



Office of the City Council

City of Tustin

300 Centennial Way
Tustin, CA 92780

January 9, 2008

The Honorable Lois Wolk
Chairperson
California State Assembly
Committee on Water, Parks and Wildlife
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0006

Subject: AB 1457-Huffman (as Amended 1/8/08)—OPPOSE

Dear Assemblymember Wolk:

As a member of the Foothill Transportation Corridor Agency (FTCA), the City of Tustin is writing to continue its opposition to AB 1457.

Since the early 1970s the City of Tustin, in cooperation with several other Orange County cities, the County of Orange and the FTCA, have jointly planned and constructed infrastructure improvements to benefit the Orange County circulation system and complement the land uses within our communities. The San Joaquin Hills and Foothill/Eastern Toll Roads are products of this balanced planning effort and have proven to be highly beneficial in alleviating traffic congestion in Orange County.

In 1985, the FTCA began studying alignments for the last segment of the toll road system, Foothill Transportation Corridor-South (FTC-S). Since the mid-1990s, the FTCA, in collaboration with the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the U.S. Federal Highway Administration, the Environmental Protection Agency, the United States Marine Corps and the California Department of Transportation studied numerous alignment options. They worked together throughout the environmental planning process to determine and recommend the Least Environmentally Damaging Practicable Alternative (LEDPA) for the FTC-S. In February 2006, the FTCA Board of Directors approved the recommended 16-mile alignment and certified the project's final Environmental Impact Report (EIR).

The City of Tustin continues to oppose AB 1457 for the following reasons:

1. It fundamentally alters state law to prohibit virtually all road improvements in or near any part of a state park, recreational area or monument, including parks, recreation areas and monuments leased by the state where the lessor reserved the right to build roads in the leased area. The only road improvements allowed by the bill are those “necessary” for (1) the use of the park, (2) prevention of fires, or (3) construction and maintenance of utilities. Thus, AB 1457 will block all road improvements to be funded by the recently enacted transportation bonds if the roads are near any unit of the state park system. Dozens of transportation projects across the state are potentially impacted by the bill.
2. AB 1457 Invalidates Contracts Between State Agencies and Landowners: AB 1457 applies to areas that are part of a state park unit where a landowner leased or granted a conservation easement to the state. In many cases, the leases and easements reserved the right of the landowner to approve roads. AB 1457 ignores these contractual agreements and prohibits road improvements even where the land was included in the state park unit by an agreement with the landowner that allows construction of roads.
3. AB 1457 Targets the Completion of a Regional Transportation System in Orange and San Diego Counties—even though the state entered into a lease with the Marine Corps with the explicit understanding that roads could be permitted:

AB 1457 seeks to block the last 16-mile segment of the 67-mile toll road system in Orange County. The last four miles of State Route 241 is proposed by local, state and federal agencies to be located on a portion of the U. S. Marine Corps Base at Camp Pendleton in an area leased by the U.S. Department of the Navy to State Parks. The lease expires in 2021. The U.S. Navy lease always reserved to the Navy the right to approve a road through the leased land.

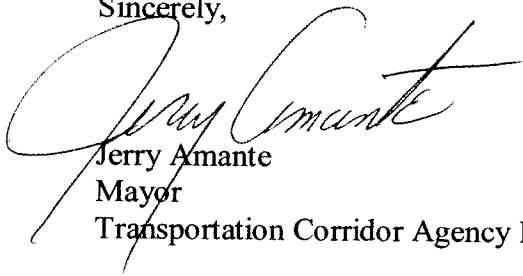
- i. “This Lease is subject to . . . the right of the [Federal] government, after consultation with Lessee [Dept. of Parks and Recreation], to grant such additional easements and rights of way over, across, in and upon the Lease Property [San Onofre State Park] as it shall determine to be in the public interest; Provided, that any such additional easement or right of way shall be located so as not to unreasonably interfere with the use of the Lessee’s improvements erected on the Leased Property.”
4. State Law Already Protects Parks and Recreation Areas: CEQA already prohibits construction of roads that have significant environmental impacts where there are feasible alternatives. AB 1457 would effectively block any new road improvements in or near any state park, recreational area or monument that “encroaches upon” or “impairs the

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recreational value” of the unit. The only road improvements allowed are those necessary for park purposes, to prevent fires, or to maintain utilities.

5. AB 1457 Takes the Transportation Planning Process Out of the Hands of Regional Transportation Agencies and Local Government: AB 1457 would conflict with existing state law which places regional transportation planning decisions in the hands of local government and regional transportation planning agencies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Amante". The signature is written in black ink and is positioned above the printed name and title.

Jerry Amante
Mayor
Transportation Corridor Agency Board Member

c: The Honorable Arnold Schwarzenegger
Assembly Water, Parks & Wildlife Committee
Tustin City Council