



MINUTES OF NCTC SPECIAL MEETING July 24, 2019

A special meeting of the Nevada County Transportation Commission (NCTC) was held on Wednesday, July 24, 2019 in the Nevada County Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City, California. Notice of the meeting was posted 24 hours in advance. The meeting was scheduled for 9:30 a.m.

Members Present: Jan Arbuckle, Andrew Burton, Ann Guerra, Susan Hoek, Ed Scofield, Alternate Valerie Moberg

Members Absent: Carolyn Wallace Dee

Staff Present: Daniel Landon, Executive Director; Mike Woodman, Deputy Executive Director; Dale Sayles, Administrative Services Officer; Carol Lynn, Administrative Assistant

Standing Orders: Chair Guerra convened the Nevada County Transportation Commission meeting at 9:38 a.m.

Pledge of Allegiance

ACTION ITEM

1. Request from the Save Highway 174 group for a letter to Caltrans regarding their concerns about the State Route 174 Safety Improvement Project

Charley Hooper, representing the Save Highway 174 group, gave a presentation. He said they are a group of owners, residents and citizens who are concerned about how the Caltrans Highway 174 project might negatively affect the scenic, historic Highway 174 corridor. He said it is a neighborhood, with many people whose properties butt up to the highway, or live on side roads. Highway 174 is why his family chose to live here 20 years ago. The highway has important natural features such as heritage oaks, prime agricultural pasture land, creeks, springs, and ponds that harbor protected species.

Mr. Hooper gave a brief history of the Caltrans project. Caltrans secured \$28 million mainly from Federal funds, and the project was justified on three years of traffic safety data from 2010-2013. The Save Highway 174 group has been active for two years, and it has met with elected officials Brian Dahle and Ted Gaines, and has come before NCTC and the Board of Supervisors. In October 2017 the Board of Supervisors passed a resolution supporting many of the points the group has been raising. Mr. Hooper said Caltrans has addressed two out of the seven points raised.

A subcommittee of Save Highway 174 has been meeting with Caltrans to talk about design specifics for this project. Caltrans subsequently revised their design plans last year. The revised design includes a 40 foot paved section with 12 foot lanes and 8 foot shoulders, with a cut slope of 1 to 1 and a fill slope of 2 to 1.

Mr. Hooper listed criticisms of the process, including a lack of public involvement on the part of Caltrans to inform the public at large, and a lack of clear and consistent information from Caltrans. He said the group feels more than 36 months of accident data is needed to ascertain the safety of a road. The group looked at 12.5 years of data, and compared Highway 174 with four other similar highways, and found Highway 174 to be right in the middle in terms of collisions, injuries, and fatalities.

Mr. Hooper said the Federal Highway Administration (FHWA) recommends doing a safety audit to look at each specific problem and address a solution. He said this project was represented as a lower level project which sidestepped the environmental and noise studies. According to the FHWA, Type I projects need environmental and noise studies, whereas Type III projects do not. Type III projects are typically for replacing guardrails, striping, and minor curve corrections, and Type I projects vertically and horizontally change the roadbed. He said Type I criteria are met with this project.

Mr. Hooper said Caltrans did a speed study on this section of road for a three year period from 2013 to 2016, and they found the level of safety to be adequate, close to state averages, and recommended the speed limit be increased from 45mph to 50mph, with no changes to the road. He said Caltrans had come to two diametrically opposed conclusions on the same road, purely based on what three year period was being used. He continued that a GPS search lists the travel time from Auburn to Glenbrook Basin as being three minutes faster using Highway 49 than using Highway 174, but it would not take much for Highway 174 to become the faster route, which could make it less safe.

Joe Heckel said the Save Highway 174 group has been trying to work with Caltrans to look at reasonable safety improvements on Highway 174, and tailor Caltrans' standard design to this scenic highway through a neighborhood with driveways and homes. He said in 2018 Caltrans revised their project design by steepening the grading, but they kept the 40 foot wide paved section, which will be the standard through this two mile project area. The group looked at a number of measures to lessen the impact of this project, including narrowing the shoulders from 8 feet to 5 feet, and have been told by Caltrans that the 40 foot paved section will not be altered.

Mr. Heckel said the group also requested a survey of the heritage oaks and groves and sentinel trees in the right-of-way, particularly the ones that act as a buffer for homes. He said the road is being moved horizontally in some places, which will leave strips of land that will be denuded. He said Caltrans is proposing to only reseed those areas, rather than re-planting or re-landscaping that could act as a buffer from light and glare on some homes. The group has encouraged Caltrans to look at traffic calming measures, because when a roadway is widened and straightened, speeds will increase. The group wishes Caltrans would work more closely with property owners who have specific concerns.

Mr. Heckel said they are looking for a better designed project. The group has received over 1200 signatures on a petition, over 100 letters from community organizations and the public, and Board of Supervisors Resolution 17-552, all encouraging a better project.

Mr. Heckel said the group also supports that Highway 174 is a county designated scenic roadway and is eligible for state scenic highway status. He said the group would like to see the Highway 174 design

adjusted to fit their neighborhood. There are still disagreements between property owners and Caltrans involving grading, tree removal, light and glare, traffic speeds and possibly more traffic volumes. He said the template proposed for Highway 174 can be seen on Highway 191 near Paradise and Highway 193 near Lincoln. These areas are different because Highway 174 is more mountainous, has more trees, far more properties fronting the roadway, and has a county scenic designation. He said 30 letters were received in opposition to the design for Highway 174.

Mr. Heckel read a quote from the mitigation measure from Caltrans' environmental document: "During the Design Stage of the project, modify the alignment where possible to avoid taking out vegetation screen from homes that are in close proximity to Route 174." He questioned how this mitigation can be accomplished without a tree survey. He showed an aerial photo that described how removing the buffer of trees would increase vehicle glare from oncoming traffic. On a Caltrans graphic he pointed out the Temporary Construction Easement (TCE) which will be used by contractors to move in and out or store equipment during construction. He said there will be impacts to the TCE area, including removal of trees and alteration of terrain. The group has asked Caltrans to advise property owners that they have rights and can request that a tree be protected to buffer their home.

Mr. Heckel showed a photo of Highway 89 from Truckee to Lake Tahoe that is approximately a 40 foot width, and stated the width is a concern for the Save Highway 174 group, and they would support ways to adjust it.

Mr. Heckel said the group acknowledges NCTC serves as an advisory agency to Caltrans, and requests that NCTC forward a letter to Caltrans expressing support for their design recommendations, and assist in releasing design details of this project to the public, including photo simulations of the project. Commissioner Scofield commented the Commission heard this information at the previous meeting, and they support the presentation. Chair Guerra said the letter the Commission will vote on today lists the six points the Save Highway 174 group asked for.

Tim Kizer, property owner on Highway 174, said he totally understands there is a need for the project, but what concerns him, and he does not believe this has been discussed, is the driveways and roads off this project are not being built to county standards. He said they are using a standard meant for a one house driveway and applying that to a road. The road he lives on, Jewett Lane, has more than three parcels on it which, by county standards, is a rural fire standard road, requiring 20 paved feet. He said it should be a minimum 25 feet in front of a house so a car can park in front of the driveway with enough room for a sidewalk before the roadway. He said Caltrans does not have any design standards for local residential roads, rather they rely on the municipal agency they are dealing with, and he referenced AASHTO (American Association of State Highway and Transportation Officials) as a standard Caltrans would use, which is the same as the county standards. He commented that Caltrans should have expanded their environmental document because this project is capacity increasing. Since Google Maps will show people are driving faster, the speed change will show Highway 174 as being a faster route to Auburn in certain situations than Highway 49, and Caltrans should have looked at that in a more appropriate fashion. They are not just adjusting curves and widening shoulders with everything in the same alignment, Caltrans is realigning the entire road onto his property. He does not want to stop the project, but it should be analyzed appropriately and fairly as every other jurisdiction would have to.

Matthew Coulter, Nevada County resident, commented that the Cedar Ridge Y has never been addressed, and if speeds are expanded, traffic will be funneled into the Cedar Ridge Y area. The project will speed people up, and then they will have to slow back down to come to tighter bottlenecks. He said it is a

nightmare for tree destruction as well as the environment. He saw gravel in the first corner before Behr Mountain Road, and at Greenhorn Access you can't see to the south. If some trees were cut out it would eliminate the issue of people pulling out from there. He said it is ridiculous that they can't do incremental changes without doing boondoggles like this and wasting everybody's time.

Maria Dicintio, a property owner at 16691 Colfax Highway, commented that Caltrans told her she needs to work with her right-of-way agent, who, she says, keeps dismissing everything she says about noise, loss of value, and pulling out of the driveway, and she feels they are not listening, even though she is trying to go through the pathways.

Melanie Heckel, Greenhorn Access Road resident, former land use planner for Sonoma County and assistant planning director for Placer County, said she understands CEQA and the development review process. She said it is unfortunate that most residents were unaware of the scope of the project until a Negative Declaration had already been certified by Caltrans, who decided to do this major straightening and widening project. She is proud of the people who worked with Caltrans to modify the project and it has since been reduced, but she still wonders why the project is happening in its current form. She had heard about the tragic accidents and fatalities on Highway 49, and she found Highway 174 to be such a pleasant alternative, and felt safe driving it daily because it was narrow and winding, and the scenic beauty was very calming. She is very skeptical that widening and straightening the road is going to make it safer, she thinks people will speed on the straighter sections. She said if Caltrans is so concerned about safety, why didn't they make incremental improvements rather than waiting and proposing this large project. There are some sight line issues at Greenhorn Access Road, and maybe there could be flashing signs or a few trees removed. She said there have been some tragic accidents on Highway 174, but it has been a long time, and currently the roadway meets state standards. She suggested to look at other places the money could be used, for example on Highway 20 east of Nevada City where there were ten fatalities in 2018 alone, and Highway 49 continues to be unsafe, having fatalities on an annual basis. She said doing a project based on two fatal accidents involving impaired drivers over six years ago does not seem to be the best use of taxpayer money. Caltrans will say once an unsafe road has been identified and they have secured the funding, they cannot move the money to more worthy projects. She said if that is the case, Caltrans should truly analyze the impacts of the project, conduct a noise study, tree survey and visual simulation, and then modify the project to make the road safer and less obtrusive to the many homeowners that live along it.

Phil Carville, Mount Olive Road resident, said he has driven Highway 174 for at least 25 years, and he feels it is a safe highway, except for three fatalities within a three year period. He said there are very few scenic roads left in the state and in Nevada County. Highway 174 is a very scenic road, and Caltrans is going to create a huge scar in that road. The problem is when a camel gets its nose under the tent, it tends to go farther. He has heard rumors that Caltrans' eventual plan is to make it a four lane highway from Colfax to Grass Valley. He said government institutions can make mistakes, sometimes great and disastrous mistakes. Robert Moses chopped up New York with his roads, he was an unbridled autocrat who decided what was going to happen. The Embarcadero Freeway in San Francisco was a project pushed through by Caltrans as a way to solve problems for cars, not for people. He said luckily there was an earthquake that allowed that freeway to be taken down. Before the freeway was there it was a beautiful esplanade, a place where people and cars could coexist. After the freeway was taken down, they created a beautiful esplanade where people and cars could coexist. He said we are at a crux here in Nevada County, and if we allow a project like this to go forward, we have ceded our responsibility collectively and individually to Caltrans. He said we do not have to spend \$28 million to fix Highway 174. He said \$3-4 million, along with the suggestions made by the Highway 174 committee, would create

a beautiful, safe highway, coexisting for people, cars and bicycles. They feel disempowered in relationship with Caltrans. He said Caltrans has premised this project upon faulty data, it is a project that should not go forward, Caltrans has refused to accept any of their input, and in an honest fashion, deal with their committee. The committee needs a voice, and the Commission is their voice. He urged the Commission to support the Highway 174 committee.

Commissioner Arbuckle commented she understood that originally this project was a Type 3, but now it qualifies as a Type 1, which calls for a lot more vetting by Caltrans, and she does not see that addressed in the draft of the NCTC letter to Caltrans. She said that should be one of the bases for Caltrans re-examining this project.

Executive Director Landon said as he noted at the last meeting, he was not familiar with the Type 1 and Type 3 issue and so he did a little research and talked with a colleague at the Federal Highway Administration (FHWA). He said he won't claim expertise on this issue but what he did find out was when using federal funds, and working under the National Environmental Protection Act (NEPA), Type 1 projects are major improvement projects, such as creating a four lane freeway, and they immediately require an Environmental Impact Statement, which under California law would be an Environment Impact Report, and there is a major list of things that need to be addressed. Type 2 projects do not need an Environmental Impact Assessment, and Type 3 projects are projects that the level of environmental impact is not certain, so they do an assessment which is an overview of what they expect the environmental impacts to be, and based on that assessment they determine the level of environmental document that will be prepared, whether it be a full Environmental Impact Statement or, as in the case of this project, a Finding of No Significant Impact, and there are levels in between those two extremes. Mr. Landon said, in talking with his colleague at Federal Highways, Caltrans has been delegated authority by FHWA to prepare the federal environmental documents, and Federal Highways will not second guess or review their work because of that delegation. There was an environmental assessment done on Highway 174, and the determination was that it did not need to go to a full Environmental Impact Statement and a Finding of No Significant Impact was appropriate. He said that was done three or four years ago, and he will not argue its validity, but certainly there are people who did not understand the full scope of the project. All that being said, the time processes under both CEQA and NEPA were met and there was no challenge to the project. What he can say with some certainty is that Caltrans will not be willing to go back and revisit that environmental process at this point.

Commissioner Scofield commented when this project first came to the Commission it was a \$14 million project and the following time it was a \$28 million project, so they obviously did change the project. He said you have to ask if Caltrans based the type of project on the \$14 million or the \$28 million project. He said that is a question that should be included in the NCTC letter to Caltrans, along with the driveway standard issue as Tim Kizer pointed out. He asked Nevada County Public Works Project Manager Jessica Hankins if the county is aware of this. Ms. Hankins replied she did get a call from Caltrans about a year ago asking what the standard was. She said Mr. Kizer is correct in that if there is an encroachment off a county road, typically the county would be looking at their fire safe road standard if it is serving three or more parcels. Ms. Hankins said she did express that to Caltrans. Commissioner Scofield said that is another piece that NCTC might put in the letter. He feels the frustration of the people in attendance that Caltrans does not seem to care. Caltrans is not present at this meeting nor was there a Caltrans representative reporting on the project at the last meeting. He said it was unfortunate that NCTC was not a board that could make these decisions, and he certainly supported the letter.

Commissioner Burton asked if there was a way to reference the questions around the Type designation in the letter that would provide greater context to the six points made so far. Executive Director Landon

replied perhaps a paragraph could be added stating there is a lack of understanding in the community as to how the scope of the project grew from a \$14 million to a \$28 million dollar project, we believe it would be important for the community to understand how that determination was made, and how the associated environmental documentation was developed. Commissioner Arbuckle agreed that at least those issues need to be clarified.

Mr. Landon commented that Caltrans intended to have a representative at the last Commission meeting, however he became ill the evening before the meeting and there was not someone who could replace him at that short notice. Mr. Landon said he would give them an excused absence. He spoke with Caltrans District 3 Project Manager Sam Vandell, and the determination was since they will be in front of the California Transportation Commission (CTC) in August in a somewhat adjudicatory role with regard to right-of-way on some of these projects, they did not want to get into a discussion over the project ahead of that meeting. They are holding their items for when there will be a body who will be making a determination, and that was the reason they are not here today.

Mr. Landon referred to the second paragraph of the draft letter and said it could be revised to say “At the July 17 and July 24, 2019 NCTC meetings, we received an update from...”, and with regard to Item #6, it could say “Work with property owners to address specific concerns, one example is, it appears that driveway standards and private roads are not being improved to the current Nevada County standards.” Mr. Landon said he is open to other suggestions.

Commissioner Burton asked if it would be appropriate to make reference to the level of community support, the 30 letters and 1200 signatures, for the Save Highway 174 Committee and these revisions. Mr. Landon replied we can certainly do that.

Chair Guerra commented, on the driveway piece, perhaps adding the language Ms. Hankins brought up about the fire safety reasons for the greater driveway width, which is very important in this community. Commissioner Scofield suggested that Ms. Hankins follow up on that issue with Nevada County Public Works Director Trisha Tillotson to see if the county is pursuing this question.

Commissioner Scofield commented that the CTC may just rubber stamp the Caltrans project, so the NCTC letter should also go to the CTC and Senators or Assemblymen who are on those committees. Chair Guerra asked if the CTC meetings were public meetings. Mr. Landon replied that they are public meetings, and the August meeting will be held in San Jose on August 14 and 15.

Commissioner Arbuckle made a motion to send the NCTC letter to Caltrans with the additions that Executive Director Landon has outlined. Commissioner Burton seconded the motion. The motion passed unanimously with Aye votes from Commissioners Arbuckle, Burton, Guerra, Hoek, Scofield, and Alternate Moberg (Commissioner Dee was absent).


Executive Director Landon said he will send the draft letter out, meet with Chair Guerra, and address any concerns.

COMMISSION ANNOUNCEMENTS: There were no additional announcements.


SCHEDULE FOR NEXT MEETING: The next regularly scheduled meeting of the NCTC will be September 18, 2019 at the Nevada County Board of Supervisors Chambers, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA, starting at 9:30 a.m.

ADJOURNMENT OF MEETING

Chair Guerra called for a motion to adjourn the meeting. Commissioner Arbuckle made a motion to adjourn. Commissioner Scofield seconded the motion. The meeting was adjourned at 10:28 a.m.

Respectfully submitted by: 
Carol Lynn, Administrative Assistant

Approved on: September 18, 2019

By: 
Ann Guerra, Chair
Nevada County Transportation Commission