

Appendix H

**Transcript of the July 28, 2016 Ventura County Planning Commission Hearing for the
Nesbitt Oil Well Project (PL15-0060)**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNTY OF VENTURA

)
)
)
)
)
)
)
)
)
)
)
)

PLANNING COMMISSION MEETING

THURSDAY, JULY 28, 2016

1 VENTURA COUNTY PLANNING COMMISSION

2 THURSDAY, JULY 28, 2016

3
4
5 CHAIR AIDUKAS: Next Item, I understand that we have,
6 uh, uh, a staff member that would, uh, answer questions that
7 have been posed by the Commission. Could you come forward
8 and state your name, please.

9 MR. FLEISCH: Good morning. My name is David
10 Fleisch. I'm the Director of the Transportation Department
11 of the Public Works Agency for Ventura County.

12 CHAIR AIDUKAS: Thank you. And I understand you're
13 here to, um, uh, answer some of the questions that the
14 Commission has raised.

15 MR. FLEISCH: I'll do the best I can.

16 CHAIR AIDUKAS: Thank you so much.

17 MR. FLEISCH: I don't know what the questions are, so
18 I apologize, you'll have to state them for me.

19 CHAIR AIDUKAS: I -- I apologize.

20 MR. FLEISCH: (Laughs)

21 CHAIR AIDUKAS: I -- I'm sorry about that. Um, uh,
22 Commissioner Rodriguez, do you want to restate your concerns
23 regarding --

24 COMMISSIONER RODRIGUEZ: -- Hi David.

25 MR. FLEISCH: -- Good morning.

1 CHAIR AIDUKAS: -- Koenigstein and 150?

2 COMMISSIONER RODRIGUEZ: Um, yeah. Uh, we've gotten
3 the reports, uh, uh, from staff via Transportation. You
4 guys went out and -- and checked the site and -- and, uh,
5 and, uh, I guess conducted a test out there. And you were
6 satisfied that, uh, you could turn off of, uh, 150, um, onto
7 Koenigstein Road at the bridge and do it without crossing
8 over the double yellow at -- on 150, um, in essence. Is
9 that correct?

10 MR. FLEISCH: Oh, I haven't done the study --

11 COMMISSIONER RODRIGUEZ: -- Oh.

12 MR. FLEISCH: -- you're addressing, but, um, there --
13 a traffic engineering report was done and we've reviewed
14 that and we concur with the report.

15 COMMISSIONER RODRIGUEZ: Okay.

16 MR. FLEISCH: And it's -- the road is -- is -- is
17 safe, as it is and has been for quite some time. So.

18 COMMISSIONER RODRIGUEZ: Yeah. And -- And -- And all
19 -- all there -- all the in -- information we've gotten
20 indicates there have been really no tanker accidents there
21 at that intersection.

22 MR. FLEISCH: Correct.

23 COMMISSIONER RODRIGUEZ: Which is part of, I think,
24 what, uh, you're referring to.

25 MR. FLEISCH: Correct.

1 COMMISSIONER RODRIGUEZ: Um, we just saw a video, and
2 I apologize, it's -- it's not available to you. Basically
3 it showed a tanker -- tanker trailer turning off of
4 Koenigstein on -- excuse me, off of 150 onto Koenigstein
5 making that right-hand turn without violating the double
6 yellow as it did that. Uh, the double yellow on 150.

7 Um, but it appeared and -- and unfortunately the --
8 the video, uh, um, didn't show -- the angle of the video
9 didn't show the turning movement, um, actually on
10 Koenigstein Road and so I, for one, couldn't conclude that
11 that could be done safely without violating the double
12 yellow also on Koenigstein Road. It's -- It appears that
13 with the trailer, um, you've got to dou -- violate the
14 double yellow on Koenigstein and intrude -- into that --
15 into that lane, um, coming down the hill in order to make
16 that turn without violating the double yellow on 150. Uh,
17 do you understand what I'm saying?

18 MR. FLEISCH: Yes.

19 COMMISSIONER RODRIGUEZ: They've got to make a wide
20 turn in order --

21 MR. FLEISCH: -- Yes.

22 COMMISSIONER RODRIGUEZ: -- to make -- and not
23 violate 150's double yellow. Um, did your staff do a site
24 inspection out there where actually a truck was turning or
25 any site -- sort of site inspection at all?

1 MR. FLEISCH: Uh, we've checked, as we do for
2 anything like this, we check the -- the normal things you
3 check for safety. You check for site distance, you check
4 for -- for lengths and so forth. The road is de -- was --
5 is still as it was designed at the time it was there, and it
6 meets the standards necessary for the traffic that are on
7 the road.

8 Uh, when you have vehicul -- vehicular movements, uh,
9 as -- that's as much dependent upon the driver of the
10 vehicle as it is the road. So just the fact that a -- a
11 truck drives over a line doesn't mean that the road can't
12 handle it, it means that's how the person operated the
13 vehicle. Um, it's a -- both those roads in that area are
14 low volume roads. The traffic that's on them, um, is such
15 that they're more than adequate to handle the traffic, both
16 truck and car traffic, that are there, in a safe manner.

17 COMMISSIONER RODRIGUEZ: Okay. Um, that explains
18 what I needed to know, uh, without asking you a -- a
19 hypothetical, um, and I won't put you in that situation.
20 Thank you.

21 MR. FLEISCH: Okay.

22 CHAIR AIDUKAS: Uh, uh, would it be helpful, um, for
23 you to see the video that has been presented to us to --

24 MR. FLEISCH: I'm -- I'm aware of the video. I just
25 -- I didn't do the video and that's what Mr. Rodriguez

1 asked. My staff did not do that. Planning did, so I wanted
2 to make sure you understood it wasn't my staff who did the
3 video. I am aware of the video. I know what it's -- it
4 shows, so I --

5 CHAIR AIDUKAS: -- Okay.

6 MR. FLEISCH: -- I'm -- it's not necessary for me to
7 see the video.

8 CHAIR AIDUKAS: To -- To my eyes, it shows that, um,
9 under the very best circumstances, um, the operator of the
10 truck, which I understand is not the Applicant, um, uh, is
11 physically, because of the geometry of the road and the
12 length of the truck, it's physically impossible to make the
13 right-hand turn without, um, going into the oncoming traffic
14 or outgoing traffic of Koenigstein.

15 MR. FLEISCH: Okay.

16 CHAIR AIDUKAS: Or -- Or they could sw -- you know,
17 swing wide and go over the double yellow lines if there
18 were, uh, traffic coming that other way. Is that something
19 that is considered safe because it's a low-volume, uh, uh,
20 road? What is the county standards regarding the safety of
21 -- of that?

22 MR. FLEISCH: There isn't a county standard for
23 safety and can somebody drive or not drive over a line. We
24 have a design standard for roads that was in effect at the
25 time the roads were built. And there's no requirement to

1 update that to current standards, just because the standards
2 change. So the road, at the time it was built, was
3 appropriate for the traffic, and with the volumes of traffic
4 that are on both of those roads today, the road is still
5 more than acceptable for the traffic that's there.

6 Because of the low volume, and you can even see this
7 at the corner right out here at Victoria and -- and Tele --
8 Telephone, that trucks frequently turn wide and cross a
9 line. That, in and of itself, does not make the road
10 dangerous or does not make the traffic dangerous. They have
11 to watch what's there. And in that area up there, as low
12 volume as the traffic is, they would wait until the lane
13 cleared before they made their turn. That's a perfectly
14 safe operation. Yes, they're crossing the line, but that,
15 in and of itself, doesn't make it unsafe.

16 CHAIR AIDUKAS: Okay, so for the purposes of the
17 county and -- and coming up with an idea of what is safe and
18 what is not safe, because this is something that, um, uh,
19 really is key to the appeal that's before us, is, um, at
20 some time in the past it said it could -- it might not be
21 safe or it could be unsafe, and so, um, you know, they're
22 using this road now. But for the county, what's considered
23 safe is, uh, you just wait or you back up or you make
24 accommodations and, uh, uh, if you go over the line, that's
25 not considered an "unsafe road," it's just site distance

1 and, you know, that you're not going to fall into the creek
2 or --

3 MR. FLEISCH: We don't use it -- the term this is a
4 "safe" or "unsafe" road.

5 CHAIR AIDUKAS: Okay.

6 MR. FLEISCH: I don't know where that comes from, but
7 that's not the term we use. If you're -- What we do to look
8 at whether or not there's an issue that warrants some
9 engineering change or something to a road, is we look at
10 several factors. We look at sight distance, we look at
11 speed, um, we look at just the basic condition of the road.
12 Is there some maintenance that needs to be done?

13 Uh, we do an annual safety analysis of all the roads
14 and intersections in the county, and that is essentially
15 looking at what collisions have occurred in a rolling three-
16 year period. There's standards that are set for what are
17 acceptable. Um, if you've read much of the litera -- or
18 anything in the newspaper, literature, um, the majority of
19 collisions that occur on any road are due to i -- driver
20 error, not dru -- due to the engineering of the road. So we
21 do an analysis of those collisions, make a determination
22 what the causes of them were, and then see if there's
23 anything that we need to do to change the road to, um,
24 prevent those accidents from happening in the future.

25 In that area up there, there have been no accidents,

1 there have been no issues, there have been nothing that says
2 we need to do anything other than leave the road is it
3 exists today. And for the amount of traffic that's there
4 and for the amount that's being added from this project,
5 there's nothing that should change. And that's what the
6 engineering report that came, or traffic report that came
7 from and we concur with that report.

8 CHAIR AIDUKAS: So that's the, um -- Let me back up a
9 little minute.

10 Um, when I visited this site last, I noticed that
11 there was quite a lot of damage to the, um, K-Rail, you
12 know, cars scraping up or trucks scraping up against it.
13 And I also noticed, um, at that time, uh, uh, skid marks
14 right at the intersection. So that wouldn't, um, give any
15 kind of indication that there might be, um, engineering
16 solutions to improve that T-intersection and make it, you
17 know, I don't know, wider or something? It's just a -- what
18 you're saying is it -- it's speed and s -- and sight
19 distance, that's the only, um --

20 MR. FLEISCH: -- No, we also look at the number of
21 collisions and --

22 CHAIR AIDUKAS: -- And there were none?

23 MR. FLEISCH: -- Just -- yeah, just the fact that
24 there's skid marks there, it could have been some kid, you
25 know, te -- testing out his new not rod. We have no idea

1 why they're there. We rely on that collision data that we
2 get from the California Highway Patrol, who does, uh,
3 vehicular enforcement for county roads as well as for state
4 highways. So in that area, both Highway 150 and
5 Koenigstein, any collisions would be reported through the
6 California Highway Patrol. And we have none in that area,
7 or two, I think, in the last fifteen years, and none of them
8 have anything to do with, uh, with any trucks. And so
9 there's no reason for us, um, to think there's a nec --
10 necessity to go improve the intersection bec -- from -- from
11 a safety perspective, because there's nothing that would
12 lead us to believe that --

13 CHAIR AIDUKAS: -- And -- And that's your expert
14 opinion as a traffic engineer?

15 MR. FLEISCH: I'm not a traffic engineer. I'm the
16 County Transportation Department Director, but my traffic
17 engineer has reviewed the report and he concurs with it.

18 CHAIR AIDUKAS: Got it. Is there anything else?

19 COMMISSIONER RODRIGUEZ: Just a follow-up. Dave, uh,
20 you never saw that video we're referring to?

21 MR. FLEISCH: Uh, yes I have.

22 COMMISSIONER RODRIGUEZ: You did, okay.

23 MR. FLEISCH: I've seen the video.

24 COMMISSIONER RODRIGUEZ: Okay.

25 MR. FLEISCH: I just didn't create the video.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Laughs)

COMMISSIONER RODRIGUEZ: Oh, yeah, no, the Applicant,
uh, created the video. Uh, and after that, Transportation
communicated to Planning that it appeared to be okay?

MR. FLEISCH: Correct.

COMMISSIONER RODRIGUEZ: And from your perspective?

MR. FLEISCH: Correct.

COMMISSIONER RODRIGUEZ: Okay. Thank you.

CHAIR AIDUKAS: Thank you very much. Appreciate it.

-o0o-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, MARCIA ZIMMERMANN, do hereby certify that I transcribed, from recorded digital audio file, the proceedings fully and accurately to the best of my skill and ability, and that the foregoing pages constitute a complete and accurate transcript.

IN WITNESS WHEREOF, I have subscribed this certificate at Ventura, California, on this twenty-second day of August, 2016.

MARCIA ZIMMERMANN