 PASEO ARNALDO YORBA LINDA 92886

AFFILIATION: SPOUSE OF DEL CERRO HOME OWNER

COMMENT: MY SPOUSE IS UNABLE TO SELL HER MOBILE HOME DUE TO THE UNCERTAINTY OF THIS PROJECT. IT HAS BEEN VACANT FOR MONTHS BUT SHE STILL HAS TO PAY RENT, TAXES UTILITIES & MAINTENANCE. EVEN POTENTIAL RENTERS DECLINE WHEN THEY LEARN ABOUT THE PROJECT. IN THE MEAN TIME SHE IS LOSING OVER $1,000 PER MONTH OUT OF POCKET. SHE DOESN'T OBJECT TO THE PROJECT. SHE JUST WANTS COMPENSATION NOW!!

PH14-1

Comment Card
Orange County Gateway Project PH15
July 24, 2008

NAME: DUC TRUONG

ADDRESS: 250 S. ROSE DR, # 112, PLACENTIA

AFFILIATION:

COMMENT:

I Reject the Alternate B that create
(1) the least noise and vibration.
(2) less air pollution.
(3) Keeping the environment about the same or better.
(4) Not interrupt with pedestrian.

PH15-1

Comment Card
Orange County Gateway Project PH16
July 24, 2008

NAME: Linda C. Lucio

ADDRESS: 250 S. Rose Dr. Space #17 Placentia, CA 92870

AFFILIATION:

COMMENT: (1) Please reconsider Alt. D. If an over pass (over crossing) Rose/Tustin & Orangethorpe is put in, then those drivers would be able to look into our homes & backyards, invading our ~~privacy~~ Privacy. (2) With an overcrossing, there also exists the possibility of a car going off the overcrossing into nearby homes (3) Reconsider the amount of right-of-way acquisition for Alt D at Rose/Tustin & Orangethorpe by reconsidering the design for the connector road in that area. (4) My concern is that a decision for design has already been made and that public comment will mean nothing and have no affect on the project. Thank you

PH16-1
PH16-2
PH16-3
PH16-4

Comment Card
Orange County Gateway Project
July 24, 2008

PH17

NAME: Emilio Castaneda Julio Castaneda

ADDRESS: 3089 E. Cardinal St. Anaheim CA 92806

AFFILIATION: Homeowners

COMMENT: In the event of acquisition will homeowners be allowed to transfer their assessed property tax value to their replacement property? PH17-1

Plan D - #1 Choice

B, C #2 Choice

A #3 choice PH17-2

Comment Card
Orange County Gateway Project
July 24, 2008

PH18

NAME: MAGGIE RITCHIE

ADDRESS: # 3474 E ORANGETHORPE (SALON NINE)

AFFILIATION: Stylist at Salon in LAKE CENTER

COMMENT: I have been at the location for 16 years. The new owner has recently done an extensive re model of the salon, as has the centers owner in recent years. We all hope that you take this into consideration when you choose the build alternative. PH18-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH19

NAME: P. Whyte

ADDRESS: 236 Pasteur Pl, Placentia, CA 92870

AFFILIATION: my home backs up to Rosedrive.

COMMENT: I think running the tracks underground like we voted on would be the way to go. Making Rose Drive/Tustin go over the tracks will take out my home as well as many others. this is not right & I know the people of Placentia & our neighborhood are not going to go for it. when we start letting the city come in & take homes & buisness they never stop. So you need stop & do the right thing.

PH19-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH20

NAME: Richard Hirschl

ADDRESS: 3478 Orangethorpe, Anaheim 92806

AFFILIATION: Affected business - northwest of Tustin/Orangethorpe

COMMENT: Like to stay informed on which plan will be favored cell → 714-496-4638

PH20-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH21

NAME: Isabelle Klaver

ADDRESS: 113 El Dorado St Placentia 92870

AFFILIATION: Placentia Resident

COMMENT: ① Will the property owners receive a fair and equitable amount for their property? PH21-1

② Will there be prioritization when constructing the overpasses/underpasses? PH21-2

③ If the money runs out, will one or two or more be completed? PH21-3

④ Some of the plans seem to incorporate more land than necessary. PH21-4

Comment Card
Orange County Gateway Project
July 24, 2008

PH22

NAME: Linda Lukowski

ADDRESS: 252 S. Rose Dr., #28

AFFILIATION: Del Cero

COMMENT: After reading the final proposals I prefer B or C Proposal or railroad lowering alternative D. It appears would destroy my only home. PH22-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH23

NAME: ELIZABETH GARCIA

ADDRESS: 3474 E. ORANGETHORPE AVE. ANAHEIM, CA 92806

AFFILIATION: BUSINESS OWNER, SALON 9

COMMENT: SALON 9 HAS BEEN IN ITS CURRENT LOCATION FOR OVER 26 YEARS, WE CONSIDER THIS A VERY BIG ACCOMPLISHMENT. IF THE SALON WAS FORCED TO RELOCATE IT WOULD BE A HUGE FINACIAL BURDEN ON ALL OF MY STYLISTS AND THEIR FAMILIES. OUR CLIENTEL IS LOCAL AND MAY NOT FOLLOW US TO A NEW LOCATION. THE NATURE OF MY BUSINESS IS FRAGILE IF OUR CLIENTS LEAVE, MY STYLIST WILL LEAVE, AND OUR BUSINESS WILL GO UNDER. I PLEAD WITH YOU TO NOT DO OPTION D AND KEEP THE BUSINESSES INTACT.

PH23-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH24

NAME: NATHAN GARCIA

ADDRESS: 312 N. ROYAL ST ANAHEIM CA 92806

AFFILIATION: SALON 9

COMMENT: I JUST BOUGHT A BIG HOUSE IN ANAHEIM CLOSE TO MY BUSSINESS. IF YOU TEAR DOWN THE SALON WHICH IS SHOWN IN PLAN "D" I WOULD BE FORCED TO SELL MY HOME BECAUSE I WOULD NOT HAVE THE INCOME OF THE SALON! I AM THE OWNER 1/3 MY WIFE WORKS THERE AS well. SO my 3 SOURCES OF INCOME will BECOME 1 ... WHICH IS UNLIVABLE ON. I FEEL UNEASY WITH THE DECLINE OF OUR ECONOMY AND NOW LOSING MY BUSINESS WHICH WAS MY DREAM. THANK YOU FOR YOUR TIME.

PH24-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH25

NAME: Helen M. Delaney

ADDRESS: 1393 Arrowhead Drive, Placentia, CA 92871

AFFILIATION: MG Real Estate Consultants, Brea

COMMENT: Thanks to Mike Amling of LSA for taking time to explain this process. I have concerns for many reasons: my son owns a condo on Lakeview & Orangethorpe, & I have a client looking at property at Lakeview & Orangethorpe. I also have friends in the condos @ Kraemer & Chapman (Placentia Lakes) & am concerned about the access roads changing on the Kraemer side. Another friend is (My Phone) (714) 993-8177 Mobile Home Park @ Rose & Bastanchury on Bubach (Lakeview), must be affected by time. Home 714-993-1912 Cell 714-315-9299

PH25-1

PH25-2

Comment Card
Orange County Gateway Project
July 24, 2008

PH26

NAME: JUSTIN KAMM

ADDRESS: 3474 E. ORANGETHORPE AVE.

AFFILIATION: SALON 9

COMMENT: I THINK THIS IS A HORRIBLE IDEA. BEING SELF EMPLOYED THIS WOULD AFFECT ME NOW AND IN THE FUTURE DUE TO CUSTOMER BEING BUILT HERE AND POSSIBLY NOT WANTING TO FOLLOW ME TO A NEW LOCATION.

PH26-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH27

NAME: Kristin Downey

ADDRESS: 3474 E. Orangethorpe ave. Anaheim CA 92

AFFILIATION: Business employee — Salon 9

COMMENT: I am currently employed as an esthetician at Salon 9 & rely solely on my work as income. It's terrible to know that all my hard work building clientele could be taken away. Not only do I work in this area but I also live nearby. It would really burden my work as well as my fellow employees if you chose option D. Please rethink the other options to save our very established salon.

PH27-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH28

NAME: Ricky Shah

ADDRESS: 3353 E Orangethorpe Ave, Anaheim 92806

AFFILIATION: Business Owner 714 993 5171

COMMENT:

I am a business owner located at the corner of Orangethorpe and Miller in Anaheim. I am at the location all the time and I see the rail traffic. I do not believe that there is a need to add crossings at this time because vehicle traffic and rail traffic move at a rapid rate.

PH28-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH29

NAME: Ronni Smith

ADDRESS: 3474 E. Orangethorpe Ave. Anaheim, CA 92806

AFFILIATION: Bussiness employee - Salon 9

COMMENT: I am currently employed as a Stylist at Salon 9 and if our salon is torn down my clients may not follow me to wherever I go. This would be a great hardship on my family and I. As a self employed stylist I would have to start over again and I would have no income. I've worked hard and invested a lot of time building my clientelle. Please do not choose Option D and take all that I've work for away from me & my fellow coworkers!

PH29-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH30

NAME: Rod + Brenda Suppes

ADDRESS: 250 S. Rose Dr. SP69 Placentia

AFFILIATION: 18 Year Placentia resident

COMMENT: Taking our entire Park (Del Cerro) must not be an option!

PH30-1

The only agreeable alternatives are B, C or a highly modified D.

We at Del Cerro are counting on our elected representatives to protect our homes.

PH30-2

Rod + Brenda Suppes

Comment Card
Orange County Gateway Project
July 24, 2008

PH31

NAME: Phil LaPuma

ADDRESS: 1786 N. Pleasant St, Anaheim, Ca 92806

AFFILIATION: Homeowner

COMMENT: This project combined with the declining property values will create a difficult situation for owners who need to move - Home are now unsellable compared to other unaffected properties -

PH31-1

We prefer alternature D (or A) - (Not B or C)

PH31-2

My wife is handicapped and stays at home - will be affected by this project - what can we do to help her situation. -

Comment Card
Orange County Gateway Project
July 24, 2008

PH32

NAME: Wesley Collier

ADDRESS: 4501 E Orangethorpe Anaheim 92807

AFFILIATION: Orange a Avocado Grower

COMMENT: Don't take my house!!!
Leave this old man alone!

PH32-1

Comment Card
Orange County Gateway Project
July 24, 2008

PH33

NAME: Teresa Angcaco

ADDRESS: 1720 N. Bubach St. Anaheim, 92807

AFFILIATION:

COMMENT: (1) At present, from Bubach St. turning left (or going east) towards Orangethorpe it takes 5-10 wait because there is no stop light. We need a traffic light in Bubach/Orangethorpe since the proposed entrance/exit is in proximity of Bubach St. (2) Please maintain the tree

PH33-1

(3) We need a sound wall/safety barrier to protect the homes that is directly below Lakeview

PH33-2

Comment Card
Orange County Gateway Project
July 24, 2008

PH34

NAME: Linda Collier Mahnken

ADDRESS: 4501 E. Orangethorpe Anaheim CA

AFFILIATION: Property Owner

COMMENT: Lower the Railroad. You spent all of that money on the trench plan. Don't waste it & ruin our home & property. We've lived there for 50 years & don't want to move or live in a hole by an overpass.

PH34-1

(D) Any Plan But D

Comment Card

Orange County Gateway Project

July 24, 2008

PH35

NAME: Bonnie Hodson

ADDRESS: 250 S Rose Space 74 Placentia, CA 92870

AFFILIATION: live at Del Cerro

COMMENT: I have Lived here For 22 years. at Del Cerro Mobile Estates. This is a very safe environment there are many seniors that life here and can't AFFord to move. I consider my husband and I one of the Smart ones living here. Where we can afford and not live beyond our means. There are 171 houses and homes at Del Cerro. We request that you save our homes and go to Plan B or C. thank you INAdvanced For saving my home. this is the longest time I have. One Stayed in one location even when I ~~have~~ lived with my parents in Wisconsin.

PH35-1

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870
Attn: Mr. Michael McConaha,
Senior Administrative Analyst

Comment Card
Orange County Gateway Project
July 24, 2008

PH36

NAME: Kary Oneu

ADDRESS: 1017 Davis Way, Placentia

AFFILIATION: Homeowner

COMMENT: I bought my home approx a year ago - 6/07. Before I went into contract I ~~text~~ called the city of Placentia regarding the trains and future plans for the rails. At that time the funds were exhausted and the silencing of ~~whistle~~ whistles was just about in place. I understood them to tell me the project was dead because there wasn't funding. Now I find out there is funding and I am indirectly affected because of a variety of issues. What are the plans for our compensation? You've just sunk the possibilities of selling our property because now we have to disclose what we know. I should have been told the possibility when I requested the information prior to buying. I could not have asked a question about a subject I didn't know about in the first place.

PH36-1

City of Placentia
401 E. Chapman Avenue
Placentia, CA 92870
Attn: Mr. Michael McConaha,
Senior Administrative Analyst

Comment Card
Orange County Gateway Project
July 24, 2008

PH37

NAME: Kay Gamboa

ADDRESS: 250 S. Rose Dr., #155 Placen

AFFILIATION: Concerned citizen

COMMENT:

[written comment letter provided at hearing; see following page]

1 of 2

7/24/08

Hi, my name is Kay Gamboa and I live in Del Cerro Mobile Estates in Placentia. I came to this meeting to let you know that the best plan for adjusting to the doubling of the trains next to Orangethorpe is the plan in which the train tracks are lowered. By lowering the tracks, the noise pollution caused by the trains and their whistles will be reduced. Also, Del Cerro Mobile Estates, which is beautiful and well maintained, will not be lost. The dust and noise the train generates will be reduced when the tracks are lowered. The impact on the environment is very important to me.

I am also concerned with the cost of this project. The numbers involved with this project and all of the different plans need to be calculated. One important part of the calculating is the dollar amount that will be needed to cover the moving expenses for the over one hundred and seventy homeowners and their families and replacement cost for over 170 mobile homes. Many of the homes are 5 years old or newer. PH37-1

Please, I urge everyone here to listen to all the voices and read all the e-mails and read all the letters from the concerned citizens of Del Cerro Mobile Estates and of Placentia.

Thank you for your time.

292

Comment Card
Orange County Gateway Project [See attached map]
July 24, 2008 PH38

NAME: DANNY R GARLOCK

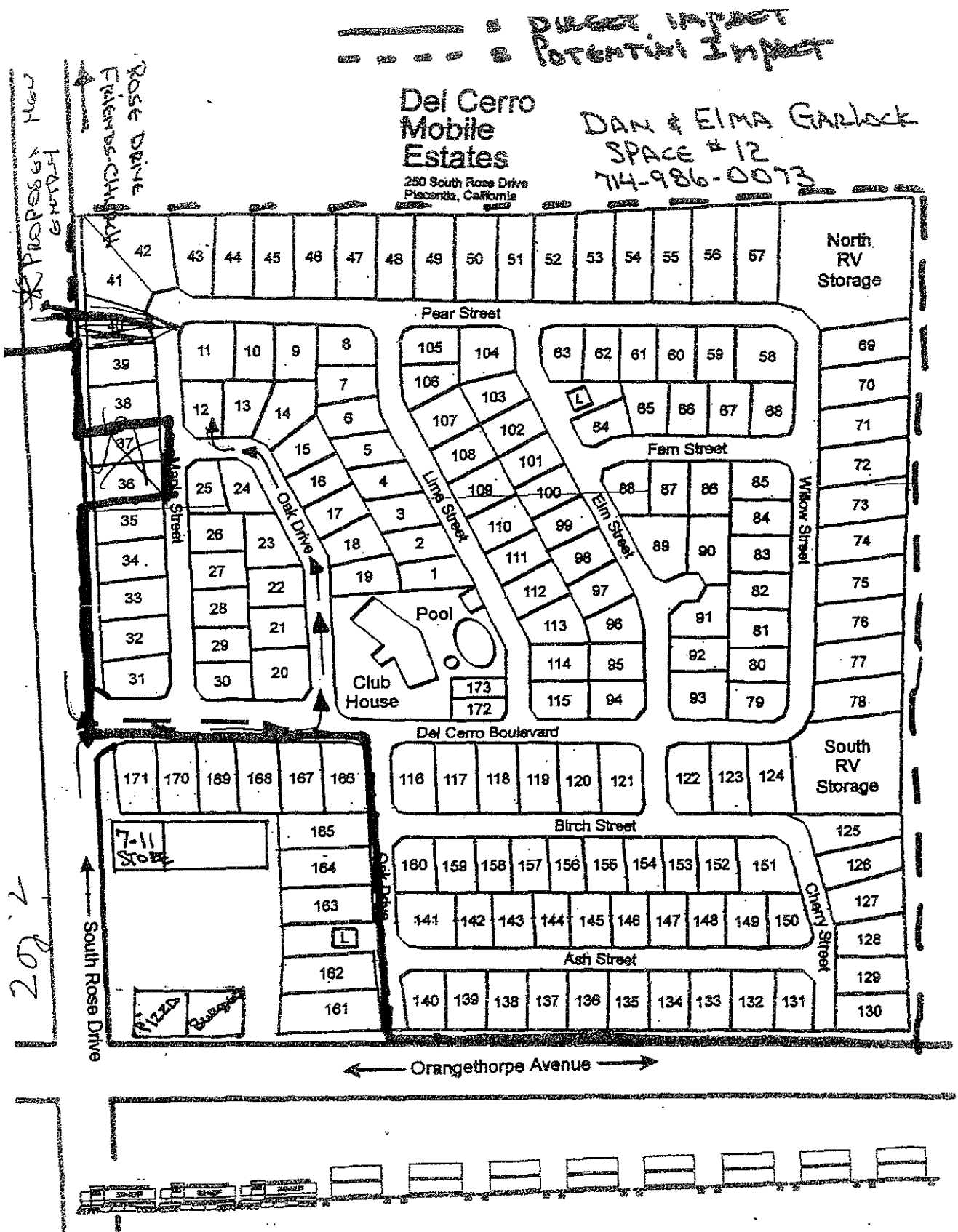
ADDRESS: 250 S ROSE DRIVE SPACE 12, PLACENTIA

AFFILIATION: RESIDENT WITH HOME IN DEL CERRO MOBILE ESTATES.

COMMENT: THE CURRENT ENTRY INTO DEL CERRO MOBILE ESTATES IS A DOUBLE WIDE BOULEVARD THAT ALLOWS INCOMING AND EXITING TRAFFIC TO FUNNEL TO AND FROM APPROX SIX STREETS WITHIN THE DEL CERRO COMPLEX. ONE OF THE DIRECT IMPACT DRAWINGS SHOWN IN THE JUNE 08 OC REGISTER ARTICAL INDICATES THE ENTRY WOULD BE MODIFIED AS SHOWN ON ATTACHED PLAN. PLEASE NOTE THE CONGESTED SLOW OF TRAFFIC THAT WOULD BE REROUTED THROUGH SEVERAL SMALLER STREETS THAT HAVE A HIGH AMOUNT OF CHILDREN PRESENT. BASICALLY THE ORIGINAL APPROVED PLANS FOR DELCERRO WILL BE MODIFIED TO A LESS THAN (CURRENT TRAFFIC PLANS)

PH38-1

102


Direct Impact
Potential Impact
Del Cerro Mobile Estates
250 South Rose Drive
Placentia, California
DAN & ELMA GARLOCK
SPACE # 12
714-986-0073
Proposed New Church
Rose Drive
Friends-Church
North RV Storage
South RV Storage
Pear Street
Fern Street
Del Cerro Boulevard
Birch Street
Ash Street
Lime Street
Elm Street
Willow Street
Cherry Street
Maple Street
Oak Drive
Pool
Club House
7-11
Pizza
South Rose Drive
Orangethorpe Avenue

07/24/2008

PH39

TO: City of Placentia
RE Concerns for Orange County Gateway Project @ intersection of Orangethorpe and Rose\Tustin

I feel that any plan that leaves the train track level at or above ground level will have a serious noise level impact on people living or working near the tracks. PH39-1

This will become even more apparent in the future as the number of trains using these tracks is reported to double in the future. PH39-2

I live in Del Cerro Mobile Home Estates and am really worried that as train activity increases the noise level, increased air pollution and ground vibration levels will greatly impact the quality of life as we know it today. PH39-3

Please approve either of the two plans which will locate the train tracks below ground level. PH39-4

Thank you,

Bob Knight

Bob Knight
250 S Rose Dr Spc 78
Placentia, CA 92870
714 993-4850

Joanne Robinson
250 S Rose Dr Sp 65
Placentia Ca 92870
714 993-4380
Email jrobinson5457@sbcglobal.net

PH40

Alternative C would be the best solution for our environment.
Trains are very noisy. There are the whistles and they shake the ground when they pass. They are dirty and they pollute the air which makes it difficult for people who have breathing issues. PH40-1

My understanding is if they were to lower the tracks they would put in a green belt. That would beautify our whole community.
Placentia means pleasant place. We are proud of our community. That would give us cause to be even more proud. PH40-2

I'm sure there will be homes and businesses that will be affected. These are all vital for Placentia to continue to be a nice community. Del Cerro Mobile Estates would be affected. That park has many young families and seniors living there. Some of the seniors are widows or widowers. It is difficult enough to lose a mate. To be put out would be devastating for them. This is affordable housing for all the families. Most of the people there couldn't afford to live any place else. I've been here 24 years and I know the area is nice. It is a nice park and well kept. PH40-3

July 24, 2008

PH41

From: Eric Estes
250 S. Rose Dr., #144
Placentia, CA 92626

To: Mr. Michael McConaha
Senior Administrative Analyst
City of Placentia

Dear Sir:

I am a resident of the Del Cerro Mobile Estates, and wish to convey to you my concerns regarding the proposed Orange County Gateway project, specifically regarding the Locally Preferred Alternate "D".

I believe that the implementation of Alternate "D" would result in a degradation of our environmental quality of life as well as substantially changing the existing character of our mobile home community and greatly disrupting our community cohesion.

As I understand it, Alternate "D" would involve building sound walls along the length of the railroad tracks. Our home is in the lower section of the park along Orangethorpe, and I am concerned that these walls would cut off air circulation in our section by blocking the breeze we normally get. As a result the exhaust fumes from the vehicular and rail traffic would "settle in" to our section and have a very negative impact on our air quality. This would be especially hard on our older residents such as my mother, many of whom are already dealing with respiratory ailments. PH41-1

In addition, the sound walls and the overpass structure itself will have the effect of changing our communities character from an open "suburban" setting to a closed in "urban" character. All we would be able to see from our homes would be the walls and the overpass, and the loss of sunlight and fresh air would have a substantial negative impact on our residents.

I also believe that the resale values of our homes would be greatly impacted by implementation of Alternate "D". According to the EIS, " The actual right-of-way (full and partial acquisitions) and TCEs needed if an OCG Build Alternative is selected for implementation would be defined during final design." In effect, this means that if any of us were to try and sell our homes, we would be obligated to inform potential buyers that additional acquisitions are a possibility. I believe this would have the effect of pushing resale values down and could make potential buyers very hesitant. PH41-2

There would also be problems with relocation for many of our residents. Many, like my mother, are retired persons on fixed incomes. Since they own their homes the cost of living in Del Cerro can be well below prevailing rents in the local area. And, as stated in Item 3.4.2.4 of the EIS "According to the DRIR, adequate relocation resources may not exist for residential owners and tenants in the Cities of Anaheim and Placentia. High housing costs and a shortage of housing in the Cities of Anaheim and Placentia may make relocation efforts difficult for displaced residents. Relocation resources for nonresidential buildings (businesses) may also be difficult to obtain within these cities due to the low vacancies of nonresidential properties in the Orange County area and the Southern California region". So many of us could be forced to move out of the county, and then have to make the long drive back in for work every day. With current fuel prices this would be a significant financial hardship for us. PH41-3

And for many of our older residents, as a result of limited mobility their lives are very much "wrapped up" in the Del Cerro community and even if relocation was a possibility it would mean losing their social support system.

PH41-4

I would also like to address how the loss of our local shopping center (located at the intersection of Orangethorpe and Rose) would affect our community. Having the 7/11, small restaurants and cleaners so close is obviously an advantage for all of us, again especially with today's fuel prices. But for our older residents they are even more important. Many of them no longer drive, and have limited physical mobility. Having these shopping resources located within easy walking distance (or wheelchair distance as the case may be) allows them to take care of some of their own basic needs without having to ask someone else for help. I can tell you from personal experience with my mother that this sense of independence and self reliance is extremely important to their psychological well being.

PH41-5

Thank you for your consideration.

Respectfully,

Eric Eso

2072

Jerry and Avis Benning
250 S. Rose Dr. Sp. 64
Placentia, CA 92870
714-223-2865

PH42

1 of 1

We feel that alternative C would be the best choice. First of all, having the railroad lowered below ground would benefit the environment. Not only would the air be cleaner but there would also be the added benefit of noise reduction. Second, traffic flow would improve and there would be less traffic congestion. PH42-1 Lastly and most important people would not be forced from there homes. Del Cerro Mobile Home Estates has many senior citizens who live here on fixed incomes. This community is very affordable and to relocate at this time in their lives would create a hardship for them.

We moved here because of the affordability and to be closer to our family, as well as our doctors and a nearby hospital.

PH1–PH42 RESPONSES TO COMMENTS FROM MEMBERS OF THE GENERAL PUBLIC AT THE PUBLIC HEARING ON JULY 24, 2008

PH1 RESPONSE TO COMMENT FROM PATRICIA WILLIAMS

PH1-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH2 RESPONSES TO COMMENTS FROM ELMA GORLOCH

PH2-1 Please refer to the analyses in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for air quality and noise, which specifically address short-term adverse impacts during construction and which provide measures to substantially reduce or avoid those impacts.

Traffic volumes on Tustin Avenue/Rose Drive under the Orange County Gateway (OCG) Build Alternatives would be the same as the traffic volumes under the No Build Alternative. However, traffic would move more smoothly with the overcrossing because there would be no at-grade crossing at Orangethorpe Avenue and no delays at the Burlington Northern Santa Fe (BNSF) crossing. Therefore, delays into/out of Del Cerro Mobile Estates would be reduced because there would be no delays at the intersection of the BNSF tracks and Orangethorpe Avenue.

It is acknowledged that the access modifications at Del Cerro Mobile Estates as shown on the conceptual plans for Alternative D include a new driveway, which may increase the volumes of residents traveling on that interior street to exit/enter the property. During final design, the OCTA Project Manager and OCTA Project Engineer would work closely with the property owner on the design of access modifications.

PH2-2 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

PH3 RESPONSE TO COMMENT FROM DOUG AND CHRISTINE MICHELETTI

PH3-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH4 RESPONSE TO COMMENT FROM DON GARDNER

PH4-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH5 RESPONSE TO COMMENT FROM PATRICK J. MELIA

PH5-1 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs. These costs were developed in 2008 and reflect current land values.

PH6 RESPONSES TO COMMENTS FROM KIMBERLY WILLIAMS

PH6-1 The proposed Orange County Gateway (OCG) project would not result in any change to the existing or projected future rail facilities or level of service (LOS) activities. Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the Burlington Northern Santa Fe (BNSF) corridor. Therefore, no avoidance, minimization, or mitigation measures were proposed to reduce the rail noise impacts.

PH6-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH7 RESPONSES TO COMMENTS FROM LORI WRIGHT

PH7-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Section 3.13, Air Quality, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which evaluates the potential for short- and long-term air quality impacts under the Orange County Gateway (OCG) Build Alternatives. As discussed in that analysis, there may be short-term dust and equipment emission impacts during construction, which would be substantially mitigated based on the measures provided in Section 3.13. The operation of the OCG Build Alternatives is not anticipated to result in long-term adverse air quality impacts.

PH7-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH7-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH8 RESPONSE TO COMMENT FROM LARRY VALDEZ

PH8-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH9 RESPONSE TO COMMENT FROM SYLVIA WILBER

PH9-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH10 RESPONSES TO COMMENTS FROM BRYON WILBER

PH10-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH10-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH11 RESPONSE TO COMMENT FROM ANNA BETHA

PH11-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH12 RESPONSE TO COMMENT FROM JEFF LECK

PH12-1 A copy of the Scoping Summary Report (2002) on a CD was mailed to this commenter at the address provided on that comment card; however, the CD was returned to the City by the Post Office.

PH13 RESPONSE TO COMMENT FROM LUANN LOVEJOY-GIUSIANA

PH13-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH14 RESPONSE TO COMMENT FROM TONY GIUSIANA

PH14-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH15 RESPONSE TO COMMENT FROM DUC TRUONG

PH15-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments would be considered by the decision-makers.

PH16 RESPONSES TO COMMENTS FROM LINDA C. LUCIO

PH16-1 Please refer to Common Response 11, provided earlier in this Reponses to Comments Report, regarding quality of life issues.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH16-2 Please refer to response to comment P8-3, provided earlier in this Responses to Comments Report.

PH16-3 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

PH16-4 Page 2-26 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) indicates that the City of Placentia City Council identified Alternative D as the Locally Preferred Alternative at the September 4, 2007, City Council meeting.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH17 RESPONSES TO COMMENTS FROM EMILIO AND JULIA CASTANEDA

PH17-1 Please refer to Common Response 5, provided earlier in this Responses to Comments Report, regarding the transfer of base year values for tax purposes.

PH17-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH18 RESPONSES TO COMMENT FROM MAGGIE RITCHIE

PH18-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH19 RESPONSE TO COMMENT FROM P. WHYTE

PH19-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH20 RESPONSE TO COMMENT FROM RICHARD HIRSCHL

PH20-1 Notices regarding future information and actions regarding the proposed project will be provided in local area newspapers, as part of the City Council agendas, and other formats as appropriate.

PH21 RESPONSES TO COMMENTS FROM ISABELLE HLAVAC

PH21-1 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

PH21-2 Please refer to Common Response 12, provided earlier in this Responses to Comments Report, for information on the design, right-of-way acquisition, and construction schedules for Alternatives B, C, and D. As shown, four intersections are proposed for implementation, followed by the remaining four intersections.

PH21-3 Please refer to Common Response 9, provided earlier in this Responses to Comments Report, for information regarding funding for this project.

PH21-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

PH22 RESPONSE TO COMMENT FROM LINDA LUKOWSKI

PH22-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH23 RESPONSES TO COMMENT FROM ELIZABETH GARCIA

PH23-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH24 RESPONSES TO COMMENT FROM NATHAN GARCIA

PH24-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH25 RESPONSES TO COMMENTS FROM HELEN M DELANEY

PH25-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH25-2 During final design, the OCTA Project Manager and OCTA Project Engineer would work closely with the City of Placentia to ensure that appropriate access is provided to properties in the vicinity of each crossing over the Burlington Northern Santa Fe (BNSF), both during construction and after the grade separation is operational.

PH26 RESPONSES TO COMMENT FROM JUSTIN KAMM

PH26-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH27 RESPONSES TO COMMENT FROM KRISTEN DOWNEY

PH27-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH28 RESPONSE TO COMMENT FROM RICKY SHAH

PH28-1 Please refer to Section 1.0, Purpose of and Need for Project, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which explains the purpose and need for the project, including reducing congestion, delay, and air emissions, and improving public safety at the crossings.

PH29 RESPONSES TO COMMENT FROM RONNI SMITH

PH29-1 Please refer to response to comment B11-1, provided earlier in this Responses to Comments Report.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH30 RESPONSES TO COMMENTS FROM ROD AND BRENDA SUPPES

PH30-1 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

PH30-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH31 RESPONSES TO COMMENTS FROM PHIL LAPUMA

PH31-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH31-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH32 RESPONSE TO COMMENT FROM WESLEY COLLIER

PH32-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH33 RESPONSES TO COMMENTS FROM TERESA ANGECICO

PH33-1 During final design, the need for traffic signals in the vicinity of the improvements would be evaluated using the appropriate traffic standards (warrants) for the designated types of streets and the existing and forecasted traffic volumes on those streets.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH33-2 Section 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) describes the noise levels and sound barriers that were modeled for each of the Orange County Gateway (OCG) alternatives.

Refer also to response to comment P8-3, provided earlier in this Responses to Comments Report.

PH34 RESPONSE TO COMMENT FROM LINDA COLLIER MAHNKEN

P34-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH35 RESPONSE TO COMMENT FROM BONNIE HODSON

PH35-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH36 RESPONSES TO COMMENT FROM KARY ONCU

PH36-1 The proposed Orange County Gateway (OCG) project has been in the conceptual engineering/planning and environmental planning stages since 2001, has been discussed at a number of City of Placentia City Council meetings, and has been in

newspaper articles since 2001. A public scoping meeting was held in 2001 that included substantial notice to the public about the proposed project. In addition, the public was afforded many opportunities to comment on the project at City Council meetings. There have been periods in the past when funding was limited or temporarily unavailable, but the City's position from the initiation of this project was that the project would proceed and the City and the Orange County Transportation Authority (OCTA) would proactively seek funding for it.

It should be noted that the City has received grant funding in the past that was used for the completion of the Melrose Avenue and Placentia Avenue Grade Separations and the closure of the Bradford Avenue at-grade crossing. However, as a result of the State budget crisis, funding for the Placentia Avenue Underpass has been delayed. It is possible that the Placentia Avenue Underpass was the project referred to when the commenter spoke with the City rather than the OCG project.

Please also refer to Common Response 6, provided earlier in this Responses to Comments Report, regarding the public information process for the proposed OCG project.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

PH37 RESPONSE TO COMMENT FROM KAY GAMBOA

PH37-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH38 RESPONSE TO COMMENT FROM DANNY R. GARLOCK

PH38-1 Please refer to response to comment PH2-1, provided earlier in this Responses to Comments Report.

PH39 RESPONSES TO COMMENTS FROM BOB KNIGHT

PH39-1 The proposed project would not result in any change to the existing or projected future rail activities. Therefore, no avoidance, minimization, or mitigation measures were proposed to reduce the rail noise impacts. However, the Orange County Gateway (OCG) Build Alternatives would eliminate the existing at-grade crossings with the result that there would be no need for conductors/engineers to use train whistles in the future.

PH39-2 Please refer to response to comment PH39-1, above.

PH39-3 Please refer to Sections 3.13, Air Quality, and 3.14, Noise and Vibration, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which indicate that the OCG Build Alternatives would not result in adverse air quality and vibration impacts and that the project-related noise impacts would be addressed with sound barriers.

PH39-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH40 RESPONSES TO COMMENTS FROM JOANNE ROBINSON

PH40-1 The proposed Orange County Gateway (OCG) project would not result in any changes in rail facilities, train volumes or train impacts.

Please also refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the Burlington Northern Santa Fe (BNSF) corridor.

PH40-2 In the current preliminary engineering designs, the railroad lowering alternatives (B and C) would allow for additional green space. All the OCG Build Alternatives (B, C, and D) would include landscaping and aesthetic features in final design to enhance all three jurisdictions (the Cities of Placentia and Anaheim and the County of Orange) where the project is located.

PH40-3 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH41 RESPONSES TO COMMENTS FROM ERIC ESTES

PH41-1 Please refer to response to comment P15-4, provided earlier in this Responses to Comments Report.

Please refer to Common Response 11, provided earlier in this Responses to Comments Report, regarding quality of life issues.

Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH41-2 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH41-3 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

PH41-4 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH41-5 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

PH42 RESPONSE TO COMMENT FROM JERRY AND AVIS BENNING

PH42-1 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

TRANSCRIPT OF VERBAL COMMENTS RECEIVED AT THE JULY 24, 2008, PUBLIC HEARING AND RESPONSES

A number of members of the general public provided verbal comments to the court reporter, who was available at the July 24, 2008, public hearing to take verbal comments from meeting attendees. The transcript of those comments is provided on the following pages and is in turn followed by the responses to those comments.

PUBLIC HEARING

ORANGE COUNTY GATEWAY - EIS/EIR

FOR THE CITY OF PLACENTIA

IN THE MATTER OF)

)

ORANGETHORPE CORRIDOR PROJECT)

)

)

ORIGINAL

PUBLIC COMMENTS

201 N. BRADFORD, BACKS COMMUNITY BUILDING

PLACENTIA, CALIFORNIA

THURSDAY, JULY 24, 2008

Reported by:

LAURA A. MILLSAP, RPR

CSR No. 9266

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PUBLIC HEARING

ORANGE COUNTY GATEWAY - EIS/EIR

FOR THE CITY OF PLACENTIA

IN THE MATTER OF)
)
ORANGETHORPE CORRIDOR PROJECT)
)
_____)

PUBLIC COMMENTS

201 N. BRADFORD, BACKS COMMUNITY BUILDING

PLACENTIA, CALIFORNIA

THURSDAY, JULY 24, 2008

Reported by:
LAURA A. MILLSAP, RPR
CSR No. 9266

PLACENTIA, CALIFORNIA; THURSDAY, JULY 24, 2008

4:00 P.M. - 8:00 P.M.

MR. ECKENRODE: My name is Norman Eckenrode, E-c-k-e-n-r-o-d-e, like you rode a horse. 1329 Orleans Drive, Placentia, California, 92870.

I'm in the city of Placentia, and the overpasses and underpass plan does not adequately meet the needs of the citizen of Placentia for a number of reasons.

Number one is that undergrounding and over -- the overpasses, doing the overpasses and underpasses creates a dilemma for not only the City of Placentia but Special Districts in that a number of properties will have to be eminent domained, and the City and Special Districts, such as Placentia-Yorba Linda School District, will lose millions of dollars in tax revenue over the course of the years. T1

And we can avoid this by lowering the railroad 35 feet in the ground, just like Los Angeles County did with the Alameda Corridor, and charge -- what they did was $2 per container, and costs like $1.7 billion. But the Alameda Corridor Agency received all their money back within four years. T2

Same thing could be done here. We'd have to T3

have some cooperation, though, with the OCTA, and perhaps some other agencies that are effected along the right-of-way.

Just the figure that's used, a little over $300 million, to do the overpasses and underpasses is a figment of someone's imagination. Because, for example, the Rose/Orangethorpe intersection, which both streets are considered arterial highways, there's a mobile home park with around 160 mobile homes behind the commercial development.

The average price of those units are $150,000 a piece. And my math says that that's $24 million, which is far -- well, the agent, or whoever it is, who's making this estimate, the intersection is supposed to be around a little over $35 or around $35 million.

But you'll have to take that property, the business on the corner, plus property on the northwest corner, because these two streets are arterial highways, and you must put in cloverleafs. And I understand from the plans that someone has said that they can only -- they only need to take six or eight pieces of property in the mobile home park.

However, the new state regulations in redevelopment and eminent domain say that if the property owner feels as though that the taking adversely effects

T3

T4

T5

their property, you're -- they can request that the agency take the full piece of property.

In this case, the full piece of property would be $24 million plus relocation assistance. And we have ticketed in there for around about $35, $36 million. It's going to cost closer to $50 million for one intersection.

And in time, the entire undergrounding -- I'm sorry -- the entire overpass/underpass scenario is really going to cost well over $500 million, because this project is not going to get started until 2012.

It will be best to go back to the original plan of 1998, where we were to put the railroad 35 feet in the ground, similar to the Alameda Corridor, which works. You don't even know that there's a railroad. You don't even know that 150 to 200 trains a day are going from the Ports of Long Beach and Los Angeles to downtown Los Angeles, because you never see will railroad cars.

Okay. So my recommendation is that we go back to Plan A, which is the underground or the lowering of the railroad 35 feet in the ground. It will work. Okay.

Thank you.

(Pause in proceeding.)

MS. YANG: My name is Kyuwon Yang, K-y-u-w-o-n, last name Y-a-n-g. 1204 Orangethorpe Avenue, Placentia,

T5

T6

T7

T8

CA, 92890.

I understand this project, and we know that you have to do it. We're a small business owner on Rose and Orangethorpe. Six months ago, before we bought the business, we went to the City and asked if there were any projected plans or, you know, anything to effect our business, and they said that there wasn't. If there was, we wouldn't have bought the business in the first place.

And we've been investing money, you know, like for the past six months advertising, and trying to get the alcohol license. We went through a procedure, a fairly long procedure. But it was quick and easy, painless. We got approved for the alcohol license.

And so, of course, you know, we're investing right now to raise the value of our business, and, you know, to have more money for ourselves. And we're planning to sell it, you know, like double or triple whatever the property value.

We want to sell it for a profit, but we feel really helpless right now, because our investments -- that they're not tracked, because -- as a matter of speaking, because advertising, you know, is paying, like, Hispanics to go around the neighborhood for days at a time, and we pay that person. So it's not tracked. So even if the appraisal were to come in 2011

T8

T9

or 10, we can't exactly say, "Oh, we spent this much on advertising."

If we were -- because we want to, you know, grow our company, we have to invest more money. But now we feel helpless, because we can't, because it's kind of like we feel that it's useless now, because if it's a projected building project, and certain homes are going to be relocated, then it would, of course, directly effect our business.

And we also cannot sell, because any buyer who finds out this plan, this maybe plan, that may happen, may change, very unstable plan, they are not going to want to buy it.

And also, we were supposed to open escrow, because my mom's friend wanted to buy the business this coming around Monday, but two days ago, we found out about this. And immediately, that night, which was yesterday or something, it's canceled. So we can't sell it anymore.

So because of this projected plan, we can't sell it. We can't invest any other money to make it better, because everything's so unstable, and it's going to change. And so we were just wanting to know, Will we be protected? Will we be -- basically one word. How are we going to feed ourselves during this process while

T9

we're waiting around for an answer from the City? What are we supposed to do if this process is finalized and approved?

We can't -- we can't do things to make our company grow or to make better business. We're losing money. We have a lot of loans. What she said earlier to me was something about, like, the bank loans that we have, even if we do get appraised for a certain amount -- hopefully it's more, but if it's less than what we initially invested, again, which are not written down, so we can't prove anything -- then we lose out a lot of money.

Because we just recently got approved for the alcohol licensing, it's projected 30 percent increase automatically when you get the license like that. That's what studies prove. We were looking forward to that increase.

But I just want to state to you that it's really going to cost us a lot of money. And through personal experience, our family has once gone bankrupt before. So we're, like, really scared.

So how will we be protected if everything doesn't go, you know, if everything goes against us? If everything does not go towards our favor? We just barely got our feet up after that, you know, after going

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bankrupt. It's been 12 years, and we've just barely reestablished our credit, you know.

We -- yeah. So we barely -- we just barely got our feet planted back into, you know, like, the world, and we're just ready to, like, grow and not look back. But we feel -- like, we feel like our hopes and, you know, dreams of living the American life, you know. It's just -- we feel like it's been, you know, like we trade.

Especially because we asked before to the City six months ago, Is there any building projects? Will there be anything that will effect our business? We're not saying in any way that you hid it from us, but why were my parents told that there wasn't a building project when there was? And especially if this is a 11-year-old plan. I hope it's not due to miscommunication, but they weren't aware of anything like this.

We know that it's just a plan for you, but we're not ready to and we know that we can't be strung long and just wait during that process for two or three years waiting if the plans are going to change or waiting to know what our appraisal value is or relocating where everything is so unstable.

And we realize and appreciate what the City is going through, you know, to make this project happen,

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because, of course, it's for, like, the future benefit, and we respect that.

But coming from the inside of what our family has been doing, we started our first business with no money. We took out a home equity in a desperate attempt to make something of ourselves, and, you know, survive.

We took out our home equity. My mom buys -- she bought, you know, the restaurant at a really low price, and she looks for properties that are, you know, not doing so well or -- so they are desperate to sell. We get that, and we get all pretty. We put our blood and sweat into it, and then we attempt to reap off the benefits.

Through our business experience, we require about $25,000 in order to set up a business. And this is our, you know -- a specialty restaurant. But for us, that's what our cost has been. And this is our fifth one, and -- but still, it -- of course, even just as much as the first and the last, every restaurant effects us immensely. So this is a big thing for us.

Regardless of business value or not, what my mom is trying to say is that we -- anyone requires $25,000 so set it up, you know, decorating, inside the kitchen, remodeling, you know, like the approval for the fire department, safety regulations and everything.

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And so we're going to be left with nothing, because, even if this does process through, we won't have any money. Our loans won't be paid off, even if we do get appraised fair value. And every month until the plans are finalized, we're desperately asking you, Are we going to be protected? So basic bottom line question is, How will we be protected?

Thank you.

(Pause in proceeding.)

MS. MEYERS: My name is Cheree, C-h-e-r-e-e, Meyers, M-e-y-e-r-s. 250 S. Rose Drive, space 163, Placentia, CA, 92870.

Okay. I live in the mobile home park, and I sold my house -- this October will be four years ago. And I could have moved anyplace, and I chose to move to Placentia, because I thought I would have it for retirement.

And now, on the Proposal D, they want to take that away. Well, I know it's probably the cheapest route to go, but they're going to be displacing people that can't afford to go anyplace else.

I used to work for the City of Pico Rivera. I was injured, had to retire. I make half of what I made when the City there when I retired. I can't go rent an apartment with my salary. I can't go rent a house. But

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I own my place.

I paid $131,000 for it. Thought that would be my retirement. When my mom passes away -- she's in a senior mobile home over in Fullerton, and I would take that, and then the money I would use for, you know, retirement. Well now, I can't even put my place up for sale with this looming -- that I have to tell buyers about it. And one of the mobile homes down on the corner of me, it did sell. They backed out when they found out about it. And it has sat there all year because of this.

And right now, my mom is in Placentia-Linda with terminal cancer. So it looks like I'm going to be getting her mobile home. So I have a place to go if I had to, but I need to get my money out.

That's what I'm concerned about is, How are they going to reimburse us if they take our mobile homes? Are they going to give us what we paid for them? I just bought it in 2004. And these things I need to know.

And I think the A, B and C are much better, because they are not putting people out of their mobile homes on the corner of Orangethorpe and Rose. And if we're staging equipment, they can stage that equipment kitty-corner from where the 7-11 is is a water district. It's all dirt area. They could stage equipment there. It is such a big area. They wouldn't need to stage it

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on -- where 7-11 is. They could use that land. I mean, it's not even 5 minutes away.

So basically I don't want to be put out of my house. I chose that spot. I paid more for my place to be right where I was. I wanted to be in Placentia. I would prefer to stay there and sell my mom's place if I had to. But now this is happening. I don't know what I'm going to do. But I really don't want to be put out of my house. I think that's it.

I think they should let the people vote. And then this way, they would get a true aspect of what the people want instead of letting the City Council go ahead and take the cheapest route, you know. The people know what they want for their city because they live there.

Thank you.

(Pause in proceeding.)

MR. MELIA: My name is Patrick Melia, M-e-l-i-a. 437 Hillcrest, H-i-l-l-c-r-e-s-t, one word, Avenue, Placentia, 29870.

My main concern is people are coming in with biased information or not the total truth. And the way the presentation is set up, they are not going to understand what the real plan is, and they will leave with still not knowing the total facts. That's my main issue.

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The other issue is we should have done the trench, because the trench would eliminate the eminent domain issues at all the crossings. Plus, it would solve the vibrations noise problems, and anybody else walking on the tracks committing suicide, whatever. If you have it buried in a trench, you solve those problems. T20

I realize it's impossible at this point -- nothing is impossible, but because of the money -- because you've got to have all the money to do the trench. But I think that would have been the right decision to do that at that point and for us to push to get the money. So that's basically it.

Thank you.

(Pause in proceeding.)

MR. JIMINEZ: (With Spanish interpreter.)

My name is David Jiminez. 250 South Rose Drive, space number 136, Placentia, California, 92870.

He wants to know if Plan B favors him and his family. All his kids have been born in that same area, and they do not wish to move. They love the area. It's beautiful. They would hate to leave the area. That's why they attended today's public hearing, because the Plan B favors them. T21

Thank you.

(Pause in proceeding.)

MR. EKSTROM: Alan, A-l-a-n, Ekstrom, E-k-s-t-r-o-m. 4584 East Meadowhill. It's in Anaheim, 92807.

So then I'm in favor of the C Plan, the one that takes the trench from Bradford to Kellogg -- I think it's the C. And then the reason for that is the overall change to the way the roads work now would remain pretty much the same. T22

The concerns that we have about taking the overpass is depreciation of our property and added noise from the traffic and the cost -- well, the overall esthetic quality of the walls that would have to be built in order to prevent the noise. T23

So in my opinion, looking at the trench, the noise factor would be taken care of from it being lower, and any issues that -- having to do with water drainage would be taken care of with less cost than all the rest of the construction involved in the overpasses. T24

Thank you.

(Pause in proceeding.)

MR. BAKER: Baker, B-a-k-e-r. First name is Randy. Address, 250 South Rose Drive, number 6, Placentia, 92870.

My thing is that I'd like them to go with Alternative D, which, I believe, is the T25

under -- below-grade alternative. That's basically it.

MRS. HANEY: Nathan and Helen Haney, H-a-n-e-y. Address is 3519 West Flower, Fullerton, 92833.

And we own property on Van Buren, and we oppose the project, and we need more information.

MR. HANEY: 513 South Van Buren.

Okay. We object to Alternative D.

Thank you.

(Pause in proceeding.)

MS. WALES: My name is Debbie Wales, W-a-l-e-s. I live at 250 South Rose Drive, space 169, in Placentia, in Del Cerro Mobile Home Park.

I live with my sister-in-law, her two daughters and two grandchildren. This park is clean, safe and affordable housing with 171 families and approximately 3- to 400 people living there, including children and elderly. Most of the people who live there own their own home and pay the space rent with utilities. Our children go to good schools, the park is safe, beautiful and clean.

There are also a lot of elderly who live there who have a fixed income and cannot afford, like the rest of us, to move, nor do any of us want to. In my household, nobody can afford to be relocated, as we do not qualify for housing, and we're not talking about

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Section 8. If you take our park, where will we go? I know the majority of us live from paycheck to paycheck.

Plan B and C, by information on your own Web site, the City of Placentia Web site, has a Recognizance -- Recognizance Phase Report Railroad Lowering Project, the City of Placentia, which I'd like to read some from this report. This was prepared by Management Facilitators, Incorporated, and John M. Tettemer and Associates.

"Conclusions and recommendations:

"Number 1, a lowered railroad project is physically possible. The June 1996 report prepared by OCTA and the findings by MFI and JNT during the recognizance phase did not discover any technical problem which cannot be solved by using established engineering principles during the design phase.

"Number 2, the value between constructing standard grade separations or constructing a lowered railroad for this project must be compared on the basis of constructing standard grade separations at Lakeview, Richfield, Van Buren, Jefferson, Orangethorpe, Rose, Kraemer, Bradford and Melrose, with the cost of a lowered railroad for the same streets.

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"When this comparison is made, the cost differential between a lowered railroad and a standard grade separation is minimal.

"Number 3, the economic, social and environmental benefits derived from a lowered railroad are of immensely greater value than the minimum cost differential between the lowered railroad and standard grade separations through the City of Placentia.

"Number 4, the City of Placentia should serve as the lead agency for the lowered railroad project.

"Number 5, the City of Placentia should approve this Recognizance Phase Report, and immediately proceed with the project funding and implementation phase. T29

"Now, the cons regarding the lowered railroad were -- some of the concerns were flooding and fire. Again, John M. Tettemer and Associates was retained to study this problem, and the report is incorporated herein.

"Their basic conclusion is that the railroad concern about flooding can be solved by using well established engineering principles and techniques during the design phase of the

lowered railroad.

"The flooding problem should not serve as a project killer. The report will be extremely helpful in overcoming this and many other technical problems we will face in the future stages of the project."

Now, I'm going to reference an example from the same Recognizance Report Alhambra Railroad Lowering Project.

"After the City Council was shown the value of not having fire, ambulance and police vehicles delayed by freight trains and recognizing the economic benefits to be gained by the City by being able to develop all four corners of Atlantic, Garfield and Fremont with the lowered railroad, they endorsed the concept.

"Once the City Council designated the lowered railroad as a preferred alternate, we were able to convince the other agencies how wise this decision was, which was critical for funding request.

"The same concepts we used in Alhambra could be used for the Placentia Railroad Lowering Project. Alhambra undertook the railroad

T29

lowering concept even though no one had ever tried one before. They were immediately told by the railroad and other agencies the many reasons why the idea wouldn't work. Even though there wasn't a funding source for the project, the City made a substantial financial commitment to try to develop the project.

"After the project was completed ten years later, the City was happy that they had made that commitment."

Aside from the Web site the City of Placentia Recognizance Phase report, also, it is my understanding that the City of Placentia a few years ago was given $50 million towards this plan for the lowered railroad. And since, there has been City Council members fired or let go. Because there's approximately $13 million or less left and no accounting for the monies gone, where is the money?

If you are for the citizens of Placentia, you are not putting in over -- you are not for putting in an overpass on Rose Drive, Tustin Avenue, or any of the other streets. There can be no good to displacing all the citizens, businesses, and not to mention all of the pollution from the construction of the overpass, which supercedes the pollution of the lowering of the railroad.

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Do you have a site for relocating us in another beautiful park? What are you going to do when all of the people who have physical illnesses and elderly get sick from the construction of the overpass? T32

I lived in Westminster, where there were constructing the 22 Freeway, and my apartments were not even as close as all of these homes are. It also had a wall for the freeway, and many people got sick from the dust, dirt, and the pollutions flying throughout the air. T33

Are you willing to have prospective lawsuits against the City for all these issues? There are so many people who are Placentians who are against this. And if you care about the people of Placentia, you will lower the railroad versus the destruction of Del Cerro, many other homes and many businesses that it will effect. T34

My phone number is 714-605-1773. My e-mail is DJDJWALES@Yahoo.com.

Thank you.

(Pause in proceeding.)

MRS. BIEGLER: Kevin and Michelle Biegler, B-i-e-g-l-e-r, 1040 Moreno Way, Placentia, California, 92870.

MR. BIEGLER: My concern is property value. It's the bottom line. Because right now, as my home sits, it sits directly on Orangethorpe, but I'm about a T35

30- to 40-foot bluff above Orangethorpe, so the sound is somewhat muted. The exhaust from the cars is down there.

According to Alternative D, you're actually raising up Orangethorpe, which would become practically eye level with my backyard. Therefore, the noise, the pollution, the ugliness of having cars in direct view of my home, that many cars, would obviously destroy what property value I have left anyway. T35

I just hope to God you guys are fair about this. Because if I owe $500,000 on my home, and after putting a bridge in my backyard, my home's value is $300,000, how am I going to be compensated? T36

MRS. BIEGLER: Or can you just take our home and give us full value for it, plus whatever we own on our loan, plus moving costs? So that way, we can relocate, and we don't have to deal with the traffic, the noise and the pollution. Because we didn't buy a home -- T37

MR. BIEGLER: Knowing that a bridge --

MRS. BIELGER: Yeah. We didn't know that a bridge, or we wouldn't have purchased it.

MR. BIEGLER: -- was going to be in our face.

And at the same time, as far as eminent domain is concerned, if we owe $500,000 on our home, and it is deemed worth $400,000, who's coming up with the $100,000? T38

Thank you.

The bottom line my concern is, is that someone needs to meet me in the middle and be ultimately fair about this. Because I am in super direct -- I don't know how to say it, but I'm in extreme direct impact of this whole project. And it's -- I just hope people are fair about this. Because this is -- I don't know. T39

MRS. BIEGLER: It really effects ours lives big time and our children's lives.

MR. BIEGLER: I'm 35 years old, I have a 3-and-a half year old, and I have a half-year-old, and, you know, we're just starting a family and getting things going, and this is going to throw a big curve ball. I'm just speaking in slang.

MRS. BIEGLER: That's okay.

Thank you.

(Pause in proceedings.)

MR. HODSON: Jerry and Bonnie Hodson, H-o-d-s-o-n. I live in space number 74 at Del Cerro Mobile Home Estates, 250 South Rose, space number 74, Placentia, California, 92870.

Well, I started out environmental, which is what this meeting is supposed to be about. And it says it's a group concern with the protection of the environment, of which I hope that this group that's going to be before us tonight is part of. T40

And in the Placentia News on July 3, 2008, Troy B-u-t-z-l-a-f-f, Butzlaff, I think it is, stated, "Our goal is not to take anybody's property." And on the front page of the Placentia News, it shows a picture of one of our homes in the park, and it says, "In the way."

We have 171 homes in this facility, and it's one of the nicest family parks in the area. We have a lot of homes that are over $200,000 each. Ours is worth about $175,000. And it's a friendly and safe area to live in.

You can walk the streets at night, which a lot of us do, with no problem of any -- any danger or any problem at all from the outside. Everybody watches the each other, and they take care of each other. When people go on vacation, they watch their houses. So we are a very well-kept and close-net park.

And it's always clean, and it's well-kept, and there is a lot of seniors that live in this area, and they are on a fixed income, and they could not afford to move. We like our park and are very happy here.

The overpass could possibly take a portion of the park, or it could take the entire park. And the strip mall down below, of which there's several businesses down there that a lot of us use on a daily basis, like the 7-11, there's a restaurant, dry cleaners,

T40

and there's a bar there, of which has very good food.

And just southwest of us is a water supply reservoir. And we all know something will have to be done with the flow of traffic and the amount of trains and the longer trains that's going to be coming through this area. All we ask is that we just don't want to lose our home in the process.

Thank you.

(Pause in proceedings.)

MS. PROCTOR: Linda Proctor, P-r-o-c-t-o-r.

MS. HEGGERTY: Gina, G-i-n-a, Hagerty, H-a-g-e-r-t-y.

MR. HAGERTY: Richard, R-i-c-h-a-r-d, Hagerty, H-a-g-e-r-t-y.

MS. PROCTOR: What my concern is that we have purchased this coach for Gina and Richard. My concern -- and they have lived there for 13 years very happily, and I feel very comfortable with them living in that environment versus an apartment. This is something that they can afford.

And I feel that if the park is eliminated, it's going to be really difficult to find them a safe home. Okay? That's my concern is, you know, we found something, and my husband and I aren't always going to be here, and we felt like we had them pretty well set up in

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something comfortable and safe. It's such a lovely park. And that's my concern, that I don't really want that big headache.

MRS. HAGERTY: Same thing.

MR. HAGERTY: Same thing.

MRS. HAGERTY: I don't make a lot of money, so --

MS. HODSON: Because of their learning disability, Gina and Richard don't make a lot of money. It's not like they can go out and work. They are living within their means.

Okay. Thank you.

(Pause in proceedings.)

MR. BAHRA: Ron Bahra, B-a-h-r-a. 5042 East Tango Circle, in Anaheim, 92807.

And my comment is I've reviewed all of the plans, and it's my opinion that the Option B would be the best option, because it doesn't affect any of the property values, which the one the City took would definitely lower a lot of people's property values, mine being one.

Because it would put an off-ramp right next to my house leaning up and over, where right now there's a grocery store. They are proposing tearing that down and putting an off-ramp up. How high, I don't know.

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I believe the trench option lowers no property values and, in fact, enhances everything and provides for better landscape. If you look at the drawings, the landscaping is very beautiful on those options.

So I am -- would like to just go on record as letting them know I would like Plan B. And in lieu of Plan B, I would settle for Plan C, which is a shorter trench. And that's all I have to say.

Thank you.

(Pause in proceeding.)

MS. LINAM: My name is Julie Linam, L-i-n-a-m. 250 South Rose Drive, space number 3, Placentia, 92870.

My suggestion is to close the access to Tustin from Rose, based on the fact that Alternative D looks like it's possible to take place. And if that were the situation, I think that would be beneficial to the residents in that area.

I understand it's a thoroughfare, but I also notice that most of the traffic could be just diverted to Kraemer or Imperial Highway, especially when Imperial is finished, because they are doing the construction there as well.

And the 91 Fast-Trak, the access to it is Kraemer. It's not Tustin. And so if anybody wants to get on Fast-Trak to go towards Corona, they have to get

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on at Kraemer. So that's my view point.

Thank you.

(Pause in proceedings.)

MS. GIUSIANA: My name is Luann Giusiana. First name is L-u-a-n-n; last name is G-i-u-s-i-a-n-a.

And I own a manufactured home at Del Cerro, space 171. I recently was married, so I've got my place for sale. And I've had people that have been interested in it, but now I have to disclose to them -- since this has been in the paper, I have to disclose to them that, you know, this project could take place, and that the house could potentially be gone in a year and a half, two years, whatever.

And so I've been damaged that nobody wants to write an offer or buy the house. And even in trying to rent the house, I'm not able to, because most people want a little bit longer term. And they don't want the uncertainty of not knowing what's going on with the property.

So I'm damaged, I'm paying space rent every month of close to $800. And I just want to go on record that I don't know what to do, you know, at this point. If somebody would like to buy me out, I'd love to just sell it and be out from under it. Or if anybody has any suggestions, that would be great.

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Okay. Thank you.

(Pause in proceedings.)

MS. EWING: Lynn Ewing, E-W-I-N-G. And it's 250 South Rose Drive, space 15, Placentia, 92870.

And my main concerns are the loss of low income housing, loss of my home, loss of my friends' homes, people that will have a very hard time re-establishing at our age in life.

And even if, you know, we're compensated, there will be taxes on that. There are outside expenses that won't be covered. There's lot of homes in there that aren't able to be moved. And they had -- these people have no money to put down on a new home to purchased to start over.

T47

And I purchased my home eight years ago at $70,000. I still owe 50 on it. The new homes are going in at 250. I can't afford that. I'm a single person. I'm at the end stage of my life. I only have about six more years to work before retirement age, and I just can't start over. I put all my savings into this house, and I can't lose it.

I also researched this area. There's no spaces available. When I moved in, this was the only space I could find. There's lots of homes for sale but no place to put those homes when you buy them. So relocating is

going to be extremely difficult for 171 families.

And I thinks there's many people in there that are retired. Their homes are older. They have no value, but they can't afford to replace them or to move into something new. And we need to keep some affordable housing in this community.

If they could do the trains where they are underground, it may cost more, but it would sure save a lot of families, families who have rights, taxpayers who have lived in this community all their lives, paid into the city, paid into the state, and they need a place to live.

And my next door neighbor lives in an older home, and her concern is for the retired people as well. And he's in her late 50's, and her house cannot be moved because it's over 20 years old. And to find a new spot for her is going to be very difficult also.

She wrote down some things. I should find it. She gave me questions. She has a daughter who's extremely ill right now. She couldn't come tonight. She has to do wound care on her daughter.

And so we need some choices about -- now, the park has told her she has to make improvements with $5,000. Now, she needs to know what's happening to know whether she should be putting any money into her house to

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save her spot, or whether, you know, she should, you know, stop paying now, and can the park make her make these improvements now that all these things are pending?

So, you know, you just need to save our homes.

Thank you very much.

(Pause in proceeding.)

MR. PETEL: Nidesh, N-i-d-e-s-h. Last name is Petel, P-e-t-e-l. And I live at 1737 North Bubach, B-u-b-a-c-h, Anaheim, California, 92807.

MR. RAPPORT: I'm his next door neighbor, Evan Rapport, R-a-p-p-o-r-t. 1749 North Bubach Street, 92807.

MR. PETEL: My comment is, like, behind my backyard, they are going build a 24-feet-long wall. It's going to be causing the pollutions and the air is not going to move. And the sun, even -- I cannot see the sun after 2 o'clock. And the carbon monoxide level is going to go up. It's also going to go up because the pollution is going to gather there. That's going to be especially tough.

MR. RAPPORT: The problem we have is they are going build a 20-foot wall behind our house, 24 feet, and we're going to lose sun, the road's going to be noiser. We would -- they probably are going to be going with this -- was it Option D?

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MR. PETEL: Um-hum.

MR. RAPPORT: And we want to be looked at just getting -- buying out all four houses. Because the loss of value is just going to be too great, and the loss of, you know -- we can't have plants in our backyard. We're not going to have any sun. It's just not going to be good for these four houses. T52

MR. PETEL: Because air quality care is not going to move. Because if it is blocked, you know, then all pollution is going to come in there. It's going to collect there in the four houses. T53

MR. RAPPORT: There's a couple options that, you know, with buying our houses, they can give us a loss in value, buy us out, you know -- that's all I can think of, I guess. T54

MR. PETEL: That's good enough.

MR. RAPPORT: Thanks.

(Pause in proceedings.)

MS. LUCIO: My first name is Linda. And the last name is Lucio, L-u-c-i-o. And my address is 250 South Rose Drive, space number 17, Placentia, California, 92870.

Okay. One of my big concerns in regards to this Alternative D that the City seems very enthusiastic about is that from Volume 1 of the Orange County Gateway T55

Project, on page 1-11, it talked about how Alternative D is the Railroad's preferred alternative.

And my concern is that this project is being driven by the Railroad's desires and not taking into consideration what's best for the community, especially in the neighborhood of Tustin-Rose and Orangethorpe.

I live in the mobile home park on the northeast corner. And my biggest concern is, if they decide to take that park, the affordable living that exists in Placentia will disappear. Because there are only four parks in Placentia, two are seniors and one, which is located on Placentia and Orangethorpe, is only single wides and not even half as nice as the park we live in at Del Cerro.

And the another concern I have is that if they were to take the park, would they rezone someplace else in the city to compensate for what they take if they were to acquire the whole park through eminent domain?

I also have concerns about the visual impact with the overcrossing. They talk about it being an urban landscape. And with urban landscapes comes urban blight. I wonder if they have even thought about addressing that.

That if they've even considered other options, maybe making things a little smaller in terms of the connector road in that corner, designing it in such a way

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where they don't take as much of the park, that -- I don't want to feel like we are -- we have no voice because decisions have already been made. That's a very big concern of mine.

Also, I'd like to know -- another concern is way back on September 4, 2007, during one of the City of Placentia City Council meetings, they made the decision to select Alternative D, and it's only now, almost a year later, they're having public hearings and letting the public have an input, and then telling us in 45 days, to August 11th, we have the only opportunity make our voices heard.

And so I'm very concerned of the fact that the City has already considered this a done deal, that they are going with Alternative D no matter what the people say, even though they have shown us Alternatives Bs and Cs, which would be just as useful in the location that they are talking about.

And that I'm very worried that maybe they are -- the City is not being honest with us in their dealings with how this project is being handled.

And I think that's about it, and I thank you so much for your time.

(Pause in proceedings.)

MS. ONCU: Kary Oncu, K-a-r-y, O-n-c-u. 1017

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T60

Davis Way in Placentia, 92870.

I'm a homeowner. I bought my home approximately a year ago. Closed in June of '07. Before I went into the contract with the purchase of the house, I called the City and asked about the trains and what was happening with them.

At that point in time, they had said that the fund was exhausted, and that they were done. I mean, they couldn't go any further, that there were silencing the trains. That project was almost done. And that the trains -- the whistles would be ending. The first time I talked them, I think the train whistles were stopping in June. T61

I talked them again later because the trains continued to blow. And, again, I think they told me it had moved the date the third time to, like, now the date was in August.

I didn't know what I didn't know to ask. I really feel like the City should have told me that just because the funding wasn't there currently, that the plans were still in place and this is some of the things that were going to be happening in that area.

If I had known there were more plans being, you know -- if I had known the plans were still in execution mode, I honestly believe I wouldn't have bought down

there. Now my property value is going to be just next to nothing, because I have to disclose, if I want to sell, what the city is going to do, and the federal -- whoever the other train entities are.

According to the plans, my place isn't directly affected. So I've been told in the other room that there's no compensation for that. But clearly I'm going to be impacted, and it's a major concern for me, obviously. So I just feel the City should have given me the information prior when I was asking about what was going on with the trains.

So, that's it. Thank you.

(Ending time: 8:00 p.m.)

T61

CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

The undersigned Certified Shorthand Reporter of the State of California does hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth;

That the foregoing proceedings were recorded stenographically by me and were thereafter transcribed, said transcript being a true copy of my shorthand notes thereof.

In witness whereof, I have subscribed my name.

DATED: AUG 0 1 2008

Laura A. Millsap

9266

CSR #

T1–T61 RESPONSES TO VERBAL COMMENTS PROVIDED TO THE COURT REPORTER AT THE PUBLIC HEARING ON JULY 24, 2008

RESPONSES TO COMMENTS FROM NORMAN ECKENRODE

T1 Please refer to Section 3.4.2 in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a summary of the anticipated losses in property and sales taxes under Alternatives B, C, and D.

T2 Comments noted. No response necessary.

T3 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

T4 Comment noted. No response necessary.

T5 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

T6 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please refer to Common Response 8 provided earlier in this Responses to Comments Report for updated project costs.

T7 Comment noted. No response necessary.

RESPONSES TO COMMENTS FROM KYUWON YANG

T8 Comment noted. No response necessary.

T9 Comment noted. No response necessary.

T10 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under

CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T11 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T12 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T13 Please refer to responses to comments PH36-1 and P49-5, provided earlier in this Responses to Comments Report.

T14 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM CHEREE MEYERS

T15 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

T16 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T17 The construction staging areas for Alternatives B and C are shown on Figures A.1 and A.2 in Appendix A of the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR). The construction staging for Alternative D would occur within the total right-of-way for each intersection as shown on Figure A.3, except for one temporary construction easement needed at the Kraemer Boulevard undercrossing.

T18 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under

CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM PATRICK MELIA

T19 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T20 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

RESPONSE TO COMMENT FROM DAVID JIMENEZ

T21 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM ALAN EKSTROM

T22 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T23 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T24 Please refer to Common Response 8, provided earlier in this Responses to Comments Report, for updated project costs.

This comment is correct in that train wheel noise would be substantially reduced with the trench alternatives. However, the cost of addressing shallow groundwater is not insignificant. The costs of the trench alternatives are substantially higher than for the standard grade separations.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSE TO COMMENT FROM RANDY BAKER

T25 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM NATHAN AND HELEN HANEY

T26 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T27 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM DEBBIE WALES

T28 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T29 This commenter also provided these comments in writing. Please refer to responses to comments P61-1 to P61-19, provided earlier in this Responses to Comments Report.

T30 Please refer to response to comment P61-14, provided earlier in this Responses to Comments Report.

T31 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T32 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

T33 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T34 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM KEVIN AND MICHELLE BIEGLER

T35 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T36 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

T37 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

T38 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

T39 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM JERRY AND BONNIE HODSON

T40 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

T41 Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

RESPONSE TO COMMENT FROM LINDA PROCTOR, GINA HAGERTY, AND RICHARD HAGERTY

T42 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSE TO COMMENT FROM RON BAHAR

T43 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM JULIE LINAM

T44 Tustin Avenue/Rose Drive is a major arterial serving a much larger area than the immediate vicinity of the intersection with the Burlington Northern Santa Fe (BNSF) and Orangethorpe Avenue. Permanent closure of this arterial at the BNSF could result in substantial adverse impacts and is outside the description of the proposed Orange County Gateway (OCG) project.

T45 It is acknowledged that access to the Fastrak is provided on State Route 91 (SR-91) at Kraemer Boulevard. However, access to the mainline freeway is also provided at Tustin Avenue.

RESPONSES TO COMMENTS FROM LUANN GIUSANA

T46 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM LYNN EWING

T47 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T48 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T49 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under

CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

T50 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM NIDESH PETE AND EVAN RAPPORT

T51 Please refer to response to comment P15-4, provided earlier in this Responses to Comments Report.

T52 Please refer to response to comment P23-4, provided earlier in this Responses to Comments Report.

T53 Please refer to response to comment T51, above.

T54 Please refer to Common Response 4, provided earlier in this Responses to Comments Report, regarding the property acquisition and eminent domain processes.

Please also refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

RESPONSES TO COMMENTS FROM LINDA LUCIO

T55 Please refer to Common Response 7, provided earlier in this Responses to Comments Report, regarding existing and potential freight and passenger rail services and facilities in the BNSF corridor.

T56 Please refer to Common Response 1, provided earlier in this Responses to Comments Report, regarding issues that are not environmental issues under CEQA and NEPA and indicating that all comments will be considered by the decision-makers.

Please also refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

T57 Please refer to Common Response 2, provided earlier in this Responses to Comments Report, regarding the estimated property acquisition at the Rose Plaza shopping center and the Del Cerro Mobile Estates.

T58-1 Please refer to Section 3.7, Visual/Aesthetics, in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which analyzes and describes the potential visual impacts of the proposed Orange County Gateway (OCG) project. The existing setting in the project study area is semi-urban and urban, depending on the vantage point in the study area. The Burlington Northern Santa Fe (BNSF) railroad, roads, and industrial and commercial uses define the existing setting as urban. Despite these existing urban elements, blight has not occurred in the project study area. Providing an overcrossing at the Orangethorpe Avenue crossing of the BNSF, as proposed under Alternative D, would add an urban element to the existing setting but would not trigger blight in an already urban area.

T59 Please refer to Common Response 3, provided earlier in this Responses to Comments Report, regarding the refinement of the estimated property acquisition needs during final design.

T60 Please refer to response to comment PH16-4, provided earlier in this Responses to Comments Report.

RESPONSE TO COMMENT FROM KARY ONCU

T61 This commenter also provided these comments in writing. Please refer to the response to comment PH36-1, provided earlier in this Responses to Comments Report.

APPENDIX A

NOTICES

This appendix contains the following notices regarding the availability of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Orange County Gateway (OCG) project for review and comment:

- Notice of Completion and Environmental Document Transmittal (two pages)
- Orange County Gateway Project Public Notice: Notice of Availability of a Draft Environmental Impact Statement/Environmental Impact Report and Notice of a Public Hearing (two pages, English and Spanish)
- Proofs of publication and newspaper notices from the *Orange County Register*, *Yorba Linda Star, Anaheim Hills News*, and *Placentia News-Times* (four pages)
- Spanish language notice from the Excelsior del Condado de Orange (one page)
- Notice from the Federal Register (three pages)

Notice of Completion & Environmental Document Transmittal

SCH# 2002011023

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 916/445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Orange County Gateway

Lead Agency: City of Placentia — Contact Person: Mr. Michael McConaha, Senior Administrative Analyst

Street Address: 401 East Chapman Avenue — Phone: (714) 993-8245

City: Placentia — Zip: 92870 — County: Orange

Project Location:

County: Orange — City/Nearest Community: Placentia and Anaheim

Cross Streets: Crowther Avenue at Bradford Avenue to Orangethorpe Avenue at Imperial Highway — Zip Code: N/A

Assessor's Parcel No. Numerous — Section: N/A — Twp: N/A — Range: N/A — Base: USGS La Habra, Yorba Linda, Anaheim, and Orange

Within 2 Miles: State Hwy #: SR-57, SR-90, SR-91, and SR-55 — Waterways: Santa Ana River, Carbon Creek, and multiple flood control channels

Airports: N/A — Railways: BNSF — Schools: Multiple schools in a 2-mile radius

Document Type:

CEQA:	G NOP	☒ Draft EIR	**NEPA:**	G NOI	**Other:** ☒ Joint Document
	G Early Cons	G Supplement/Subsequent EIR		G EA	G Final Document
	G Neg Dec	(Prior SCH No.)_____		☒ Draft EIS	G Other
	G Mit Neg Dec	G Other_____		G FONSI	

Local Action Type:

G General Plan Update	G Specific Plan	G Rezone	G Annexation
G General Plan Amendment	G Master Plan	G Prezone	G Redevelopment
G General Plan Element	G Planned Unit Development	G Use Permit	G Coastal Permit
G Community Plan	G Site Plan	G Land Division (Subdivision, etc.)	: Other Railroad Grade Separation

Development Type

G Residential:	Units _____ Acres _____	G Water Facilities:	Type _____ MGD_____
G Office:	Sq.ft. _____ Acres _____ Employees ___	☒ Transportation:	Type Railroad Grade Separation
G Commercial:	Sq.ft. _____ Acres _____ Employees ___	G Mining:	Mineral _____
G Industrial:	Sq.ft. _____ Acres _____ Employees ___	G Power:	Type _____ Watts _____
☐ Educational:	_____	G Waste Treatment:	Type _____
G Recreational:	_____	G Hazardous Waste:	Type _____
Total Acres (approx.)	105 acres	G Other	_____

Project Issues Discussed in Document:

: Aesthetic/Visual	G Fiscal	: Recreation/Parks	: Vegetation	
: Agricultural Land	: Flood Plain/Flooding	☐ Schools/Universities	: Water Quality	
: Air Quality	G Forest Land/Fire Hazard	G Septic Systems	: Water Supply/Groundwater	
: Archaeological/Historical	: Geologic/Seismic	☐ Sewer Capacity	G Wetland/Riparian	
: Biological Resources	G Minerals	: Soil Erosion/Compaction/Grading	G Wildlife	
G Coastal Zone	: Noise	G Solid Waste	☐ Growth-Inducing	
: Drainage/Absorption	☐ Population/Housing Balance	: Toxic/Hazardous	: Land Use	
G Economic/Jobs	: Public Services/Facilities	: Traffic/Circulation	: Cumulative Effects	G Other_____

Present Land Uses/Zoning/General Plan Designation:
Present land uses consist of the Burlington Northern Santa Fe (BNSF) Railroad line in the Orangethorpe Corridor, existing roads for possible grade separation (Kraemer, Orangethorpe, Tustin/Rose, Van Buren, Jefferson, Richfield, Lakeview, and Kellogg), and adjacent residential, commercial, public and other uses.

Project Description: The proposed action is an improvement to the BNSF corridor and consists of grade separation alternatives of several major crossings over an approximately 5-mile long segment of the BNSF in the Cities of Placentia and Anaheim and unincorporated Orange County from west of Bradford Avenue to west of Imperial Highway (State Route 90). Alternatives considered are the No Build and three Build Alternatives, including two railroad lowering alternatives and one standard grade separation alternative.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X."
If you have already sent your document to the agency, please denote that with an "S."

_X_ Air Resources Board
____ Boating & Waterways, Department of
_X_ California Highway Patrol
_S_ Caltrans District #12
____ Caltrans Division of Aeronautics
____ Caltrans Planning (Headquarters)
____ Coachella Valley Mountains Conservancy
____ Coastal Commission
____ Colorado River Board
____ Conservation, Department of
____ Corrections, Department of
____ Delta Protection Commission
____ Education, Department of
_X_ Energy Commission
_X_ Fish & Game Region #
____ Food & Agriculture, Department of
____ Forestry & Fire Protection
____ General Services, Department of
____ Health Services, Department of
____ Housing & Community Development
____ Integrated Waste Management Board
_X_ Native American Heritage Commission
____ Office of Emergency Services
_X_ Office of Historic Preservation
____ Office of Public School Construction
_X_ Parks & Recreation
____ Pesticide Regulation, Department of
_X_ Public Utilities Commission
____ Reclamation Board
_X_ Regional WQCB #8 Santa Ana Region (Santa Ana)
____ Resources Agency
____ S.F. Bay Conservation & Development Commission
____ San Gabriel & Lower L.A. Rivers & Mtns Conservancy
____ San Joaquin River Conservancy
____ Santa Monica Mountains Conservancy
_X_ State Lands Commission
____ SWRCB: Clean Water Grants
_X_ SWRCB: Water Quality
____ SWRCB: Water Rights
____ Tahoe Regional Planning Agency
_X_ Toxic Substances Control, Department of
_X_ Water Resources, Department of

____ Other _____
____ Other _____

Local Public Review Period (to be filled in by lead agency)

Starting Date July 27, 2008 Ending Date August 11, 2008

Lead Agency (Complete if applicable):

Consulting Firm: LSA Associates, Inc.
Address: 20 Executive Park, Suite 200
City/State/Zip: Irvine, CA 92614
Contact: Michael Amling, Project Manager
Phone: (949) 553-0666

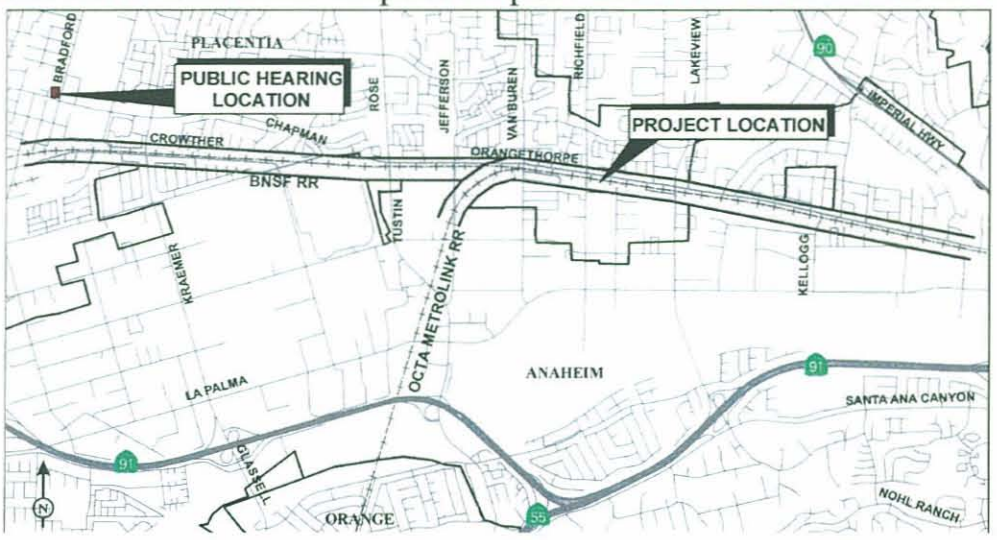
Applicant: City of Placentia
Address: 401 East Chapman
City/State/Zip: Placentia, CA 92870
Phone: (714) 993-8245

Signature of Lead Agency Representative: Michael McConaha **Date:** 6/25/08

ORANGE COUNTY GATEWAY PROJECT

PUBLIC NOTICE

Notice of Availability of a Draft Environmental Impact Statement/Environmental Impact Report and Notice of a Public Hearing



WHAT IS BEING PLANNED?

The City of Placentia, in cooperation with the Federal Highway Administration (FHWA), is proposing a railroad grade separation project called the Orange County Gateway (OCG). The OCG project would grade separate either 7 or 8 (depending on the alternative) existing at-grade railroad crossings located on an approximately 5-mile long segment of the Burlington Northern Santa Fe (BNSF) railroad in northeastern Orange County, in the Cities of Placentia and Anaheim and unincorporated Orange County, along Orangethorpe and Crowther Avenues. The project alternatives consist of three Build Alternatives, two involving railroad lowering and one that provides for standard grade separations, and a No Build Alternative.

WHY THIS NOTICE?

The Draft EIS/EIR, that was prepared pursuant to federal and State environmental laws, examines the potential environmental impacts of the alternatives being considered for the proposed OCG project. The document describes why the project is being proposed, the project alternatives, the existing environment that could be affected by the project, the potential environmental impacts of each of the proposed alternatives, and the proposed avoidance, minimization and/or mitigation measures.

WHAT IS AVAILABLE?

The City of Placentia is hosting a public hearing on July 24, 2008, at the Back's Community Building, 201 North Bradford Avenue, Placentia, CA to provide the community with information about the Draft EIS/EIR. In this "open forum" style meeting, you may attend anytime between 4 p.m. and 8 p.m. to view informational displays and the Draft EIS/EIR. The OCG project team will be available to take your questions, comments, and suggestions regarding the proposed project.

You may visit www.placentia.org to view and comment on the Draft EIS/EIR. The Draft EIS/EIR and technical studies are available for viewing at the following locations during regular business hours: City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870; Caltrans District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612; City of Anaheim, 200 South Anaheim Boulevard, Anaheim, CA 92805, Placentia Public Library, 411 East Chapman Avenue, Placentia, CA 92870, and Canyon Hills Library, 400 Scout Trails, Anaheim, CA 92807.

WHERE YOU COME IN

The Draft EIS/EIR is available for public review and comment between June 27, 2008 and August 11, 2008. The purpose of the public review and comment period is to give interested parties the opportunity to provide their input on the proposed project and the environmental analysis for the project. Comments may be submitted in person at the public hearing on July 24, 2008, via email at ocgateway-eis/eir@placentia.org, or mailed to the following address: Mr. Michael McConaha, Senior Administrative Analyst, City of Placentia, 401 E. Chapman Avenue, Placentia, CA, 92870. All comments must be received no later than 5 PM on August 11, 2008.

CONTACT/SPECIAL ACCOMMODATIONS

For individuals who require special accommodations (American Sign Language or other lingual interpreter, documentation in alternate formats, etc.), contact Mr. Michael McConaha at the City of Placentia: (714) 993-8245, fax: (714) 961-0283, or email at mmcconaha@placentia.org before August 11, 2008.

CONDADO DE ORANGE PROYECTO GATEWAY

AVISO PUBLICO

Aviso de disponibilidad –de un plan de Declaración/Reporte de Impacto Ambiental. Aviso de Audiencia Pública.

I:\Otg130\gis\PublicNotice_Spanish.mxd (6/17/2008)

¿Cuál es el Plan?

La Ciudad de Placentia, en cooperación con la Administración Federal de Carretera, a propuesto un proyecto de la separación de grado del ferrocarril que se ha nombrado Orange County Gateway (OCG). El proyecto OCG incluye 7 o 8 separaciones existentes (depende de la alternativa) travesías de ferrocarril situadas aproximadamente 5-millas de distancia del ferrocarril Burlington Northern Santa Fe (BNSF), al noreste del Condado de Orange, en las ciudades de Placentia, Anaheim y partes del Condado de Orange que no son incorporadas, a lo largo de las avenidas de Orangethorpe y Crowther. Las alternativas del proyecto consisten en tres posibilidades, dos de ellas incluyen bajando la vía del tren y la otra construyendo puentes o pasos por abajo (separaciones de grado estándar), o dejar todo como está.

¿Porque Esta Noticia?

El plan EIS/EIR que se preparó conforme a las leyes federales y del estado ambiental, examinan el impacto ambiental y las alternativas que se han considerado para el proyecto propuesto por OCG. El documento describe la razón por la cual el proyecto fue propuesto, las consecuencias y come será afectado el ambiente existente por el proyecto, el impacto cada una de las alternativas va a causar y las medidas que resultarán si se sigue la evasión propuesta; minimización/mitigación.

¿Que Hay Disponible?

La Ciudad de Placentia va a organizar una Audiencia Publica el día 24 de julio, 2008 en el Edificio Backs Community con domicilio en el 201 Norte de la Avenida Bradford en la ciudad de Placentia para dar información acerca del bosquejo EIS/EIR. El bosquejo EIS/EIR y estudios técnicos van a estar disponibles para la comunidad. En este estilo de tribuna abierta, usted puede atender durante las 4:00 de la tarde y las 8:00 de la noche y ver la información disponible. Los representantes del proyecto OCG estarán disponibles para contestar preguntas, hacer comentarios o sugerencias referentes a este proyecto.

Usted puede visitar www.placentia.org para ver y comentar acerca del bosquejo del EIS/EIR. El bosquejo EIS/EIR y estudios técnicos estarán disponibles para ver en los siguientes locales y durante horas de oficina normales. City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870; Caltrans District 12, Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612; City of Anaheim, 200 South Anaheim Blvd., Anaheim, CA 92805; Placentia Library, 411 East Chapman Avenue, Placentia, CA 92870 y Canyon Hills Library, 400 Scout Trails, Anaheim, CA 92807.

Porqué es Usted Importante

El bosquejo del EIS/EIR esta disponible para que el público lo vea y para recibir comentarios entre 27 de junio y 11 de agosto. Las personas interesadas tendrán la oportunidad de dar sugerencias así el análisis ambiental del proyecto. Comentarios pueden darse en persona durante la audiencia pública el 24 de julio por e-mail a ocgateway-eis/eir@placentia.org, o por correo a la siguiente dirección: Michael McConaha, Senior Administrative Analyst, City of Placentia, 401 E. Chapman Avenue, Placentia, CA 92870. Todos los comentarios deberán recibirse antes de las 5:00 de la tarde el día 11 de agosto, 2008.

Contacto/Servicios Especiales

Para las personas que requieren comodidades especiales (lengua de muestra Americana, intérprete lingual o documentación en formato alterno, etc.), comuníquese con el Sr. Michael McConaha a la Ciudad de Placentia al 714/993-8245, fax: 714/961-0283, o e-mail mcconaha@placentia.org hasta del 11 de agosto, 2008.

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA,)
) ss.
County of Orange)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **The Orange County Register**, a newspaper of general circulation, published in the city of Santa Ana, County of Orange, and which newspaper has been adjudged to be a newspaper of general circulation by the Superior Court of the County of Orange, State of California, under the date of 1/18/52, Case No. A-21046, that the notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

July 13, 2008

"I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct":

Executed at Santa Ana, Orange County, California, on

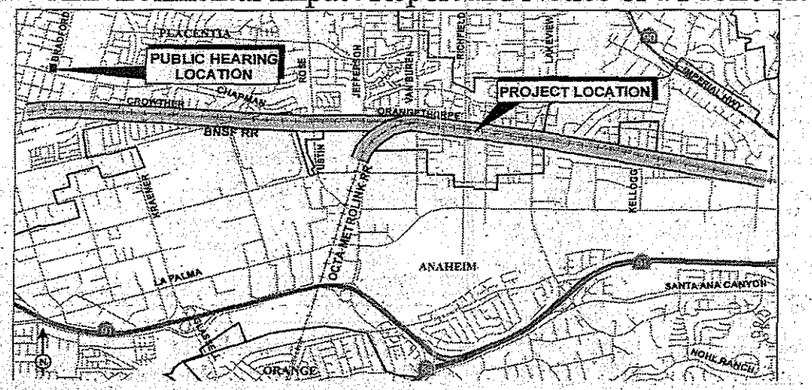
Date: July 13, 2008

Signature

The Orange County Register
625 N. Grand Ave.
Santa Ana, CA 92701
(714) 796-7000 ext. 2209

PROOF OF PUBLICATION

ORANGE COUNTY GATEWAY PROJECT
PUBLIC NOTICE
Notice of Availability of a Draft Environmental Impact Statement/Environmental Impact Report and Notice of a Public Hearing



WHAT IS BEING PLANNED?
The City of Placentia, in cooperation with the Federal Highway Administration (FHWA), is proposing a railroad grade separation project called the Orange County Gateway (OCG). The OCG project would grade separate either 7 or 8 (depending on the alternative) existing at-grade railroad crossings located on an approximately 5-mile long segment of the Burlington Northern Santa Fe (BNSF) railroad in northeastern Orange County, in the Cities of Placentia and Anaheim and unincorporated Orange County, along Orangethorpe and Crowther Avenues. The project alternatives consist of three Build Alternatives, two involving railroad lowering and one that provides for standard grade separations, and a No Build Alternative.

WHY THIS NOTICE?
The Draft EIS/EIR, that was prepared pursuant to federal and State environmental laws, examines the potential environmental impacts of the alternatives being considered for the proposed OCG project. The document describes why the project is being proposed, the project alternatives, the existing environment that could be affected by the project, the potential environmental impacts of each of the proposed alternatives, and the proposed avoidance, minimization and/or mitigation measures.

WHAT IS AVAILABLE?
The City of Placentia is hosting a public hearing on July 24, 2008, at the Back's Community Building, 201 North Bradford Avenue, Placentia, CA to provide the community with information about the Draft EIS/EIR. In this "open forum" style meeting, you may attend anytime between 4 p.m. and 8 p.m. to view informational displays and the Draft EIS/EIR. The OCG project team will be available to take your questions, comments, and suggestions regarding the proposed project.

You may visit www.placentia.org to view and comment on the Draft EIS/EIR. The Draft EIS/EIR and technical studies are available for viewing at the following locations during regular business hours: City of Placentia, 401 East Chapman Avenue, Placentia, CA 92870; Caltrans District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612; City of Anaheim, 200 South Anaheim Boulevard, Anaheim, CA 92805, Placentia Public Library, 411 East Chapman Avenue, Placentia, CA 92870, and Canyon Hills Library, 400 Scout Trails, Anaheim, CA 92807.

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CONTACT/SPECIAL ACCOMMODATIONS
For individuals who require special accommodations (American Sign Language or other lingual interpreter, documentation in alternate formats, etc.), contact Mr. Michael McConaha at the City of Placentia: (714) 993-8245, fax: (714) 961-0283, or email at mmcconaha@placentia.org before August 11, 2008.

03/12/08 (P:\OTG130\2008 Public Circulation\Public and Newspaper Notice.doc)

Publication: Yorba Linda Star;Date: July 10, 2008;Section: Classifieds;Page: 24

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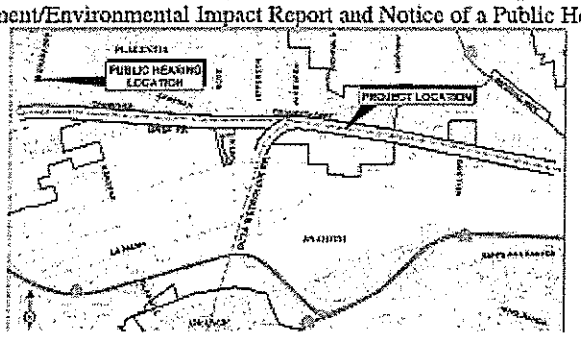

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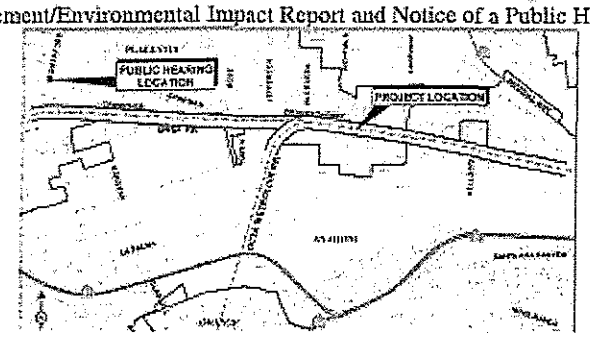

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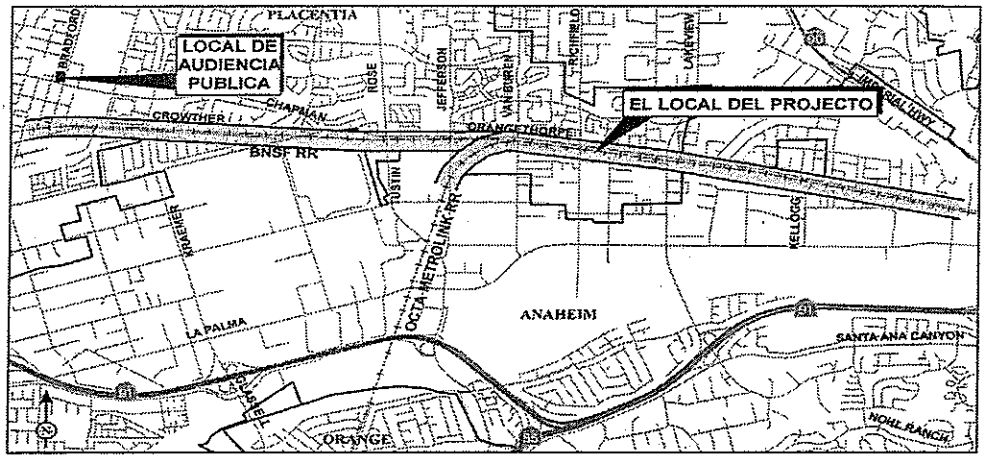
CONDADO DE ORANGE PROYECTO GATEWAY

AVISO PUBLICO

Aviso de disponibilidad –de un plan de Declaración/Reporte de Impacto Ambiental. Aviso de Audiencia Pública.



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EXCELSIOR DEL CONDADO DE ORANGE • PAGE 9
Friday, July 18, 2008

¿Cuál es el Plan?
La Ciudad de Placentia, en cooperación con la Administración Federal de Carretera, a propuesto un proyecto de la separación de grado del ferrocarril que se ha nombrado Orange County Gateway (OCG). El proyecto OCG incluye 7 o 8 separaciones existentes (depende de la alternativa) travesías de ferrocarril situadas aproximadamente 5-millas de distancia del ferrocarril Burlington Northern Santa Fe (BNSF), al noreste del Condado de Orange, en las ciudades de Placentia, Anaheim y partes del Condado de Orange que no son incorporadas, a lo largo de las avenidas de Orangethorpe y Crowther. Las alternativas del proyecto consisten en tres posibilidades, dos de ellas incluyen bajando la vía del tren y la otra construyendo puentes o pasos por abajo (separaciones de grado estándar), o dejar todo como está.

¿Porque Esta Noticia?
El plan EIS/EIR que se preparó conforme a las leyes federales y del estado ambiental, examinan el impacto ambiental y las alternativas que se han considerado para el proyecto propuesto por OCG. El documento describe la razón por la cual el proyecto fue propuesto, las consecuencias y come será afectado el ambiente existente por el proyecto, el impacto cada una de las alternativas va a causar y las medidas que resultarán si se sigue la evasión propuesta; minimización/mitigación.

¿Que Hay Disponible?
La Ciudad de Placentia va a organizar una Audiencia Publica el día 24 de julio, 2008 en el Edificio Backs Community con domicilio en el 201 Norte de la Avenida Bradford en la ciudad de Placentia para dar información acerca del bosquejo EIS/EIR. El bosquejo EIS/EIR y estudios técnicos van a estar disponibles para la comunidad. En este estilo de tribuna abierta, usted puede atender durante las 4:00 de la tarde y las 8:00 de la noche y ver la información disponible. Los representantes del proyecto OCG estarán disponibles para contestar preguntas, hacer comentarios o sugerencias referentes a este proyecto.

Usted puede visitar www.placentia.org para ver y comentar acerca del bosquejo del EIS/EIR. El bosquejo EIS/EIR y estudios técnicos estarán disponibles para ver en los siguientes locales y durante horas de oficina normales. City of Placentia, 401.East Chapman Avenue, Placentia, CA 92870; Caltrans District 12, Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612; City of Anaheim, 200 South Anaheim Blvd., Anaheim, CA 92805; Placentia Library, 411 East Chapman Avenue, Placentia, CA 92870 y Canyon Hills Library, 400 Scout Trails, Anaheim, CA 92807.

Porqué es Usted Importante
El bosquejo del EIS/EIR esta disponible para que el público lo vea y para recibir comentarios entre 27 de junio y 11 de agosto. Las personas interesadas tendrán la oportunidad de dar sugerencias así el análisis ambiental del proyecto. Comentarios pueden darse en persona durante la audiencia pública el 24 de julio por e-mail a ocgateway-eis/eir@placentia.org, o por correo a la siguiente dirección: Michael McConaha, Senior Administrative Analyst, City of Placentia, 401 E. Chapman Avenue, Placentia, CA 92870. Todos los comentarios deberán recibirse antes de las 5:00 de la tarde el día 11 de agosto, 2008.

Contacto/Servicios Especiales
Para las personas que requieren comodidades especiales (lengua de muestra Americana, intérprete lingual o documentación en formato alterno, etc.), comuníquese con el Sr. Michael McConaha a la Ciudad de Placentia al 714/993-8245, fax: 714/961-0283, o e-mail mcconaha@placentia.org hasta del 11 de agosto, 2008.

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ENVIRONMENTAL PROTECTION AGENCY
Environmental Protection Agency

ER ID: [ER-8583-1]

NOTICE: NOTICES

ACTION: Environmental Impact Statements; Availability, etc.:

SUBJECT CATEGORY: Environmental Impacts Statements; Notice of Availability

DOCUMENT SUMMARY:

Responsible Agency: Office of Federal Activities, General Information (202) 5647167 or http://www.epa.gov/compliance/nepa/. Weekly receipt of Environmental Impact Statements Filed June 16, 2008 Through June 20, 2008
Pursuant to 40 CFR 1506.9.
EIS No. 20080241, Draft EIS, USN, 00, Virginia Capes (VACAPES) Range Complex, Proposed action is to Support and Conduct Current and Emerging Training and RDT & E Operations, Chesapeake Bay, DE, MD, VA and NC, Comment Period Ends: 08/11/2008, Contact: Karen Foskey 7036022859. EIS No. 20080242, Draft EIS, BLM, VA, East Lynn Lake Coal Lease Project, Proposal to Lease Federal Coal that lies under Nine Tracts of Land for Mining, Wayne County, VA, Comment Period Ends: 09/24/2008, Contact: Chris Carusona 4142974463.
EIS No. 20080243, Draft EIS, USN, 00, Jacksonville Range Complex Project, To Support and Conduct Current and Emerging Training and RDT&E Operations, NC, SC, GA and FL. Comment Period Ends: 08/11/2008, Contact: Karen Foskey 7036022859.
EIS No. 20080244, Final EIS, FAA, FL, Fort LauderdaleHollywood International Airport, Proposed Development and Extension of Runway 9R/ 27L and other Associated Airport Projects, Funding, U.S. Army COE Section 404 Permit and NPDES Permit, Fort Lauderdale, Broward County, FL, Wait Period Ends: 07/28/2008, Contact: Virginia Lane 4078126331.
EIS No. 20080245, Final EIS, FHW, UT, I15 Corridor Project, Transportation Improvement from Utah County to Salt Lake County, UT, Wait Period Ends: 07/28/2008, Contact: Carlos C. Machado 8019630182. EIS No. 20080246, Final Supplement, AFS, UT, West Bear Vegetation Management Project, Additional Information to Improve a Portion of the Cumulative Effects Analysis and Correct the Soils Analysis, Timber Harvesting, Prescribed Burning, Roads Construction, Township 1 North, Range 9 East, Salt Lake Principle Meridian, Evanston Ranger District, WasatchCache National Forest, Summit County, UT, Wait Period Ends: 07/ 28/2008, Contact: Larry Johnson 3077833790.
EIS No. 20080247, Final EIS, NCP, DC, Smithsonian Institution National Museum of African American History and Culture, Construction and Operation, Between 14th and 15th Streets, NW., and Constitution Avenue, NW., and Madison Drive, NW., Washington, DC, Wait Period Ends: 07/28/ 2008, Contact: Gene Keller 2024827251.
EIS No. 20080248, Final EIS, AFS, ID, Idaho Cobalt Project, Development of Two Underground Mines, a Waste Disposal Site and Associated Facilities, Approval of PlanofOperation, SalmonCobalt Ranger District, SalmonChallis National Forest, Lemhi County, ID, Wait Period Ends: 07/28/2008, Contact: Kimberly Nelson 2087565200.
[[Page 36504]]
EIS No. 20080249, Final Supplement, BLM, WY, Pinedale Anticline Oil and Gas Exploration and Development Project, Additional Information on Two New Alternatives, Consolidated Development with YearRound Development (Construction, Drilling, Completion, and Production), Sublette County, WY, Wait Period Ends: 07/28/2008, Contact: Caleb Hiner, 3073675352. EIS No. 20080250, Draft EIS, FHW, CA, Orange County Gateway Project, To Provide Grade Separation Alternative along the Burlington Northern Santa Fe Railroad Tracks from west of Bradford Avenue to west of Imperial Highway (State Route 90), Cities of Placentia and Anaheim, Orange County, CA, Comment Period Ends: 08/11/2008, Contact: Scott McHenry 9164985854.
EIS No. 20080251, Draft EIS, AFS, CA, Moonlight and Wheeler Fires Recovery and Restoration Project, Proposes to Harvest FireKilled Merchantable Trees on 15,568 Acres, Mt. Hough Ranger District, Plumas National Forest, Plumas County, CA, Comment Period Ends: 08/11/2008, Contact: Rich Bednarski 5302837641.
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Medina Counties, TX, Comment Period Ends: 08/25/2008, Contact: James V. Johnson 2022546098.
EIS No. 20080253, Draft EIS, NOA, 00, Amendment 4 to the Spiny Lobster Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands and Amendment 8 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic, To Address the Harvest and Exportation of Undersized Lobster Tails to the United States, Comment Period Ends: 08/ 11/2008, Contact: Roy E. Crabtree, PhD 7278245301.
EIS No. 20080254, Final EIS, NOA, MA, ADOPTIONNeptune Liquefied Natural Gas (LNG), Construction and Operation, Deepwater Port License Application, (Docket Number USCG200422611) Massachusetts Bay, Gloucester and Boston, MA, Contact: James H. Lecky 3017132332. US DOC/NOA adopted the US CGD & MARAD Final Supplemental EIS 20060451 filed 10/27/2006. NOA was a cooperating agency on the project. Recirculation of the document is not necessary under 1506.3(b) of the CEQ Regulations.
Amended Notices
EIS No. 20080200, Draft EIS, AFS, UT, Dixie National Forest Motorized Travel Plan, Implementation, Dixie National and the Teasdale portion of the Fremont River Ranger District on the Fishlake National Forest, Garfield, Iron, Kane, Piute, Washington and Wayne Counties, UT, Comment Period Ends: 07/22/2008, Contact: Andi Falsetto 4358969233. Revision of FR Notice Published 05/23/2008: Extending Comment Period 07/07/2008 to 07/22/2008.

Dated: June 24, 2008.
Ken Mittelholtz,
Environmental Protection Specialist, Office of Federal Activities. [FR Doc. E814626 Filed 62608; 8:45 am]
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SUMMARY: Weekly Receipt.

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Responsible Agency: Office of Federal Activities, General Information (202) 5647167 or http://www.epa.gov/compliance/nepa/. Weekly receipt of Environmental Impact Statements Filed June 16, 2008 Through June 20, 2008
Pursuant to 40 CFR 1506.9.
EIS No. 20080241, Draft EIS, USN, 00, Virginia Capes (VACAPES) Range Complex, Proposed action is to Support and Conduct Current and Emerging Training and RDT & E Operations, Chesapeake Bay, DE, MD, VA and NC, Comment Period Ends: 08/11/2008, Contact: Karen Foskey 7036022859. EIS No. 20080242, Draft EIS, BLM, VA, East Lynn Lake Coal Lease Project, Proposal to Lease Federal Coal that lies under Nine Tracts of Land for Mining, Wayne County, VA, Comment Period Ends: 09/24/2008, Contact: Chris Carusona 4142974463.
EIS No. 20080243, Draft EIS, USN, 00, Jacksonville Range Complex Project, To Support and Conduct Current and Emerging Training and RDT&E Operations, NC, SC, GA and FL, Comment Period Ends: 08/11/2008, Contact: Karen Foskey 7036022859.
EIS No. 20080244, Final EIS, FAA, FL, Fort LauderdaleHollywood International Airport, Proposed Development and Extension of Runway 9R/ 27L and other Associated Airport Projects, Funding, U.S. Army COE Section 404 Permit and NPDES Permit, Fort Lauderdale, Broward County, FL, Wait Period Ends: 07/28/2008, Contact: Virginia Lane 4078126331.
EIS No. 20080245, Final EIS, FHW, UT, I15 Corridor Project, Transportation Improvement from Utah County to Salt Lake County, UT, Wait Period Ends: 07/28/2008, Contact: Carlos C. Machado 8019630182. EIS No. 20080246, Final Supplement, AFS, UT, West Bear Vegetation Management Project, Additional Information to Improve a Portion of the Cumulative Effects Analysis and Correct the Soils Analysis, Timber Harvesting, Prescribed Burning, Roads Construction, Township 1 North, Range 9 East, Salt Lake Principle Meridian, Evanston Ranger District, WasatchCache National Forest, Summit County, UT, Wait Period Ends: 07/ 28/2008, Contact: Larry Johnson 3077833790.
EIS No. 20080247, Final EIS, NCP, DC, Smithsonian Institution National Museum of African American History and Culture, Construction and Operation, Between 14th and 15th Streets, NW., and Constitution Avenue, NW., and Madison Drive, NW., Washington, DC, Wait Period Ends: 07/28/ 2008, Contact: Gene Keller 2024827251.
EIS No. 20080248, Final EIS, AFS, ID, Idaho Cobalt Project, Development of Two Underground Mines, a Waste Disposal Site and Associated Facilities, Approval of PlanofOperation, SalmonCobalt Ranger District, SalmonChallis National Forest, Lemhi County, ID, Wait Period Ends: 07/28/2008, Contact: Kimberly Nelson 2087565200.
[[Page 36504]]
EIS No. 20080249, Final Supplement, BLM, WY, Pinedale Anticline Oil and Gas Exploration and Development Project, Additional Information on Two New Alternatives, Consolidated

Development with YearRound Development (Construction, Drilling, Completion, and Production), Sublette County, WY, Wait Period Ends: 07/28/2008, Contact: Caleb Hiner 3073675352. EIS No. 20080250, Draft EIS, FHW, CA, Orange County Gateway Project, To Provide Grade Separation Alternative along the Burlington Northern Santa Fe Railroad Tracks from west of Bradford Avenue to west of Imperial Highway (State Route 90), Cities of Placentia and Anaheim, Orange County, CA, Comment Period Ends: 08/11/2008, Contact: Scott McHenry 9164985854.

EIS No. 20080251, Draft EIS, AFS, CA, Moonlight and Wheeler Fires Recovery and Restoration Project, Proposes to Harvest FireKilled Merchantable Trees on 15,568 Acres, Mt. Hough Ranger District, Plumas National Forest, Plumas County, CA, Comment Period Ends: 08/11/2008, Contact: Rich Bednarski 5302837641.

EIS No. 20080252, Draft EIS, DHS, 00, National Bio and AgroDefense Facility, Proposal to Site, Construct, and Operate at one of the Proposed Locations: (1) South Milledge Avenue Site, Clarke County, GA; (2) Manhattan Campus Site, Riley County, KS; (3) Flora Industrial Park Site, Madison County, MS; (4) Plum Island Site, Suffolk County, NY; (5) Umstead Research Park Site, Granville County, NC; and (6) Texas Research Park Site, Bexar and Medina Counties, TX, Comment Period Ends: 08/25/2008, Contact: James V. Johnson 2022546098.

EIS No. 20080253, Draft EIS, NOA, 00, Amendment 4 to the Spiny Lobster Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands and Amendment 8 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic, To Address the Harvest and Exportation of Undersized Lobster Tails to the United States, Comment Period Ends: 08/ 11/2008, Contact: Roy E. Crabtree, PhD 7278245301.

EIS No. 20080254, Final EIS, NOA, MA, ADOPTIONNeptune Liquefied Natural Gas (LNG), Construction and Operation, Deepwater Port License Application, (Docket Number USCG200422611) Massachusetts Bay, Gloucester and Boston, MA, Contact: James H. Lecky 3017132332. US DOC/NOA adopted the US CGD & MARAD Final Supplemental EIS 20060451 filed 10/27/2006. NOA was a cooperating agency on the project. Recirculation of the document is not necessary under 1506.3(b) of the CEQ Regulations.

Amended Notices

EIS No. 20080200, Draft EIS, AFS, UT, Dixie National Forest Motorized Travel Plan, Implementation, Dixie National and the Teasdale portion of the Fremont River Ranger District on the Fishlake National Forest, Garfield, Iron, Kane, Piute, Washington and Wayne Counties, UT, Comment Period Ends: 07/22/2008, Contact: Andi Falsetto 4358969233. Revision of FR Notice Published 05/23/2008: Extending Comment Period 07/07/2008 to 07/22/2008.

Dated: June 24, 2008.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities. [FR Doc. E814626 Filed 62608; 8:45 am]

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APPENDIX B

SIGN-IN SHEETS FROM THE JULY 24, 2008 PUBLIC HEARING

ORANGE COUNTY GATEWAY

Public Hearing Sign-In Sheet

July 24, 2008

Please print your name and mailing address.

Name & Address	Name & Address
ANNA BETHA 3060 E. CARDINAL ST ANAHEIM, CA 92806	Luann Giusiana 5527 Paseo Arnaldo Yorba Linda, CA 92886
RANDY & DELILA DEMUELER 1625 E. SIERRA VISTA AVE. PLACENTIA, CA. 92870	DUC TRUONG 250 S. ROSE DR. #112 placentia
Don Zweifel 386 Hawaii Way Placentia	Nhuoc Dang 119 Tiger Ln. placentia
KEN SANCHEZ 4544 E MEADOWHILL ANAHEIM, CA, 92807	EVAN RAPPORT 1749 N BOOTH ST ANAHEIM
Emilio Castaneda 3089 E. Cardinal Anaheim CA 92806	Bill Jayda 719 Hemsted Placentia
Rajesh Patel 430. E Concord ANAHEIM CA 92806	Allan Gilbert 1267 Genoa Pl. Placentia CA
Ashok Athalye Mission Viejo.	

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Public Hearing Sign-In Sheet
July 24, 2008

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Name & Address	Name & Address
Kathy Sutkus 230 Rose Dr # Placentia, Ca 92870	TIBOR & DARLENE URMOS 1798 PHEASANT ANAHEIM, CA 92806
Fernando Chavarria OC Ta 714 [illegible]560-5306	ROSA ROAN JOSE S. ROAN 250.S. ROSE. DR. SPC. 49 Placentia CA. 92805
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Patricia McWilliams 250 S. Rose dr. #27 Placentia, CA 92870.	Rose & Shannon Bahra 5042 ~~5168~~ E. Tango Cir Anaheim CA. 92807
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Bonnie Hodson 250 S Rose Space 74 Placentia CA 92870	Julieanne Linam 250 S. Rose Dr Sp#3 Placentia, CA 92870
JERRY Hodson 250 S. Rose DR Sp 74 PLACENTIA CA 92870	SANDY PARELLI 4558 LARKSPUR CIR. ANAHEIM, CA 92807

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Name & Address	Name & Address
ROD VEAL, OC Register / Placentia News-Times 1771 S. Lewis St. 949 Anaheim, CA. 378.5346	LAWRENCE FELIX 4561 E. MARIGOLD CIR ANAHEIM, CA 92807
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N.J. GOODY 2099 E. ORANGETHORPE PLACENTIA 92870	WESLEY COLLIER 4501 E. Orangethorpe Anaheim, CA 92807
FRED PEREZ 1035 MORENO Way Placentia Ca 92870	Linda Mahnken PO Box 1376 St. George, UT 84771
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MAGGIE RITCHIE 3414 E. ORANGETHORPE AV. ANA. CA. 92807	WARD SMITH 401 E. CHAPMAN AVE PLACENTIA, 92870
C/00's 1200 E Orangethorpe Placentia	RAY PASCUA 401 E. CHAPMAN AVE PLACENTIA, CA 92870

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Name & Address	Name & Address
Kay Sharrah 4592 E. Larkspur Circle Anaheim	Bob Lemberger 250 S. Rose St. #58 Placentia, CA 92870
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Karen Kennedy 1506 Collins Way Placentia 92870	Bob KNIGHT 250 S ROSE SPC 78 PLACENTIA CA 92870
Judy Comer 250. S. Rose Dr #124 Placentia Ca 92870	Glenn Baldwin 110 E. Crowther Ave Placentia CA 92870
Maria Flores - Janet F. 250 Rose dr #spc 86 Placentia 92870	Eli Neff 1771 S. Lewis St Anaheim CA 92805
KATHY WINSLETT 250 S. ROSE DR #125 PLACENTIA CA 92870	JOHN GREENE 1109 MORENO WAY PLACENTIA, CA 92870
Linda Lubonski 250 S. Rose #28 Placentia 92870	Sue Graban Investment Concepts 1667 E. Lincoln Ave Orange, Ca 92865

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Name & Address	Name & Address
Doug Michalski 3050 Cardinal St. Anaheim, Ca. 92806	Chris & Terry Denning 250 S. Rose Dr. Sp #64 Placentia Ca. 92780
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DANIEL SEGUEL 3452 E ORANGETHORPE AVE ANAHEIM CA 92806	Sarah & Damion Burnette 250 S. Rose Dr Spc 162 Placentia, CA 92870
Sandy Waite 250 S. Rose Dr 105 PLACENTIA CA 92870	Kimberly Williams 250 S. Rose Dr. Sp. #127 Placentia, CA 92870
GEORGE STEPHENS 4550 E. LARKSPUR CIR ANAHEIM, 92807	ALAN BUI 3049 E. CARDINAL Anaheim CA 92806
Richard Yarnall 250 S Rose Dr #67 Placentia CA 92870	gina Nagerty 250 S. Rose Sp 118 Placentia Ca 9280
BAKER, Randy 250 S. ROSE DR PLACENTIA	DAN GARLOCK 250 S ROSE DR #12 PLACENTIA

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Name & Address	Name & Address
SCOTT NELSON 300 FRANKLIN DR., PLACENTIA CA 92870	JUSTIN KAMM 3474 E. ORANGETHORPE AVE ANAHEIM CA 92806
CRAIG GREEN 650 MORENO AVE PLACENTIA, CA 92870	KIM & DONNY PEKO 200 Pasteur Place Placentia CA 92870
Ricky Shah 3353 E Orangethorpe Av Anaheim, CA 92806	CRAIG HUBBARD 1088 MORENO WAY PLACENTIA, CA. 92870
BHAVESH SHAH 17235 Growers Cir. Yorba Linda, 92886	Lori wright 1042 Davis way Placentia, CA 92870
DEE HAYNES 1043 MORENO WAY PLACENTIA CA 92870	ROMIL ANGCACO 1770 N. BUENA ST. ANAHEIM, CA 92807
Gerard Abrootunian 6212 E. orangethorpe Pl. CA. 92870	Eileen Cirillo for Del Cerro M.E. 250 S Rose Drive Placentia CA 92870
DONNA RHOM 3448 E. ORANGETHORPE AVE ANAHEIM, CA 92806	TAMMY LE 3448 E. ORANGETHORPE AVE ANAHEIM, CA 92806

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July 24, 2008

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Name & Address	Name & Address
Sheree Meyers 250 S. Rose Dr. Sp163 Placentia Ca 92870	KRISTEN DOWNEY 3474 E. ORANGETHORPE AVE ANAHEIM CA, 92806
David Simenez 250 S. Rose dr. #136 placentia Ca 92870	Joanne Mayberry 1891 Belmont Ct. Placentia CA 92870
Helen Delaney 1393 Arrowhead Dr. Placentia, CA 92870	Rod & Brenda Suppes 250 S. Rose dr SP69 Placentia
JOE TOOLSON 600 SOUTH MAIN ORANGE CA 92863	Kevin Biegler 1040 Morena Way Placentia, Ca 92870
Cathleen Flores 613 W. Palm Dr. Placentia, Ca. 92870	ALEX & MAX CRISOSTOMO 1183 CURIE LN PLACENTIA CA 92870
Ray & Penny Hansen 114 Sims Way Placentia, CA 92870	Dolores & Joe Aguirre 2037 Teodoro St, Placentia, CA 92820
Robin & Rick Bridy 250 S. Rose Dr. #37 PLACENTIA	JOE AGUIRRE 2037 TEODORO

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Name & Address	Name & Address
BOBBY PATEL KONA CLEANERS 1240 E. ORANGETHORPE AVE PLACENTIA CA. 92870	Barbara Peat 225 Pasteur Pl. Placentia, CA
ROBERT LAMADRID 1763 N. KENT ST. ANAHEIM, CA 92806	BOB + JoAnn MOSEY 5520 VIA ARBOLEDA YORBA LINDA, CA 92887
BILL FARTHING 600 S. Main St. Orange, CA 92863	Juan Perales 108 Sims Way Placentia 92870
Frank JOlly 250 S. ROSE Dr #154 Placentia Ca 92870	Quick Checks N Loans. 3446 E. Orangethorpe Ave. Anaheim, CA 92806. Leo Zotea
Teresa Argcaco 1770 N. Brbach St. Anaheim. Ca. 92807	Andrea West. OCTA 280 Kauai Ln Placentia, CA 92870
Leslie Manderscheid Ca Hrans D-12 3347 Michelson Dr. Irvine, CA 92612-8894	Bryon & Sylvia Wilbur 3079 CARDINAL ST. ANAHEIM, CA. 92806
Terry Rain 248 Eisenhower Way Placentia CA 92870	Ronni Smith 3474 E. orangethorpe Ave Anaheim, CA 92806

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Name & Address	Name & Address
Alice Meyers 250 So. Rose Dr #76 Placentia Ca 92870	C Rager 4934 E. Meadowhill Anaheim CA 92807
Hazel Burr 250 SOUTH ROSE DR SP# 94 PLACENTIA CA 92870	Agnes Stevenson OCTA 550 S. MAIN ST. ORANGE CA 92863
DON STEWART 1179 CURIE LANE PLACENTIA, CA 92870	ROBERT ENRIQUEZ 14201 HAMMON PL. WSTR, CA 92683
Cheryl Haines 19672 Tarkida P. Yorba Linda Ca 92886-6423	Kay Gamboa 250 S. Rose #155 Placentia, CA 92870
Javier Vital 250 S Rose dr #136 Placentia CA 92870	Chris Perales 126 S. Sims Way Placentia, CA 92870
Sharon Yoshizumi 1346 E. Adams Ave. Orange, CA 92867	Alan & Marlene Eberhart 4584 E. Meadowhill Anaheim, CA 92807
Shirley Alexander 250 S. Rose Dr. #32 Placentia 92870	Joanne Robinson 250 S. Rose Dr Sp65 Placentia Ca 92870

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Name & Address	Name & Address
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German + Gregoria Medel 1012 Moreno Way Placentia CA. 92870	Kirk Lee 1208 E. ORANGETHORPE AVE Placentia, Ca 92870
Ron ISAACS 4073 SANTA LUCIA ORG CA. 92865	DEBBIE WALES 250 S. ROSE. DR, #169 Placentia, CA 92870
THOMAS HARTMAN & KIMBERLY 1755 N BUBACH ST ANAHEIM HILLS CA 92807	Douglas FORRIERI S & D ASSOCIATES/LAKESIDE PLAZA 1020 N. BATAVIA, STE B ORANGE, CA 92870
LENNY MARSIDI 1736 N. MEADOWLARK LN ANAHEM. CA 92806.	Richard Hagerty 250 S Rose Dr. SP. 118 Placentia ca. 92870
Kary Oncu 1017 Davis Way Placentia 92870	Tom Mulhomey 133 San Luis Way Placentia Ca. 92870

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July 24, 2008

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Name & Address	Name & Address
Ima Lee Edwards #142 2505 Rose Dr Placentia, Calif. "Wee Cenu"	GLORIA CARLOS 250 So Rose Dr Spc #20 PLACENTIA, CA. 92870
Scott V McHenry FITNESS-CA DIVISION 9935 WITHOWAY CA GA 92757	Susan Ethridge 236 Pasteur Pl. Placentia, CA 92870
Felipe J. Piñon 250 S. Rose Dr. Sp 113 Placentia, CA 92870	Richard Hirschl 3478 Orangethorpe Anaheim
Isabelle Reaves 1131 El Dorado St. Placentia 92870	ROBERT SACKETT 693 SCOUT TRAIL ANAHEIM, CA 92807
Duncan Edwards 1329 Orleans Dr. Placentia 92870	Pam Penner 215 N. Bradford Ave Placentia, CA 92870
Cindy & Phil LaPuma 1786 N. Pleasant St Anaheim 92804	Teri Flores Armando Flores 250 S. Rose Dr. Sp. 101 Placentia Ca. 92870
Carleen Checchio 250 S. Rose Dr. Placentia, CA 92870	THANG LE 1286 E Orangethorpe Ave placentia CA 92870.

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Name & Address	Name & Address
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Minda Sena Francisca Olivia 250 S. Rose Dr #98 Placentia Ca 92870	Linda Proctor 3078 Butterfield Rd. Orange, Ca. 92865
Herbert Hoskins 250 S. Rose Dr. #123 PLACENTIA CA. 92870	ELma Garlock 250 S. Rose Dr. #12 Placentia, Ca. 92870
Linda C. Lucio 250 S. Rose Dr. Space #17 Placentia, CA 92870	Shirley Heckerman 250 S. Rose Dr. Spc 75 PLACENTIA, CA. 92870
Jesus Avina 3462 E. Orangethorpe Av. Anaheim Ca 92870	Joe Heckerman 250 S. Rose Dr. Spc 75 PLACENTIA, CA. 92870
Cal Spadoni 21150 Via Alisa Yorba Linda, CA 92887	Rosa Roan 250 S. Rose Dr #49 Placentia, CA 92870
KATHY URBAN 218 SALK WAY PLACENTIA 92870	Kalpana Shah 1724 N. Azure St. Anaheim, CA 92807

ORANGE COUNTY GATEWAY

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July 24, 2008

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ART Goodman ~~480~~ 4821 E SWALLOW AVE 719 LAKE VIEW AVE PLACENTIA 92870	DAVID PEARLMAN 250 S. Rose dr. #33 PLACENTIA, CA. 92870
Marianna Balmon 1173 Circle Ln Placentia, CA. 92870	ED + SUE HARTMANN 207 PAGEANTRY DR PLACENTIA, CA 92870
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George Ziegler 606 Cooper Dr. Plac. Cal 92870	Alan Williams Caltrans.
LIZ GARCIA & NATAN GARCIA 3474 E. ORANGETHORPE AVE ANAHEIM, CA 92806	Ben Ko 2433 Huddlefield Loop Fullerton CA 92831

ORANGE COUNTY GATEWAY
Public Hearing Sign-In Sheet
July 24, 2008

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Name & Address	Name & Address
Dan Hartmann 613 Cooper Dr. Placentia CA 92870	TONY LOUSIANA 5527 PASEO ARENADO YORBA LINDA, CA 92886
Rick Haemon 620 Bakke Way Placentia, CA 92870	STAN DAVENPORT 413 DOWNEY LN PLACENTIA
RAYMUNDO MEJIA 3059 E. CARDINAL ST ANAHEIM, CA 92806	

ORANGE COUNTY GATEWAY
Public Hearing Sign-In Sheet
July 24, 2008

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Ron DeFazio 1200 E. ORANGETHORPE AVE PLAC.	Nuth R Pust 874 E BASTANCHURY PLACENTIA 92870
NANCY DEFAZIO 1200 E. ORANGETHORPE PLAC	LYNN EWING 250 S. ROSE DR #15 PLACENTIA CA 92870
MARTHA VITAL. 250 S Rose DR. sp 136 PLAC.	Joe + Sue Sarmiento 1053 Davis Way Placentia 92870
JONATHAN LITCHAUD 250 S. ROSE DR SP136 PLAC. CA.	Evelia Robles 157 S. majorca PL Placentia ca 92870
Nitesh Patel 1737 Babcock st Anaheim CA 92807	Illyse Harker 151 S. Majorca Place Placentia Ca 92870
Kim Esparza #45 250 S. Rose Dr Placentia, CA 92870	
Julia Castaneda 2089 E. Cardinal st Anaheim, CA 92806	

APPENDIX C

HANDOUTS FROM THE JULY 24, 2008 PUBLIC HEARING

This appendix contains the following handouts that were provided at the July 24, 2008, public hearing:

- "Frequently Asked Questions Regarding the Proposed Orange County Gateway Project" (City of Placentia, July 24, 2008, 3 pages)
- "Orange County Gateway EIS/EIR Frequently Asked Questions Regarding Right-of-Way" (City of Placentia, July 24, 2008, 3 pages)
- "Information on Property Acquisition of the Orange County Gateway Project from the Draft EIS/EIR" (from the OCG Draft EIS/EIR, June 2008, 2 pages)
- "Eminent Domain Information Package" (City of Placentia, no date, 6 pages)
- "Your Rights and Benefits as a Displacee under the Uniform Relocation Assistance Program (Residential), 2007" (Caltrans, 2007; 19 pages, from Appendix F in the Draft EIS/EIR)
- "Your Rights and Benefits as a Displacee under the Uniform Relocation Assistance Program (Mobile Home)" (Caltrans, no date; 21 pages, from Appendix F in the Draft EIS/EIR)
- "Your Rights as a Displaced Business, Farm or Nonprofit Organization under the Uniform Relocation Assistance Program" (Caltrans, no date; 15 pages, from Appendix F in the Draft EIS/EIR)

FREQUENTLY ASKED QUESTIONS REGARDING THE PROPOSED ORANGE COUNTY GATEWAY PROJECT
July 24, 2008 Public Hearing

1. What does the Orange County Gateway (OCG) project propose?

The OCG proposes to grade separate 7 or 8 local streets at their existing crossings with the Burlington Northern Santa Fe (BNSF) railroad tracks along the Orangethorpe Rail Corridor through Placentia and Anaheim. This would separate vehicle traffic movements on those streets from train traffic on the tracks. Please view the slide presentation, video, the boards, and the plans provided at this hearing for additional information regarding the proposed OCG project.

2. What are the specific objectives of the OCG project?

As identified in the Draft EIS (Environmental Impact Statement) / (EIR Environmental Impact Report), the objectives of the OCG project are to:

- Enhance the economic vitality of the surrounding community by improving the projected vehicle level of service and reducing the amount of congestion and delay on the project area network for residents, employees, and visitors to area businesses
- Increase the efficiency of moving people and goods by rail (freight and passengers) and cars and trucks in the OCG project area
- Increase public safety by eliminating at-grade rail/local street crossings
- Reduce operational train noise (2 alternatives) and train whistles (3 alternatives)
- Reduce emergency vehicle response times
- Reduce air pollution from idling vehicles on local streets at rail crossings

3. What Alternatives are being considered for the OCG?

Four alternatives were evaluated in detail in the Draft EIS/EIR. These alternatives include:

Alternative A, No Build/No Project: Under this Alternative, the existing crossings of Kraemer Boulevard, Orangethorpe Avenue, Tustin Avenue/Rose Drive, Jefferson Street, Van Buren Street, Richfield Road, Lakeview Avenue, and Kellogg Drive would remain at grade. No OCG improvements would be constructed under this Alternative.

Alternative B: Under this Alternative, the BNSF tracks would be lowered in a trench and all 8 local streets would cross over the trench, with no delays associated with stopping for train crossings.

Alternative C: Under this Alternative, the BNSF tracks would be lowered in a trench and 7 local streets would cross over the trench, with no delays associated with stopping for train crossings. Only Kellogg Drive would remain an at grade crossing.

Alternative D: Under this Alternative, the BNSF tracks would remain at grade and the 8 local streets would cross the tracks via overcrossings or undercrossings, depending on the local street.

4. What are the steps in the project development/environmental process for the OCG?

The project development/environmental process for the OCG includes the following major steps:

Environmental Scoping: completed in 2002, input was solicited from agencies and the public on environmental issues they wanted evaluated and possible alternatives to evaluate in the project environmental document

Preliminary Engineering Study: completed in 2004, preliminary engineering plans were developed for the three OCG build alternatives, including plans and profiles, and preliminary property acquisition needs

Technical Studies: completed in 2007, a total of 12 detailed technical studies of the potential environmental impacts of the proposed OCG project were prepared

Draft EIS/EIR: completed in summer 2008, the Draft EIS/EIR for the OCG project was prepared and distributed to agencies and the public for review and comment

Public Hearing for the Draft EIS/EIR: the purpose of this hearing, conducted today, July 24, 2008, is to provide information regarding the proposed OCG project and the Draft EIS/EIR and to solicit input from agencies and the public on the environmental analyses provided in the Draft EIS/EIR

Public Review Period: the Draft EIS/EIR will be available to agencies and the public for review and comment; all comments must be received at the City no later than the end of business on August 11, 2008.

Final EIR: once the public review of the Draft EIS/EIR is closed, the City, through its consultant, will prepare a Responses to Comments Report of the Responses and the Final EIR. The City Council will likely certify the Final EIR sometime in late 2008

Final EIS and Record of Decision (ROD): preparation of the Final EIS and the ROD, consistent with federal environmental regulations, will occur in late 2008 or early 2009

Selection of a Project: the City of Placentia and the Federal Highway Administration will identify the preferred alternative for implementation after the certification of the Final EIR and the ROD

Final Design and Right-of-Way Acquisition: the preparation of final design for the selected alternative, identification of the properties required for the selected project, and acquisition of needed right-of-way this step will occur from 2009 to 2013

Construction: construction of the selected project will occur from 2011 to 2016

5. Why was a Draft EIS/EIR prepared for the OCG?

The California Environmental Quality Act (CEQA) requires preparation of an environmental document for all discretionary actions by public agencies which will or may result in adverse environmental impacts. The City of Placentia, as the local lead agency for the proposed project, prepared the Draft EIR for the proposed OCG project, in compliance with the requirements of CEQA.

The National Environmental Quality Act (NEPA) requires the preparation of an environmental document for actions by a federal agency for a proposed project. Because the project funding for the OCG includes federal sources, a federal environmental document is required. The Federal Highway Administration, as the federal lead agency for the project, prepared the Draft EIS in compliance with the requirements of NEPA.

CEQA and NEPA allow for "joint" environmental documents which address the requirements of CEQA and NEPA in a single document. The environmental document for the proposed OCG project is a joint EIS/EIR, consistent with the requirements of CEQA and NEPA.

6. What is the project schedule?

The next major steps on the project schedule are:

July 24, 2008: The public hearing for the Draft EIS/EIR.

August 11, 2008: The public review closing date for the Draft EIS/EIR.

August 12 to late 2008: The Final EIR and the Responses to Comments Report are prepared and the City Council certifies the Final EIR.

Late 2008: The City of Placentia and the Federal Highway Administration identify the preferred alternative for implementation.

August 12 to late 2008/early 2009: The Final EIS and Record of Decision (ROD) are prepared.

2009 to 2013: The final design for the selected alternative will be prepared, including identification of the properties required for the selected project, and acquisition of that needed right-of-way.

2011 to 2016: The selected project is constructed.

7. What you need to do at this time

A key component of the public review process for a Draft EIS/EIR is the solicitation of input from agencies and the public on the evaluation of environmental impacts of the proposed project in the Draft EIS/EIR. At this time, you are requested to provide your input on the Draft EIS/EIR in any one of the following ways:

- Using a comment card provided at the public hearing; you may give a completed comment card to staff at the public hearing or you may mail it to the City.
- Written comments by United States mail.
- Email comments at ocgateway-eis/eir@placentia.org
- Verbal comments to the court reporter at the public hearing (see staff at the sign in table)

All comments must be received at the City of Placentia no later than 5:00 p.m. (PST) on Monday, August 11, 2008, to the following:

Michael McConaha
Department of Public Works
City of Placentia
401 East Chapman Avenue
Placentia, CA 92870

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ORANGE COUNTY GATEWAY EIS/EIR
FREQUENTLY ASKED QUESTIONS REGARDING RIGHT-OF-WAY
July 24, 2008 Public Hearing

1. What regulations will be followed for the acquisition of right-of-way (ROW) for the Orange County Gateway (OCG) project?

All property acquisition and relocation activities will be conducted in compliance with the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs Act (Uniform Act) adopted by the California Department of Transportation (March 2, 1989).

2. What kind of right-of-way impacts could occur?

A **temporary construction easement** (TCE) occurs when part of a parcel will be used temporarily during construction for materials storage, construction access, construction staging, or other construction related activities. At the completion of construction, the TCE property would be restored to its original condition and returned to the original owner.

Partial Acquisition of a property occurs if any part of a parcel is within the footprint of the alternative but does not require the displacement of the entire property and the existing uses on that property. These impacts range from a sliver or edge of a parcel within the project footprint to substantial partial acquisitions that fall short of full acquisition of the parcel.

Full Acquisition of a property occurs if the entire parcel is within the footprint of an alternative or when the majority of the functions on the property would be affected by the take such that the existing use would not longer be feasible on the remaining part of the parcel. Full acquisition results in the acquisition of an entire property, including any improvements on that parcel such as structures, landscaping, and parking.

3. How will the specific alternative build alternatives affect my property?

The project alternatives maps show which properties may be affected by the build alternatives, based on the preliminary engineering plans. Please note that the actual impacts to a property may change during final design, if a build alternative is selected, as the design of that alternative is refined and finalized. The project alternative maps are provided in the Draft EIS/EIR as follows:

Table 3.4-J: Full Property Acquisitions under Alternative B (page 3.4-36)
Table 3.4-K: Partial Property Acquisitions and Temporary Construction Easements under Alternative B (page 3.4-37)
Table 3.4-N: Full Property Acquisitions under Alternative C (page 3.4-53)
Table 3.4-K: Partial Property Acquisitions and Temporary Construction Easements under Alternative C (page 3.4-54)
Table 3.4-Q: Full Property Acquisitions under Alternative D (page 3.4-68)
Table 3.4-R: Partial Property Acquisitions under Alternative D (page 3.4-73)
Table 3.4-S: Temporary Construction Easements under Alternative D (page 3.4-76)

Refer to Section 3.4.2, Relocations, on pages 3.4-33 to 3.4-89, in the Draft EIS/EIR for additional discussion of property acquisition for the OCG project.

4. What can I expect if my property is a TCE, partial or full acquisition under a build alternative?

The acquisition of privately owned property and relocation of affected residents and businesses will be conducted consistent with the provisions of the Uniform Act. Detailed information on that process will be provided to affected property owners at the initiation of the property acquisition phase of the project. This will not occur until the final design phase of the project which is scheduled for 2009.

5. When would the acquisition of property for the OCG project begin?

The completion of the environmental process for the OCG project and selection of an alternative for implementation are expected to occur by the end of 2008 or very early in 2009. After certification of the Final EIR and the Record of Decision for the Final EIS, the City Council will select an alternative for implementation and will direct staff to initiate final design in early 2009. During final design, the geometrics for the improvements will be set which would then allow for final identification of all full, partial, and temporary property acquisitions required to accommodate the selected alternative. Depending on the alternative selected, it is anticipated the City will initiate contact with property owners regarding the acquisition of their properties in mid-2009. The process will begin with a written notice to each property owner called a "letter of intent to appraise."

6. I am renting property that appears to be affected by one or more of the build alternatives. Will I be compensated if the property is purchased for the proposed project?

Relocation assistance is offered to most displaced renters, consistent with the provisions of the Uniform Act.

7. What if I want to sell my property between now and when the City would initiate the property acquisition phase of the project during final design for a selected build alternative?

Property owners can sell their existing properties and new buyers can buy any project area properties as usual between now and when the property acquisition phase of the project is initiated during final design in 2009.

8. Will I have to disclose the proposed alternatives and, if a build alternative is selected for implementation, disclose that alternative? Will this affect my ability to sell my property?

A property owner is required by California real estate law to disclose all relevant information of which he/she has knowledge to potential buyers. All potential buyers will need to assess this information in their individual decision making processes.

9. What if I owe more on my existing mortgage than my property is worth?

The purchase of privately owned property by a public agency under the Uniform Act is based on fair market value at the time the property is acquired. If the existing loan/loans for a property exceed the purchase price, disposition of the loan balance would have to be negotiated between the lender and borrower.

10. What if I am facing foreclosure in the near future? Is there an opportunity for my property to be acquired early?

Under limited circumstances, early purchase of property for a public project is possible. Each request for early acquisition is considered on its own merits and would require approval of the funding agencies.

11. Will I be able to transfer my property base value?

California law allows a person to transfer the base year value of his/her property to a comparable replacement property under certain conditions, including acquisition of that property by a public agency.

12. What if I do not want to sell my property?

Property may be acquired from an unwilling seller through the eminent domain process available to public agencies attempting to purchase private property for a public project determined to be of public necessity. Please see the attached information pamphlet for a detailed explanation of the eminent domain process.

13. What agency/agencies will be acquiring the ROW for the OCG project?

At this point in time, as documented in the Draft EIS/EIR, the City of Placentia will be the lead agency for the property acquisition; property within the jurisdictional boundaries of Anaheim or the County will be acquired by those agencies. The property acquisition responsibilities will be provided in detail in a cooperative agreement which would be developed after the completion of the environmental process and the selection of a build alternative for implementation.

14. Why doesn't the Draft EIS/EIR provide more detailed information regarding the acquisition of privately owned property for the OCG project?

Consistent with the requirements of federal and state environmental regulations, the purpose of the Draft EIS/EIR is to identify and disclose impacts of the project alternatives and to identify avoidance, minimization, and mitigation measures to address adverse impacts of the project alternatives. The Draft EIS/EIR identifies those properties anticipated to be acquired for the project (full and partial acquisitions) based on the preliminary engineering. Mitigation measures CI-1 to CI-6 (see separate handout titled "Information on Property Acquisition for the Orange County Gateway Project from the Draft EIS/EIR") specifically addresses the adverse impacts of the alternatives related to property acquisition. Further or more detailed information on property acquisitions is not required or appropriate for inclusion in an environmental document. More detailed information on the property acquisition process, consistent with the Uniform Act, would be provided to each property owner at the initiation of the acquisition process for the selected OCG alternative.

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INFORMATION ON PROPERTY ACQUISITION FOR THE ORANGE COUNTY GATEWAY PROJECT FROM THE DRAFT EIS/EIR

Section 3.4.2, Relocations (pages 3.4-33 to 3.4-88), in the Draft EIS/EIR addresses the permanent acquisition and temporary use of private property for Alternatives B, C, and D, as summarized below.

DEFINITIONS

A **temporary construction easement** (TCE) on a property occurs when part of a parcel will be used temporarily during construction for materials storage, construction access, construction staging, or other temporary activities during construction. At the completion of construction, the property would be restored to its original condition and returned to the original owner.

Partial acquisition of a property occurs if any part of a parcel is within the footprint of the alternative but does not require the displacement of the entire property and the existing uses on that property. These impacts range from a sliver or edge of a parcel within the project footprint to substantial partial acquisitions that fall short of full acquisition of the parcel.

Full acquisition of a property occurs if the entire parcel is within the footprint of an alternative. Full acquisition of a parcel occurs if the footprint of an alternative results in the acquisition of an entire property, including any improvements on that parcel such as structures, landscaping, and parking.

All partial or full acquisitions are considered permanent whether they are necessary for construction staging or for right-of-way (ROW) for the OCG Build Alternatives. The full and partial ROW acquisitions and TCEs identified for the OCG Build Alternatives are preliminary based on the 2004 conceptual design. The actual ROW (full and partial acquisitions) and TCEs needed if an OCG Build Alternative is selected for implementation would be refined during final design, which would be initiated after the completion of the EIS/EIR and the selection of a Build Alternative.

ROW ACQUISITION TABLES IN THE DRAFT EIS/EIR. The tables in the Draft EIS/EIR listed below provide specific information regarding anticipated ROW effects by alternative. The actual use of property may change during final design, if a build alternative is selected, as the design of that alternative is refined and finalized.

Table 3.4-J: Full Property Acquisitions under Alternative B (page 3.4-36)
Table 3.4-K: Partial Property Acquisitions and Temporary Construction Easements under Alternative B (page 3.4-37)
Table 3.4-N: Full Property Acquisitions under Alternative C (page 3.4-53)
Table 3.4-K: Partial Property Acquisitions and Temporary Construction Easements under Alternative C (page 3.4-54)
Table 3.4-Q: Full Property Acquisitions under Alternative D (page 3.4-68)
Table 3.4-R: Partial Property Acquisitions under Alternative D (page 3.4-73)
Table 3.4-S: Temporary Construction Easements under Alternative D (page 3.4-76)

MITIGATION. The measures below, which are provided in the Draft EIS/EIR, would substantially reduce the adverse impacts of Alternatives B, C, and D related to property acquisition.

CI-1 To mitigate construction-related business disruption impacts, appropriate signage would be used to direct patrons to alternate routes to businesses. Traffic management plans would be implemented to maintain access to businesses. A business outreach program would be implemented to inform local merchants of construction schedules that may affect their establishments. A project office hotline would also be developed to answer questions from property owners, businesses, and visitors to the area related to the project.

CI-2 The City of Placentia shall coordinate with the affected property owners and industrial land uses subject to partial acquisitions (including parking) to determine if the uses can be reconfigured on site in such a manner as to remain in operation. If commercial or industrial partial acquisition cannot be reconfigured to allow for continued operation on the remainder parcel, the City of Placentia shall coordinate and cooperate with the affected property owners in relocating the affected land use to land designated for the given land use, preferably within the boundaries of the study area cities.

CI-3 The City of Placentia shall coordinate with the affected property owners whose parking areas are subject to parking acquisitions to determine whether replacement parking can be provided on-site or in the immediate vicinity.

CI-4 The acquisition and relocation program would be conducted by the City of Placentia (for property in Placentia) and the City of Anaheim (for property in Anaheim) in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (Uniform Act) of 1970 (Public Law 91-646, 84 Statutes 1894), as amended. The Uniform Act mandates that certain relocation services and payments be made available to eligible residents, businesses, and nonprofit organizations displaced by its projects. The Uniform Act provides for uniform and equitable treatment by federal or federally assisted programs of persons displaced from their homes, businesses, or farms and establishes uniform and equitable land acquisition policies.

CI-5 Where acquisition and relocation are unavoidable, the City of Placentia will follow the provisions of the Uniform Act and the 1987 Amendments as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs adopted by the Department of Transportation (March 2, 1989). An independent appraisal of the affected property would be obtained, and the City of Placentia would offer the full amount as determined by the appraisal. Relocation resources will be available to all residential and business relocatees without discrimination.

CI-6 The Uniform Act requires that comparable, decent, safe, and sanitary replacement housing that is within a person's financial means be made available before that person may be displaced. In the event that such replacement housing is not available to "re-house" persons displaced by the project within statutory limits for replacement housing payments, the City of Placentia may provide Last Resort Housing in a number of prescribed ways. Last Resort Housing would be provided in the event that comparable housing for displaced residents is not available. Last Resort Housing can include increased housing payments or the construction of new housing, depending on the specific circumstances associated with the housing needs for an individual project.

EMINENT DOMAIN
Information Pamphlet

I. Introduction

Eminent domain is the power of the government to purchase private property for a "public use" so long as the property owner is paid "just compensation." The decision to acquire private property for a public project usually involves many persons and many decisions. The final decision to proceed with a project that requires acquisition of private property is made by the public agency after a thorough review of the project, which often includes public hearings. Whenever feasible, the public agency tries to avoid use of the eminent domain power by acquiring needed properties through negotiation, but sometimes it is necessary.

This handout provides general information about the eminent domain process and the rights of property owners and tenants in that process.

• What is a "public use"?

A "public use" is a use, which concerns or benefits a broad segment of the community or promotes the general interest in relation to government objectives like public health and safety. Public uses include a wide variety of projects such as street improvements, construction of water pipelines or storage facilities, construction of civic buildings, redevelopment of blighted areas, and flood control improvements to increase flood protection.

• What is "just compensation"?

Just compensation is the fair market value of the property being acquired by the government. The statutory definition of fair market value is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

II. The Eminent Domain Process and Your Rights

The eminent domain process begins with a public use project. When selecting a project location, the goal is to render the greatest public good and the least private injury or inconvenience. If it is determined that all or a portion of your property may be necessary for a public use project, the public agency will begin the appraisal process to determine the property's fair market value.

• How is the fair market value of the property determined?

The public agency will hire an independent, accredited appraiser familiar with local property values to appraise your property. The appraiser will invite you to accompany him or her during an inspection of your property. Information about improvements and any special features you believe may affect the value of your property should be given to the appraiser. It is in your best interest to provide the appraiser with all the useful information you can in order to ensure that nothing of value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property meet with the appraiser instead.

After the inspection, the appraiser will complete an appraisal that will include the appraiser's determination of your property's fair market value and the information upon which the fair market value is based. The appraiser will provide the public agency with the appraisal. The public agency will then contact you with a written offer for your property along with a summary of the appraisal. The public agency must show you a copy of the full appraisal if your property is an owner-occupied residential property of four or less residential units. The offer will be for no less than the amount of the appraisal.

• What factors does the appraiser normally consider in determining fair market value?

Each parcel of real property is different and, therefore, no single formula can be used to appraise all properties. Among the factors an appraiser typically considers in estimating fair market value are:

- The location of the property;
- The age and condition of improvements on the property;
- How the property has been used;
- Whether there are any lease agreements relating to the property;
- Whether there are any environmental issues, such as contaminated soil;
- Applicable zoning and land use requirements;
- How the property compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation; and
- How much rental income the property produces, or could produce if put to its highest and best use.

• Will the public agency make an offer to acquire the property?

If the public agency decides to make an offer for purchase of your property, it is required to provide you with its purchase offer in writing, with a summary of the appraiser's opinion which is the basis for the offer. Among other things, this summary (called a "statement of the basis") must include:

- A general statement of the public agency's proposed use for the property;
- An accurate description of the property to be acquired;
- A list of the improvements covered by the offer; and
- The amount of the offer.

• Can I have my own appraisal done?

Yes. You may decide to obtain your own appraisal of the property in negotiating the fair market value with the public agency. At the time of making its initial offer to you, the public agency must offer to reimburse you the reasonable costs, not to exceed $5,000, of an independent appraisal of your property. The independent appraisal must be conducted by an appraiser licensed by the State of California Office of Real Estate Appraisers.

• What advantages are there in selling my property to the public agency?

A real estate transaction with the public agency is handled in the same way as the sale of private property. However, there may be a financial advantage to selling to the public agency.

- You will not be required to pay for title costs, preparation of documents, title policy or recording fees required in closing the sale. The public agency will pay all these costs. You may be required to pay the costs of appraisals or title policy endorsements required to clear deeds of trust of other encumbrances you may have on your title.
- Although the public agency cannot give you tax advice or direction, you might also be eligible for certain tax advantages:

  In some cases, if the money you receive from the public agency is used to buy a similar property within a limited period of time, you may not have to pay income tax or capital gains tax on the sale. You should check with the Internal Revenue Service (IRS) for details or consult your personal tax advisor.

  There may be property tax advantages for a replacement property so long as the purchase price of the replacement property does not exceed 120 percent of the sales price paid by the public agency for your property. Again, consulting with a tax professional is recommended.

- **If only a portion of my property is taken, will I be paid for the loss to my remaining property?**

In general, when only a part of your property is needed, every reasonable effort is made to ensure you do not suffer a financial loss to the "remainder" property. The public agency will pay you the fair market value of the property being taken as well as compensation for any loss in value found by its appraiser to your remaining property that are not offset by the benefits conferred by the project. The compensation for the loss in value to your remaining property is often referred to as "severance damages."

- **Will I be compensated for loss of goodwill to my business?**

If you are the owner of a business that is legally conducted on the property being taken, you may have a right to compensation for the value of business goodwill lost as a result of the public agency's project for which the property is being acquired. "Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of a new patronage. State law requires any party claiming loss of business goodwill to make its state tax returns available for examination of the basis of the claim.

- **What will happen to the loan on my property?**

Once the purchase price is agreed upon, payment to satisfy outstanding loans or liens will be made out of the purchase price, either directly by the City or through a title company, as in any other real estate transaction.

- **Do I have to sell at the price offered?**

No. If you and the public agency are unable to reach an agreement on a mutually satisfactory price, you are not obligated to sell.

- **If I agree to accept the public agency's offer, how soon will I be paid?**

If you reach a voluntary agreement to sell your property and your ownership (title) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract.

- **What happens if we are unable to reach an agreement on the property's fair market value?**

The public agency, to the greatest extent practicable, will make every reasonable effort to acquire your property by negotiated purchase. If, however, the negotiations are unsuccessful, the public agency may file an eminent domain action in a court located within the same county where your property is located. An eminent domain lawsuit is a proceeding by which a public entity exercises its power to acquire property by eminent domain.

The first step is for City staff to request authority from the governing board of the public agency to file a condemnation action. The approval from the governing board is called a "Resolution of Necessity" ("RON"). In considering whether to adopt the RON, the governing board must determine whether the public interest and necessity require the project, whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether your property is necessary for the project. You will be given notice and an opportunity to appear before the governing board when it considers whether to adopt the RON. You may wish to consult legal counsel prior to the hearing on the RON, because failure to object to the taking of your property at the hearing could potentially bar you from challenging the right to take your property at a later date in the condemnation proceedings.

If the governing board adopts the RON, the public agency can file a complaint to acquire title to the property upon payment of the property's fair market value. The public agency is the plaintiff and anyone with a legal interest in the property, as determined from a title report on the property, are normally named as defendants. Often, the public agency will also deposit the amount of the offer it made to you with the State Treasurer.

- **Can the public agency acquire possession of my property before an agreement is reached as to the property's fair market value?**

In some cases, the public agency may decide it needs possession of the property before the property's fair market value is finally determined. In such a case, the public agency must apply to the court for an "order for possession" to allow it to take possession and control of the property prior to resolution of the property's fair market value. The public agency is required to schedule a hearing with the court on the proposed order for possession and give you notice of the hearing. Notice must generally be sent 90 days before the hearing date if the property is occupied and 60 days before the hearing date if the property is unoccupied. A judge will decide whether the order for possession should be granted.

- **Can I oppose the motion for an order for possession?**

Yes. You may oppose the motion in writing by serving the public agency and the court with your written opposition within the period of time set forth in the notice from the public agency, and applicable statutes.

- **Will I receive assistance with relocation?**

Qualified persons, businesses, or farm operations displaced as a result of public property acquisition are entitled to relocation advisory and financial assistance for eligible relocation expenses, such as moving expenses. The amount of relocation compensation is determined on a case-by-case basis in accordance with prescribed law. Relocation benefits are handled separate and apart from the determination of the property's fair market value, and are not part of the eminent domain process.

- **Can I withdraw the amount deposited with the State Treasurer before the eminent domain action is completed, even if I don't agree that the amount reflects the fair market value of my property?**

Yes. Subject to the rights of any other persons having a property interest (such as a lender or co-owner), you may withdraw the amount deposited with the State Treasurer before the eminent domain action is completed. If you withdraw the amount on deposit, you may still seek a higher fair market value during the eminent domain proceedings, but you may not contest the right of the public agency to take the property, meaning you cannot contest that the taking of your property is for a public purpose.

- **What happens in an eminent domain trial?**

The purpose of an eminent domain trial is to determine the fair market value of your property, including compensable interests such as lost business goodwill caused by the taking. The trial is usually conducted before a judge and jury. Both the property owner and the public agency will have the opportunity to present evidence of value, and the jury will determine the property's fair market value. In cases where the parties choose not to have a jury, the judge will decide the property's fair market value.

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Your Rights and Benefits as a Displacee Under the Uniform Relocation Assistance Program (Residential) 2007

Caltrans

California Department of Transportation

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

> To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

(1) Decent, safe, and sanitary. (See definition below)

(2) Functionally equivalent to the displaced dwelling.

(3) Adequate in size to accommodate the family being relocated.

(4) In an area not subject to unreasonable adverse environmental conditions.

(5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of-employment.

(6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

(1) Be structurally sound, weather tight, and in good repair.

(2) Contain a safe electrical wiring system adequate for lighting and other devices.

(3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.

(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than 2 persons per room unless the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.

(5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

(6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

(7) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by *such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Residents **not lawfully present** in the United States are not eligible to receive relocation payments and assistance

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either a:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

(1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or

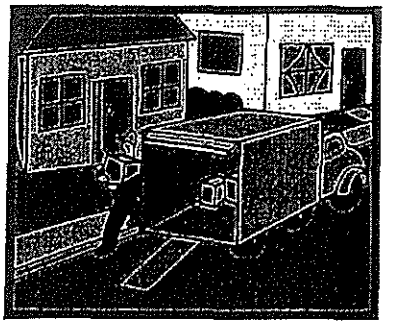
(2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(3) A contract to purchase any interests or estates; or

(4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Moving Expenses



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained. Below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs - You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses may include:

- Transportation
- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.

OR

Fixed Moving Cost Schedule - You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2005 Rate):
4 Rooms - $ 950
7 Rooms - $1,550

If the furniture is moved with the mobile home, the amount of the fixed payment is based on Schedule B.

Examples (Year 200 Rate):
4 Rooms - $1,175
7 Rooms - $1,900

Under the Fixed Move Schedule for a furnished unit (e.g. you are a tenant of an apartment that is furnished by your landlord) is based on Schedule B.

Example (Year 2005 Rate):
1 Room - $400

Under the Fixed Move Schedule, you will not receive any additional payments for temporary storage, lodging, transportation or utility hook-ups.

Replacement Housing Payments

The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant, and the length of occupancy in the property being acquired.

If you are a qualified **owner occupant** of more than 180 days prior to the initiation of negotiations for the acquisition of your property, you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

If you are a qualified **owner occupant** of more than 90 days but less than 180 days, OR you are a qualified **tenant occupant** of at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Downpayment Option

Length of occupancy simply means counting the number of days that you actually occupied a dwelling before the date of initiation of negotiations by Caltrans for the purchase of the property. The term "initiation of negotiations" means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment. Check with your Relocation Agent before you make any decision to vacate your property.

For Owner Occupants of 180 Days or More

If you qualify as a 180-day owner occupant, you may be eligible -- in addition to the fair market value of your property -- for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and/or Incidental Expenses.

The **Price Differential** payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment will assist you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property

The **Mortgage Differential** payment will reimburse your for any increased mortgage interest costs you might incur because the interest rate on your new mortgage exceeds the interest rate on the property acquired by Caltrans The payment computation is complex as it is based on prevailing rates, your existing loan and your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

If the total amount of your **Replacement Housing Payment** (Price Differential, Mortgage Differential and Incidental Expenses) exceeds $22,500, the payment must be deposited directly into an escrow account or paid directly to the mortgage company.

EXAMPLES OF PRICE DIFFERENTIAL PAYMENT COMPUTATION:

Assume that Caltrans purchases your property for $98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property will cost you $100,000. If your purchase price is $100,000, you will receive $2,000 *(see Example A).*

If your actual purchase price is more than $100,000, you pay the difference (see *Example B).* If your purchase price is less than $100,000, the differential payment will be based on actual costs *(see Example C).*

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property and Mobile Home	$100,000
Acquisition Price of Your Property and Mobile Home	-$ 98,000
Maximum Price Differential	$ 2,000

Example A

Purchase Price of Replacement	$100,000
Comparable Replacement Property	$100,000
Acquisition Price of Your Property	-$ 98,000
Maximum Price Differential	$ 2,000

Example B

Purchase Price of Replacement Property	$105,000
Comparable Replacement Property	$100,000
Acquisition Price of Your Property	$ 98,000
Maximum Price Differential	$ 2,000
You Must Pay the Additional	$ 5,000

Example C

Comparable Replacement Property	$100,000
Purchase Price of Replacement	$ 99,000
Acquisition Price of Your Property	$ 98,000
Price Differential	$ 1,000

In Example C you will only receive $1,000 - not the full amount of the Caltrans "Comparable Replacement Property" because of the "Spend to Get" requirements.

IN ORDER FOR A "180 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING *PAYMENT* *(Price Differential, Mortgage Differential and Incidental Expenses)*, **you must:**

A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement house, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the closing of escrow on State's acquisition),

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Owner Occupants and Tenants of 90 Days or More

If you qualify as a 90-day occupant (either as an owner or tenant), you may be eligible for a Replacement Housing Payment in the form of a Rent Differential.

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**

b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer - regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations.

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may - with certain limitations - be converted to a **Downpayment Option** to assist you in purchasing a replacement property.

Example of Rent Differential Payment Computation:

After a thorough study of comparable, decent, safe and sanitary dwellings that are available for rent, Caltrans determines that a comparable replacement property will rent for $325.00 per month.

Caltrans Computation (rates are per month)

Rental Rate for Comparable Replacement Property	$ 325
PLUS average estimated utilities costs	+ 100
TOTAL Cost to Rent Comparable Replacement Property	= $ 425
Rental Rate for Your Current Property	$ 300
PLUS average utilities costs	+ 90
TOTAL Cost to Rent Current Property	= $ 390
Comparable Replacement Property including utilities	$ 425
Cost you pay to rent your property including utilities	+ 390
Difference	= $ 35

Multiplied by 42 months = $1,470 Rent Differential

Example A:

Rental Rate for a Replacement Property including Estimated average utilities costs	$ 525
Comparable Replacement Property including utilities	$ 425
Cost you pay to rent your property including utilities	$ 390

Since $425 is less than $525, the Rent Differential is based on the difference between $390 and $425.

Rent Differential ($35 x 42 months = $1,470)

In this case you spent "at least" the amount of the Comparable Replacement Property on the replacement property and will receive the full amount.

Example B:

Rental Rate for a Replacement Property including Estimated average utilities costs	$ 400
Comparable Replacement Property including utilities	$ 425
Cost you pay to rent your property including utilities	$ 390

Since $400 is less than $525, the Rent Differential is based on the difference between $400 and $390.

Rent Differential ($10 x 42 months = $420)

In this case you spent "less than" the amount of the Comparable Replacement Property on the replacement property and will not receive the full amount.

IN ORDER FOR A "90 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT *(Rent Differential)*, **you must:**

A) Rent and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement house, **OR**

(2) The day you vacate the property acquired by Caltrans.

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later of:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. And, you will also receive at least 90 days' written notice before you must move.

Note1: The time periods for a 90-day owner occupant are different than a 180-day owner occupant.

Note 2: If the Rent Differential is converted to a Downpayment Option, there is no "spend-to-get" requirement.

DOWN PAYMENT OPTION

The Rent Differential payment may - with certain limitations - be converted to a **Down Payment Option** to assist you in purchasing a replacement property. The down payment option is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between $0 and $5,250, your down payment option will be $5,250, which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over $5,250, you may be able to convert the entire amount of the Rent Differential to a downpayment option.

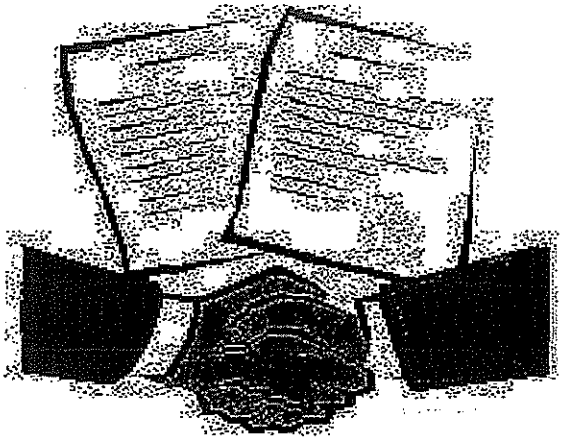
The down payment option must be used for the acquisition of the replacement dwelling, plus any eligible incidental expenses (see "180-day Owner Occupants Incidental Expenses") related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your down payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a down payment option, those advance payments will be deducted from the entire benefit.

LAST RESORT HOUSING

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will utilize a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate or modify housing in order to meet the needs of the people displaced from a project. Caltrans can also pay above the statutory limits of $5,250 and $22,500 in order to make available housing affordable.

Relocation Advisory Assistance



Any individual, family, business or farm displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real property taxes.
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACEE

All eligible displacees have a freedom of choice in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a purchase agreement or a rental agreement until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Your Rights and Benefits as a Displacee Under the Uniform Relocation Assistance Program (Mobile Home)

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

> To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer dispro-portionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

(1) Decent, safe, and sanitary. *(See definition below.)*

(2) Functionally equivalent to the displaced dwelling.

(3) Adequate in size to accommodate the family being relocated.

(4) In an area not subject to unreasonable adverse environmental conditions.

(5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of employment.

(6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

(1) Be structurally sound, weather tight, and in good repair.

(2) Contain a safe electrical wiring system adequate for lighting and other devices.

(3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.

(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than two persons per room unless the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.

(5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: *In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.*

(6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

(7) *For a displaced person who is handicapped,* be free of any barriers which would preclude reasonable ingress, egress, or use of the P.C. dwelling by *such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Residents **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Mobile Home: Generally refers to single, double or triple wide mobile home units. It does not include manufactured homes that are permanently affixed to the realty, as these are treated as single family dwellings. However, it can include certain trailers or recreational vehicles that are a primary residence depending on how they are permanently affixed to the real property.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

(1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or

(2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(3) A contract to purchase any interests or estates; or

(4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Mobile Homes

If the mobile home ***is not*** acquired by Caltrans, the owner (regardless of who occupies it) of a mobile home is eligible for a payment to move the mobile home to a replacement piece of land based on an actual cost basis. This includes the cost to dissemble, move and reassemble any porches, decks, skirting and/or awnings. Additional costs may be eligible for reimbursement if Caltrans determines they are "actual, reasonable and necessary." Some of these costs might be:

- Anchoring the unit to the new pad
- Additional axles or brakes on the mobile home that are required for transportation
- Temporary protection of an extra wide mobile home unit that must be split during the move
- Utility hook-ups to the unit (e.g. water, sewer, septic, electricity, gas) – if utilities are already available to the mobile home location (e.g. pad)
- Necessary repairs to meet local and state code
- Modifications necessary to meet Caltrans "decent, safe and sanitary" requirements
- Non-returnable entrance fee to the mobile home park – with limitations

The movement of the mobile home must be performed by a qualified mover and the payment is based on the lowest of two bids obtained by the owner of the mobile home and approved by Caltrans. Caltrans cannot pay for the move of the mobile home beyond 50 miles unless there are no suitable replacement pieces of land or mobile home parks within the 50-mile radius. Approval for a move beyond 50 miles must be obtained in advance of the move.

Moving Expenses

In addition to moving the mobile home, the occupant (regardless of who owns it) may be eligible for a payment to move their personal property – if you qualify as a "displaced person."

The methods of moving and the various types of moving cost payments are explained below. Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the

move. Reimbursement will be limited to a move of 50 miles or less. Related expenses ***may*** include:

- Transportation
- Packing and unpacking personal property
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property
- Insurance while property is in storage or transit

OR

Fixed Moving Cost Schedule – You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2000 Rate):

4 Rooms - $ 950
7 Rooms - $1,550

If the furniture is moved with the mobile home, the amount of the fixed payment is based on Schedule B.

Examples (Year 2001 Rate):

4 Rooms - $475
7 Rooms - $625

Normally no additional payments for temporary storage, lodging, transportation or utility hook-ups of household appliances can be paid with the fixed move schedule. However, the occupants of the mobile home who choose to move back into the same mobile home at the new location, can receive an allowance for food and lodging during the move and set-up time. Also, utility hook-ups to the mobile home unit may be eligible for reimbursement.

Note: *Even if the mobile home is acquired by Caltrans, the occupant (regardless of who owns it) of the mobile home is still eligible for a payment to move their personal property.*

Replacement Housing Payments

The occupant of a mobile home unit may be eligible for a replacement housing payment. The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant *of the mobile home,* and the length of occupancy in the mobile home unit that is on property being acquired for a highway project.

If you are a qualified **owner occupant** of both the land and the mobile home for more than 180 days prior to the initiation of negotiations for the acquisition of your property – and the mobile home unit is acquired by Caltrans – you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

You do not have to purchase and occupy another mobile home unit in order to receive your RHP – however, the new residential unit must meet the "decent, safe and sanitary" requirements.

If the mobile home is not acquired by Caltrans, you may still be eligible for a RHP to assist you with purchasing a replacement piece of land where you can move your mobile home.

It is **important** to know that if you ***do not own both*** the mobile home and the property, your RHP can be limited. You must work closely with your Relocation Agent to fully understand your eligibility.

If you are a qualified **owner occupant** of the mobile home for more than 90 days but less than 180 days, OR you are a qualified **tenant occupant** of the mobile home for at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Down Payment Option

As the occupant of a mobile home – regardless of the length of time or your status as an owner or tenant – your payment will vary depending upon the following:

- If the mobile home unit was acquired by Caltrans
- The owner of the mobile home
- You will occupy the mobile home at the new location if it is moved
- You choose to occupy another type of unit such as a single family residence.

Length of occupancy simply means counting the number of days that you actually occupied the mobile home unit on the land that is being acquired by Caltrans – prior to the date of initiation of negotiations by Caltrans for the purchase of the property. The term "initiation of negotiations" means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: *If you have been in occupancy* ***less than 90 days*** *before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment, based on the established affordability guidelines. Check with your Relocation Agent before you make any decision to vacate your property.*

For Owner Occupants of 180 Days or More

If you qualify as a 180-day owner occupant, you may be eligible – in addition to the fair market value of your property – for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and/or Incidental Expenses.

The **Price Differential** payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment

will assist you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property.

The **Mortgage Differential** payment will reimburse your for any increased mortgage interest costs you might incur because the interest rate on your new mortgage for the real property, or the loan obtained for just the mobile home unit, exceeds the interest rate on the property acquired by Caltrans The payment computation is complex because it is based on prevailing rates, your existing loan ***and*** your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a *bona fide* mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You may also be eligible for certain costs related to the purchase of a new mobile home, such as sales tax or use tax payments, DMV title transfer fees, or building and transportation permits. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

If the total amount of your **Replacement Housing Payment** (RHP) (Price Differential, Mortgage Differential and Incidental Expenses) exceeds $22,500, the payment must be deposited directly into an escrow account or paid directly to the mortgage company.

EXAMPLES OF PRICE DIFFERENTIAL
PAYMENT COMPUTATION:

SCENARIO 1: If you ***owned and occupied the mobile home for at least 180 days***, and it's on ***your own property,*** and Caltrans ***acquires your mobile home***, then you are entitled to receive a **Price Differential** based on a comparable residential property.

Assume that Caltrans purchases your property and mobile home for $98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property, a mobile home on a similar size lot, will cost you $100,000. If your actual purchase price is $100,000, you will receive $2,000 *(see Example A).*

If your actual purchase price is more than $100,000, you pay the difference (see *Example B).* If your actual purchase price is less than $100,000, the differential payment will be based on actual costs *(see Example C).*

Remember: You do not have to purchase another mobile home as your replacement property.

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property and Mobile Home:	$100,000
Acquisition Price of Your Property and Mobile Home:	– $ 98,000
Maximum Price Differential:	$ 2,000

Example A

Purchase Price of Replacement Property and Mobile Home:	$100,000
Comparable Replacement Property and Mobile Home	$100,000
Acquisition Price of Your Property and Mobile Home:	– $ 98,000
Maximum Price Differential:	$ 2,000

Example B

Purchase Price of Replacement Property and Mobile Home:	$105,000
Comparable Replacement Property and Mobile Home:	$100,000
Acquisition Price of Your Property and Mobile Home:	– $ 98,000
Maximum Price Differential:	$ 2,000
You Must Pay the Additional:	$ 5,000

Example C

Comparable Replacement Property and Mobile Home:	$100,000
Purchase Price of Replacement and Mobile Home:	$ 99,000
Acquisition Price of Your Property and Mobile Home:	– $ 98,000
Price Differential:	$ 1,000

In Example C you will only receive $1,000 – not the full amount of the Caltrans "Comparable Replacement Property" because of the "Spend to Get" requirements.

SCENARIO 2: If you ***owned and occupied the mobile home for at least 180 days***, and it's on ***your own property***, and Caltrans DOES NOT ***acquire your mobile home***, then you are entitled to receive a **Price Differential** based on a comparable residential property on which you can relocate your mobile home.

Assume that Caltrans purchases your land for $48,000. After a thorough study of available locations for purchase that can accommodate the mobile home unit that you retained (which will be moved by a qualified mover), Caltrans determines that a comparable replacement piece of land will cost you $51,000. If your actual purchase price is $51,000, you will receive $3,000 *(see Example A).*

If your actual purchase price is more than $51,000, you pay the difference (see *Example B).* If your actual purchase price is less than $51,000, the differential payment will be based on actual costs *(see Example C).*

Remember: You do not have to buy a replacement piece of land for your mobile home. You can sell your mobile home to a private party, and purchase a single family residence. However, your RHP will be based on the replacement value of the land.

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation	
Comparable Replacement Land:	$ 51,000
Acquisition Price of Your Land :	– $ 48,000
Maximum Price Differential:	$ 3,000
Example A	
Purchase Price of Replacement Land:	$ 51,000
Comparable Replacement Land:	$ 51,000
Acquisition Price of Your Land:	– $ 48,000
Maximum Price Differential	$ 3,000
Example B	
Purchase Price of Replacement Land:	$ 55,000
Comparable Replacement Land:	$ 51,000
Acquisition Price of Your Land:	– $ 48,000
Maximum Price Differential:	$ 3,000
You Must Pay the Additional:	$ 4,000
Example C	
Comparable Replacement Property:	$ 51,000
Purchase Price of Replacement:	$ 49,500
Acquisition Price of Your Property:	– $ 48,000
Price Differential	$ 1,500

In Example C you will only receive $1,500 – not the full amount of the Caltrans "Comparable Replacement Property" because of the "Spend to Get" requirements.

SCENARIO 3: If you ***owned and occupied the mobile home for at least 180 days***, and it's on land that you rent (e.g. a mobile home park), and Caltrans DOES NOT ***acquire your mobile home***, then you may be entitled to a **Rent Differential** based on a comparable piece of land.

However, if Caltrans acquires your mobile home because it cannot be moved, it is not considered "decent, safe and sanitary," there are no comparable replacement locations, or available mobile home parks will not accept it because of its size or condition, then you may be entitled to a **Price Differential** for the mobile home plus a **Rent Differential** for the land you rent in the Mobile Home Park.

Assume that Caltrans purchases your mobile home for $38,000 which is located in a Mobile Home Park where you pay $400 per month for rent (which includes heat, lights, water, garbage, sewer). Caltrans conducts a thorough study of available pieces of land for rent that can accommodate a mobile home unit **AND** the purchase price of a comparable mobile home unit. An example of your entitlement might be:

Caltrans' Computation	
Comparable Replacement Land for Rent:	$ 500
Rent you currently pay at the mobile home park:	– $ 400
Monthly difference:	$ 100
Multiplied times 42 months – Maximum Rent Differential:	– $ 4,200

if you spent at least $500 per month at the new location.

PLUS:

Comparable Replacement Mobile Home for purchase:	$42,000
Acquisition Price of the Mobile Home you occupy:	– $ 38,000
Maximum Price Differential:	$ 4,000

If you pay at least $42,000 for a new mobile home to be set up at the new mobile home park

In order for a "180 day owner occupant" to receive the full amount of their Replacement Housing Payment *(Price Differential, Mortgage Differential and Incidental Expenses)*, **you must:**

A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement residential property (e.g. mobile home on an existing location, land available for your mobile home, or another type of residential unit), **OR**

(2) The date that Caltrans has paid the acquisition cost of your mobile home and/or land (usually the closing of escrow on State's acquisition),

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition).

You will **not** be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Owner Occupants and Tenants of 90 Days or More

If you qualify as a 90-day occupant (either as an owner or tenant), you may be eligible for a Replacement Housing Payment in the form of a Rent Differential. Remember – it is your status in the mobile home unit that determines your "occupancy."

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**

b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer – regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations. (See page 23 for an example)

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may – with certain limitations – be converted to a **Down Payment Option** to assist you in purchasing a replacement property. (See page 31 for a full explanation)

Example of Replacement Housing Payments for 90 day occupants:

Situation 1: You ***owned and occupied*** the mobile home unit and the land for at least 90 days but not more than 180 days. You are entitled to a **Rent Differential** based on the economic rent of your home (the unit and the land) and a comparable home (the unit and the land) that is available for rent.

If you move the mobile home, then you are entitled to a **Rent Differential** based on economic rent of the mobile home site and a comparable mobile home site that is available for rent.

Situation 2: You ***rented and occupied*** the mobile home unit for at least 90 days, which was located on land you owned. You are entitled to a **Rent Differential** based on the actual rent of your mobile home plus the economic rent of the

mobile home site, and a comparable mobile home (the unit and site) that is available for rent.

Situation 3: You ***rented and occupied*** the mobile home and the land for at least 90 days. You are entitled to a **Rent Differential** based on the actual rent of the mobile home unit (including utilities) and the land, compared with a comparable home (the unit and the land) that is available for rent.

Situation 4: You ***owned and occupied*** the mobile home for at least 90 days, on land that you rented. You are entitled to a **Rent Differential** based on economic rent of the mobile home PLUS the actual rent of the mobile home site, and a comparable mobile home (the unit and site) that is available for rent.

If you move the mobile home, then you are entitled to a **Rent Differential** based on the actual or economic rent of the mobile home site and a comparable mobile home site that is available for rent.

In order for a "90 day owner occupant" to receive the full amount of their Replacement Housing Payment *(Rent Differential)*, **you must:**

A) Rent and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement house, **OR**

(2) The day you vacate the property acquired by Caltrans.

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later of:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition).

In order for a "90 day occupant" to receive the full amount of their Replacement Housing Payment *(Rent Differential)*, **you must:**

A) Rent and occupy a DS&S replacement dwelling within one year after day you vacate the property acquired by Caltrans,

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the day you vacate the property acquired by Caltrans.

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

Down Payment Option

The Rent Differential payment may – with certain limitations – be converted to a **Down Payment** to assist you in purchasing a replacement property. The Down Payment is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between $0 and $5,250, your Down Payment will be $5,250 which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over $5,250, you may be able to convert the entire amount of the Rent Differential to a Down Payment option.

The Down Payment option must be used for the required Down Payment, which is usually a percentage of the entire purchase price, plus any eligible incidental expenses *(see page 17 – 180-day Owner Occupants Incidental Expenses)* related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your Down Payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a Down Payment, those advance payments will be deducted from the entire benefit.

Last Resort Housing

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced In such cases, Caltrans will utilize a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate or modify housing in order to meet the needs of the people displaced from a project. Caltrans can also pay above the statutory limits of $5,250 and $22,500 in order to make available housing affordable.

Relocation Advisory Assistance

Any owner or occupant of a mobile home impact by a Caltrans project shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.
You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.

- Assist you in completing loan documents, rental applications or Relocation claims.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real and personal property taxes
- Qualified mobile home movers, including disassembly and reassembly
- Mobile Home Park requirements and fees
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project.. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember – YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACEE

All eligible displacees have a ***freedom of choice*** in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. *Do not execute a purchase agreement or a rental agreement* until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will ***not have an adverse*** affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the **Title VIII of the Civil Rights Act of 1968** and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans' **Non-Discrimination Policy** ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the **Right to Appeal** any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Your Rights and Benefits as a Displaced Business, Farm or Nonprofit Organization Under the Uniform Relocation Assistance Program

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their business, farm or nonprofit organization, by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

> To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Relocation Services

The California Department of Transportation has two programs to aid businesses, farms and nonprofit organizations which must relocate.

These are:

1. The Relocation Advisory Assistance Program, which is to aid you in locating a suitable replacement property, and

2. The Relocation Payments Program, which is to reimburse you for certain costs involved in relocating. These payments are classified as:

    - Moving and Related Expenses (costs to move personal property not acquired).

    - Reestablishment Expenses (expenses related to the replacement property).

    - In-Lieu Payment (a fixed payment in lieu of moving and related expenses, and reestablishment expenses).

NOTE: *Payment of loss of goodwill is considered an acquisition cost. California law and the federal regulations mandate that relocation payments cannot duplicate other payments such as goodwill. You will* **not** *be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. You will also receive at least 90 days' written notice before you must move.*

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Owners and tenants **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Contributes Materially: A business or farm operation must have had average annual gross receipts of at least $5,000 **or** average annual net earnings of at least $1,000, or their income must have contributed at least 33 1/3 percent of the owner's or operator's average annual gross income form all sources, in order to qualify as a bona-fide operation.

Farm Operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable law.

MOVING EXPENSES

If you qualify as a displaced business, farm or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. To qualify you must legally occupy the property as the owner or lessee/tenant when Caltrans initiates negotiations for the acquisition of the property **OR** at the time Caltrans acquires title or takes possession of the property. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses, with limitations, ***may*** include:

- Transportation.
- Packing and unpacking of personal property.
- Disconnecting and reconnecting personal property related to the operation.
- Temporary storage of personal property.
- Insurance while property is in storage or transit, or the loss and damage of personal property if insurance is not reasonably available.
- Expenses in finding a replacement location.
- Professional services to plan and monitor the move of the personal property to the new location.
- Licenses, permits and fees required at the replacement location.

OR

Self-Move Agreement – You may be paid to move your own personal property based on the lower of two acceptable bids obtained by Caltrans.

Under this option, you will still be eligible for reimbursement of related expenses listed above that were not included in the bids.

OR

In-Lieu Payment – You can accept a fixed payment between $1,000 and $20,000, based on your annual earnings IN LIEU OF the moving cost, related expenses and reestablishment cost.

Actual Reasonable Moving Costs

You may be paid the actual reasonable and necessary costs of your move when a professional mover performs the move. All of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your Relocation Agent can provide you with a complete explanation of reimbursable expenses.

Self-Move Agreement

If you agree to take full responsibility for all or part of the move of your business, farm, or nonprofit organization, the Department may approve a payment not to exceed the lower of two acceptable bids obtained by the Department from qualified moving firms or a qualified Department staff employee. A low-cost or uncomplicated move may be based on a single bid or estimate at the Department's discretion. The advantage of this moving option is the fact that it relieves the displaced business, farm or nonprofit organization operator from documenting all moving expenses. The Department may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate. Other expenses, such as professional services for planning, storage costs, and the cost of licenses, permits, and certifications may also be reimbursable if determined to be necessary. These latter expenses must be pre approved by the Relocation Agent.

Requirements:

Before you move, you must provide Caltrans with the:

- Certified inventory of all personal property to be moved.
- Date you intend to vacate the property.
- Address of the replacement property.
- Opportunity to monitor and inspect the move from the acquired property to the replacement property.

Related Expenses

1. **Searching Expenses for Replacement Property:** Displaced businesses, farms and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed $2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to the real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the Department.

2. **Direct Loss of Tangible Personal Property:** Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the lesser of:

   a. The fair market value of the item for continued use at the displacement site minus the proceeds from its sale.

   OR

   b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expense4s, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE:
You determine that the "document shredder" cannot be moved to the new location because of its condition, and you will not replace it at the new location.

Fair Market Value of the Document Shredder Based on its use at the current location	$ 1,500
Proceeds: Price received from selling the Document Shredder	- $ 500
Net Value	$ 1,000

OR

Estimated cost to move	$ 1,050

Based on the "lesser of", the amount of the "Loss of Tangible Personal Property" =	**$ 1,000**

Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

3. Purchase of Substitute Personal Property: If an item of personal property, which is used as part of the business, farm, or nonprofit organization, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

   a. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item;

   OR

   b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE A:

You determine that the copying machine cannot be moved to the new location because it is now obsolete and you will replace it.

Cost of a substitute copy machine Including installation costs at the replacement site		$ 3,000
Trade-in Allowance	-	$ 2,500
Net Value		$ 500

OR

Estimated cost to move	$ 550

Based on the "lesser of", the amount of the "Substitute Personal Property" =	**$ 500**

EXAMPLE B:

You determine that the chairs will not be used at the new location because they no longer match the décor and you will replace them.

Cost of substitute chairs		$ 1,000
Proceeds from selling the chairs	-	$ 100
Net Value		$ 900

OR

Estimated cost to move	$ 200

Based on the "lesser of", the amount of the "Substitute Personal Property" =	**$ 200**

Note: You are also entitled to all reasonable costs incurred in attempting to sell the copy machine and/or chairs.

4. **Disconnecting and Reinstallation:** You will be reimbursed for your actual and reasonable costs to disconnect, dismantle, remove, reassemble and reinstall any machinery, equipment or other personal property in relation to its move to the new location. This includes connection to utilities available nearby and any modifications to the

personalty that is necessary to adapt it to utilities at the replacement site.

5. **Physical changes at the new location:** You may be reimbursed for certain physical changes to the replacement property if the changes are necessary to permit the reinstallation of machinery or equipment necessary for the continue operation of the business. ***Note:*** *The changes cannot increase the value of the building for general purposes, nor can they increase the mechanical capability of the buildings beyond its normal requirements.*

6. The cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site.

7. Marketing studies, feasibility surveys and soil testing.

8. Professional real estate services needed for the purchase or lease of a replacement site.

9. One-time assessments or impact fees for anticipated heavy utility usage.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.

2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.

3. Construction and installation of exterior signing to advertise the business.

4. Redecoration or replacement such as painting, wallpapering, paneling or carpeting when required by the condition of the replacement site or for aesthetic purposes.

5. Advertising the new business location.

6. The estimated increased costs of operation at the replacement site during the first two years, for items such as:

    a) Lease or rental charges
    b) Personal or real property taxes
    c) Insurance premiums, and
    d) Utility charges (excluding impact fees).

7. Other items that the Department considers essential for the reestablishment of the business or farm.

Note: *A nonprofit organization must substantiate that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). The payment is based on the average of two years annual gross revenues less administrative expenses.*

In-Lieu Payment (Fixed)

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than $1,000 or more than $20,000.

For a business to be eligible for a fixed payment, the Department must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.

2. The business cannot be relocated without a substantial loss of existing patronage.

3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity, which are under the same ownership and are not being displaced by the department.

4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are being displaced from a farm or your represent a nonprofit organization and are interested in a fixed payment, please consult your relocation counselor for additional information.

The Computation of Your In-Lieu Payment:

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced. Caltrans can use a different two year period if it is determined that the last two taxable years do not accurately reflect the earnings of the operation.

EXAMPLE: Caltrans acquires your property and you move in 2005:

2003 Annual Net Earnings	$ 10,500
2004 Annual Net Earnings	$ 12,500
TOTAL	$ 23,000
Average over two years	**$ 11,500**

This would be the amount of your in-lieu payment. Remember – this is in-lieu of all other moving benefits, including reestablishment expenses. You must provide the Department with proof of net earnings to support your claim.

Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence of net earnings acceptable to the Department.

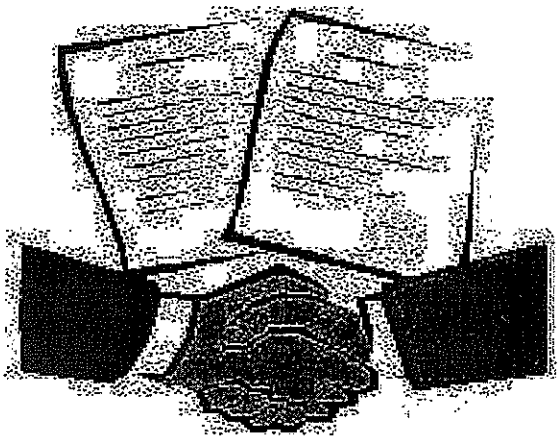
Note: The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

Before You Move:

A. Request a determination of entitlement for in-lieu payment from your Relocation Agent.
B. Include a written statement of the reasons the business cannot be relocated without a substantial loss in net earnings.

C. Provide certified copies of tax returns for the two tax years immediately preceding the tax year in which you move. (If you move anytime in the year 2005, regardless of when negotiations began or the State took title to the property, the taxable years would be 2003 and 2004).
D. You will be notified of the amount you are entitled to after the application is received and approved.
E. You cannot receive the payment until after you vacate the property, AND submit a claim for the payment within 18 months of the date of your move.

Relocation Advisory Assistance



Any business, farm or nonprofit organization displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your needs and desires will be determined as well as your need for assistance.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Determine your needs and preferences.
- Explain the relocation benefits and eligibility requirements.
- Provide information on replacement properties for your consideration.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- Permits, fees and local planning
- SBA loan requirements
- Real property taxes.
- Consumer education literature

If you desire, your Relocation Agent will give you current listings of other available replacement property. Transportation will be provided to inspect available property, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local programs offering assistance to displaced persons. If you have special needs, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACEE

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that

person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

APPENDIX D

CITATIONS OF THE ORANGE COUNTY GATEWAY PROJECT IN THE 2008 RTP AND THE 2008 RTIP

ORANGE COUNTY RTIP PROJECTS				
SYSTEM*	RTP ID	ROUTE	DESCRIPTION	PROJECT COST ($1,000'S)
L	ORA000118	0	SAND CYN RD @ SCRRA TRACKS (BURT RD TO LAGUNA CANYON/OAK CANYON) - RAILROAD GRADE SEPARATION. WIDENS FROM 4 TO 6 LANES.	$23,187
L	ORA000125	0	MOULTON PKWY (SANTA MARIA TO EL PACIFICO) WIDEN FRM 7 TO 9 LANES (N/B 3 TO 4 AND S/B 4 TO 5), WIDEN INTERSECTIONS, ADD SIDEWALK AND LANDSCAPING.	$7,685
L	ORA000131	0	CONSRUCT NEW OVERPASS ON RIDGE ROUTE DR AT I-5 FROM WEST SIDE OF I-5 TO EAST SIDE OF I-5 ON RIDGE ROUTE (FROM 0 TO 4 LANES).	$1,200
L	ORA000135	0	GOLDEN LANTERN @ CAMINO DEL AVION INTERSECTION WIDENING. ADD DEDICATED SB LT LANE/ WB RT LANE/ AND NB RT LANE.	$100
L	ORA000136	0	CROWN VALLEY PKWY @ NIGUEL RD INTERSECTION WIDENING. ADD DEDICATED NB RT LANE -	$50
L	ORA000138	0	CROWN VALLEY PKWY@GREENFIELD INTERSECTION WIDENING. ADD SB RT LANE, WIDEN SOUTHBOUND FRM 5 TO 6 LNES, FRM GREENFIELD TO 200 FT. NORTH. DESIGN ONLY	$150
L	ORA000139	0	CROWN VALLEY PKWY@LA PAZ INTERSECTION WIDENING. ADD 2ND NB LT LANE AT CROWN VALLEY PKWY N/B FRM 4 TO 5 LNES. FRM LA PAZ TO 200 FT. NORTH. DESIGN ONLY	$200
L	ORA000140	0	INTERSECTION WIDENING. CROWN VALLEY PKWY- WEST OF CABOT TO I-5 SB RAMPS. ADD WB THROUGH LANE/ LT AND RT LANES ON CROWN VALLEY PKWY/CABOT AND CORWN VALLEY PKWY/FORBES.	$3,500
L	ORA000147	0	BNSF RWY LINE (PLACENTIA TO IMPERIAL HY) ALONG CROWTHER/ORANGETHORP E. GRADE SEP CORRIDR IMPVS AT 11 ARTERIAL STS INCL P/E, PGM MGMT, PRJ RPT, EIR, RW & CONST & XING CLSURE/PED BRI	$83,228
L	ORA000171	0	MEMORY LANE BRIDGE (PACIFIC AVE TO CITY DRIVE) WIDENING FROM 4 TO 6 LANES.	$4,141
L	ORA000173	0	LA PAZ RD (MURILANDS/I-5 TO CHRISANTA DR) WIDENING FROM 4 TO 6 LANES.	$9,700
L	ORA000177	0	RED HILL @ EDINGER AVE/RR TRACKS. GRADE SEPARATION	$32,241
L	ORA020115	0	CABOT ROAD BRIDGE TO CAMINO CAPISTRANO -PROVIDE ALT ACCESS TO METROLINK STATION & RELIEF TO INTERCHANGE AT I-5 & AVERY	$2,678
L	ORA020501	0	HBRR LOCAL BRIDGE LUMP SUM FOR 2004/2005 - (PROJECTS ARE CONSISTENT WITH 40 CFR PART 93.126,127,128, EXEMPT TABLES 2 & 3).	$24,797
L	ORA020503	0	DANA POINT - SEA TERRACE PARK RECREATIONAL TRAILS IN SEA TERRACE PARK (PCH/NIGUEL RD) - EXISTING TRAIL IMPVS & NEW TRAIL CONSTRUCTION	$1,004
L	ORA020506	0	CITY OF ORANGE - SANTA FE DEPOT SPECIFIC PLAN UPDATE	$232
L	ORA020507	0	ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) - REDUCE ORANGE COUNTY CONGESTION (ROCC) PROGRAM (INCLUDES STUDIES AND PLANNING)	$1,500
L	ORA02925	0	BNSF RAILWAY LINE (RAYMOND TO PLACENTIA) ALONG SS OF ORANGETHORPE. GRADE SEPARATION/ CORRIDOR IMPROVEMENTS AT 3 ARTERIAL STREETS.	$216,469

ORA120505 Total				40,000	40,000				40,000				40,000
ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category		Amend	Source
ORA020507	Orange	SCAB		ORA020507	STUDY				L	EXEMPT		0	2008
							PTC	1,500	Agency	ORANGE COUNTY COUNCIL OF GOVERNMENTS			

ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) - REDUCE ORANGE COUNTY CONGESTION (ROCC) PROGRAM (INCLUDES STUDIES AND PLANNING)

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
DEMO-SAFETEA-LU	1,200			1,200		1,200						1,200
AGENCY	300			300		300						300
ORA020507 Total	1,500			1,500		1,500						1,500

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category		Amend	Source
ORA020805	Orange	SCAB		2A0705	ITS02				L	EXEMPT		2	2008
							PTC	8,000	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)			

ORANGE COUNTY SIGNAL IMPROVEMENT PROGRAM. THIS PROJECT WILL TARGET 158 MILES AND 533 SIGNALIZED INTERSECTIONS ALONG TEN HIGH-VOLUME REGIONAL TRAFFIC CORRIDORS ACROSS THE COUNTY OF ORANGE FOR COORDINATED SIGNAL SYNCHRONIZATION.

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
ORANGE M - SIGNALS			4,000	4,000		1,550	1,450	1,000				4,000
TRAFFIC LIGHT SYNCHRONIZATION PROGRAM			4,000	4,000		1,550	1,450	1,000				4,000
ORA020805 Total			8,000	8,000		3,100	2,900	2,000				8,000

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category		Amend	Source
ORA020823	Orange	SCAB		ORA120534	NCN31				L	EXEMPT		9	2008
							PTC	45,910	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)			

KRAEMER BLVD GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON KRAEMER BLVD AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
DEMO-SAFETEA-LU		3,260	13,300	16,560			3,260	13,300				16,560
CITY FUNDS	3,354			3,354	3,354							3,354
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	3,354			3,354		3,354						3,354
TRADE CORRIDOR PROGRAM			22,642	22,642				22,642				22,642
ORA020823 Total	6,708	3,260	35,942	45,910	3,354	3,354	3,260	35,942				45,910

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category		Amend	Source
ORA020824	Orange	SCAB		ORA120534	NCN31				L	EXEMPT		9	2008
							PTC	83,957	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)			

ORANGETHORPE AVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON ORANGETHORPE AVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
CMAQ		21,749		21,749				21,749				21,749
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	9,798		10,744	20,542	9,798					10,744		20,542
TRADE CORRIDOR PROGRAM			41,666	41,666						41,666		41,666
ORA020824 Total	9,798	21,749	52,410	83,957	9,798			21,749		52,410		83,957

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA020825	Orange	SCAB		ORA120534	NCN31				L	EXEMPT	9	2008
							PTC	58,525	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)		

LAKEVIEW AVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON LAKEVIEW AVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
DEMO-SAFETEA-LU		14,098		14,098			14,098					14,098
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	5,362	10,380		15,742	5,362		10,380					15,742
TRADE CORRIDOR PROGRAM			28,685	28,685				28,685				28,685
ORA020825 Total	5,362	24,478	28,685	58,525	5,362		24,478	28,685				58,525

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA020826	Orange	SCAB		ORA120534	NCN31				L	EXEMPT	9	2008
							PTC	63,400	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)		

TUSTIN AVE / ROSE DRIVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON TUSTIN AVE / ROSE DRIVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	6,222	23,893	1,585	31,700	2,894	3,328		23,893		1,585		31,700
TRADE CORRIDOR PROGRAM			31,387	31,387						31,387		31,387
ORA020826 Total	6,222	23,893	32,972	63,087	2,894	3,328		23,893		32,972		63,087

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA02925	Orange	SCAB		2GL04	NCN31				L	EXEMPT	2	2008
							PTC	39,369	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)		

BNSF RAILWAY LINE (PLACENTIA) ALONG SS OF ORANGETHORPE. GRADE SEPARATION/ CORRIDOR IMPROVEMENTS

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
CITY FUNDS	2,000			2,000	2,000							2,000
ORANGE CO. MEASURE M2 - TRANSIT	1,966	2,769	10,198	14,933	1,966		2,769	10,198				14,933
TRADE CORRIDOR PROGRAM			14,935	14,935				14,935				14,935
TRAFFIC CONGESTION RELIEF		7,500		7,500	7,500							7,500
ORA02925 Total	3,966	10,269	25,133	39,368	11,466		2,769	25,133				39,368

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA120538	Orange	SCAB		2SL04	STUDY				L	EXEMPT	0	2008
							PTC	12,819	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)		

ORANGE COUNTY - HOV DROP RAMP STUDY

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
CMAQ	11,500			11,500						11,500		11,500
ORANGE M - TRANSIT	1,319			1,319						1,319		1,319
ORA120538 Total	12,819			12,819						12,819		12,819

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA190601	Orange	SCAB		2SL04	STUDY				L	EXEMPT	2	2008
							PTC	1,120	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)		

PLANNING STUDIES AND PSR'S (SR-55 STUDY 19TH STREET TO INDUSTRIAL WAY IN COSTA MESA)

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
STP LOCAL - REGIONAL	1,000			1,000		300	700					1,000
AGENCY	120			120		36	84					120
ORA190601 Total	1,120			1,120		336	784					1,120

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA120527	Orange	SCAB	O334	ORA120527	CAR63				L	EXEMPT	2	2008
							PTC	4,043	Agency	ORANGE, CITY OF		

ORANGE - MAIN ST (WIDEN FRM CULVER TO 260' N/O PALMYRA; FRM 4 TO 6 LNS)

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
CITY FUNDS			1,900	1,900	1,900							1,900
LOCAL STREET AND ROAD, CONGESTION		1,655	488	2,143	488	1,655						2,143
ORA120527 Total		1,655	2,388	4,043	2,388	1,655						4,043

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA990452	Orange	SCAB		ORA990452	NCN26				L	EXEMPT	14	2008
							PTC	2,436	Agency	ORANGE, CITY OF		

TUSTIN BRANCH RAIL TRAIL ALONG THE SANTIAGO CREEK FROM TUSTIN ST. TO WALNUT AVE. AND CITY OWNED RW FROM WALNUT AVE. TO COLLINS AVE. FILLS 2 MILE GAP IN A REGIONAL TRAIL.

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
ARRA - TRANSPORTATION ENHANCEMENT			1,899	1,899		1,899						1,899
STP ENHANCE-RIP TEA	37			37	37							37
ORANGE M - TDM	100		400	500	500							500
ORA990452 Total	137		2,299	2,436	537	1,899						2,436

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amend	Source
ORA000147	Orange	SCAB		ORA000147	NCN31				L	EXEMPT	0	2008
							PTC	44,478	Agency	PLACENTIA		

BNSF RWY LINE (WEST OF BRADFORD AVENUE TO IMPERIAL HWY) ALONG SS OF ORANGETHORP E AVE. LOWERING/GRADE SEPERATION OF 7 OR 8 ARTERIAL CROSSINGS PRELIM ENG, TECH STUDIES, PROJ RPT, & EIR

Fund	ENG	R/W	CON	Total	Prior	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
SURFACE TRANS PROG - IIP			2,200	2,200	2,200							2,200
SURFACE TRANS PROG - RIP	4,002		1,100	5,102	5,102							5,102
STP LOCAL - REGIONAL			1,082	1,082	1,082							1,082
AGENCY			3,900	3,900	1,900	2,000						3,900
CITY FUNDS	3,011	13	1,170	4,194	3,094	1,100						4,194
TRAFFIC CONGESTION RELIEF		15,186	12,814	28,000	28,000							28,000
ORA000147 Total	7,013	15,199	22,266	44,478	41,378	3,100						44,478

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

Project Sheet

2008 Federal TIP (FY2008/2009 -2013/2014)

SCAG Approved (as of 1/8/2009)

Project ID	ORA020824	County	Orange	Amendment	2
Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)				
System	L	Route		Last Update	1/8/2009 1:53:06 PM
PM Begin		Conform Cat.	EXEMPT	Updated by	Ayala
PM End		Air Basin	SCAB		
Phase	Environmental Document/Pre-design Phase (PA&ED)				
Program Code:	NCN31 GRADE SEPARATION; RAIL/HWY CROSSING-NON CAPACITY			CTIPS ID	0
Second				Model No.	
Third				Env. Doc. Type	CE
Scheduled	Starting	Ending	Completion Date	Env. Doc. Date	6/30/2007
PAED			12/30/2015		
PS&E(ENG)			Conformity Category	Year Added	
ROW			EXEMPT		
CON			Current Project Status		
Actual Dates:	Starting	Ending	SCAG Approved (as of 1/8/2009)		
PAED					
PS&E(ENG)				Project Total Cost	83,957
ROW					
CON					
Change Reasons:	NEW PRJ	UZAs:		PPNOs	
Sub Regions:				Sub Areas	
Fed Demo IDs					

Project Description:

ORANGETHORPE AVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON ORANGETHORPE AVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

FUNDING

Fund Type	Fiscal Year	ENG	ROW	CON	Fund Total
CMAQ	2010/2011		21,749		21,749
Subtotal			21,749		21,749
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	2006/2007	625			625
	2007/2008	9,173			9,173
	2013/2014			10,744	10,744
Subtotal		9,798		10,744	20,542
TRADE CORRIDOR PROGRAM	2013/2014			41,666	41,666
Subtotal				41,666	41,666
Total		9,798	21,749	52,410	83,957

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

Project Sheet

2008 Federal TIP (FY2008/2009 -2013/2014)
SCAG Approved (as of 1/8/2009)

Project ID	ORA020825	County	Orange	Amendment	2
Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)				
System	L	Route		Last Update	1/8/2009 1:53:06 PM
PM Begin		Conform Cat.	EXEMPT	Updated by	Ayala
PM End		Air Basin	SCAB		
Phase	Environmental Document/Pre-design Phase (PA&ED)				
Program Code:	NCN31 GRADE SEPARATION; RAIL/HWY CROSSING-NON CAPACITY			CTIPS ID	0
Second				Model No.	
Third				Env. Doc. Type	CE
Scheduled	Starting	Ending	Completion Date	Env. Doc. Date	6/30/2007
PAED			12/30/2015		
PS&E(ENG)			Conformity Category	Year Added	
ROW			EXEMPT		
CON			Current Project Status		
Actual Dates:	Starting	Ending	SCAG Approved (as of 1/8/2009)		
PAED					
PS&E(ENG)				Project Total Cost	58,525
ROW					
CON					
Change Reasons:	NEW PRJ	UZAs:		PPNOs	
Sub Regions:				Sub Areas	
Fed Demo IDs					

Project Description:

LAKEVIEW AVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON LAKEVIEW AVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

FUNDING

Fund Type	Fiscal Year	ENG	ROW	CON	Fund Total
DEMO-SAFETEA-LU	2009/2010		14,098		14,098
Subtotal			14,098		14,098
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	2006/2007	625			625
	2007/2008	4,737			4,737
	2009/2010		10,380		10,380
Subtotal		5,362	10,380		15,742
TRADE CORRIDOR PROGRAM	2011/2012			28,685	28,685
Subtotal				28,685	28,685
Total		5,362	24,478	28,685	58,525

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

Project Sheet

2008 Federal TIP (FY2008/2009 -2013/2014)
SCAG Approved (as of 1/8/2009)

Project ID	ORA020826	County	Orange	Amendment	2
Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)				
System	L	Route		Last Update	1/8/2009 1:53:06 PM
PM Begin		Conform Cat.	EXEMPT	Updated by	Ayala
PM End		Air Basin	SCAB		
Phase	Environmental Document/Pre-design Phase (PA&ED)				
Program Code:	NCN31 GRADE SEPARATION; RAIL/HWY CROSSING-NON CAPACITY			CTIPS ID	0
Second				Model No.	
Third				Env. Doc. Type	CE
Scheduled	Starting	Ending	Completion Date	Env. Doc. Date	6/30/2007
PAED			12/30/2015		
PS&E(ENG)			Conformity Category	Year Added	
ROW			EXEMPT		
CON			Current Project Status		
Actual Dates:	Starting	Ending	SCAG Approved (as of 1/8/2009)		
PAED					
PS&E(ENG)				Project Total Cost	63,087
ROW					
CON					
Change Reasons:	NEW PRJ	UZAs:		PPNOs	
Sub Regions:				Sub Areas	
Fed Demo IDs					

Project Description:

TUSTIN AVE / ROSE DRIVE GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON TUSTIN AVE / ROSE DRIVE AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT

FUNDING

Fund Type	Fiscal Year	ENG	ROW	CON	Fund Total
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	2006/2007	2,894			2,894
	2008/2009	3,328			3,328
	2010/2011		23,893		23,893
	2013/2014			1,585	1,585
Subtotal		6,222	23,893	1,585	31,700
TRADE CORRIDOR PROGRAM	2013/2014			31,387	31,387
Subtotal				31,387	31,387
Total		6,222	23,893	32,972	63,087

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

Project Sheet

2008 Federal TIP (FY2008/2009 -2013/2014)
SCAG Approved (as of 1/8/2009)

roject ID	ORA020823	County	Orange	Amendment	2
gency	ORANGE COUNTY TRANS AUTHORITY (OCTA)				
ystem	L	Route		Last Update	1/8/2009 1:53:06 PM
M Begin		Conform Cat.	EXEMPT	Updated by	Ayala
M End		Air Basin	SCAB		
hase	Environmental Document/Pre-design Phase (PA&ED)				
rogram Code:				CTIPS ID	0
econd				Model No.	
hird				Env. Doc. Type	CE
cheduled	Starting	Ending	Completion Date	Env. Doc. Date	6/30/2007
AED			12/30/2015		
S&E(ENG)			Conformity Category	Year Added	
OW			EXEMPT		
ON			Current Project Status		
ctual Dates:	Starting	Ending	SCAG Approved (as of 1/8/2009)		
AED					
S&E(ENG)				Project Total Cost	45,910
OW					
ON					
hange Reasons:	NEW PRJ		UZAs:	PPNOs	
ub Regions:				Sub Areas	
ed Demo IDs					

Project Description:

KRAEMER BLVD GRADE SEPARATION: CONSTRUCT A GRADE SEPARATION ON KRAEMER BLVD AT THE BNSF RR TRACKS. ORANGE COUNTY GATEWAY PROJECT.

FUNDING

Fund Type	Fiscal Year	ENG	ROW	CON	Fund Total
CITY FUNDS	2006/2007	3,354			3,354
Subtotal		3,354			3,354
DEMO-SAFETEA-LU	2008/2009		3,260		3,260
	2010/2011			13,300	13,300
Subtotal			3,260	13,300	16,560
ORANGE CO. MEASURE M2 - REGIONAL CAPACITY	2008/2009	3,354			3,354
Subtotal		3,354			3,354
TRADE CORRIDOR PROGRAM	2010/2011			22,642	22,642
Subtotal				22,642	22,642
Total		6,708	3,260	35,942	45,910

APPENDIX E

LIST OF ACRONYMS AND ABBREVIATIONS

ac	acre(s)
ADA	Americans with Disabilities Act
BNSF	Burlington Northern Santa Fe (Railroad)
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
City	City of Placentia
CO	carbon monoxide
dBA	A-weighted decibels
dBA L_{eq}	equivalent continuous sound level measured in A-weighted decibels
ECR	Environmental Commitments Record
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
FHWA	Federal Highway Administration
I-5	Interstate 5
LOS	level(s) of service
LOSSAN	Los Angeles to San Diego (corridor)
MPAH	Master Plan of Arterial Highways
MSAT	Mobile Source Air Toxics
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NO_x	oxides of nitrogen
OCFCD	Orange County Flood Control District
OCG	Orange County Gateway
OCTA	Orange County Transportation Authority
OCTAM	Orange County Traffic Analysis Model
OCWD	Orange County Water District
OHWM	ordinary high water mark
OnTrac	Orange-North American Trade Rail Access Corridor Authority

PM_{10}	particulate matter less than 10 microns in size
$PM_{2.5}$	particulate matter less than 2.5 microns in size
PS&E	Plans, Specifications, and Estimates
PYLUSD	Placentia-Yorba Linda Unified School District
RAP	Relocation Assistance Program
ROG	reactive organic gases
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RV	recreational vehicle
RWQCB	Regional Water Quality Control Board
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SO_x	oxides of sulfur
sq km	square kilometer(s)
sq mi	square mile(s)
SR-57	State Route 57
SR-90	State Route 90
SR-91	State Route 91
TCE	temporary construction easement
TeNS	Technical Noise Supplement
TMP	Traffic Management Plan
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act
USACE	United States Army Corps of Engineers

APPENDIX F

WRITTEN COMMENTS RECEIVED AFTER THE END OF THE PUBLIC REVIEW PERIOD

The City of Placentia received some written comments after the end of the public review period. Those comments letters were provided to the City Council in a memorandum entitled "OC Gateway Comment Letters (Received After the Public Comment Period)" for their consideration of the Final EIR. That memorandum and the attached written comments received after the end of the public review period for the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) are provided in this appendix. In addition, one letter (Palmieri, Taylor, Wiener, Wilhelm & Waldron, LLC, dated November 17, 2008) that was provided to the City Council on November 17, 2008, is also provided in this appendix.

MEMORANDUM

City of Placentia

TO: TROY BUTZLAFF, CITY ADMINISTRATOR

FROM: ANDREW MUTH, CITY ENGINEER

DATE: NOVEMBER 17, 2008

SUBJECT: OC GATEWAY COMMENT LETTERS (RECEIVED AFTER PUBLIC COMMENT PERIOD)

The attached documents include all comments received by the City after the Public Review Period ended on August 11, 2008. These comments are not part of the OC Gateway EIS/EIR. However, Staff previously indicated the City Council would be provided with any comments received after the review period. These comments are provided to the City Council prior to certification of the EIR and are for the City Council's information and consideration.

ANDREW MUTH
CITY ENGINEER

HAYDON MOTORS

PORSCHE

November 14, 2004

City of Placentia City of Placentia
401 East Chapman Avenue
Placentia, CA 92870
Mayor, Scott W. Nelson
Mayor Pro Tem, Greg Sowards
Councilmember, Joseph V. Aguirre
Councilmember, Scott P. Brady
Councilmember, Constance Underhill

Re: ORANGE COUNTY GATEWAY PROJECT
Haydon Brothers Automotive. 1480 N Lakeview Ave
Anaheim, CA 92807
Public hear November 17, 2008

Dear Mayor Nelson and Council Members.

This letter is written to raise my concern and request for your assistance regarding the impact that the proposed grade separation at Lakeview will have on my business. The way the current project is designed, virtually all access will be eliminated for my business and I believe I would have a legal action for inverse condemnation.

Haydon Brothers Automotive is located at the North East Corner of Lakeview and Eisenhower. My Brother and I have owned Haydon Brothers Automotive since 1972. We have been located in the Anaheim and Placentia area since 1986. In 1996 we purchased this building and invested approximately $1,000,000 in order to create a first class automotive repair and sales facility. My brother and I purchased this site not only because it was close to our existing customers but because of the exposure to new drive by customers. Haydon Brothers specializes in the repair and sale of Porsche's, BMW's and other exotic sports cars. This is a limited market and we need all the exposure we can get. The cars that I service and sell are very expensive and are a considerable investment for my clients. Like my Shop, these cars are impeccably maintained and a clean room environment is vital.

Lakeview is a major arterial highway and many high income earners from the Placentia and Yorba Linda area drive by my shop every day. The shop has excellent visibility and access to the traffic on Lakeview.

The proposed grade crossing will not only eliminate all visibility from the street but access to my building will be all but eliminated. Presently I have direct access from both Eastbound and Westbound Lakeview traffic. The access after the proposed project will only be by way of a side street from the west side of Lakeview that will cross over the Atwood site then circle under the over pass near the train tracks and connect to the old Lakeview. In effect I will be similar to an industrial building down a side street but only worse because of the confusing access. Attached is a map from the EIR that shows where my business is and the new access.

HAYDON MOTORS

PORSCHE

The proposed project does not propose acquisition of my land but because of the elimination of the access and visibility, the beneficial use of my property will be taken away resulting in a taking of our property and business.

In addition to the virtual elimination of necessary access to my building, the construction process will make it impossible for me to continue to my work. The work that I do with rebuilding engines and rebuilding exotic cars requires an impeccably clean shop. In addition, showing expensive cars for sale requires a clean dust free area. My shop is now already noticeably dirtier now because of the construction taking place at the Imperial overpass. The airborne dirt from the substantial grading that will take place next to my shop will make it impossible for me to maintain the clean room type atmosphere I need to do my work. I know for a fact that my clients will not want to leave their expensive cars in such an environment.

This current location is perfect for my business and based on my selfish reasons, I would prefer that the street remain the way it is. But if the community feels that the overpass is necessary, then the only fair thing for my business is for the city to relocate my business to another nearby location. My building would probably be fine for an industrial user but it cannot be used for my business.

I have in fact spoken to lawyers that specialized in eminent domain and inverse condemnation case and I have been told that I would have a case for inverse condition if this project moves forward as it is proposed. Rather than bringing in lawyers to make threatening statements and filing lawsuits, it is my hope that this matter can be worked out and your bridge can be built without lawsuits. My request to you tonight is that if you want to move forward with this project, you need to make a commitment to me and my brother, that before you start the construction process, that the city will assist us in relocating our business to a nearby building that will provide us with the same access and visibility that we now have.

Thank you for your time in considering my dilemma and I trust that you will do the right thing for me and my brother.

Doug Haydon
President
Haydon Brothers Automotive Inc.

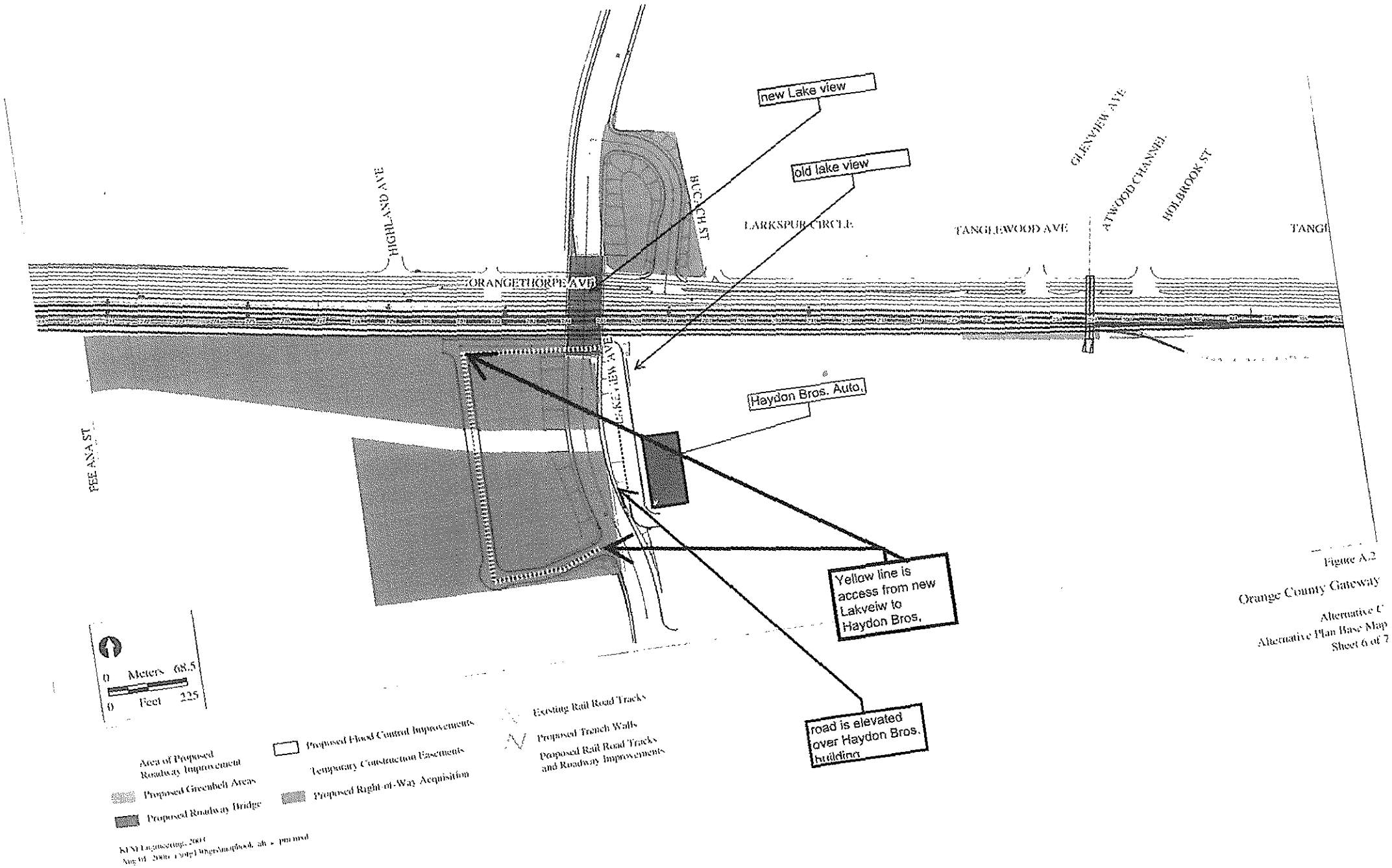


Figure A.2

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7

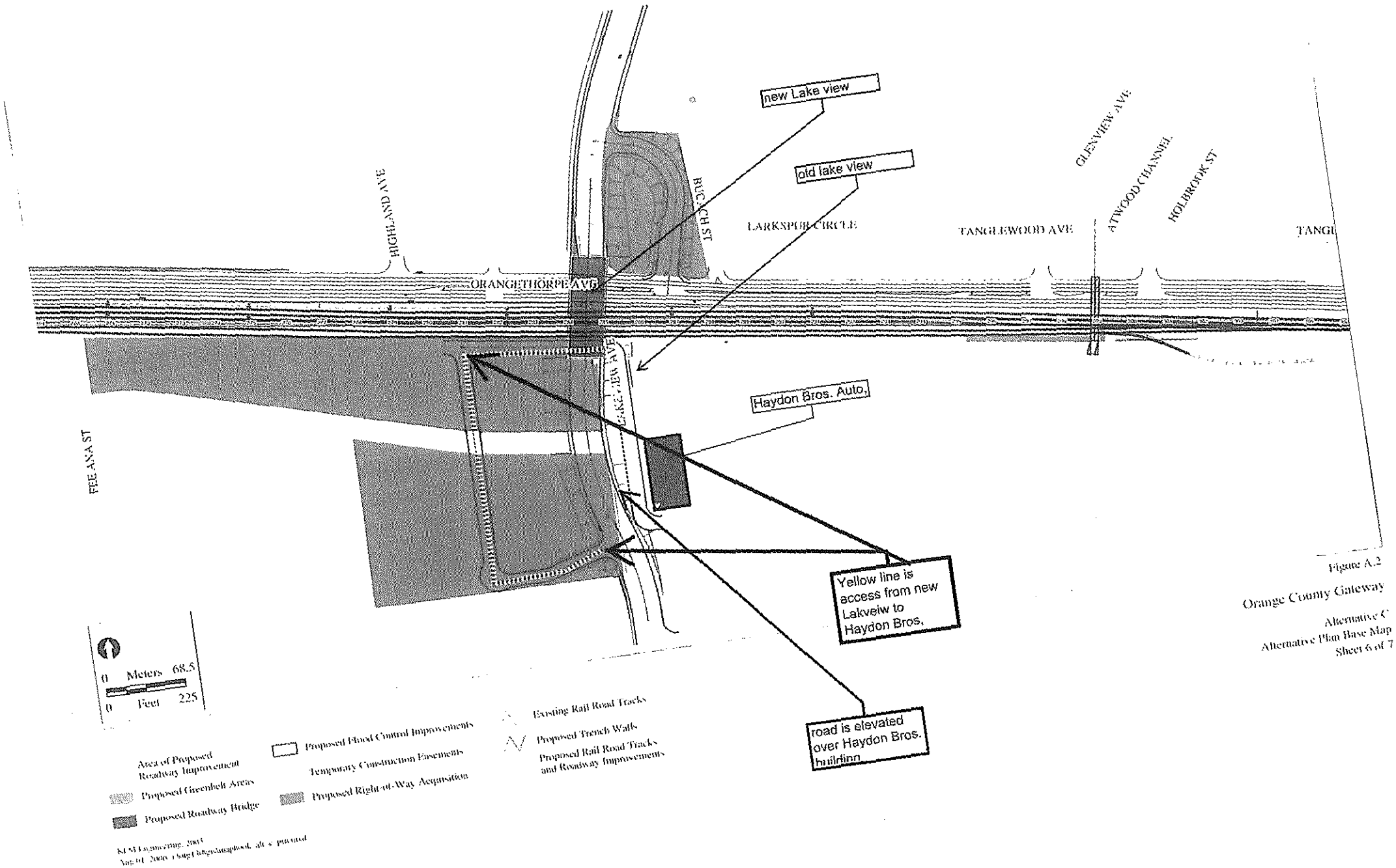


Figure A.2

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7

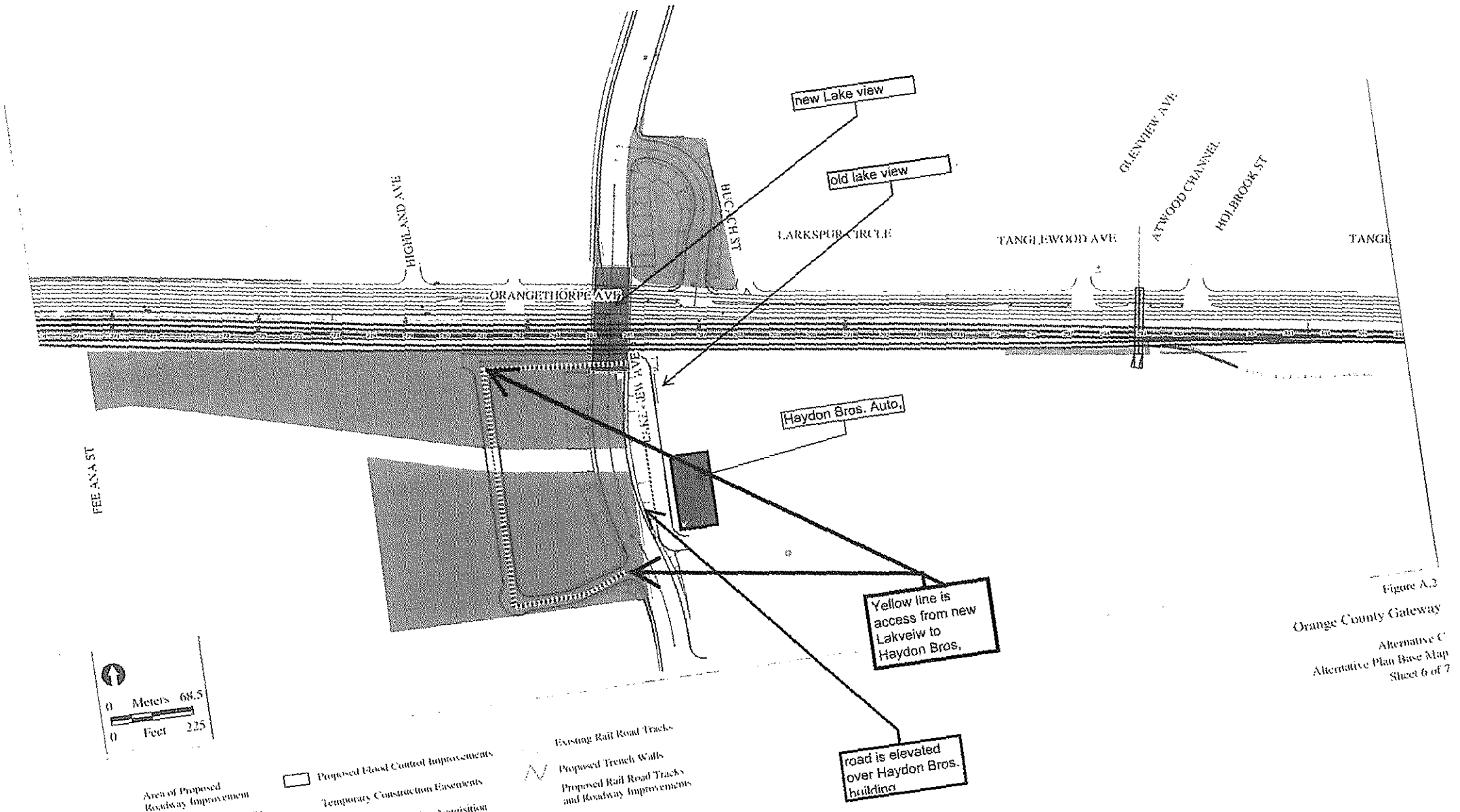


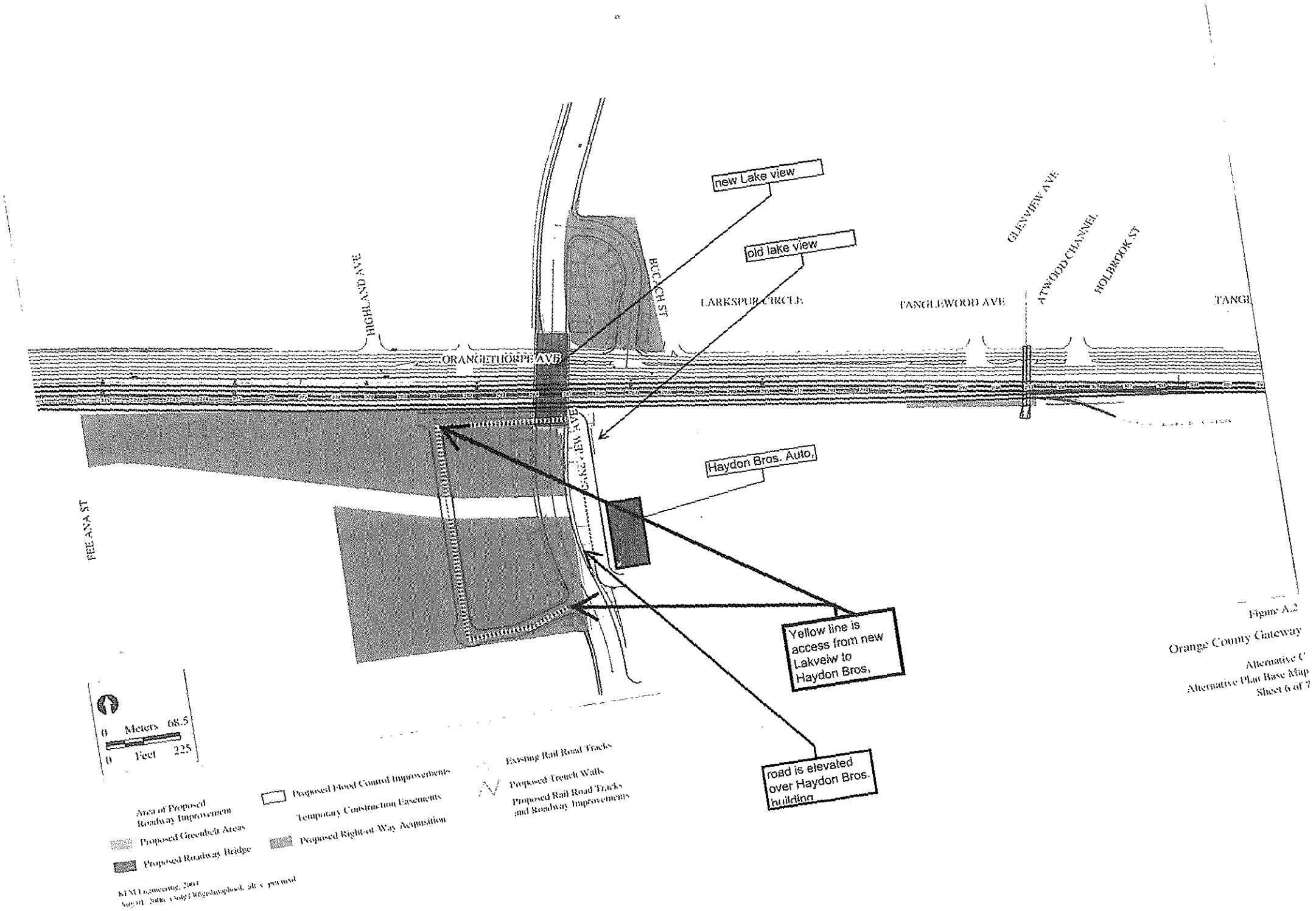
Figure A.3

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7



KEM Engineering, 2011
August 2008 Color Orthophotomosaic at 1" = 200' aerial

Figure A.2

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7

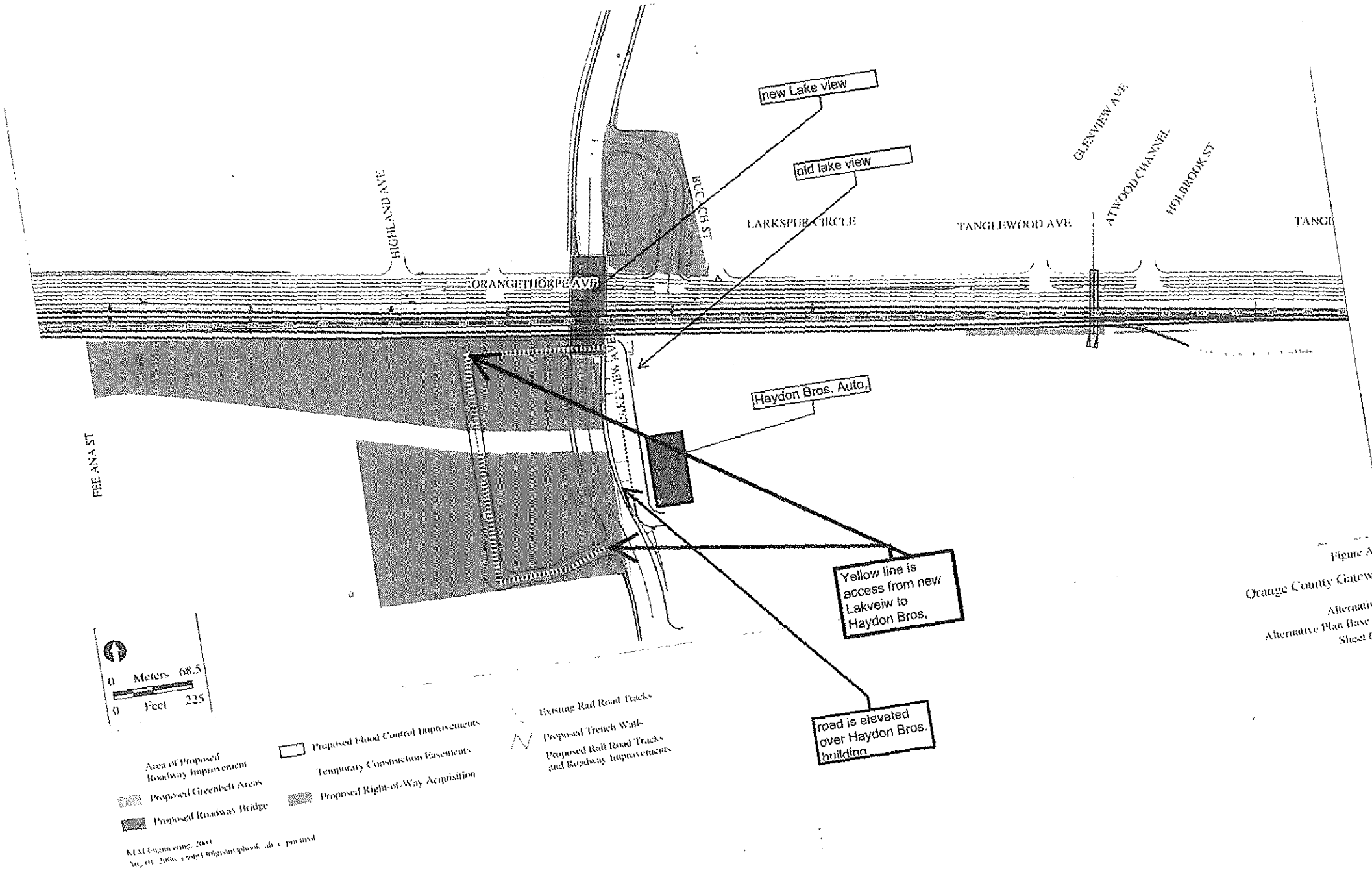


Figure A.2

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7

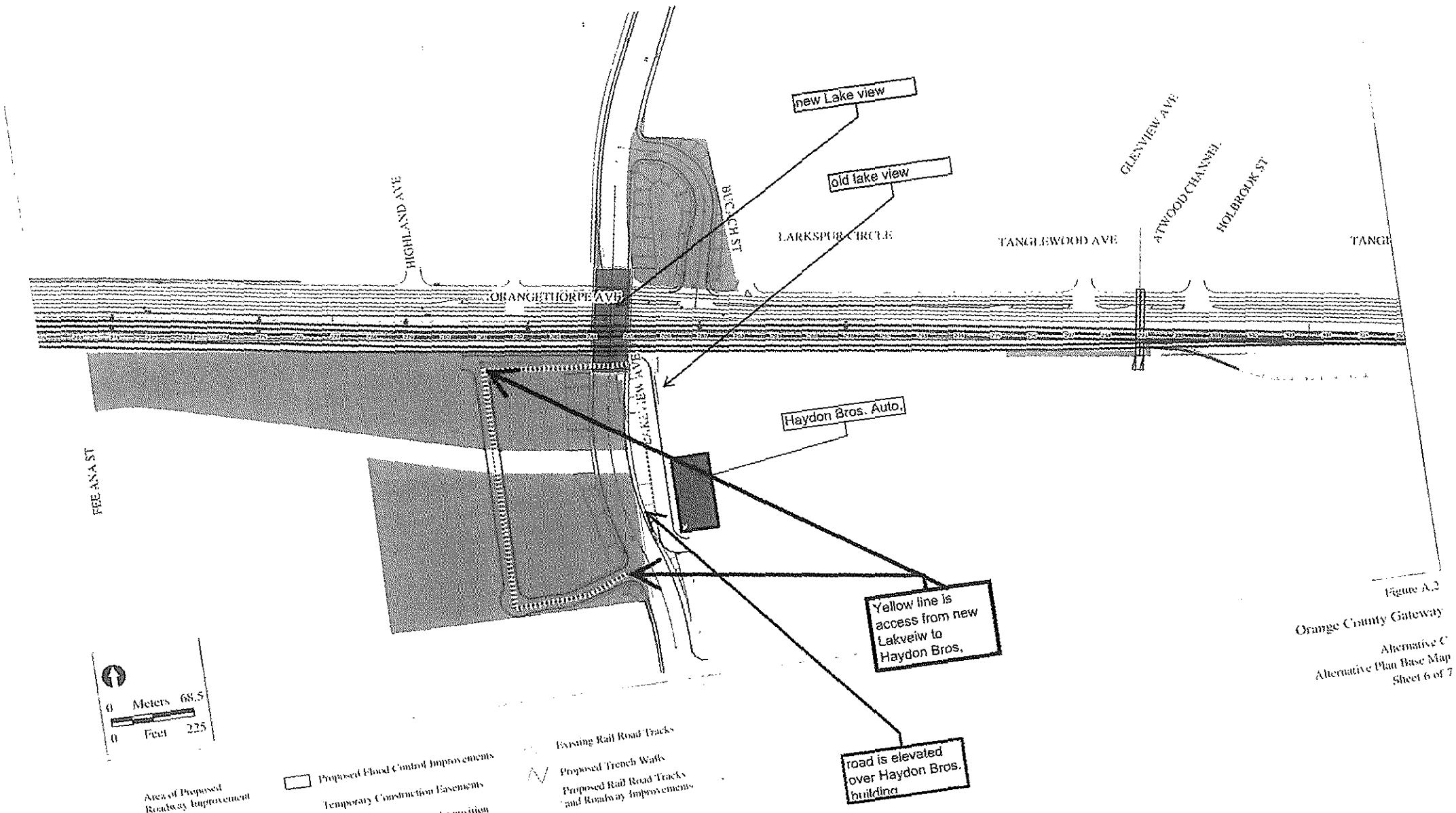


Figure A.2

Orange County Gateway

Alternative C

Alternative Plan Base Map

Sheet 6 of 7

Linda Lukowski
250 S. Rose #28
Placentia, CA 92870

City of Placentia
Mr. Mike McConaha
401 E. Chapman Ave
Fullerton, CA

August 24, 2008

Dear Mr. McConaha

What is truth? This is what I am looking for as I read all those papers passed out by the City of Placentia on relocation and Alternative A-D. Is it possible to find the truth?

Please, City of Placentia, show us your humanitarian side and let us keep our homes. Be bigger and better than the rest of the world. Make us proud of our city (I have lived here since 1961 and did not ever expect I would lose my home). There have been 90 trains a day since I moved in Del Cerro in 1972 and life has been fine and good without overpasses or trenches. Save your money on displacing us. We want our friends and community, clubhouse and pool.

Since it is not our community that is requesting construction, why are we the ones that may have to pay the steep price of losing our homes? Should not the people insisting that a grade separation be done be the ones who are inconvenienced? Find another way besides Alternative D.

Why us I think, when there is a golf course across the street with no homes? Would it be that bad if part of the golf course was taken in order to save homes. Golf is recreational and not necessary to life survival. Homes are a necessity.

I work 1 full time job and 2 part time jobs and do not want to be inconvenienced. The stress, time and anguish are awful for me right now.

Please do not do Alternative D. Even Alternative A is an option.

Sincerely,

Linda Lukowski

Comment Card
Orange County Gateway Project
July 24, 2008

NAME: Suzanne Sotelo

ADDRESS: 3472 E. Orangethorpe Ave. Anaheim Ca. 92806

AFFILIATION: Curves located in Lakeside Plaza

COMMENT: I am opposed to the 'Placentia Rail-Crossing Project.'

Any construction of a bridge Overpass will have a negative on all businesses in the Lakeside Plaza I purchased my business just one year ago, using my retirement savings to achieve my dream - owning my own business. I am almost to the point of seeing a profit However, if I am forced to move my business - providing I can find a location within my franchise territory at a comparable price, I may never recover. I will lose everything!

McConaha, Michael

From: Sadlercsuf@aol.com
Sent: Monday, August 11, 2008 11:11 PM
To: McConaha, Michael
Subject: Train Project - Placentia

Michael:

Please accept my e-mail with the deadline being earlier today.

We have been Placentia residents since 1998. I am very much concerned with the ***noise & dust*** that will be present near the Crowther crossing. We live near the intersection of Chapman & Orangethorpe in teh Bella Vista Gated Community.

Also, please make the Crowther ***the last*** of the 7 crossings that Cal Trans works on from 2011 - 2016.

Thanks!

Reggie & Robin Sadler
1026 Davis Way
Placentia, CA 92870

Looking for a car that's sporty, fun and fits in your budget? Read reviews on AOL Autos.

McConaha, Michael

From: ZITA ZITA [ajrom.zita@sbcglobal.net]
Sent: Monday, August 11, 2008 8:19 PM
To: McConaha, Michael
Subject: railway project in our area

August 11, 2008

To Whom It May Concern:

Unfortunately, we just became aware of this project a few days ago, after the stated date of July 24th, which was the date of your meeting open for public comments. To say that we were stunned would be an understatement. We are a retired couple in our late sixties and had no idea that we would be impacted in such a negative way by this project.

Someone placed a paper on our front door a few days ago from your office which gave info regarding the current proposals including the one that would entail an overpass on Kellogg Drive. The east side of our home sits off of Kellogg Dr. We are on the culdesac behind the Stater Bros on Orangethorpe & Kellogg. Needless to say we are most certainly against this proposal as our property would lose so much of it's value not to mention the noise and ugliness of seeing an overpass from my front door.

We purchased our home here in 1971 and expected to live out our retirement years here. **We can not afford** to move and yet don't feel we can live so close to an overpassin such close proximity to our home. You are building one on Imperial, a mile from here. Residents coming out of Yorba Linda can very well come down Kellogg to Imperial East and on to the freeway.

You will receive our comments late (after 5:00pm) because we are dealing with other personal issues including health issues. We do hope you take them into consideration as you make your decisions that certainly will not affect you personally but for us could be a nightmare.

Thank you kindly for considering our remarks as we have been very upset and worried since we became aware of this plan. We do hope writing this letter to express our concerns is not an exercise in futility.

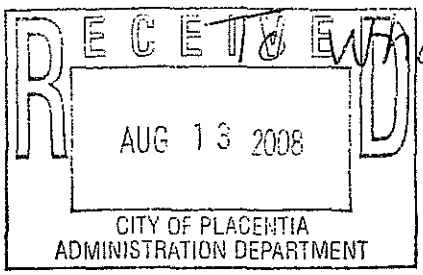
Sincerely,

Alfred & Zita Romain
5043 E Tango Circle
Anaheim CA 92807

p.s. We would appreciate a response if at all possible

Mike Mc.

August 7th, 08



To whom it may concern:

Dear Sirs,

My letter to you is to address the Orange County Gateway Project.

I and my husband are residents of Del Cerro Mobile Estates. We just moved here in January, 2008. We love this Park and the Community here. We were not aware when we moved here that this project could take our home in the very near future.

We are asking you to consider the Alternative B & C, which would be the underground trench for the rail system. It has been done in the city of Compton at the Alameda Corridor and was succlessful there. For a city such as Placentia it would be even more successful here. The crime rate here is much lower and is a much better area. We and others at Del Cerro are asking for the best interests in the city for all here. Financially speaking, this is a recession and may put many over-

residents in a more unstable situation than they already have. Hoping for your utmost care & concern when you make your final decision.

Thanks for your time.

Armando & Teri Flores
250 S. Rose Dr. Sp 101
Placentia Ca. 92870

McConaha, Michael

From: Perez, Maria
Sent: Monday, September 15, 2008 8:22 AM
To: McConaha, Michael
Subject: FW: CITY WEBSITE EMAIL: OC Gateway Project

Maria G. Perez
714-993-8117

From: dmm57@pacbell.net [mailto:dmm57@pacbell.net]
Sent: Sunday, September 14, 2008 12:41 PM
To: Perez, Maria
Subject: CITY WEBSITE EMAIL: OC Gateway Project

The following was submitted from the City of Placentia website:

From: Diana McKissick
Email: dmm57@pacbell.net
Telephone: 714-223-9810
Message: I need to know on the census tracts if Del Cerro Mobile Estates is considered 1 census tract or 171 (number of homes in park) census tracts.

I need an immediate response to this question.

McConaha, Michael

From: Perez, Maria
Sent: Monday, September 15, 2008 8:24 AM
To: McConaha, Michael
Subject: FW: Orange County Gateway Project

Maria G. Perez
714-993-8117

From: Diana McKissick [mailto:dmm57@pacbell.net]
Sent: Sunday, September 14, 2008 8:22 PM
To: OCTA; Perez, Maria
Subject: Orange County Gateway Project

I am **requesting answsers** to my questions and comments. Questions are bolded and underlined.

Orange County Gateway Draft EIS/EIR
City of Placentia

All the pictures that have been shown on the websites are from aerial views.

Have any been done what it would look like from ground level?

Is so, where may the citizens view these drawing?

If not why were they not done?

Earthquake safety –

What study has been done on earthquake safety?

If none has been done, why?

If one has been done where may the citizens view this study?

If it has not been made available to the citizens, why?

****

Page 3.4-27

These alternatives would not substantially change the character of the Cities of Placentia, Anaheim and Yorba Linda because they would not remove or adversely affect community facilities or services in these cities.

Alternative D would substantially change the character of the cities due to the number of residents and businesses that would be displaced.

Less property tax to the cities.
Less business taxes to the cities.
Less business to the business not displace due to the number of residents

displaced.

****

Page 3.4-28 & 3.4-29
Alternatives B, C, and D would not adversely affect the character of these census tracts because they would not remove or adversely affect community facilities or services in these census tracts.

Community Cohesion. As discussed earlier, the Cities of Anaheim, Placentia and Yorba Linda are typical southern California cities with a mix of varied housing types and nonresidential uses.
Although these are incorporated cities, there is no one factor that stands out as a unifying factor
that would contribute to a strong sense of community cohesion across each city. However, within each city, it is expected that there are areas of strong community cohesion, based on demographic, geographic, housing and other factors. Alternatives B, C, and D would not result in any new divisions or barriers within these cities and, therefore, would not adversely affect community cohesion in these cities. Alternatives B, C, and D could contribute beneficially to community cohesion in these cities by reducing traffic delays for residents, workers and visitors at the eight intersections proposed to be grade separated under Alternatives B, C, and D.

How would it not result in any new divisions or barriers within these city, in regards to community cohesion when neighbors would be destroyed or partially destroyed?

****

Page 3.4-29
However, as noted earlier, the demographic data for the study area census tracks indicate that these census tracts tend to have higher percentages of **minority, low income, and transit-dependent populations** than the three cities and the County.

Question:
How was this information obtained?

As a result, it is expected that residential areas within the census tracts may have a level of cohesion related to the relatively higher percentages of these types of populations. **However, because no data are available for smaller areas within these census tracts, it is not possible to identify specific areas that may have a sense of cohesion related to ethnic, race, income, or accessibility factors. Nonetheless, Alternatives B, C, and D would not result in any new divisions or barriers within these census tracks and, therefore, would not adversely affect community cohesion in these census tracts.** These alternatives could contribute beneficially to community cohesion in these census tracts by reducing traffic delays for residents, workers, and visitors at the eight intersections proposed to be grade separated under these alternatives.

Question:
If there is no data how can you know that it would not adversely affect community cohesion in these census tracts?

****

Page 3.4-29
Indirect Impacts. Indirect impacts related to the implementation of **Alternative B include beneficial effects such as better access across the existing railroad right-of-way (due to elimination of the existing at-grade crossings) for the existing communities on either side of the rail alignment. Pedestrian crossings at each of the new at-grade facilities under Alternative B would create better community connectivity and would allow pedestrians to travel more freely to and from the residential and commercial areas in the local area.** Overall quality of life would be improved for the local area by reducing the existing noise and visual effects of the existing at-grade railroad.

Page 3.4-30
Alternative D would present some new physical barriers to both residents and businesses in the local area surrounding the Orangethorpe Avenue intersections at Tustin Avenue/Rose Drive, Van Buren Street, Richfield Road, Lakeview Avenue, and Kellogg Drive. The grade separations at these locations would require the use of on-ramps and off-ramps to access the arterial roadways. However, the new grade separations would allow for safer crossings of the railroad right-of-way because the vehicle and pedestrian traffic would be separated from the train traffic. These impacts of Alternative D are not anticipated to adversely affect community cohesion because there is not a strong sense of community across the BNSF and across the major streets in the area. In addition, vehicles and pedestrians would be able to travel across the BNSF railroad at the interchange locations. Therefore, there would not be a long-term adverse indirect project impact related to community cohesion under Alternative D.

The benefits of Alternative B – Pros (no cons provided)

- Better access across the existing railroad right-of-way
- Pedestrian crossing at each of the new at-grade facilities
- Create better community connectivity
- Allow pedestrians to travel more freely to and from the residential and commercial areas in the local area.

The benefits of Alterative D

Pros

- Safer crossing of the railroad right-of-way

Cons

- States that not anticipated to adversely affect community cohesion. This is an unknown fact just anticipated.

Question:
If there are more pros to Alternative B why is Alternative D the preferred alternative?

Question:
Are the citizens not considered a positive for the city only the railroad?

Page 3.4-31 & 32
Alternatives B and C Temporary Impacts

Business and Neighborhood Disruptions. Temporary construction-related business and neighborhood disruptions would occur with the implementation of Alternatives B and C. Construction activity may affect any one block along the alignment for up to four years and two months under Alternative B and three years and two months under Alternative C.

Alternative D Temporary Impacts
Business and Neighborhood Disruptions. Temporary construction-related business and neighborhood disruptions would occur with the implementation of Alternative D. Construction of the grade separations would be phased over a period of approximately 13 years and 6 months over the entire corridor, but the construction period at any single intersection or location would be approximately 2 years. The temporary construction impacts would be more sustained than the impacts from Alternatives B and C because the overall project construction period would be more than 13 years. However, the temporary impacts under Alternative D would affect a smaller geographic area during the construction phase of each grade separation because Alternative D construction would occur only at specific locations (intersections) and not continuously along the BNSF alignment in the local area.

States the Alternative D would affect a smaller geographic area during the construction phase but during 13 years there would be some part of Orangethorpe Avenue that would have construction so Orangethorpe Avenue would never have a time frame when it is free flowing during a 13 year and 6 month period.
How can this not affect businesses when people go down Orangethorpe Avenue and see continual construction? Most people do not read up when construction will end and if they see continual construction they will take their business elsewhere.

Response Requsted:
Would like your response to this.

****

Property Tax Loss – Anaheim and Placentia
The property tax loss between:
Alternative B and C total loss - $5,143 – 10% more property tax loss
Alternative C and D total loss - $353,105 –93% more property tax loss
Alternative B and D total - $358,248 - 92% more property tax loss

Question:
Why would Alternative D be the preferred Alternative with such large loss of property tax

****

Page 3.4-89
CI-6 The Uniform Act requires that comparable, decent, safe, and sanitary replacement housing that is within a person's financial means be made available before that person may be displaced. In the event that such replacement housing is not available to "re-house" persons displaced by the project within statutory limits for replacement housing payments, the City of Placentia may provide Last Resort Housing in a number of prescribed ways. Last Resort Housing would be provided in the event that comparable housing for displaced residents is not available. Last Resort Housing can include increased housing payments or the construction of new housing, depending on the specific circumstances associated with the housing needs for an individual project.

3.4.2.6 Conclusions
The proposed OCG Build Alternatives would result in varying degrees of relocation impact, primarily dependent on the number of nonresidential and residential displacements associated with each alternative. As discussed above in Section 3.4.1.3, relocation of potentially displaced residents may be difficult given the current housing market and projected growth of the Orange County area. As discussed earlier, some displaced persons may consider that the impact of the displacement and relocation is substantial, even after implementation of Mitigation Measures CI-1 to CI-6, provided earlier.

Comment:
Due to the conclusion that relocation of displace residents may be difficult given the current housing market the possibility of Last Resort Housing is higher. The cost of Last Resort Housing would be substantial.
Question:
Would the city be able to afford this possibility?

****

Pager 3.4-96 & 97
All meetings, information materials, and public notices were made available throughout the City and to all segments of the population. As described in the *Scoping Summary Report* (LSA Associates, Inc. 2002), the general response of the public to the proposed project has been positive due to the ability of the project to eliminate the need for train whistles, relieve traffic congestion at railroad crossings, and eliminate the potential for train-motor vehicle accidents. Attendees at the scoping meetings identified concerns associated with dust, noise, and circulation during construction and the potential for the trench to increase train vibrations in the area. These potential impacts of the proposed OCG project are addressed elsewhere in this Draft EIS/EIR. No issues regarding environmental justice or potential disproportionate adverse impacts on environmental justice populations have been raised by the public regarding this project.

Question:
How was the information materials, and public notices made available throught the City and to all segments of the population?

**********8

Indirect Impacts on Minority, Low-Income and Transit-Dependent Populations. Under Alternative B, the road profiles of the eight roads crossings on the BNSF railroad would remain at grade. The elimination of the existing at-grade crossings under Alternative B would facilitate safer pedestrian, bicyclist and motor vehicle traffic at these crossings which would benefit all populations, including minority, low income and transit-dependent populations in the OCG local area, census tracts and the three Cities. This would be a beneficial effect of Alternative B.

Alternative C would result in the same indirect benefits on environmental justice populations at seven of the eight crossings. At the eighth, Lakeview Avenue would become a bridge overcrossing at the BNSF, which would provide for a safer and less congested crossing than the existing at grade crossing. However because the crossing would be on a bridge, it would be slightly different from the existing at grade crossing. Nonetheless. Alternative C would result in beneficial indirect effects related to improved safety and reduced congestion at all eight crossings which would benefit all populations, including environmental justice populations, using these crossings.

Alternative D would provide similar safety and reduced congestion benefits at all eight

crossings, on bridges and undercrossings. These crossings would be improved compared to the existing crossings, would benefit all populations, including environmental justice populations, using these crossings.

> It is stated that similar safety and reduced congestion would benefit all populations, including environmental justice populations but the acquisitions, temporary construction easements, and environmental justice population would be affected 66% more as per page 3.4-93, Table 3.4-U.

Question:
How can it state in one part of the document that there would be a greater impact on the environmental justice population but another portion statement that it would benefit them?

From: dmm57@pacbell.net [mailto:dmm57@pacbell.net]
Sent: Sunday, September 14, 2008 12:41 PM
To: Perez, Maria
Subject: CITY WEBSITE EMAIL: OC Gateway Project

The following was submitted from the City of Placentia website:

From:	Diana McKissick
Email:	dmm57@pacbell.net
Telephone:	714-223-9810
Message:	I need to know on the census tracts if Del Cerro Mobile Estates is considered 1 census tract or 171 (number of homes in park) census tracts. I need an immediate response to this question.

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*A PROFESSIONAL CORPORATION

November 17, 2008

REFER TO FILE NO.
35745-000

VIA MESSENGER

City of Placentia
Mayor and City Council Members
Chairman and Planning Commissioners
401 E. Chapman Avenue
Placentia, CA 92870

Re: Proposed Final Environmental Impact Statement/Environmental Impact Report – Orange County Gateway Project

Dear Honorable Mayor, Council Members, Chairman and Planning Commissioners:

This office is legal counsel for Del Cerro Mobile Estates ("Del Cerro"). As you are aware, Del Cerro owns and operates a mobile home park located at 250 South Rose Drive, Placentia.

During the public comment period for the Draft Environmental Impact Statement/Environmental Impact Report ("DEIR") relating to the Orange County Gateway Project ("Project"), this office submitted a comment letter ("PTWWW Letter") addressing, inter alia, significant inadequacies in the DEIR.

We have now reviewed the Proposed Final Environmental Impact Statement/Environmental Impact Report ("FEIR") for the Project. The FEIR fails to include necessary revisions to cure the numerous inadequacies of the DEIR.

Furthermore, we have reviewed in particular detail the responses to comments on the DEIR. The responses to comments on a Draft EIS/EIR must include good faith, well-reasoned responses to all comments received on the Draft EIS/EIR. *California State*

CEQA Guidelines, California Administrative Code ("CEQA Guidelines"), §§ 15088, 15132. Many of the responses and comments included in the FEIR appear to be unjustifiably biased in favor of Alternative D, and may not constitute good faith. Likewise, many of the comments fail to address or adequately respond to the public comments and may not be considered well reasoned.

For the reasons set forth below, and pursuant to other comments in the administrative record, we respectfully request that the Planning Commission not recommend certification and the City Council postpone certification of the FEIR until such inadequacies are eliminated from the EIR, and such revised EIR is recirculated for public comment as a revised DEIR. In addition, we respectfully submit that the revised DEIR limit the acquisitions at Del Cerro in compliance with the public comments city officials have made relating thereto.

I. Inadequacies of the DEIR Identified by the PTWWW Letter Not Cured in the FEIR.

The PTWWW Letter identified multiple inadequacies in the DEIR. Most of these inadequacies were not cured and are included in the FEIR, including inadequacies relating to the following environmental impacts caused by the Project: (1) noise, (2) adverse visual impacts, (3) unreasonable acquisition of property, (4) unreasonable traffic delays, (5) community cohesion and (5) unlawful piecemealing.

A. Noise.

The PTWWW Letter states that Alternative D fails to meet the Project's stated goal to reduce operational train noise and whistles and that it increases vehicular traffic noise. Furthermore, it points out that, under Alternative D, the train noise exposure will be greater than the noise standards provided in the City of Placentia Municipal Code Chapter 23.76, Noise Control. Finally, it states that the effectiveness of the mitigation measures for noise impacts in the DEIR are minimal, to the point of being virtually useless.

The FEIR failed to make any revisions to Alternative D, or to add additional mitigation measures, to remedy the unacceptable noise level caused by train noise and increased vehicular traffic noise.

The FEIR includes only one mitigation measure to reduce the additional traffic noise caused by the construction of six overcrossings under Alternative D. This measure plans to incorporate sound walls near the overcrossings to absorb some of the sound from the increased traffic noise. However, these sound walls are only feasible along a mere **200-230 linear yards**, and will only reduce sound at a total of **8 residences**. As identified in the PTWWW Letter, this mitigation measure is inadequate because it only reduces sound at a fraction of the residences affected by increased vehicular traffic noise. However, the FEIR contains no new analysis or mitigation measures in this regard.

The other two mitigation measures relate only to temporary construction noise and potential noise from the hard reflective surface of the overcrossings. Neither of these address the train noise or increase in vehicular traffic noise. Moreover, the mitigation measure for hard reflective surface noise is not, in fact, a mitigation measure. It simply states that if there is hard reflective surface noise caused by the overcrossings, the implementing agency will evaluate the feasibility and reasonableness of potential future mitigation measures.

Despite the increased vehicular traffic noise, failure to reduce train noise, and ineffective mitigation measures, the FEIR still concludes that the noise impacts are avoided or substantially lessened by mitigation measures. The data and raw analysis of noise impacts in the FEIR does not support this conclusion.

B. Visual Impacts.

The PTWWW Letter identified several adverse visual impacts that will be caused by the construction of six overcrossings pursuant to Alternative D and several beneficial impacts that will be caused by the placement of the railway tracks into a trench pursuant to Alternatives B and C.

The conclusion of the discussion on visual impacts in the FEIR does not acknowledge the beneficial visual impacts that will result from the placement of the railway tracks into a trench pursuant to Alternatives B and C. To the contrary, the conclusion of the visual impacts section of the FEIR only acknowledges adverse impacts that will be caused by Alternatives C and D.

To conclude that Alternative C will result in long-term adverse visual impacts is misleading. It is true that the one overcrossing that will be built pursuant to Alternative C

will result in an adverse visual impact. Alternative D will result in **500%** more overcrossings than Alternative C. Additionally, the net visual impacts for Alternative C will be **beneficial** because the railway tracks will be in a trench, out of plain view, and a landscaped walking and bike trail will accompany the trench.

The FEIR's conclusion ignores these significant long-term beneficial visual impacts and states simply that Alternatives C and D will result in adverse visual impacts that cannot be feasibly mitigated to below a level of significance. The data and raw analysis in the FEIR of visual impacts does not support this conclusion.

C. Unreasonable Acquisition of Property.

The PTWWW Letter identified that Alternative D results in an unreasonable acquisition of property, as compared to the acquisition of property pursuant to Alternatives B and C. Furthermore, the PTWWW Letter states that the DEIR is misleading because it only lists the number of parcels subject to acquisition, rather than the number of units.

The FEIR has not made any revisions or added any additional mitigation measures to remedy this discrepancy between the acquisitions of property. Not only did the FEIR not revise the properties subject to acquisition for Alternative D to a reasonable amount, it adds additional properties to the list of potential properties to be acquired. In addition, the FEIR fails to list the number of units that are subject to acquisition.

It is inappropriate to consider Alternative D because it potentially could result in the acquisition of **600%** more residential parcels than Alternative B or C. Furthermore, it is inappropriate to only list the potential acquisitions by the number of parcels subject to acquisition, rather than the number of units subject to acquisition. (Contrary to response to comment B12-16, the PTWWW Letter did not request the addresses of each unit to be listed; rather, it requested that the cumulative number of units that are subject to acquisition be disclosed). For example, the Del Cerro property is only listed in the FEIR as **one** residential parcel, yet it consists of over **one-hundred eighty,** single-family residential units.

D. Unreasonable Traffic Delays.

The PTWWW Letter identified that the DEIR does not evaluate the cumulative effects under Alternative D that will be caused by constructing the grade separations intermittently over a period that may last as long as 13 years. It also states that the closing of Kraemer Blvd. under Alternative D will create unacceptable traffic delays and that Alternative D will cause a permanent unsatisfactory level of service at Richfield Road.

There are no revisions or additional mitigation measures in the FEIR to cure the inadequacies related to these unreasonable traffic delays.

The DEIR only evaluated the traffic delays that will result under Alternative D for each grade separation, independent of the other grade separations. It does not evaluate the cumulative effects on traffic of constructing these grade separations over a period that may last as long as 13 years, and during which multiple grade separations may cause delays at the same time. Such analysis is necessary to reach a proper conclusion on the effects of Alternative D on traffic delays.

Alternative D calls for the closing of Kraemer Blvd at Crowther Ave. for 520 days; this is unacceptable. Kraemer Blvd. is the second busiest street in Placentia. The proposed detour plans to re-route cars to Tustin Ave./Rose Dr., the busiest street in Placentia. This will create unreasonable traffic delays for the entire 520 day period that the Kraemer/Crowther grade separation is under construction.

Finally, the intersection of Orangethorpe Ave. and Richfield Road will permanently operate at an unsatisfactory level of service, even after the proposed mitigation measure is implemented. This is in direct contravention of the Project's stated goal to reduce the projected level of service for roadways in the Project area.

Response to comment B12-45 fails to address this inadequacy. It simply refers the reader to Mitigation Measure TRA-1 on page 3.6-51 of the DEIR. This mitigation measure is **ineffective** at improving the Orangethorpe/Richfield intersection to a level of service greater than unsatisfactory. However, contrary to the data and raw analysis in the FEIR, the FEIR still concludes that the adverse transportation impact at this intersection will be "avoided or reduced to below a level of significance" even though it will operate

at an unsatisfactory level of service subsequent to the implementation of Mitigation Measure TRA-1.

E. Community Cohesion.

The PTWWW Letter identified adverse impacts to community cohesion that will be caused by blight associated with the construction of six overcrossings pursuant to Alternative D. The DEIR failed to acknowledge such impacts, these impacts were not included in the discussion for community cohesion, and the responses to comments in the FEIR state that blight associated with the overcrossings is not an environmental issue.

Community cohesion is an environmental issue that must be discussed and analyzed for the Project. Response to comment B12-41 states that community cohesion is defined as "the degree to which residents have a sense of belonging to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions." Blight will have an adverse impact on residents' sense of belonging to their neighborhood. Accordingly, the potential for blight will have adverse impacts on community cohesion, impacts which were not properly addressed or analyzed in the FEIR.

F. Unlawful Piecemealing.

The PTWWW Letter identified that the DEIR does not fully assess and quantify cumulative impacts associated with the Project due to the inevitable future railway expansion in the Project area. The FEIR also fails to address this expansion. As discussed further below in Section II.A. of this letter, the failure to address the future expansion constitutes unlawful piecemealing and therefore the FEIR is inadequate.

II. The Inadequacies of the DEIR Identified by the Environmental Protection Agency Were Not Cured in the FEIR.

The United States Environmental Protection Agency (the "EPA") submitted a comment letter to the DEIR on August 7, 2008 (the "EPA Letter"). The EPA was concerned with (1) the lack of analysis of cumulative impacts from reasonably foreseeable future actions, (2) the potential for induced traffic and circulation impacts, (3) lack of sufficient construction mitigation and air quality analysis, (4) potentially

significant impacts to sensitive receptors at schools in the immediate vicinity of the Project, and (5) an insufficient analysis of impacts to jurisdictional waters.

For these reasons, the EPA rated the DEIR as *Environmental Concerns – Insufficient Information* (EC-2). The EPA rates a proposed action EC-2 when "the draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of this action. The identified additional information, data, analyses, or discussion should be included in the final EIS."

A. Reasonably Foreseeable Future Actions.

The EPA Letter correctly states that the DEIR does not fully assess and quantify cumulative impacts associated with the Project due to the inevitable future railway expansion in the Project area. In Volume IV, p. 35 of the FEIR, the response to the EPA Letter acknowledges, "it is likely that, at some point in the future, the BNSF would install a third-track in its right-of-way in the OCG study area to provide a continuous three-track cross section across this part of Southern California." However, the response states that the third track is "in the purview of BNSF" and therefore discussion of this improvement is outside the context of the OCG project and its environmental analysis.

First, it is clear that the addition of the third track is a reasonably foreseeable future action. As indicated in the EPA Letter, construction of the third track has already begun from the Hobart railyard, near downtown Los Angeles, to Fullerton (just west of the Project). Furthermore, a three-track alignment currently exists just east of the Project in Yorba Linda, heading east.

The date of commencement of construction for the Project has not yet been established, and the date of completion is projected to be as late as 13 years later, in the case of Alternative D. It is reasonably foreseeable that construction of the third track in the area of the Project will begin prior to or during construction of the Project. Realistically, considering BNSF has built, and is currently building, a third track on either side of the Project area, construction of the third track in the Project area is likely to begin well before construction of the Project is completed.

There is a fundamental flaw in the conclusion reached in the response to the EPA Letter – that the third railway track is an independent project and therefore environmental impacts associated therewith should not be analyzed. Two of the build alternatives (Alternatives B and C) involve lowering the BNSF railway tracks into a trench. Necessarily, this includes lowering either both existing tracks, or three tracks, into the trench. Moreover, this involves building "shoefly" tracks to temporarily detour trains around construction areas. Likewise, Alternative D requires a shoefly around Kraemer Blvd. The cumulative environmental impacts associated with moving these tracks will be greater if there are three tracks.

The FEIR, like the DEIR, does not analyze the environmental impacts of the Project with a third track in the Project area. No changes were made to the DEIR to analyze such impacts. Accordingly, the FEIR does not contain sufficient information for the public to fully assess the environmental impacts of the entire Project.

B. Transportation, Circulation, and Traffic Impacts.

The EPA Letter makes several recommendations for providing more information regarding transportation, circulation, and traffic impacts. The FEIR does not implement any of EPA's recommendations. Rather than provide the recommended information and analysis, the FEIR, via the response to the EPA Letter, simply claims that the information provided in the DEIR is adequate.

C. Air Quality.

The EPA Letter identifies numerous deficiencies in the air quality analysis provided in the DEIR and recommends that the FEIR include additional data regarding $PM_{2.5}$, carbon monoxide maintenance plans, regional transportation plans, mobile source air toxics, construction mitigation measures, air quality impacts associated with transporting fill material, and greenhouse gases. The FEIR only added Mitigation Measure AQ-8 and revised Mitigation Measure AQ-2, rather than implementing all the recommendations. The response to the EPA Letter almost entirely references the information provided in the DEIR, rather than address the inefficiencies by implementing the recommendations from the EPA.

D. Environmental Justice.

The EPA Letter recommends that the FEIR should evaluate localized impacts from diesel emissions to minority or low-income communities in the immediate vicinity of the Project railway that could result from increased locomotive traffic of the reasonably foreseeable, larger project. The response in the FEIR declines to make such an evaluation, citing the independence of the Project from the third railway track, as discussed above.

E. Jurisdictional Waters.

The EPA Letter makes numerous recommendations for the inclusion of additional information in the FEIR regarding jurisdictional waters. Again, the FEIR does not include any of the EPA's recommendations and instead merely references the information provided in the DEIR.

F. Conclusion.

Pursuant to the EPA Letter, the DEIR provides insufficient information for the public to make an adequate analysis of the environmental impacts of the Project. Furthermore, the FEIR fails to include the majority of the recommendations from the EPA. Accordingly, the FEIR provides insufficient information, is currently inadequate to serve as the environmental document for the Project, and should not be certified until such recommendations have been implemented, such inadequacies have been remedied, and a new DEIR has been recirculated for public review.

III. <u>Continued Evidence of Bias</u>.

The PTWWW Letter identified numerous examples of bias in favor of Alternative D in the DEIR. In general, it identified that the DEIR ignores certain beneficial environmental impacts of Alternatives B and C, and minimizes the adverse environmental impacts of Alternative D.

In addition to the evidence of bias in favor of Alternative D identified in the PTWWW Letter, there is further evidence of bias in favor of Alternative D in many of the responses to the PTWWW Letter, located in Volume IV of the FEIR. Many of the responses do not appear to have been made in good faith and may not qualify as well

reasoned, as required by §§ 15088 and 15132 of the CEQA Guidelines. These responses are as follows:

Response to Comment B12-4: This comment is made in response to the assertion that Alternatives B and C meet the Project's objective of reducing train noise and whistles, while Alternative D does not. It simply states that "the primary purpose of the proposed project is to improve safety and traffic flow." This response ignores and minimizes the fact that reduction of train and whistle noise is also a stated objective of the project. The comment goes on to acknowledge that Alternatives B and C reduce train and whistle noise, and then inexplicably states that "Alternative D would also reduce the train whistle noise (emphasis added)," while failing to acknowledge that Alternative D will not reduce train noise. This subterfuge downplays the difference in environmental noise impacts associated with Alternative D as compared to Alternatives B and C.

Response to Comment B12-10: In response to the assertion that the overcrossings will have limited room for landscaping, this comment states that "any landscape associated with any of the OCG Build Alternatives would be a landscape improvement." Such claim ignores the fact that the existence of the overcrossings pursuant to Alternative D is a **detriment** to the visual impacts, and that any landscaping around such overcrossings only serves to **mitigate** such detrimental impacts. Conversely, the trench in Alternatives B and C will result in **beneficial** impacts, and any landscaping under these Alternatives will serve to **enhance** such beneficial impacts. As such, the response continues the inadequate analysis of the DEIR by failing to properly acknowledge the detrimental environmental impacts of Alternative D and the beneficial environmental impacts of Alternatives B and C.

Response to Comment B12-37: In response to the assertion that the closing of Kraemer Blvd. will delay and hinder students travelling to school, this comment appears to attempt to dismiss such assertion with the simple claim that none of the entryways to these schools is on Kraemer Blvd. and that the majority of the students that attend these schools do not live south of Crowther Blvd.

Many students of these schools live south of Crowther Ave. and the most practical route to Tynes Elementary School, Kraemer Middle School, and Valencia High School is via Kraemer Blvd., through the intersection that will be closed during the construction of the underpass on Kraemer Blvd. Students that live south of Crowther Ave. enter Kraemer Middle School and Valencia High School via Alta Vista, two lights north of this

intersection, which dead ends into the parking lot of Kraemer Middle School and the rear entrance of Valencia High School. Likewise, the most direct route to Tynes Elementary School is to travel through this intersection and turn right on Chapman.

These students will certainly be delayed and will have to go out of their way, through gridlocked traffic, to reach their respective schools. It is unclear why the FEIR and responses to comments continue to ignore the travel routes of students that live south of Crowther Ave., other than an apparent bias in favor of Alternative D.

Response to Comment B12-41: In response to the assertion that the DEIR ignores the effect that blight will have on community cohesion, this comment states that there "does not appear to be a nexus between the potential for transient and other illegal activities and the sense of community cohesion in a given area."

This response defines community cohesion as "the degree to which residents have a sense of belonging to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions." It is axiomatic that providing shelter for illegal activities and transients will adversely impact a sense of belonging to a neighborhood. Although it is difficult to measure this adverse impact, it is adverse nonetheless. It is unclear why the FEIR and responses to comments continue to ignore the effect that blight will have on community cohesion, other than an apparent bias in favor of Alternative D.

Response to Comment B12-43: Similar to response to comment B12-41, this comment states that although the trench alternatives provide opportunities for greenbelt uses that may benefit the overall community sense of pride, it is difficult to directly relate such benefits to the overall sense of community cohesion and character. The addition of a greenbelt area that includes walking and bike trails will have a positive impact on community cohesion, even if that impact is difficult to measure. It is unclear why the FEIR and responses to comments continue to ignore the beneficial impacts of Alternatives B and C on community cohesion, other than an apparent bias in favor of Alternative D.

Response to Comment B12-58: The conclusion regarding noise impacts, on p. 3-14-53 of the DEIR states that the "impact of Alternatives B, C, and D is not considered adverse." The PTWWW Letter states that this conclusion is biased because it ignores the beneficial environmental impacts of Alternatives B and C and misleads the reader by not

identifying that Alternatives B and C provide substantial beneficial noise impacts, while Alternative D does not.

The response to comment B12-58 simply states that Alternative D will not have an impact on train noise, and therefore reaching such a conclusion is proper. It is unclear why the FEIR and responses to comments continue to fail to acknowledge significant differences in noise impacts of Alternative D compared to Alternatives B and C, other than an apparent bias in favor of Alternative D.

Response to Comment B12-59 to B12-64: In response to assertions that the conclusions reached for the corresponding sections downplay and diminish the adverse environmental impacts of Alternative D while they ignore or understate the beneficial environmental impacts of Alternatives B and C, this comment directs the reader to review the analysis contained in each particular section of the DEIR.

The PTWWW Letter claims that the analyses in the DEIR do not support the conclusions, not that the analyses are not included in the DEIR. These conclusions categorize the environmental impacts of Alternatives B, C and D as the same; they downplay the greater adverse impacts present in Alternative D and ignore the beneficial impacts present in Alternatives B and C, contrary to the data and raw analysis in the DEIR. It is unclear why the FEIR and responses to comments continue to defend conclusions not supported by the data and raw analysis, other than an apparent bias in favor of Alternative D.

Response to Comment B12-65: In response to the assertion that the conclusions of most sections discussing environmental impacts downplay adverse impacts of Alternative D and ignore beneficial impacts of Alternatives B and C, this comment states that the conclusion sections were intended to be brief summaries of the detailed analysis provided in the DEIR. Unfortunately, such brief summary conclusions are not consistent with the detailed analysis provided in the DEIR. It is unclear why the FEIR and responses to comments continue to defend conclusions not supported by the data and raw analysis, other than an apparent bias in favor of Alternative D.

IV. Acquisitions at Del Cerro Mobile Estates.

Officials of the City of Placentia and OCTA, at meetings with representatives and residents of Del Cerro, indicated that they will be able to design Alternative D with a minimal take of properties at the Del Cerro community.

During the City Council meeting on October 7, 2008, City staff presented a slideshow that presented designs with minimal to virtually no acquisitions of property at Del Cerro. In this slideshow, the City stated that "Every effort is being made to further minimize impacts through strategic design and engineering."

Furthermore, Volume IV, pp. 7-8 of the FEIR discusses, specifically, the acquisition of property at Del Cerro and the Rose Plaza Shopping Center. It states that "part of the process during final design would be to finalize the geometrics for the selected Build Alternative and **to attempt to reduce the project footprint/disturbance limits to the extent possible while still meeting the applicable design standards**."

Despite making public comments, presentations and implied promises to the Del Cerro community, the FEIR includes the same listing of property acquisitions for Alternative D as listed in the DEIR, including the potential taking of any and most properties in Del Cerro. In fact, the FEIR actually increases the number of properties to be acquired, adding three additional properties located along Orangethorpe Ave.

Indeed, the City has worked hard to convince the public, including the residents of Del Cerro, that it will limit the acquisition of properties therein. However, it has failed to support these implied promises by reducing the potential parcel acquisitions of properties at Del Cerro in the FEIR.

As discussed above, the FEIR is inadequate and should not be certified until such inadequacies have been cured and the revised EIR is recirculated for public comment. While revising the EIR, the City should also revise the potential acquisitions at Del Cerro to correspond to the public comments, presentations and implied promises it has made to the community.

V. Conclusion.

As discussed above, the FEIR does not cure the significant inadequacies of the DEIR. Furthermore, the FEIR, just as the DEIR, appears to be biased in favor of Alternative D. Accordingly, we respectfully request that the Planning Commission not recommend certification and the City Council postpone certifying the FEIR until such inadequacies have been cured. In addition, the FEIR should reduce the parcel acquisitions to reflect the public presentations and the implied promises the City of Placentia has made to the community, including the residents of Del Cerro.

Very truly yours,

Ryan M. Easter

RME:fjf