

From: [Jim Heid](#)
To: [Remedios, Douglas@CATC](#)
Cc: [Darnell.Grisby@catc.ca.gov](#); [Clarissa.Falcon@catc.ca.gov](#); [Jay.Bradshaw@catc.ca.gov](#); [Joseph.Cruz@catc.ca.gov](#); [LeeAnn.Eager@catc.ca.gov](#); [Elliott, Jason@CATC](#); [Carl.Giurdino@catc.ca.gov](#); [Adonia.Lugo@catc.ca.gov](#); [Zahirah.Mann@catc.ca.gov](#); [Dave.Cortese@sen.ca.gov](#); [Lori.Wilson@asm.ca.gov](#); [Mike.McGuire@sen.ca.gov](#); [Scott.Alonso@asm.ca.gov](#); [Tanishe.Taylor@catc.ca.gov](#); [Sobelman, Timothy B@DOT](#); [Pray, Jon J@CATC](#); [Davis, Vanessa@DTSC](#); [Bob.Tiffany@catc.ca.gov](#)
Subject: Public comment letter re: CTC SHOPP project amendments, tab 89, (1) ref. # 2.1.a(1e), project 1; and (2) ref. # 2.1.a(1f), project 1
Date: Wednesday, May 14, 2025 7:19:03 PM
Attachments: [ABScmntltr.CTC.SCB.Tab89.May15-16.2025.pdf](#)
Importance: High

EXTERNAL EMAIL. Links/attachments may not be safe.

Please find attached a public comment letter from Albion Bridge Stewards regarding SHOPP project amendments, tab 89, (1) ref. # 2.1.a(1e), project 1; and (2) ref. # 2.1.a(1f), project 1.

Following is an executive summary; please enter this as well as the attached letter into the public comment record.

Executive Summary: Albion Bridge Stewards Response to Caltrans' Proposed SHOPP Amendments (CTC May 2025 Agenda Item Tab 89)
Submitted to the California Transportation Commission, May 14, 2025

The Albion Bridge Stewards respectfully urge the California Transportation Commission (CTC) to **defer or deny** two proposals submitted by Caltrans under Tab 89 of the May 15–16, 2025 agenda. These proposals seek to:

1. **Delete the Salmon Creek Bridge toxic lead remediation project** from the 2024 State Highway Operation and Protection Program (SHOPP), effectively terminating the environmental review and remediation process already in progress; and
2. **Add a new, combined lead-bridge replacement project** to the 2024 SHOPP, which would be more costly, delayed until at least 2031–2032, and environmentally and legally infeasible.

The Stewards object on the following grounds:

1. Lack of Public Notice and Due Process

Caltrans failed to provide the required public notice to over 200 known stakeholders affected by these projects. No opportunity for stakeholder engagement or meaningful public participation has been offered, violating both state and federal transparency requirements.

2. Unnecessary and Infeasible Project Merger

Caltrans' own data indicate the existing Salmon Creek Bridge is in "fair condition," undermining the need for its replacement. The proposed 50% larger bridge raises serious legal feasibility issues due to its location in a protected coastal zone. Merging the urgent toxic lead cleanup with a distant, speculative infrastructure project serves to delay necessary environmental remediation and increase public costs without justification.

3. No Defined Cleanup Standards

Caltrans has offered no measurable standards or scope for lead abatement. The proposed replacement project omits many areas already impacted by decades of toxic dumping, including wetlands, estuarine habitats, and public coastal accessways. This omission increases the risk that these contaminated zones will be left untreated.

4. Delays and Regulatory Violations

In March 2025, Caltrans unilaterally terminated its agreement with the Department of Toxic Substances Control (DTSC) for an in-progress review of its Remedial Action Plan (RAP), effectively halting cleanup obligations made under a 2015 voluntary agreement. This termination not only sets back environmental protection efforts by at least seven years but may also trigger state and federal enforcement actions for maintaining an unpermitted hazardous waste site.

5. Violation of Coastal Protection Laws

As the projects fall within the coastal zone and appear to involve federal funds, Caltrans is legally required to demonstrate compliance with the Coastal Zone Management Act and California's Coastal Management Program. No such certification has been provided to the California Coastal Commission, making the projects ineligible for CTC approval at this time.

6. Inconsistent and Opaque Project Scope

Caltrans' shifting project boundaries and unsubstantiated cost escalations—such as an additional \$2.5 million in right-of-way acquisition—raise serious transparency concerns. The agency has expanded the project area and costs without explaining the implications for impacted landowners or the environment.

Conclusion:

The Albion Bridge Stewards request that the CTC defer action until Caltrans complies with public notice requirements, completes environmental reviews, and ensures legal consistency with state and federal regulations. If Caltrans insists on an immediate vote, the Stewards strongly recommend the Commission **deny both project amendments** to protect public health, environmental integrity, and the rule of law.

Signed by:

Albion Bridge Stewards (13 signatories)

CC: Full CTC Membership, Legislative Representatives, DTSC Officials

Albion Bridge Stewards

A working group of the Albion Community Advisory Board

P.O. Box 363
Albion, CA 95410

By Electronic Mail
Douglas.Remedios@catc.ca.gov

May 14, 2025

Chairman Grisby and Members
California Transportation Commission
1120 "N" Street, MS 52
Sacramento, California 95814
Attn.: Mr. Douglas Remedios, CTC Clerk

CTC MEETING ITEM TAB 89

A copy of this letter has been sent to all Commissioners, the Commission Clerk, and the Distribution List on page 6.

RE: **SHOPP PROJECT AMENDMENTS, TAB 89**

- (1) REF. # 2.1.a(1e), PROJECT 1:** DELETE THE SALMON CREEK BRIDGE TOXIC LEAD REMEDIATION PROJECT FROM THE SHOPP AND THEREBY RETROACTIVELY AUTHORIZE CALTRANS TERMINATION OF ITS PREVIOUSLY IN-PROGRESS RAP/ENVIRONMENTAL REVIEW
- (2) REF. # 2.1.a(1f), PROJECT 1,** ADD THE CALTRANS-PROPOSED NEW, MORE COSTLY, FURTHER DELAYED, AND INFEASIBLE LEAD-BRIDGE PROJECT TO THE 2024 SHOPP

Dear Mr. Chairman and Commissioners,

The California Department of Transportation (CDOT or Caltrans) has requested the California Transportation Commission (Commission or CTC) at your May 15- 16, 2025 meeting to approve the above-referenced two proposed amendments to the 2024 State Highways Operations and Protection Program (SHOPP). Caltrans does so on undisclosed writings, omitted required predicate analysis, and pretense to "efficiency", but with foreseeably substantially increased delays and human, environmental, and State costs from the 75-year long toxic lead and other toxic contamination of lower Salmon Creek Valley and adjacent areas.

For the reasons discussed below, we respectfully request that the Commission:

- (1) Defer action on the two above-referenced Caltrans requests to a future time, to enable Caltrans (and/or CTC staff, as applicable),
 - (a) to provide required due process notice about the Caltrans requests for, and any Commission action on, these two projects to the (>200) public and private stakeholders (who are already known to Caltrans) in them, such notice not having been given for this Commission meeting; and,
 - (b) to inform these stakeholders of the true substance of the proposed combined project and engage the stakeholders in opportunities for substantive participation its design, environmental and health-safety review, proper authorization, and sustainable implementation, as required by California and federal laws.

Website: <http://albioncab.wordpress.com>
Email: acab@mcn.org

Chairman Grisby and Members

California Transportation Commission

Ref.: May 15-16, 2025 CTC Meeting Tab 89, Items 2.1a(1e), Project 1, and 2.1a.(1f), Project 1
(Caltrans Salmon Creek Bridge [#10-0134], Highway 1, Albion)

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(2) In the alternative, if Caltrans were to insist on a Commission vote on these tandem requests, we respectfully request that you deny both of them because they are unnecessary, infeasible and fail to timely result in sustainable cleanup of the lead and other toxic materials contamination, as follows:

- (a) No Necessity for the Merger of the Two Projects Because the Salmon Creek Bridge Replacement Project is Not Necessary. Caltrans in its “Performance Measure” for the requested combined lead-bridge project indicates that the 21,925.0 (square foot) Salmon Creek Bridge is in “fair condition”, provides no substantial evidence for replacement of it with a 50% larger bridge (e.g., in unrealistically shown Fiscal Years 2031-2032), and removes any valid basis for merging the hazardous waste cleanup that is required now into the putatively further deferred bridge project, which itself cannot happen because the location of the proposed new Salmon Creek Bridge is legally infeasible, as we have indicated in previous comments to Caltrans. Caltrans’ rationale for the merger of the lead cleanup project is a sham, the effects of which are further discussed in part (c), below, and the Commission should therefore reject it in favor of directing Caltrans to promptly, cooperatively, and transparently implement sustainable lead and other toxics cleanup design, environmental review, regulatory processing, and *in-situ remediation* in all hazardous waste-contaminated areas of lower Salmon Creek valley and adjacent areas.
- (b) No Hazardous Waste Abatement Performance Standard. Notably, Caltrans has provided no quantified performance standards for its proposed impermissibly limited future lead abatement as part of the proposed combined lead-bridge project, much less for the required cleanup of the now illegal hazardous waste dump in lower Salmon Creek Valley ranch lands, wetlands, bluffs, cliffs, and tributary surface streams, the Salmon Creek Estuary, Big Salmon Creek, Little Salmon Creek, Whitesboro Cove beach, State tidelands in Whitesboro Cove, mapped, designated, and informal traditional public accessways from Highway 1 to that beach and State tidelands, rocks and islets in the California Coast National Monument in Whitesboro Cove, adjacent upland human habitations, and the public recreational vista point/turnout off the southwesterly end of existing Salmon Creek Bridge;
- (c) Delay. Caltrans termination in March, 2025 of the Department of Toxic Substances Control’s (DTSC) Health and Safety Code (Div. 20, Chapter 6.5, Hazardous Waste Control) in-progress review and its companion Public Resources Code environmental review (Div. 13, Environmental Quality) of Caltrans’ latest (over 10 years) bungled, geospatially incomplete, and intentionally misleading “Salmon Creek”

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Chairman Grisby and Members

California Transportation Commission

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lead remediation action plan (RAP¹) in effect abrogates, and at a minimum further delays for at least seven years, Caltrans' "voluntary agreement" with DTSC (entered into in 2015) to cooperatively clean the lead contaminated areas, with associated hazardous waste impacts to human and environmental health;

- (d) Caltrans' Maneuvers Create an illegal Hazardous Waste Dump, Subject to Enforcement Actions. Caltrans' requests would, if approved by the Commission, *ipso facto* turn the avian, aquatic, beach, bluff, cliff, estuarine, stream, terrestrial, and wetland areas in and adjacent to lower Salmon Creek Valley that have been contaminated by the cumulative dumping of toxic lead and other toxins - for which Caltrans is the responsible party - into the category of an unpermitted (thus, illegal) hazardous waste facility, and subject to rigorous enforcement actions to effectively restore the impacted areas;
- (e) Caltrans' inchoate, arbitrary, and biased scoping of its proposed "lead remediation" polygons (latest 2024 version), performed under color and expense of the authorized 2024 SHOPP project that Caltrans now incongruously identifies as having a "\$000" PA&ED cost and wishes the Commission to delete, was geospatially and systemically wholly insufficient as well as legally unavailable in this coastal zone location, hence infeasible, and cannot now be validly "merged" under color of "lead abatement" in Caltrans' (projected, 2031-2032) infeasible (as a result of its proposed unavailable location in an environmentally protected area) Salmon Creek Bridge "replacement" (*sic*) project - in short, there is a high likelihood that Caltrans may not perform the required lead and other toxic material cleanup of the impacted sites at all, but instead acquire and abandon a subset of the impacted areas, as further discussed in parts (d) and (e), below;
- (f) Caltrans' rationale for merging the "lead abatement" project "into [construction of] the bridge replacement project" to "efficiently coordinate" them both (1) substantively admits to the impermissible geospatial diminution of toxic cleanup extent in many lead and other toxics-contaminated areas and apparently the avoidance altogether of necessarily on-site (*in-situ*) other (e.g., aquatic, beach, bluff, estuarine, wetlands, and other upland sensitive terrestrial areas, including, but not limited to, where Caltrans (by its contractors and disclaimed third party agents) has excavated and otherwise removed

¹ Among numerous other substantive deficiencies, that 2024 RAP altogether omits any data collection and analysis lead contamination in areas of Big Salmon Creek, the Salmon Creek Estuary, and Little Salmon Creek that for the past 75 years have been impacted by Caltrans' and the predecessor State Highway Commission's discharge, mobilization, concentration, storage, transportation, and disposal - in short: dumping - of highly toxic lead and other toxic materials from and as a result of work on the Salmon Creek Bridge.

Chairman Grisby and Members

California Transportation Commission

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sensitive floral species from areas in which Caltrans has impermissibly widened and proposes to further widen project component vehicular routes, locate lead/bridge project construction and deconstruction staging, and further remove protected sensitive flora by excavation, fill, and structural shading; *but* (2) in the proposed combined lead-bridge project requests CTC programming of a \$2.518 million increase in total right of way capitalization [\$7,924,000 + \$7,731,000 + 2,518,000 = 18,173,000], without disclosing the basis for that cost increase in right of way acquisition;

(g) Whereas in the 2024 SHOPP lead remediation project (that it now requests the Commission to delete), Caltrans identified it to extend between “from 2.6 miles north of Route 128 junction to 0.5 mile north of Salmon Creek Bridge”, Caltrans proposes - without explication - the combined (projected cost) \$129,600,00 lead-bridge project to extend both further downcoast to “2.1 miles north of Route 128 junction” (essentially, the intersection of Highway 1 and Navarro Ridge Road) and upcoast to “0.6 mile north of Salmon Creek Bridge” (essentially the end of the guardrail off the southwesterly corner of the SB lane/shoulder of Highway 1 at the Albion River Bridge, and outside the previously authorized SHOPP project OM900 boundaries along Highway 1).²

(3) Both the \$29,901,000 lead remediation project that Caltrans requests the Commission to delete from the 2024 SHOPP and the \$129,600,000 combined lead-bridge project that Caltrans requests the Commission to amend into the 2024 SHOPP are located in the coastal zone and according to previous Caltrans indications implicate federal (co-)funding.

As a result, pursuant to the federal Coastal Zone Management Act of 1972 (16 U.S.C § 1451 *et seq.*) and the federally approved California Coastal Management Program (CCMP, 1977, as amended), both the Caltrans-requested project deletion from the 2024 SHOPP and the Caltrans-requested amendment of the combined lead-bridge project require (a) either the US Federal Highway Administration, as the grantor of the federal funding, or Caltrans as its indicated California designee, to certify (or determine, as applicable) that programmatic authorization for present or subsequent funding or defunding/deletion of each respective requested project, to the maximum practicable extent, is consistent with all enforceable provisions of the CCMP and has no significant adverse impacts (effects) on coastal resources, including, but not limited to, within the California coastal zone, and (b) transmit such certification or determination, as applicable, to the designated California public agency (California Coastal Commission) to ensure conformity of the project funding with the CCMP. Neither the US Federal Highway Administration nor Caltrans has performed the predicate requirement, the Coastal Commission has not rendered its applicable decision, and Caltrans apparently has not provided the CTC with this required

² Post mile locations are after the Caltrans “Post Mile Services” highway (satellite base map) system, last accessed on May 13, 2025.

Chairman Grisby and Members
California Transportation Commission
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project funding (or deletion) compliance requirement. The two subject Caltrans project requests are therefore also not properly before the California Transportation Commission for any approval action at the May, 2025 meeting.

Conclusion. For the above reasons of fact and law, the Albion Bridge Stewards therefore respectfully request the California Transportation Commission to defer action on (1) the Caltrans request to delete the 2024 SHOPP Salmon Creek Bridge lead remediation project, and (2) the Caltrans request to “merge” (and expand) the 2024 SHOPP Salmon Creek Bridge “replacement” project with some Salmon Creek Bridge lead abatement project, both in relation to their programming for funding with State and federal (US Federal Highway Administration) monies. In the alternative, we request the Commission to deny the requests. Thank you for your consideration.

Respectfully submitted on behalf of the Albion Bridge Stewards (by authorized electronic signatures):

Warren DeSmidt

Janet Eklund

Alison Gardner

Maria Hansen

Jim Heid

Marilyn Magoffin

Arlene Reiss

Kelly Steinrueck

David Steinrueck

Ali Van Zee

Rixanne Wehren

Annemarie Weibel

Tom Wodetzki

Distribution List

Hon. Darnell Grisby, Chair, California Transportation Commission
(Darnell.Grisby@catc.ca.gov)
Hon. Clarissa Falcon, Vice-Chair, California Transportation Commission
(Clarissa.Falcon@catc.ca.gov)
Hon. Jay Bradshaw, Member, California Transportation Commission
(Jay.Bradshaw@catc.ca.gov)
Hon. Joseph Cruz, Member, California Transportation Commission
(Joseph.Cruz@catc.ca.gov)
Hon. Lee Ann Eager, Member, California Transportation Commission
(LeeAnn.Eager@catc.ca.gov)
Hon. Jason Elliott, Member, California Transportation Commission
(Jason.Elliott@catc.ca.gov)
Hon. Carl Giurdino, Member, California Transportation Commission
(Carl.Giurdino@catc.ca.gov)
Hon. Adonia Lugo, Ph.D., Member, California Transportation Commission
(Adonia.Lugo@catc.ca.gov)
Hon. Zahirah Mann, Member, California Transportation Commission
(Zahirah.Mann@catc.ca.gov)
Hon. Bob Tiffany, Member, California Transportation Commission
(Bob.Tiffany@catc.ca.gov)
Hon. Dave Cortese, California State Senator and Ex Officio Member, California Transportation Commission (Dave.Cortese@sen.ca.gov)
Hon. Lori Wilson, Member of the California Assembly and Ex Officio Member, California Transportation Commission (Lori.Wilson@asm.ca.gov)
Hon. Mike McGuire, President pro tem of the California State Senate, 2nd Senate District
(Mike.McGuire@sen.ca.gov)
Hon. Chris Rogers, Member of the California Assembly, 2nd Assembly District (Attn.: Scott Alonso: Scott.Alonso@asm.ca.gov)
Ms. Tanisha Taylor, Executive Director, California Transportation Commission
(Tanishe.Taylor@catc.ca.gov)
Mr. Timothy Soberman, Chief Engineer, California Transportation Commission
(timothy.sobelman@catc.ca.gov)
Mr. Jon Pray, Assistant Chief Engineer, California Transportation Commission
(jonathan.pray@catc.ca.gov)
Ms. Vanessa Davis, Project Manager, California Department of Toxic Substances Control
(Vanessa.Davis@dtsc.ca.gov)