

AGENDA: March 16, 2006

**TO:** Regional Transportation Commission - Policy Workshop  
**FROM:** Rachel Moriconi and Kim Shultz, Senior Transportation Planner  
**RE:** Update on the Highway 1 Soquel/Morrissey Auxiliary Lanes Project

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**RECOMMENDATION:**

This item is for information only.

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**BACKGROUND**

At the Public Hearing on the Highway 1 Soquel Avenue to Morrissey Boulevard Auxiliary Lanes Project last November, the RTC directed staff to prepare a cost and funding proposal for completing the Project Approval/Environmental Documentation (PA/ED) phase of the project, and to obtain a legal opinion on whether the Auxiliary Lane project violated “segmentation” guidelines for state and federal environmental review.

**DISCUSSION**

Following is an update on efforts to secure funding for the project and a requested legal opinion.

Funding

The Highway 1 Soquel Avenue to Morrissey Boulevard Auxiliary Lanes Project is expected to cost approximately \$11.4 million. In January 2006, the SCCRTC adopted the *2006 Regional Transportation Improvement Program (RTIP)*, programming \$8.475 million in State Transportation Improvement Program (STIP) funds to the project. In addition to these regional STIP funds, Congressman Farr secured a \$2.9 million earmark for the project through SAFETEA-LU (the federal transportation bill). Availability of the STIP funds for this project is contingent upon the California Transportation Commission (CTC) including the project in the *2006 State Transportation Improvement Program (STIP)* – scheduled for adoption on April 27, 2006 – and then releasing (allocating) the STIP funds designated for each phase of the project.

The Project Approval/Environmental Document (PA/ED) phase of the Highway 1 Soquel Avenue to Morrissey Boulevard Auxiliary Lanes Project will move forward in earnest after the CTC releases the STIP funds, which are needed to match the federal earmark. The earliest that the CTC would allocate funds for PA/ED would be late July 2006.

As you know, the amount and type of funding available for the 2006 STIP is subject to annual release of Proposition 42 revenues to transportation, repayment of prior loans to the State General Fund, and the amount of State Highway Account funds directed to the State Highway Operation and Protection Program (SHOPP) and other Caltrans programs. Therefore, there may not be enough non-transit funding to include new state highway or road projects in the 2006 STIP. As such, **the CTC may not**

**be able to accommodate our RTIP proposal.** The CTC could determine that the funds need to be programmed in a later year or may determine that there is insufficient capacity for new highway projects in the 2006 STIP and thereby not include this project.

The CTC staff's recommendations for the 2006 STIP will be available on April 7, 2006. Staff will report back next month about the likelihood of STIP funds being available for this and other projects at that time and will recommend how to proceed.

### Legal Opinion

At the RTC's request, the RTC's counsel in the Office of the County Counsel prepared a legal opinion ([Attachment 1](#)) evaluating the proposed Soquel/Morrissey Auxiliary Lanes Project to determine whether it is in compliance with state and federal rules which prohibit "piecemealing" projects through the development process. To conduct this evaluation, RTC staff provided counsel with background information including the *Operational Improvements Project Study Report* approved by Caltrans in 2002, the draft *Supplemental Project Study Report* currently in circulation for approval by Caltrans, *Traffic Summary of the proposed Auxiliary Lane Project* prepared by Caltrans District 5 Traffic Operations and a draft *Logical Termini Issue Paper* prepared by staff in Caltrans Environmental Division in December 2005 with input from RTC staff.

The evaluation prepared by legal counsel ([Attachment 1](#)) identified four criteria based on case law used to determine if a project violates regulatory guidelines and constitutes improper "piecemealing" of projects.

The conclusion of the RTC's counsel is that the Soquel/Morrissey Auxiliary Lane Project does not constitute an improper piecemealing or segmentation under the California Environmental Quality Act (CEQA) or the National Environmental Protection Act (NEPA). The conclusion advises RTC to work closely with Caltrans to ensure that the environmental document discloses the project's environmental effects and properly considers alternatives to the project.

### **SUMMARY**

The RTC unanimously approved programming \$8.475 million in STIP funds for the Highway 1 Soquel/Morrissey Auxiliary Lane project in January 2006. The California Transportation Commission (CTC) will consider approving this programming in late April, with release of the funds to occur no earlier than July. A requested legal opinion prepared by the RTC's counsel is attached.

Attachment:

1. Review of the Soquel/Morrissey Auxiliary Lanes Project submitted by RTC's Counsel - Office of the County Counsel, County of Santa Cruz.