



June 1, 2017

MTC Public Information  
375 Beale Street, Suite 800  
San Francisco, CA, 94105

**Re: Plan Bay Area Draft Environmental Impact Report**

Dear MTC Commissioners and ABAG Board Members:

Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for Plan Bay Area. The Ditching Dirty Diesel Collaborative submits these comments due to our concern about the projected significant increase in PM2.5 and PM10 emissions due to implementation of Plan Bay Area. We are even more concerned that the DEIR does not identify mitigation measures that will reduce PM2.5 emissions to safe levels. The mitigation measures that were included in the DEIR do not do enough to protect the health of our most vulnerable communities. The DEIR should be edited to incorporate the more stringent mitigation measures proposed in this letter.

**MTC AND ABAG MUST PROVIDE ADEQUATE  
MITIGATION MEASURES AND ANALYSIS**

The DEIR does not adequately describe the significance of the impact or the additional emission reductions needed, beyond the mitigation measures, to make the impact less than significant. The DEIR simply states that the impact will be significant and unavoidable due to MTC and ABAG's lack of authority over the implementation of the recommended mitigation measures. However, MTC and ABAG must provide the public with an analysis of the impact.

MTC and ABAG may not "travel the legally impermissible easy road to CEQA compliance" by simply declaring the Project's long-term cumulative climate impacts significant and unavoidable without adequate analysis. (*Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1371; *see also Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 [lead agency must inform public not just whether an impact is significant, but how significant the impact will be].) Rather, MTC and ABAG "must use [their] best efforts to find out and disclose all that [they] reasonably can." (CEQA Guidelines, § 15144.) An EIR's significance

determinations also must be based on scientific and factual data to the extent possible. (*Id.*, § 15064, subd. (b); § 15064.4.)

Our comments below describe mitigation measures that MTC and ABAG should analyze and include in the DEIR to address excess PM2.5 and PM10 emissions in order to protect the health of Bay Area communities.

## EXISTING MITIGATION MEASURES ARE INSUFFICIENT TO ADDRESS HEALTH DISPARITIES

As years of research have demonstrated, air pollution in the Bay Area disproportionately impacts communities of color and low income communities, both of which are more likely to live near congested freeways, ports, and other facilities associated with the freight sector. It follows that “a net increase of emissions of criteria pollutants from on-road mobile and land use sources compared to existing conditions”<sup>1</sup> will disproportionately impact communities that are already overexposed to pollution and vulnerable to the health impacts associated with pollution.

The DEIR’s proposed mitigation measures will not protect communities from the dangers of PM2.5 and PM 10 pollution, and must be changed. To reduce mobile and area source pollution, the DEIR recommends mitigation measures such as continuing existing retrofit programs or changing tires and brake pads. The DEIR also includes mitigation measures such as increasing density, which may result in some amount of PM emission reductions associated with mobile sources but would do little to nothing to help people living in already dense areas, particularly those in communities adjacent to freeways, the Port of Oakland, airports, or other major freight facilities. These mitigation measures do not address the concerns of the Bay Area’s most impacted populations.

## UPGRADING ENGINES AND ENFORCING TRUCK RESTRICTIONS TO PROTECT COMMUNITY HEALTH

In addition to the mitigation measures identified in the Draft EIR, enhanced mitigation measures to replace existing short-haul locomotives with cleaner engines, reduce idling of trucks at ports and in traffic, and enacts and enforce truck route restrictions must be identified.

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<sup>1</sup> Metropolitan Transportation Commission and Association of Bay Area Governments. April 2017. Plan Bay Area Draft Environmental Impact Report SCH# 2016052041, p. 2.2-36.

## MAKING HOUSING SAFER NEAR EMISSIONS SOURCES

Mitigation measures cannot be thought of as just measures that reduce the amount of pollution being emitted into the air. Measures that prevent pollution from entering the new homes that are predicted to be built over the lifetime of the Plan, as well as existing homes, must also be considered. These measures include high efficiency air filtration systems, weatherization measures that reduce infiltration, and buffers such as trees. The Draft EIR also needs to consider recommending buffer zones between new housing and sources of pollution, especially for diesel particulate matter, because even moving homes short distances from sources of diesel particulate matter can substantially reduce the risk.

## FASTER DEPLOYMENT OF ZERO EMISSION TECHNOLOGIES WILL REDUCE EMISSIONS

Transitioning to zero-emission equipment and near-zero emission equipment<sup>2</sup> will produce needed reductions in PM emissions. The DEIR should recommend faster deployment of these technologies by more aggressively funding the pilot projects developed in Plan Bay Area's Freight Emission Reduction Action Plan. Because MTC and ABAG do have authority over the Freight Emission Reduction Action Plan, they can require adoption and rapid implementation of the plan; for the other mitigation measures recommended, MTC and ABAG are not lead agencies and cannot be sure that the measures will be implemented, which is why PM emissions remain significant and unavoidable in the DEIR.<sup>3</sup> In light of that dynamic, the DEIR should state that MTC and ABAG will seek new funds or use existing funds to accelerate implementation of the Plan Bay Area Freight Emission Reduction Action Plan.

The DEIR should include additional mitigation measures to increase the use of zero emission and near-zero emission vehicles and equipment. MTC and ABAG should work with the Port of Oakland to ensure that the port and airport transition to zero equipment cargo handling equipment and ground support equipment expeditiously. As the California Air Resources Board's technology assessment for cargo handling equipment states, "automated all-electric (battery or grid-powered) equipment has been

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<sup>2</sup> Plan Bay Area defines near-zero emission vehicles as follows: "Near-zero emission vehicles must be able to operate for many miles for a period of time while having zero emissions. Outside of that time, there can be emissions (within current standards for clean vehicles)." Plan Bay Area 2040: Freight Emissions Reduction Action Plan, p. 3 (quoting the California Air Resources Board).

<sup>3</sup> See Metropolitan Transportation Commission and Association of Bay Area Governments. April 2017. Plan Bay Area Draft Environmental Impact Report SCH# 2016052041, p. 2.2-39.

in use at port container terminals in Europe, Asia, and Australia, since as early as 1993.”<sup>4</sup> The assessment recommends investment in electrified cargo handling equipment in California,<sup>5</sup> and adopting that recommendation in the Bay Area could reduce some of the emissions impacts associated with Plan Bay Area.

MTC and ABAG should work with the Bay Area Air Quality Management District and the California Air Resources Board to transition local or “last-mile” delivery trucks to zero emission technology as soon as possible. ARB has found that medium-duty trucks “are being utilized in an optimal duty cycle for [battery electric vehicles], urban delivery, and have ARB incentives to promote adoption.”<sup>6</sup> ARB expects “widespread penetration into the market place will occur in the next 5 to 10 years.”<sup>7</sup> Given that Plan Bay Area will impact PM concentrations for decades to come, the DEIR should include a mitigation measure that encourages faster turnover to less emitting delivery vehicles. These trucks circulate throughout communities and can contribute to increased PM concentrations. MTC and ABAG should prioritize investment in highly impacted communities, to address some of the inequities and health disparities plaguing our region.

## CONCLUSION

Ditching Dirty Diesel recommends that MTC and ABAG accept and incorporate these recommendations into the air quality section of the DEIR in order to protect the most impacted Bay Area residents from additional threats to their health and wellbeing. Thank you for the opportunity to comment and we look forward to continuing to work with MTC and ABAG to improve air quality and health outcomes in the Bay Area.

Sincerely,

Ditching Dirty Diesel Collaborative

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<sup>4</sup> California Air Resources Board. November 2015. Draft Technology Assessment: Cargo Handling Equipment, p. ES-4.

<sup>5</sup> California Air Resources Board. November 2015. Draft Technology Assessment: Cargo Handling Equipment, p. ES-6.

<sup>6</sup> California Air Resources Board. October 2015. Draft Technology Assessment: Medium- and Heavy-Duty Battery Electric Trucks and Buses, p. IV-13.

<sup>7</sup> California Air Resources Board. October 2015. Draft Technology Assessment: Medium- and Heavy-Duty Battery Electric Trucks and Buses, p. IV-13