

## California Department of Transportation JAN 04 2024

DISTRICT 1  
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Planning &amp; Building Services



January 3, 2024

1-MEN-101-33.863

U 2021-0016

APN: 162-100-58

Mr. Liam Crowley,  
Planning & Building Department  
County of Mendocino  
860 North Bush Street  
Ukiah, CA 95482

Dear Mr. Crowley:

Caltrans would like to address comments raised at the December 7, 2023 Mendocino County Planning Commission hearing for the Faizan Corporation and 898 Main Street LLC Use Permit (U\_2021-0016) and Variance (V\_2021-0005) to establish a fueling station with a 65-foot tall business identification sign. Both the County staff report and the applicant's agents introduced incorrect interpretations of Caltrans' comments when addressing the planning commissioners at the permit hearing. This letter is an attempt to correct factual errors that may exist in the public record.

The applicant was issued a minor use permit by the County of Mendocino in 2016 for a fueling station containing six gas pumps with twelve fueling positions. The applicant allowed the permit to expire without constructing the permitted entitlements. On December 20, 2021, the Mendocino Department of Planning & Building Services sent out referrals for an expanded fueling stations, with ten pumps/ twenty fueling positions. The 2016 permit has no bearing on the 2021 application as the review of the application is considered *de novo*, or that it must be reviewed anew.

On February 24, 2022, Caltrans issued a news release which announced the Department's adoption of the "Safe Systems Approach" to eliminate deaths and serious injuries on California roadways. The Safe System Approach commits Caltrans to eliminate traffic fatalities and serious injuries on State highways by the year 2050. Please review the 2022 news release for additional information about the Caltrans policy:

<https://dot.ca.gov/news-release-2022-009>.

The Transportation Impact Study (TIS) for the 2021 minor use permit application provided data that indicated that the vast majority of the project trips would use US Route 101 to access the site. Caltrans District staff applied the American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual, Part C: Predictive Method network screening tool to the numbers provided in the TIS. The Highway Safety Manual predicted that the number of collisions would double, from two to four collisions per year, with the proposed project. Due to the prevailing freeway speeds, any collision at the US 101/North State St intersection has the potential to be severe, if not fatal.

The "nexus" for requesting the median closure is established with the predicted increase in collisions as a result of the project-induced increase in the number of vehicles turning on and off of US 101. The projected increase in collisions is inconsistent with Caltrans' adopted Safe System Approach and Vision Zero goals.

Under CEQA, the project is inconsistent with an adopted policy or program regulating transportation and circulation and can reasonably be foreseen to result in traffic safety impacts. The project was circulated for public comment as a Mitigated Negative Declaration on November 2, 2023, which proposed mitigation for significant transportation impacts. To approve the project with unmitigated impacts, the County would need to prepare and circulate an Environmental Impact Report in order to make a finding of overriding considerations. See California Code of Regulations § 15064(a-f) and § 15075(b)(4) as well as California Public Resources Code § 21064.5 (2) and § 21080 (c)(2).

With respect to the applicant's attorney who also made statements about "proportionality"...the letter stated that "this isn't Costco," with reference to the size or impact of the project. The comparison may have been made as an appeal to common sense, however, we note that the proposed gas station in Redwood Valley will have more fuel pumps than the Costco fueling station. Costco in Ukiah only has eight pumps/sixteen fueling positions. We make this point in order to ensure that the seemingly flippant remark does not diminish the significance of public safety.

The County staff report and the letter from the applicant's attorney incorrectly state that Caltrans had plans to close the center median opening at North State Street and Uva Drive at US 101 as part of an existing project. A copy of the Caltrans project initiation proposal document (01-OK310\_ProjectInitiationProposal\_1605.pdf) for the Caltrans cable median barrier project is enclosed to show that the project limits ended south of the intersection at the project inception in 2019, two years prior to receiving the revised application for a gas station on December 20, 2021. The cable median barrier project was initiated for the exclusive purpose of reducing multilane cross-median collisions within the highway segment.

Mr. Crowley  
1/3/2024  
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Any work within the State right of way requires an encroachment permit from Caltrans. Caltrans encroachment permits are ministerial, meaning that the approval is not discretionary. Ministerial permits are granted without prejudice, based upon compliance with established standards. Ministerial permits do not require further CEQA review and therefore should not be considered a "double jeopardy" as may have been implied during the discussions at the planning commission hearing.

Please contact me with questions or for further assistance with the comments provided at (707) 684-6879 or email: <jesse.robertson@dot.ca.gov>.

Sincerely,

*Jesse G. Robertson*

JESSE ROBERTSON  
Transportation Planning  
Caltrans District 1

Enclosure: 01-0K310\_ProjectInitiationProposal\_1605.pdf



# PROJECT INITIATION PROPOSAL (PIP) 1605

DIVISION OF TRANSPORTATION PLANNING  
Rev 12/22/2018

DATE: 12/13/2019

DISTRIBUTION %: URBAN [ ] RURAL [ ]

## SECTION 1: PROJECT INFORMATION

EA	SHOPP TOOL ID	PPNO	EFIS ID						
01-0K310	22000	4751	0120000062						
ASSETS	DIST	COUNTY	ROUTE	PREFIX	PM BACK	SUFFIX	PREFIX	PM FORWARD	SUFFIX
	01	Mendocino	101		30.8		R	33.8	
ASSETS	DIST	COUNTY	ROUTE	PREFIX	PM BACK	SUFFIX	PREFIX	PM FORWARD	SUFFIX
	01								
ASSETS	DIST	COUNTY	ROUTE	PREFIX	PM BACK	SUFFIX	PREFIX	PM FORWARD	SUFFIX
	01								
ASSETS	DIST	COUNTY	ROUTE	PREFIX	PM BACK	SUFFIX	PREFIX	PM FORWARD	SUFFIX
	01								

NOTE A: FOR ADDITIONAL POSTMILES, USE PAGE 2 OF FORM, DO NOT USE "VARIOUS"

PROJECT NICKNAME: Calpella Median Barrier

LOCATION DESCRIPTION: In Mendocino County, Near Calpella from the junction of Route 20 to 0.1 mile south of Uva Drive.

WORK DESCRIPTION: Place High Tension Cable Median Barrier between Postmile 30.86 and Postmile R33.71, and pave the median between Postmile R31.14 and Postmile R33.74. Work includes 15,100 LF of Four-Strand Cable Median Barrier, 4300 CY of Roadway Excavation, 2720 CY of Class 2 Aggregate Base, 3060 tons of Hot Mix Asphalt, and 660 SQYD of Vegetation Control (Minor Concrete).

Assignments

PROJECT MANAGER (PM): DES-TECH. LIAISON ENGINEER (TLE) John Fujimoto

DIST. ASSIGN: PLANNING

PROJECT ENGINEER/DESIGN MANAGER: JSzabo/THodgson

## SECTION 2: RESOURCE ESTIMATE FOR K-PHASE

FY	DISTRICT (PYs)	DES (PYs)	TOTAL (PYs)
19/20	0.9	0.05	0.95
20/21	0.1	0	0.1
GRAND TOTAL	1	0.05	1.05

NOTE B: FOR ADDITIONAL K-PHASE RESOURCE BREAKDOWN, USE PAGE 2 OF FORM

## SECTION 3: SIGNATURE BLOCK

DISTRICT ASSET MANAGER: [Signature] DATE: 1/6/2020

SHOPP PID Coordinator: [Signature] DATE: 1/6/2020

Deputy District Director Maintenance & Operations: [Signature] DATE: 1/6/2020

Buttons: Save As, Print Form, Reset Form

## SECTION 4: PROJECT INITIATION DOCUMENT (PID)

SHOPP: MAJOR  Long Lead

ACTIVITY CATEGORY: Safety-Monitor

10 YEAR SHOPP PLAN: 2019

PROPOSED SHOPP CYCLE: 2020

PID CYCLE: 2022

PID TYPE: PIR LEVEL 2

Non-SHOPP:  Oversight

Caltrans:  Funding:

Maintenance

Program:

A&E/CONSULTANTS

Stand Alone  Multi-Asset

NOTE C: FOR ADD'L SATELLITES, USE PAGE 2 OF FORM

Assets	Program	Performance	Quantities	Unit
Anchor (A)	SHOPP	201.010, .015 Collision Severity/Safety Improvment	30	LNJ
Satellite (1)				
Satellite (2)				
Satellite (3)				

## SECTION 5: PRELIMINARY PROJECT SCHEDULE

M000 BEGIN PID: 01/14/2020  Accelerated PID  SB 1 (3290)

M003 BEGIN FUNCT PID COMPONENTS: 03/17/2020 TARGET RTL FY: 23/24

M006 DRAFT FOR DIST CIRC & REVIEW: 06/02/2020

M009 FINAL DRAFT FOR EXEC REVIEW: 08/11/2020

M010 APPROV PID: 09/01/2020

CTC MEETING SCHEDULE: 10/29/2020

CLICK FOR CTC MTG SCHEDULES

## SECTION 6: PRELIMINARY COST ESTIMATE (x\$1000)

NOTE THAT ALL COSTS ARE ESCALATED

	CONST. CAP		R/W CAP	
CAPITAL COST	ROADWAY	STRUCTURE	R/W CAP	
\$4,380	\$4,380	\$0	\$10	
SUPPORT COST	PA&ED	PS&E	CONST.	R/W
\$790	\$790	\$820	\$795	\$5
TOTAL PROJ COST	R/W CAP	CONST. CAP	SUPPORT	TOT. COST
\$10	\$10	\$4,380	\$2,410	\$7,133

Environmental Assumption: Right of Way Assumption

CEQA: CE  NEPA: CE  RR  ADA  UTIL  ACQUISITION

RISKS & ASSUMPTIONS: May be NPDES issues with median paving

## SECTION 7: ATTACHMENTS

TSPS  SHOPP PERF. MEASURES REPORT (TYP)

EXEC COOP  CONCEPTUAL COST ESTIMATE

PHOTOS

LAYOUT  VICINITY MAP

TYP X-SECT.

OTHER: