

# Statement of Overriding Considerations for the San Joaquin County 2007 Regional Transportation Plan

CEQA Guidelines Section 15093 requires the San Joaquin Council of Governments (SJCOG) to “balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.” The following is SJCOG’s statement of overriding considerations to be adopted as part of the final approval of the Regional Transportation Plan (RTP).

The final programmatic environmental impact report (PEIR) certified for the RTP identifies the potential unavoidable contributions to impacts on agricultural land/open state and on traffic that may occur because of the plan.

## Construction of Transportation Improvements Near Some Architectural (Built Environment) or Other Cultural Resources

Some proposed transportation improvement projects may occur near or in close vicinity to architectural resources that are 50 years old or older. These may be historically significant resources that are eligible for listing in the California Register of Historic Resources (CRHR) or National Register of Historic Places (NRHP). Implementation of both Mitigation Measures CR-4 and CR-5 together would reduce this impact to the less than significant level. However, if implementation of these measures is not feasible, implementation of Mitigation Measures CR-6 and CR-7 would reduce the impact, but not below the level of significance.

Although at the project level, it is not anticipated that individual RTP projects will result in impacts to historic resources, because the significance of architectural resources and their eligibility for listing in the CRHR or the NRHP may not be known, there is the possibility that individual projects would result in the physical demolition, destruction, relocation, or alteration of potential historical resources. This impact is considered significant and unavoidable.

Policies and programs within San Joaquin County allow for the preservation of historical resources. Although at the project level, none of the projects included in the RTP would require impacts to formally designated State Historic Landmarks, Points of Historical Interest, National Register properties, or State Historical Landmarks, previously undesignated historical resources may be impacted at the project level. As development continues within the region, it is likely that additional, undiscovered sites exist within the area, including on land that is both developed and undeveloped. Although all development within the region must adhere to CEQA regulations that call for careful investigation and documentation of sites for the presence of cultural resources, adherence to these regulations and implementation of mitigation may not prevent a future cumulative loss of these important resources.

Because site-specific surveys have yet to be conducted for the RTP project, it is not known whether recognized cultural resources would be disturbed. Furthermore, the potential exists for the discovery of previously unknown resource sites during the construction of RTP projects. In combination with the future scenario, any disturbance or destruction of known and unknown cultural resources would be considered to contribute considerably to a significant cumulative impact.

Although impacts to historical resources is a substantive issue of concern to the San Joaquin Council of Governments (SJCOG), the current and projected challenges San Joaquin County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation facilities, are far greater and could lead to a larger regional transportation effect. Implementation of RTP projects will help to alleviate many of the problems associated with the larger challenges, such as relief of traffic congestion, increased roadway safety, and provision of alternative modes of transportation, all of which will ultimately improve the overall quality of life in San Joaquin County. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.

## **Disturbance or Loss of Waters of the United States, Including Wetlands, Associated with Transportation Improvement Projects**

The 2007 RTP includes individual projects, which could result in the disturbance or loss of waters of the United States. These include perennial and intermittent drainages, unnamed drainages, vernal pools, freshwater marches, and other types of seasonal and perennial wetland communities. Wetlands and other water of the United States could be affected through direct removal, filling, hydrological interruption (including dewatering), alteration of bed and bank, and other construction-related activities. Implementation of Mitigation Measures BIO-6,

BIO-7, BIO-8, and BIO-9 will reduce these impacts below the level of significance. However, as the extent of project-level impacts and types of affected communities have yet to be determined, this impact is considered significant.

This impact is considered significant and unavoidable taken together with the expected urban development in the County due to the projected population increase, the inability to completely locate new transportation facilities away from existing waters of the US. and other waterways and the necessity of improving existing transportation utilities adjacent to or in the vicinity of wetlands or other waters of the US. Impacts to wetlands and waters of the US will be mitigated at the project level when feasible to reduce impacts below the level of significance as they become known. Policies and programs are contained in County and local regulations. The SJCOG and local jurisdictions sponsoring individual projects are responsible for implementing and addressing this issue as it pertains to their jurisdictions.

Although mitigation is available to address project-level impacts, the impact would remain significant and unavoidable to the extent that specific project-related impacts will remain unknown until at which time they may be evaluated individually.

Although the conversion of limited amounts of waters and wetlands to urban uses (including transportation) is a substantive issue of concern to San Joaquin County, the current and projected challenges San Joaquin County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation facilities, are far greater and could lead to a larger regional transportation effect. Implementation of the 2007 RTP projects will help to alleviate many of the problems associated with the larger challenges, such as relief of traffic congestion, increased roadway safety, and provision of alternative modes of transportation, all of which will ultimately improve the overall quality of life in San Joaquin County. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.

## **Potential Disturbance or Loss of Special-Status Wildlife Species and Their Habitat**

Construction and maintenance activities associated with the proposed transportation projects could result in the direct loss or indirect disturbance of special-status wildlife species or their habitats that are known to occur, or have potential to occur, in the County. Impacts on special-status wildlife species or their habitat could result in a substantial reduction in local population size, lowered reproductive success, or habitat fragmentation. Significant impacts on

special-status wildlife species associated with transportation projects include, but are not limited to: increased or direct mortality resulting from project-related impacts; loss or disturbance of habitat and wildlife resulting from project related activities; loss of breeding, foraging, and refuge habitat as a result of project-related activities; and loss of migration corridors resulting from project related activities.

This impact is considered potentially significant because SJCOG cannot guarantee that special-status wildlife species can be avoided for all projects. For projects not mitigating impacts through participation in the SJMSCP, implementation of the following mitigation measures would reduce this impact. The degree of reduction would depend on the wildlife species potentially affected (e.g. listed versus unlisted) and the extent of impact. Under this scenario, this impact is considered potentially significant. For projects that are participating in the SJMSCP, implementation of mitigation measures outlined in the SJMSCP would reduce this impact to a less than significant level and therefore this impact is considered less-than-significant with mitigation. Under the SJMSCP participation scenario, it is assumed that if there will be impacts to listed wildlife species and incidental take authorization is required, authorization can be achieved through the SJMSCP. Alternatively, if incidental take authorization cannot be achieved through SJMSCP participation, impacts could be potentially significant.

Additionally, construction and maintenance activities associated with cumulative development in the region could result in the direct loss or indirect disturbance of special-status species within the county. Any impact on special-status plant species or their habitats could result in a substantial reduction in local population size, lowered reproductive success, or habitat fragmentation. Although the RTP contains mitigation measures aimed at reducing its Project-level impacts, the implementation of this mitigation would not reduce biological impacts to a less-than-significant level for all RTP projects. Furthermore, the cumulative impact of development in the region on biological resources is considered to be significant. Therefore, the RTP Project would contribute considerably to a significant cumulative impact.

Although, the construction of some of the 2007 RTP projects may result in impacts to wildlife species and their habitats, the benefit of the projects countywide outweigh the potential effect of this impact. The current and projected challenges the County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation facilities are far greater than the effect of this impact and could lead to a larger regional transportation effect. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.

## **The Program Would Accommodate Growth that May Require Alterations of, Addition to, or a Need for Utility Systems**

The proposed 2007 RTP accommodates planned growth in San Joaquin County. The proposed Project could therefore accommodate economic growth that would result in a substantial increase in the demand for utility systems such as water, sewer, or drainage, including a sphere of influence or district boundary change. Because mitigation to reduce these impacts is not feasible at the programmatic level, this impact is considered significant and unavoidable.

This impact is considered potentially significant because SJCOG cannot determine appropriate and feasible mitigation for future unknown impacts related to future public services and utility needs on a program level.

Although, the growth accommodated by the construction of the 2007 RTP projects may result in impacts to public services and utilities, the benefit of the projects countywide outweigh the potential effect of this impact. The current and projected challenges the County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation facilities are far greater than the effect of this impact and could lead to a larger regional transportation effect. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.

## **Cumulative Exposure of Existing and Future Noise-Sensitive Land Uses to Increased Traffic Noise Resulting from Cumulative Development**

The proposed improvements are intended to respond to transportation needs of current and future County residents. Furthermore, the 2007 RTP improvements are intended to keep pace with anticipated population growth. The 2007 RTP is designed to improve traffic conditions to the extent feasible, thereby reducing congestion and idling times, which are noise-generating activities. Nonetheless, even with the improvements identified in the proposed plan, population-driven increases in vehicular travel would generate increased noise.

Projects such as regional street improvements and mainline highway improvements are anticipated to improve traffic flow, lessen congestion, and reduce engine idling times that generate noise. Noise increases are typically not perceptible unless the increase is three decibels or more. An increase of three decibels requires a doubling of the traffic volume. Because implementation of

the plan is not expected to substantially increase VMT, it is not expected that traffic would double on any given roadway with implementation of the plan. However, future population growth anticipated within San Joaquin County may increase VMT to a degree that noise impacts would be perceptible and thus, substantial. Therefore, the cumulative noise impact is considered to be significant.

Although, the growth accommodated by the construction of the 2007 RTP projects may result in future cumulative impacts to sensitive noise receptors, the benefit of the projects countywide outweigh the potential effect of this impact. The current and projected challenges the County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation facilities are far greater than the effect of this impact and could lead to a larger regional transportation effect. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.

## **Cumulative Degradation of the Existing Visual Character of the Region**

The existing regional setting mixes developed areas and large tracts of agricultural and vacant land. As indicated by SJCOG's future projections of population and employment, much of the undeveloped areas in the region will be subject to growth and development. Regional growth has combined and will continue to combine to create a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas. Cumulative development entails grading/landform alteration, the erection of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character.

While the RTP includes mitigation to reduce Project level impacts on visual resources to less-than-significant levels, the overall development in the region would result in a significant cumulative impact. No feasible mitigation is available to reduce the cumulative effect on visual character, or to mitigate the proposed Project's contribution to a less-than-significant level. Consequently, the RTP's contribution to this cumulative impact is considerable and unavoidable.

Although, the growth accommodated by the construction of the 2007 RTP projects may result in future cumulative impacts to the visual character of the region, the benefit of the projects countywide outweigh the potential effect of this impact. The current and projected challenges the County faces in relation to transportation facilities and services, such as a growing population and resulting increased roadway congestion and demand for use of the existing transportation

facilities are far greater than the effect of this impact and could lead to a larger regional transportation effect. Based on the entire record and the PEIR, the need for the improvement of the transportation system, the economic and social benefits in San Joaquin County outweighs and overrides the significant unavoidable environmental effects that would result from future transportation projects.