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July 7, 2009

The Honorable Kevin De Leon
Chair, Assembly Appropriations Committee
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

Dear Assembly Member De Leon:

RE: SB 372

On behalf of the Orange County Transportation Authority (OCTA) Board of Directors, I am writing to inform you that OCTA opposes SB 372, which would prohibit the modification or adjustment of the boundaries or uses of a state park, unless recommended by the State Park and Recreation Commission and approved by the Legislature. This approval would be needed for any project to be built using state park land.

While OCTA acknowledges the importance of protecting the environment and preserving state natural resources, SB 372 includes protections duplicative of existing state and federal law and would create further delays to already extensive environmental and permitting review processes. For instance, under federal law, before the United States Department of Transportation can approve a project that goes through state park land, it must be proven that there is no prudent and feasible alternative and that the project includes all possible planning to minimize impacts to the land and resources. Further, strong protections are provided under the California Environmental Quality Act.

SB 372 would also limit local land use and transportation planning authority, having potential impacts on many current and future transportation projects. In Orange County, SB 372 would prevent or delay work on the Riverside Freeway (State Route 91) and the extension of the 91 Express Lanes into Riverside County, as authorized under SB 1316 (Chapter 714, Statutes of 2008). In addition, SB 372 could also impact continued planning efforts by local stakeholders related to the Foothill Transportation Corridor (State Route 241) extension, which continues to be part of the Southern California Association of Government's Regional Transportation Plan as a key component to achieving air quality conformity.

Moreover, SB 372 has potential to impact projects within existing right of way. For instance, the California Department of Transportation (Caltrans) currently holds multiple construction easements from the California Department of Parks

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and Recreation along State Route 91 (SR-91). These easements are needed to make improvements that have been planned for many years. If SB 372 is passed, there is potential that these agreements could retroactively be impacted, thereby creating delays in implementing these projects. These delays will serve only to increase project costs, at a time when capital project resources are already severely limited.

In order to allow local agencies to respond to the needs of the localities they serve, it is imperative to allow existing processes to work and not create additional delays to an already lengthy process which actively protects the state's resources. If you or your staff have any questions regarding OCTA's position on SB 372, please call Wendy Villa, State Relations Manager, at (714) 560-5595.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Buffa", written over a horizontal line.

Peter Buffa
Chairman

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c: Members of the Assembly Appropriations Committee
Orange County State Legislative Delegation
Sloat Higgins Jensen & Associates