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August 26, 2002

California Public Utilities Commission
 ATTN: John Boccio
 SCH# 2002042114 - Sempra Communications
 C/o ESA, 436 14th Street, Suite 600
 Oakland, CA 94610

Subject: Caltrans Review of State Clearinghouse (SCH) #2002042114 Draft Program Environmental Impact Report for Sempra Communications Application for a Certificate of Public Convenience and Necessity.

Dear Mr. Boccio:

Thank you for the opportunity to review and comment on this Draft Program Environmental Impact Report for Sempra Communications application for a Certificate of Public Convenience and Necessity. Project location is throughout various counties within the State of California. The California Department of Transportation (Department) has reviewed this document with our Intergovernmental Review (IGR/CEQA) district branches. We have the following general comments:

The Project EIR does not include specific projects. Development of specific projects will need to include a detailed description of project alignments along with the selected construction methodology. Caltrans is concerned about project impacts to State highway facilities and operations and needs to be able to make a clear analysis of potential impacts to the State highway system. Supplemental detailed information should be provided to all contact people for those counties that are within the boundaries of the project. As-built Plans should be provided showing the precise location of the fiber optic cables, etc.

E-1

Construction Staging Plans will be needed for the handling of vehicular and pedestrian traffic disrupted during construction of PROJECT and shall show construction phases, road closures, detours, signs and other pertinent information.

E-2

Caltrans encroachment permits will be needed for all locations where work is within the existing State highway right-of-way or any work that impacts the operation and/or maintenance of the State Highway System. Installation of aerial cables across freeways will require a Caltrans Encroachment Permit. A traffic break will be required while installing cables across freeways. Plans detailing the type and location of support poles will be needed for Caltrans review.

E-3

The Sempra Communications, Inc. fiber optic system should only be installed on conventional highways and frontage roads. However, transverse crossings of freeways are allowed if no poles are placed within State right of way and no service boxes or manholes are placed on or near interchange ramps. The minimum depth of cover for the fiber optic cable must be 914 mm (36 inches).

E-4

Longitudinal encroachments on restricted access right of way (i.e. primarily freeways) are generally not allowed (departmental policy). There is an appeal process that allows exceptions to this general rule. Caltrans encroachment permits are discretionary and not ministerial. Timely application for Caltrans encroachment permits must be made to the District Encroachment Permit Engineer having jurisdiction (district jurisdictions are shown on the attached map). Sufficient time must be allowed for the Permit Engineer and the district Environmental Branch to review the project and its impacts to Caltrans right of way. These reviews might indicate the need for additional studies and clearances.

E-5

All proposed alignments should provide sufficient setbacks to allow for ultimate freeway and highway corridor planned widths, as stated in Caltrans Transportation Concept Reports.

E-6

A construction traffic report will be needed for State highways to determine construction related impacts at signalized intersections and at freeway on/off ramps. Any mitigation measures should be fully discussed.

E-7

Prior to Encroachment Permit application, a Cultural Resource Report with a list of known cultural resources sites along proposed cable alignments within each district will be needed. The applicant must provide appropriate environmental approval for potential environmental impacts with Caltrans' right-of-way. The above referenced project is a federal undertaking; When the applicant does apply for its encroachment permit, they will need to submit their CEQA and NEPA documentation. The applicant is responsible for quantifying impacts and for completing appropriate mitigation measures. The applicant is also responsible for procuring any necessary permits and/or approvals from the regulatory and resource agencies for the improvements within Caltrans' right-of-way.

E-8

Proposed projects may need to conform with the National Pollution Discharge System (NPDES) requirements relating to construction activities. To the maximum extent practicable, Best Management Practices will need to be implemented to address storm water runoff. The responsible water control agencies will need to review impact to drainage and storm water runoff facilities.

E-9

A Hazardous Materials Investigation will be needed including Initial Site Investigations and if required, a remedial action plan.

E-10

It is recommended that construction related truck trips on State highways be limited to off-peak periods. Transport of oversize or overweight vehicles on State highways will need a Transportation Permit from the California Department of Transportation.

E-11

Above ground features associated with the fiber optics cable alignments should be of sufficient distance to not detract from scenic highway resources. Field evaluations should be made to determine if 1,000 feet, as mentioned in the DPEIR, is sufficient based on the size of the above ground features.

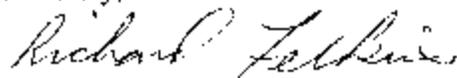
E-12

In addition to application with the District Encroachment Permit Engineer, whenever encroachment involves a Caltrans bridge structure, please submit the necessary information to Nick Burmas of our headquarters Division of Structures Hydrology. Mr. Burmas can be reached at (916) 227-9478.

E-13

Please contact the appropriate district personnel as identified on the attached map with the exception of the Division of Structures Hydrology. All other questions may be directed to me at (916) 653-0808.

Sincerely,



Richard Felkins, Coordinator
Caltrans Intergovernmental
Review Program

Attachments

cc: District 3, Ken Champion
District 4, Paul Svedersky
District 5, David M. Murray
District 6, Mark Birnbaum
District 7, Steve Buswell
District 8, Linda Grimes
District 11, Lu Salazar
District 12, Bob Joseph
Nick Burmas, HQ Structures Hyd. MS 9
Paul Cavanaugh, HQ Encroachment Permits
Becky Frank, State Clearinghouse, SCH# 2002042114

E. CALIFORNIA DEPARTMENT OF TRANSPORTATION, RICHARD FELKINS – COORDINATOR CALTRANS INTERGOVERNMENTAL REVIEW PROGRAM

E-1 We refer the commentor to the Master Response. Specific project alignments are not proposed at this time. Work plans submitted for subsequent activities in compliance with the EIR will include a detailed description of project alignments along with the selected construction methodology. Additionally, work plans will also include a list of agency permits and approvals required prior to construction and demonstrate compliance with those permits by including the application submitted, the individual contacted at the agency or a copy of the permit issued. In conjunction with submitting the work plan to the CPUC, Sempra Communications will also provide a copy and notification to responsible and trustee agencies, including Caltrans, for review of the work plan and compliance with the EIR.

E-2 Comment noted regarding the need for construction staging plans once specific work plans have been identified.

E-3 Comment noted with regard to the information provided on the requirements for a Caltrans encroachment permit.

E-4 Comment noted.

E-5 Comment noted with regard to longitudinal encroachment restrictions and the appeal process that allows exceptions to this general rule.

E-6 Comment noted.

E-7 As indicated in the EIR on page 4.12-14, a traffic control plan will be developed as required by multiple roadway encroachment permits including authorizations from Caltrans. The traffic control plan could include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes minimizing truck traffic on local roadways to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by project construction.

- Install traffic control devices as specified in the Caltrans Manual of Traffic Controls for Construction and Maintenance Work Zones.
- Develop, and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary

E-8 As indicated in the EIR on page 4.5-22, prior to approval of subsequent activities by the CPUC, Sempra Communications will conduct a cultural resources records and literature search review to ascertain whether cultural resources are present within the vicinity of the proposed activity. The results of this Cultural Resources Report will be provided in the work plan submitted to the CPUC for subsequent activities and sent to responsible and trustee agencies, including Caltrans, for review and comment.

The commentator indicates that the above referenced project is a federal undertaking, however, the project as proposed by Sempra Communications to implement a Telecommunications Program is not a federal undertaking, but is only subject to CEQA for authorization by a state agency, and will not be a federal undertaking unless subsequent activities trigger a federal action. If subsequent activities were to trigger a federal action, the NEPA process would be initiated by the lead federal agency, and NEPA documentation would be provided at the time the process is completed.

The commentator further states that the applicant is responsible for quantifying impacts and for completing appropriate mitigation measures. The work plan required for subsequent activities requires the execution of an environmental checklist tailored to the impacts identified in the EIR. The checklist is included in the EIR in Appendix A, Attachment B. A completed checklist, independently analyzed and verified by the CPUC, should quantify all impacts and applicable mitigation measures. Additionally, the CPUC has prepared a Mitigation Monitoring and Reporting Program (MMRP), included in the EIR as Appendix B, that is designed to ensure compliance with the EIR. The MMRP further indicates that requirement for procuring any necessary permits and/or approvals from the regulatory and resource agencies that would be applicable to improvements within Caltrans' right-of-way.

E-9 As indicated in the EIR on page 4.8-12, Sempra Communications would use construction best management practices to minimize sediment transport to streams from uplands in conformance with NPDES requirements relating to construction activities further described on previous subsections on page 4.8-10.

E-10 As indicated in the EIR on page 4.7-8, **Mitigation Measure HAZ-2a**, a list search (or Hazardous Materials Investigation) of known state and federal hazardous waste site and leaking underground tanks within 1,000 feet of the excavation would be conducted prior to construction to identify high risk areas, where a moderate or high potential for encountering contaminated soil or groundwater may exist during shallow excavations.

E-11 Comment noted regarding the requirement for a Transportation Permit from Caltrans for transport of oversize or overweight vehicles on State highways.

E-12 Comment noted.

E-13 Comment noted.