

# Transportation Solutions Defense and Education Fund

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June 1, 2017  
By E-Mail to  
eircomments  
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Steve Heminger, Executive Director  
Metropolitan Transportation Commission  
375 Beale Street, Suite 800  
San Francisco, CA 94105

Re: 2017 Draft RTP DEIR Comments

Dear Mr. Heminger:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality. Our focus in recent years has been on reducing the impacts of transportation on climate change. This marks the seventh Regional Transportation Plan (RTP, or proposed Plan) and accompanying Draft Environmental Impact Report (DEIR) we have commented on. All page references are to the DEIR. (SCH# 2016052041.)

## The Transportation Policy Question

Our RTP comments have been consistent since 1994: MTC's facilitation of sprawl and solo drivers is a failed strategy for a metropolitan region. MTC has consistently ignored our advice, the consequence of which is demonstrated in the analysis of Impact 2.1-3, which shows a 150% increase in PM peak period LOS F congestion in San Francisco:

These roadway traffic service levels reflect the impact of total VMT growth exceeding the growth of roadway capacity on a county level. (p. 2.1-31.)

This conclusion sets up what TRANSDEF sees as the foremost transportation policy question facing decision-makers: In a region that keeps growing in population but not in roadway capacity (because of physical, environmental, and fiscal constraints), **should limited system expansion funds continue to be used to support solo drivers?** (i.e., with Express lanes and other capacity projects.) The quoted analysis of Impact 2.1-3, based on a straightforward relationship between volume and capacity, indicates that the increasing traffic volumes from a growing population will inevitably result in gridlock. The DEIR, however, fails to recognize the policy implications of this finding.

TRANSDEF believes that catering to solo drivers is so hopeless that all expansion funding needs to be channeled into supporting non-auto modes. TRANSDEF has long asserted that a network based on individual transport cannot feasibly accommodate a metro region's commute--especially one that keeps growing. The sheer number of person-trips clustered into the peak-period commute demands a level of capacity that only a mass transportation approach can provide. The City of Cupertino's animated film "[Silicon Valley's Transportation Future](#)" demonstrates this point brilliantly.

A change in strategy to supporting the regional commute with convenient transit would require different transportation investments than the ones included in the proposed Plan. Strong disincentives would be needed for land use practices that create dwellings and jobs accessible only by automobile (indicated herein by the term "sprawl"): the new vehicle trips resulting from sprawl further exacerbate the problem.

The purpose of an EIR is to provide the data and conclusions needed for informed decision-making. With the DEIR showing the commute getting seriously worse, it is critical that Commissioners know that options other than the proposed Plan are possible, and how their outcomes might differ. In fact, the analysis of alternatives is required by CEQA.

However, the DEIR had no analysis of transportation policy-based options, such as the one immediately above. Not only is this a violation of CEQA, it is poor policymaking. The DEIR failed to learn anything useful from its own findings. It was merely an exercise in generating paper and checking legal requirements' boxes.

Impact 2.1-3 should have resulted in a reevaluation of MTC's strategy, and a thorough consideration of alternative approaches. Not only did that reevaluation not happen, an alternative proposed by TRANSDEF to serve as a seed crystal for that reevaluation was firmly rejected. The DEIR's refusal to study the Alternative must be reversed, for a variety of legal and policy reasons that will be discussed herein. While it is late in the process, a thoughtful Response to Comments and recirculation could fix the DEIR.

#### The Plan Fails to Influence Mode Choice

From TRANSDEF's climate-focused perspective, the central problem with the draft RTP is MTC's decision to take a hands-off approach with the region's jurisdictions. This is effectively a refusal to carry out its SB 375 mandate to influence local land use decisions and transportation tax measures. (See Mitigation section, below). The resulting plan, based on Business-as-Usual local and county plans, shows a **VMT increase of 21%** (Table 2.1-14.). This indicates that the region is continuing to sprawl. This increased VMT is what is causing the increased congestion discussed in the previous section. **Delay in 2040 is projected to increase by 44%**. (Table 2.1-14.)

TRANSDEF's [2017 Clean Air Plan comments](#) focused on GHG emissions from transportation. It contained graphs establishing that VMT/capita in the region has been static since the late 1980's. With total regional transit ridership declining in absolute

numbers since 1982--and declining even more strongly in per capita numbers--these statistics indicate two outcomes from decades of MTC's regional plans:

- The failure to achieve functionally effective transit-oriented development, and
- The failure to support the construction of transit that captures new residents.

By way of contrast, Portland has managed a significant reduction in VMT/capita, and maintained that reduction compared to national averages. Obviously, Portland has succeeded in shifting mode shares.

In support of sprawl, MTC proposes to invest a large share of its RTP resources in GHG-increasing highway expansion projects and in transit megaprojects that produce far less of an increase in transit ridership than many smaller projects would, for the same total cost. Future residents are driving alone because of MTC's dual failures to curtail sprawl and to plan and fund adequate transit.

Table 2.1-15 projects mode shares to remain static between 2015 and 2040--the changes are less than the model's margin of error. The absence of a shift to a lower Drive Alone mode share is inescapable evidence of the proposed Plan's failure to influence travel mode choice, arguably the most important factor in evaluating the success of an RTP's approach to congestion and mobility. Because mode share doesn't change, the Table projects **a frightening 21% increase in Drive Alone trips**, which will greatly compound the existing problem of congestion. Because of this failure to shift mode shares, Table 2.5-7 projects that GHG emissions per capita remain nearly static between the years 2020 and 2040. That is a failure to implement climate policy.

While SB 743 deemphasizes the significance of congestion as an impact, the Plan directs resources into futile and wasteful strategies that contribute to and/or result in greatly increased VMT and GHG and criteria pollutant emissions. In addition, the DEIR refuses to study alternatives comprised of strategies specifically intended to reduce VMT and GHG emissions. These constitute serious failures to comply with CEQA.

#### Incorrect GHG Impact Analyses

TRANSDEF's critique of the 2013 RTP EIR served as the predicate for the GHG analysis causes of action in the Sierra Club/CBE challenge. We therefore recommend that MTC respond carefully to these comments. TRANSDEF asserts that the key GHG impact analysis, Impact 2.5-3, fails to comply with the legislative intent of SB 375, as expressed in these legislative findings:

...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve **significant additional** greenhouse gas reductions from changed land use patterns and

improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

It is clear from that legislative language that the State recognizes the need for regional-level emissions reductions from changes to transportation and land use patterns, separate and apart from, and in addition to, state-level emissions reduction measures. The EIR's failure to maintain a distinction between these two types of emissions reduction measures, when considering MTC's duties under SB 375, results in incorrect impact analyses:

1. Compliance with the letter and spirit of SB 375 is a CEQA issue, because it directly affects whether the State can achieve its emissions reduction targets for 2030 and 2050. (Impact 2.5-3.) By adopting SB 375, the State has determined that "reducing emissions from cars and light duty trucks" (p. 2.5-17) is necessary to meet its targets.
2. The analysis of Impact 2.5-2 ["a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions"] is misleading and irrelevant in evaluating the proposed Plan:

Because implementation of the proposed Plan would result in a net reduction in GHG emissions in 2040 when compared to existing conditions, this impact is less than significant (LS) and no mitigation measures are required. (p. 2.5-41.)

First, the conclusion for Impact 2.5-2 is incorrect: implementation of state-level emissions reductions measures is occurring entirely apart from "implementation of the proposed Plan." The 10,567,000 MTCO<sub>2e</sub> of reductions from Pavley regulations (Table 2.5-10, p. 2.5-41) are not a result of the "implementation of the proposed Plan." They are neither part of the Project Description nor part of the existing conditions baseline.

The analysis done for Impact 2.5-2 is a projection of emissions level in 2040. Because the projection includes state-level emissions reductions and the overall emissions from land uses, which are only peripherally related to the proposed Plan, this analysis is useless in determining the specific impacts of the proposed Plan. The projection, while not incorrect, is essentially irrelevant in understanding the impact of the proposed Plan itself on GHG emissions. The impacts of the proposed Plan are masked by the irrelevancies identified above.

3. For the reasons discussed above, a separate SB 375 impact analysis of total regional GHG emissions, in addition to Impact 2.5-2, is needed to evaluate the efficacy of the proposed Plan in "reducing emissions from cars and light duty trucks." (p. 2.5-17.) This is necessary because the first Table 2.5-10 (p. 2.5-40) discloses **a 10% increase in regional GHG emissions from these transportation sources**, directly contrary to the intent of SB 375. That is the proper figure for Plan GHG impacts, not the claimed

13% reduction. (Note that this calculation includes claimed reductions for the MTC Climate Initiatives Program, on which we comment below, due to our skepticism about the validity of these "measures.")

To fulfill its SB 375 mandate, the EIR must analyze whether "Implementation of the proposed Plan could result in a net increase in direct and indirect GHG emissions from cars and light duty trucks in 2040 when compared to existing conditions."

To properly calculate the regional GHG emissions for an SB 375 analysis, the state-level emissions reductions must be excluded. The land use emissions effect that is of interest from the SB 375 perspective is not the difference between existing conditions and the proposed Plan scenario, but rather the difference between a Business as Usual scenario and the proposed Plan scenario. This additional impact analysis should indicate a Potentially Significant Impact. (Feasible Mitigations are discussed below.)

4. While the analysis of Impact 2.5-3 ["Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030"] properly identified a Potentially Significant Impact, MTC engaged in a deceptive exercise to evade its responsibility under CEQA. We carefully analyze its assertions:

MTC/ABAG has developed a land use and transportation strategy that meets SB 375 goals and places the Bay Area on a downward trajectory in GHG emissions, which sets it on a path toward meeting longer-term GHG reduction goals. (p. 2.5-43)

As discussed above, regional GHG emissions would **increase** with the implementation of the RTP, thereby conflicting with the goal of SB 32 to reduce GHG emissions and **impeding** the attainment of a downward trajectory.

**There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets.** (p. 2.5-43, emphasis added.)

This statement is true only in the narrow sense that MTC's refusal to use its available powers to influence the land use and transportation plans of its constituent jurisdictions has left it without strategies. The claimed lack of strategies is entirely self-inflicted. MTC chose to not intervene when it assembled the RTP from the transportation plans of counties, despite knowing that each plan showed very large increases in VMT. (Table 2.1-20.) That choice doomed the RTP to a failure to reduce GHGs. Rather than act in accordance with its SB 375 mandate, MTC chose to claim helplessness instead. TRANSDEF asserts that that gap can be partly or entirely bridged by mitigations. (See discussion in the Feasible Mitigation section, below.)

This is not unique to MTC/ABAG; all MPOs in California are faced with this same challenge. In the absence of State and local jurisdictional action (e.g., new State regulations, city and county GHG reduction plans targeted to 2030 and beyond) it is not possible to demonstrate compliance with the SB 32 GHG reduction targets. (p. 2.5-43.)

Apparently all MPOs have been equally resistant to using their RTP powers as incentives and disincentives for action by local jurisdictions. Their lack of political will does not excuse them from their legal responsibilities, however.

Thus, while the proposed Plan would not impede the possibility of attaining the longer-term (2030 and 2050) targets, even more aggressive GHG reduction actions, such as local implementation of GHG reduction plans, would be needed to conform to these longer-term targets. (p. 2.5-43.)

As demonstrated above, the proposed Plan **would definitely impede** the possibility of attaining the longer-term targets. The only thing lacking in making the RTP an “even more aggressive GHG reduction action” is the political will to be a climate leader--or a court order.

Moreover, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measure [Mitigation Measure 2.5-3], and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. (p. 2.5-44.)

We too have no reason to believe Mitigation Measure 2.5-3 will result in actual GHG emissions reductions. However, we strongly disagree as to MTC's claimed helplessness. MTC **can require** compliance with its Countywide Transportation Plan Guidelines as a mandatory condition for submitting projects into the RTP. That would be far more likely to achieve measurable outcomes than the vague aspirational language of Mitigation Measure 2.5-3. MTC must determine whether, with the implementation of the mitigations proposed in the Feasible Mitigations section below, Impact 2.5-3 would continue to be a significant and unavoidable impact.

Also note that Mitigation Measure 2.5-3 seeks reductions outside the scope of SB 375--which are irrelevant in an RTP--rather than solely from vehicular emissions:

These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses... (p. 2.5-44.)

5. It seems exceedingly unlikely that a proposed Plan that fails to reduce GHGs at all (see above) would not “substantially conflict with local plans or policies adopted to reduce emissions of GHGs. TRANSDEF challenges this conclusion for Impact 2.5-4:

Therefore, the proposed Plan is not expected to substantially conflict with local climate action or GHG reduction plans, and the impact is considered to be less than significant (LS). No mitigation is required. (p. 2.5-45.)

6. The significance criterion for Impact 2.1-4 [“Implementation of the proposed Plan could result in a significant increase in per capita VMT compared to existing conditions. A significant increase in per capita VMT is defined as greater than 5 percent.”] is unsupported by substantial contemporary evidence.

Criteria 1 through 5 encompass measures that address appropriate standards for roads or highways, as well as other modes. A review of city and county thresholds of significance was conducted to assess whether or not the established 5 percent threshold aligns with current practice. This review indicates that multiple jurisdictions (i.e., Berkeley and West Sacramento as well as jurisdictions in other states) utilize a threshold of a 5 percent increase in volume-to-capacity for facilities (roadways and intersections) operating at unacceptable LOS (i.e., LOS F) as the basis for identifying significant impacts. (p. 2.1-19.)

Transportation policy and transportation planning have changed dramatically in recent years. SB 743 gives great emphasis to VMT as a central planning criterion. It is inappropriate to use significance criteria from an earlier time, when VMT was not so central. Given that regional VMT is projected to increase by 21% (Table 2.1-20) with numerous indirect impacts (e.g., Impact 2.1-3), there is no justification for the adoption of a significance criterion other than zero. For this reason, the “5% increase” threshold is not a valid contemporary significance criterion for any of the transportation impacts and must be changed to zero.

#### General Comments on the Climate Initiatives Program

When considered from a per capita standpoint, 35% of the claimed emissions reductions between 2005 and 2020 come from Climate Initiatives, while between 2005 and 2035, **a mind-boggling 61.8% of the claimed emissions reductions come from Climate Initiatives.** (Calculations using data from Table 2.5-7.)

TRANSDEF is very concerned about the legitimacy of these claimed emissions reductions. **Without these emissions reductions, the proposed Plan fails to meet the SB 375 target for 2035,** Impact 2.5-1, achieving only a 5.9% reduction below 2005 per capita emissions levels.

Concern about the legitimacy of these claimed emissions reductions stems in part from MTC's failure to fund the climate initiatives adopted in the 2013 RTP. We are not aware of the approval of any significant funding over the past four years for these programs. We were unable to locate any post-RTP-adoption funding for these programs in the TIP. With that highly prejudicial history, MTC must provide documentation of its track record in implementing these initiatives, before its off-model emissions reductions calculations can be considered substantial evidence in 2017.

ARB's 2014 *Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the ABAG and MTC SB 375 Sustainable Communities Strategy* stated for several of the measures, "Data from implementation of this regional program is expected to provide better information for future analyses." (p. 69.) There is no indication that MTC ever provided any such data. Without ARB's concurrence, a second round of off-model adjustments is not based on substantial evidence.

Table 2.5-7 indicates that between 2005 and 2020, modeled total GHG emissions increase by 1,700 tons/day, while Climate Initiatives reduce emissions by 3,600 tons/day. Between 2005 and 2040, emissions increase by 16,700 tons/day, while Climate Initiatives reduce emissions by 7,700 tons/day. In other words, auto-dependent sprawl growth is causing an increase in GHG emissions, and **the only GHG emissions reductions in the proposed Plan come from Climate Initiatives** (the Pavley regulations are not relevant to a discussion of regional emissions).

The EIR Project Description and Table 2.5-6 should reference Appendix A of the Travel Modeling Report as the location of the Project Descriptions and explanation of off-model calculations for Climate Initiatives.

#### Individual Climate Initiative Comments

Commuter Benefits Ordinances--TRANSDEF proposes that MTC and BAAQMD seek legislative authorization to expand the program to all employers with ten or more employees.

Vehicle Buyback and PHEV Incentives--The emissions reduction methodology is flawed. The measure is intended to incentivize the purchase of new PHEV vehicles instead of new internal combustion engine (ICE) vehicles. Because the traded-in vehicles are not being scrapped, they will remain on the road as used vehicles. Therefore, their emissions are not germane to the calculation. Because the alternative, a new ICE vehicle, will have a much higher fuel economy than the trade-in, due to Pavley-like regulations, the cost-effectiveness of the measure will change substantially when recalculated, possibly causing it to be withdrawn.

Clean Vehicles Feebate Program--While the text admits that "The feebate program would require legislation to provide regional agencies with the authority to implement it" (Travel Modeling Report, p. 55) the passage of legislation is not included in the Assumptions and Methodology section. For consistency, the need for action by the Legislature should be noted in the statement of overriding considerations.



Smart Driving--In an environment of low gas prices and greatly reduced highway speed enforcement, a Smart Driving measure is a farce. From personal observations, highway speeds in uncongested periods are now at least 10 mph higher, on the average, than what they had been at the time of the last RTP. Based on similar observations in various parts of the region, TRANSDEF has serious doubts as to the validity of uncongested travel model speed distributions, and the resulting GHG emissions projections in all EIR GHG analyses.

Because uncongested travel speeds are now higher than the approximately 50 mph [optimal speed](#) for minimizing GHG emissions, per capita GHG emissions are now significantly higher and will be unaffected by this measure. Smooth accelerations cannot offset substantially higher speed driving. On that basis, we find the emissions reductions for this measure (Table 17, mislabelled as Car Sharing, Travel Modeling Report, p. 55) to be severely overstated. Without a vigorous speed enforcement component, this measure is not credible, no matter how much money is spent on pilot programs.

Trip Caps--While TRANSDEF lauds this measure, it is ineffective in its current form. As the measure is described, a jurisdiction's enactment of trip caps is entirely voluntary. The emissions reductions calculated for this measure therefore cannot be counted against regional emissions. To be counted, an enforceable commitment is necessary. MTC could require jurisdictions to enact trip caps as a condition of their eligibility for OBAG funding, for example. There needs to be a "stick" to motivate jurisdictions, as well as a "carrot."

#### Feasible Mitigations

A 2014 vote by the Commission, Resolution 2120 Revised, adopted the draft County-wide Transportation Plan Guidelines. However, a last-minute amendment made the Guidelines voluntary. TRANSDEF asserts that the primary problem with the RTP, its excessive VMT growth, is the direct outcome of MTC's adopting Guidelines that could be ignored--and they were. Table 2.1-20 forecasts changes in VMT/capita for counties between 2015 and 2040 of between -7% and +4%, averaging -2% regionwide.

Because changes in VMT/capita are roughly equivalent to changes in GHG/capita, these numbers indicate a lack of compliance with the Guideline "Reduce per-capita carbon dioxide emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035." (CTP Guidelines, p. 6.) We are unaware of any formal evaluation of the compliance of county submissions with the Guidelines.

Making compliance with those Guidelines mandatory for the inclusion of a county's projects in the RTP would bring policy coherence to the planning of all the jurisdictions of the region. Significant regional goals can be achieved if all the jurisdictions are moving in the same direction. Nonetheless, the specter of mandatory compliance with Guidelines raises questions of local autonomy and consistency with the following section of the Government Code:

The county transportation plans shall be the primary basis for the commission's regional transportation plan, and shall be considered in the preparation of the regional transportation improvement plan. (§ 66531(f).)

The legislative findings of SB 375 stated that "it will be necessary to achieve significant additional greenhouse gas reductions from **changed land use patterns and improved transportation**" (citation above, emphasis added.) Clearly, the land use patterns to be changed are the existing land use plans, while the transportation to be improved is the transportation in the underlying county transportation plans. SB 375 therefore instructs MPOs that they are not to take these plans as the primary basis for the RTP. Because SB 375 was enacted after this Government Code section was adopted, SB 375 impliedly repeals this law and any other that conflicts with it:

When two or more statutes [enacted by the same legislature] concern the same subject matter and are in irreconcilable conflict .... the doctrine of implied repeal provides that the most recently enacted statute expresses the will of the Legislature, and thus to the extent of the conflict impliedly repeals the earlier enactment." (*In re Thierry S.* (1977) 19 Cal.3d 727, 744 [139 Cal.Rptr. 708, 566 P.2d 610].)

Because ABAG and MTC were given the mandate to plan regional land use and transportation to achieve GHG targets, it is logical that they were empowered by SB 375 to include measures in the RTP to motivate jurisdictions with land use powers to implement actual changes in land use planning. Withholding discretionary regional transportation funds and not including county project submissions in the RTP are such measures.

TRANSDEF proposes the following as feasible mitigations for the potentially significant impacts identified above, and significant and unavoidable Impact 2.1-3:

- Make compliance with MTC's Countywide Transportation Plan Guidelines mandatory for submission of a county's project list into the RTP. Making the Guidelines mandatory is a land use strategy that would feasibly bridge a substantial portion of the gap MTC complained about in the quote above. This would require making the following language amendments to Resolution, 2120, Revised September, 2014:

~~The CTP Guidelines are advisory and preparation of CTPs by the counties is voluntary in statute. (p. 3)~~

~~MTC recommends that the~~ The CTP performance framework should shall: (p. 6.)

~~“Plan Bay Area” performance targets do not constitute requirements or goals that apply to decisions under the jurisdiction of local governments. (p. 16.)~~

~~, if feasible to do so (p. 16.)~~

- Require the adoption of Mitigation Measure 2.1-3(b) as a condition of project funding. While “MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures” (p. 2.1-33), the impacts of projects adopted without these mitigation measures can be avoided by this mitigation measure, because they will not be able to proceed without MTC funding.
- Create more restrictive standards for a jurisdiction’s eligibility for OBAG funds, based on San Francisco’s [Transportation Demand Management Program](#) and on the principles advocated by environmentalists in their sales tax proposal to the Sonoma County Transportation Authority (attached). That proposal demonstrates a method of conditioning road maintenance funding to a shifting of all future development capacity into urbanized areas, especially PDAs.
- Implement measures that take gradual effect to make solo driving no longer the easiest mode choice, or the default mode choice. A combination of convenient transit, unpleasant congestion and inconvenience, in addition to some form of pricing, will help stimulate a regional mode shift away from solo driving.
- Have the Commission formally reject the long-standing Committed Projects Policy. This policy is an impediment to MTC’s ability to carry out its mandated duties under SB 375. As MTC’s repository of unbuilt projects developed long before the advent of climate policy, the committed projects list is primarily composed of VMT-increasing projects. As a result of this policy, these projects do not get individually reevaluated for their impacts, and especially not for their GHG impacts. Essentially, they get a free pass into the RTP. Remove those projects on the Committed Projects list that are not yet under construction contract from the 2040 baseline. Individually evaluate each project on the former list for its GHG impacts.
- Shift funding away from projects that increase VMT. This typically includes all highway expansion projects. Regional Express Lanes fall into this category because the projects’ only purpose is to provide additional capacity for solo driving. This will result in induced demand and therefore, increased VMT. See [Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions](#). MTC’s study, *The Effect of MTC Express Lanes on Interregional Travel* study (Cambridge Systematics, 2017) shows a 2% increase in intraregional VMT over No Project (*Id.*, p. A-2), even though those calculations are unlikely to adequately account for the impacts of induced demand.
- Shift funding away from transit megaprojects that do not cost-effectively reduce VMT, because projected ridership gains are small compared to the cost. These megaprojects produce far less of an increase in transit ridership than many

smaller projects would, for the same total cost. They therefore shortchange the region of environmental benefits. The most expensive projects of this type are:

- BART to Silicon Valley – Phase 2
- Caltrain Modernization – Phase 1
- Clipper
- RTP Table 4.5 shows that four of the top ten RTP investments are for projects that meet these two criteria for cancellation. If these projects were all deleted from the RTP, there would be plenty of resources to impact residents' mode choice decisions, both by providing cost-effective convenient transit service, and by keeping fares low. Investing their \$15.6 billion price tag in alternative projects could do wonders for building a convenient comprehensive regional transit network and providing it with transit operating funds to enable operators to keep fares low.
- Cancelling the following projects and reprogramming their funding will avoid the impact of increased VMT and GHG emissions, even though they are not as costly as the aforementioned projects:
  - SR-4 Bypass (if not under construction)
  - SR-4 Widening (if not under construction)
  - Irvington BART Infill Station
  - Alameda Point-San Francisco Ferry
  - Antioch-Martinez-Hercules-San Francisco Ferry
  - Berkeley-San Francisco Ferry
  - SR-4 Auxiliary Lanes
  - I-680/SR-4 Interchange Improvements
  - I-80/680/SR-12 Interchange Improvements
  - Lawrence Expressway Upgrades
  - SR-262 Widening
  - SR-84 Widening + I-680/SR-84 Interchange Improvements
  - US-101 Marin-Sonoma Narrows HOV Lanes – Phase 2
  - US 101 & I-280 HOV Lanes in San Francisco
  - East-West Connector
  - Jepson Parkway
- The following legislative proposals are intended as mitigation for the significant and unavoidable impacts of increased VMT and GHG emissions, as they would be highly effective if enacted by the Legislature. Each should be included in the RTP and EIR. As with other innovative ideas that should be included in the RTP,

the statement of overriding considerations should indicate that legislative action is necessary to their implementation.

- Seek legislative authorization to extend mandatory parking cash-out to all employer-provided parking, not just leased parking.
- Seek legislative rescission of Health & Safety Code Section 40717.9, enacted as SB 437, to return the power to air districts to implement effective strategies to reduce employee commute trips. The single most effective VMT reduction measure in California has been the Employee Trip Reduction Ordinance. Unfortunately, the Legislature rescinded the authority of air pollution control districts to impose such ordinances, due to business pushback. The Legislature should be asked to revisit this issue in light of its adoption of state climate policies, including especially SB 375.
- Seek legislation to require MTC approval of proposed transportation sales taxes with its Countywide Transportation Plan Guidelines before they can be placed on the ballot. This mitigation would ensure that when transportation sales tax expenditure plans are drafted, they will be supportive of regional goals, rather than working against them. The policy direction of sales taxes is crucially important. In 2013, a majority (53%) of RTP funding came from this source. An RTP cannot be SB 375-compliant if county sales taxes have different priorities.
- Seek legislation to clarify the CEQA responsibilities of agencies placing transportation sales taxes on the ballot. Appellate rulings such as *City of South Pasadena et al. v. LACMTA* (2010) B22118, have allowed the avoidance of alternatives analyses and the disclosure of the impacts of their proposed measures. VTA, for example, never disclosed the GHG emissions increase that will result from implementation of its 2016 sales tax measure.

#### TRANSDEF RTP Alternative

The DEIR amply demonstrated that the State's climate goals cannot be achieved by continuing the planning practices of the past. The assertion that "There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets" (p. 2.5-43) is a cry for help. The answers lie in innovative and markedly different alternatives that need to be tested to determine how best to meet State targets. The DEIR did not do that.

TRANSDEF's Scoping Comments called for the study of an EIR Alternative that sought to reduce VMT and GHG growth through shifting funding away from projects that either directly increase VMT, or fail to cost-effectively reduce VMT. The concept is simple, but the strong resistance it received from MTC indicates a striking lack of interest in meeting State emissions reduction targets if doing so requires change to the established order.

TRANSDEF previously authored the [TRANSDEF Smart Growth Alternative](#) for the 2005 RTP FEIR. The FEIR modeling showed that the volunteer alternative was able to reduce the growth in VMT by 10% compared to the adopted plan. How much better would the

results be if the same principles were utilized by MTC's transportation professionals? TRANSDEF's scoping comments proposed that an updated Smart Growth Alternative be studied in the EIR. That proposal was rejected:

Due to its consistency with and reliance on the Big Cities land use pattern, this alternative is expected to perform very similarly to the Big Cities Alternative across the CEQA topic areas. As a result, this proposed alternative does not contribute to a reasonable range of alternatives and was rejected from further analysis. (p. 3.1-16.)

The consistency of the proposal with the Big Cities land use pattern was an intentional gesture to make studying the alternative less burdensome for MTC. Using that as a justification for rejecting the proposal is therefore especially rich in its ingratitude. The finding that "this alternative is expected to perform very similarly to the Big Cities Alternative across the CEQA topic areas" is a purely faith-based conclusion.

As stated in our Scoping Letter: "An ongoing controversy exists as to the long-held MTC conclusion that "transportation investments do not move the needle," referring to the ability of an RTP to produce significant shifts in travel patterns, mode split and GHG emissions." The assertion that "this alternative is expected to perform very similarly to the Big Cities Alternative" can only be seen as a restatement of MTC's belief, as there had been no study done. As such, it does not constitute substantial evidence.

The assertion is directly contradicted by MTC's findings of VMT reductions in its own FEIR analysis of the 2005 TRANSDEF Smart Growth Alternative, which constitutes substantial evidence of the Alternative's efficacy of better performance. The assertion is also entirely illogical, given the obvious intent of Express Lanes and highway projects to increase Drive Alone travel, and therefore increase VMT and GHG emissions.

By proposing a substantial shift of funding away from highway capacity expansion projects and transit megaprojects, the TRANSDEF Alternative would provide independent verification of MTC's abilities at financial management and planning. As such, it would be tremendously valuable in either confirming the efficacy of MTC's approach, or the need to change that approach.

The EEJ Alternative, while having some similarities to the TRANSDEF Alternative, did not go as far in shifting project funding (Table 3.1-11). Its heavy focus on transit achieved only a 5% increase in boardings, too little to significantly change mode shares and affect regional mobility. (Table 3.1-13.) We suspect that is because much of its funding was diverted into transit megaprojects or suboptimal projects. Because of this failure to perform significantly differently than the proposed Plan, the proposed TRANSDEF Alternative does contribute to a reasonable range of alternatives. (Table 3.1-26 claims a 230% reduction in GHGs compared to the proposed Plan. While this

would be highly commendable and worthy of discussion if correct, this analysis appears to be a serious error.)

In addition, the findings concluded that the TRANSDEF Smart Growth Alternative was less feasible than the *Transportation 2030 Plan* because it included funding reallocations that would require voter approval or rejection of prior voter mandates, and because it included pricing strategies that had not been tested legislatively or legally, or in some cases were expressly limited in application by state law. (p. 3.1-16.)

Interestingly, the assumed densities for the EEJ Alternative were higher than existing land use plans, and a VMT tax was assumed (p. 3.1-8), placing the Alternative's feasibility in question. The fact that this alternative was studied, while TRANSDEF's feasibility was criticized, suggests selective enforcement of feasibility standards.

The majority of RTP funding is coming from sales taxes, which were not drafted to be consistent with the current regional vision. To achieve the significant GHG emissions reductions required to meet the State's climate targets, jurisdictions will need to enlist the support of their residents, in part through approving changes to past funding measures that were designed before climate impacts became a policy concern. The DEIR's implication that past funding measures cannot be interfered with is in fact a tacit admission that MTC has given up on actualizing a regional vision.

The DEIR's assertion that "There are no additional land use strategies available..." should have opened the door to a further exploration of alternatives. Instead, its recitation of the FEIR's characterization of TRANSDEF's call to reshape past funding measures as "less feasible" amounts to an insistence on remaining with familiar and convenient alternatives. Having exhausted its own ideas, the DEIR is uninterested in the innovative ideas of others.

TRANSDEF reminds MTC that studying a profoundly different set of transportation projects is essential to CEQA's purpose of informing the public and decision-makers of the full range of policy choices available, especially when the lead agency admits to having no strategies left. The alternatives analysis is very much part of the process of testing the legitimacy of an agency's preferred plan.

TRANSDEF's scoping comments proposed the Cost-Effectiveness Sub-Alternative, and identified the projects into which the RTP's expansion funds should be redirected. In addition, we note that the region has not invested in transit specifically designed to compete with the automobile. Because funding shortages have forced a choice, service has mostly been designed to provide coverage for the transit dependent. Even BART, the highest quality transit service available in the region, offers only all-stops locals. New services should be designed to capture the commuter market by providing non-stop service to major urban centers and employment centers.

The Pricing Sub-Alternative is severable from the rest of the proposal, if it is found infeasible. However, MTC submitted TR11, Value Pricing Strategies, as part of its Transportation Control Measures for the 2017 Clean Air Plan, and its Issues/ Impediments section did not find pricing infeasible. As with other innovative ideas that should be included in the RTP, the statement of overriding considerations should indicate that state and federal legislative action may be necessary.

#### RTP Guidelines Checklist

The absence of a Checklist makes it especially difficult for the public to navigate through all the documents produced for the RTP. We understand the inclusion of a Checklist to be a requirement:

MPOs should include the page numbers indicating where the Checklist items are addressed in the region's RTP. This requirement of identifying page numbers will assist the general public, federal, state and local agencies to locate the information contained in the RTP. ([2017 RTP Guidelines](#), p. 42.)

#### Conclusion

Not only does the proposed Plan function poorly in the future, in relation to any forward-thinking set of measures, its DEIR actively hides MTC's failure to undertake its SB 375 responsibilities to reduce GHG emissions from cars and light trucks. TRANSDEF calls on MTC to study the TRANSDEF Alternative, fix the impact analyses as described above, implement feasible mitigations, and recirculate the DEIR. We renew our offer to assist MTC in formulating an innovative RTP that makes the Bay Area more livable.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

Attachment: Environmentalists' VMT Reduction proposal to SCTA





SCTL  
TRANSDEF



May 5, 2017

David Rabbitt, Chair  
Sonoma County Transportation Authority  
490 Mendocino Blvd. # 206  
Santa Rosa, CA 95814

Re: Measure M Extension/Renewal to Encourage Compact Growth

Dear Mr. Rabbitt:

The Sonoma County Transportation and Land Use Coalition, Sonoma County Conservation Action, TRANSDEF and Greenbelt Alliance have worked with local officials for many years to improve funding for public transportation and to encourage compact growth within our cities. We urge SCTA to make its proposal for the extension of Measure M consistent with the Sonoma County Transportation Plan's emphasis on the connections between transportation and land use, because of the adverse traffic and GHG impacts of new development.

A jurisdiction's eligibility for funds from a new sales tax should be conditioned on its adoption of planning that directs future growth into urbanized areas. The transit, car sharing, casual carpooling, biking and walking available in those area are viable alternatives to drive-alone daily travel. Any extension of the Measure M sales tax needs to greatly reduce the growth in traffic due to new development. The ballot measure would contain provisions to accomplish the following:

- Set countywide standards for allowable growth in future Vehicle Miles Travelled (VMT).
- Provide road maintenance tax money only to jurisdictions that meet the VMT growth standard. This would incentivize a shift in the planning for future growth, moving it away from greenfields and into already urbanized areas, especially Priority Development Areas--walkable communities that enable reduced solo driving.
- Encourage development of Priority Development Areas through a designated funding program.
- Provide enough transit operating funds to enable the operation of a robust transit network linking the County's Priority Development Areas.
- Fund an office to coordinate the Transfer of Development Rights from greenfield areas to Priority Development Areas.

Sonoma County's Priority Development Areas (PDAs), already worked out with MTC/ABAG in Plan Bay Area, represent an important step forward in Growth Management. It is important to invest adequately in the development of the PDAs to help them attract most of Sonoma County's expected new residents in the coming 20 years. Because Transit-Oriented Development represents a change in the thinking of many developers, incentives may be needed to stimulate the creation of more such communities.

Among their benefits, PDAs tend to relieve development pressures on valuable open space. The SCTA should focus on the development and upkeep of the rail and bus transit needed to make PDAs work. Santa Rosa already has a vision for frequent bus service on major arterials.

It is particularly important to encourage the strongest form of PDA, where housing and economic activity for a wide middle-income spectrum of the population are grouped within easy and attractive walking/biking distance of high-frequency bus stops and neighborhood retail. SMART has already departed from reliance on the large parking lots around transit stations that add to pollution.

Planning for future growth around high-quality transit will avoid further burdening existing roadways. The sales tax needs to incorporate a Growth Management Plan that includes explicit disincentives for development that further increases VMT. The county should work to exceed its greenhouse gas reduction goals; major gains could come from programs that speed conversion to battery electric vehicles.

Congestion is the result of too many cars driven by solo drivers. Reliance on intelligent highways and self-driven vehicles would simply encourage more solo driving, making congestion worse, not better. A more effective answer is smartphone-based real-time ride-matching, in which travel time savings in HOV lanes incentivize drivers to share their cars with a passenger.

With the arrival of SMART, Sonoma County should direct funding toward making *itself* an integral part of a vibrant metropolitan region, where excellent public transit is the preferred way to travel. We understand that expanding roadway capacity to meet demand does not increase mobility in the long-term, because that capacity soon fills up. It worsens the climate impacts of transportation, which is contrary to state policy. We can follow the forward-looking thinking of the Los Angeles City Council in adopting Mobility Plan 2035, to encourage alternatives to driving alone.<sup>1</sup>

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<sup>1</sup> The Plan recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, through reduction of vehicle trips, and through focusing growth in proximity to public transit.  
<https://planning.lacity.org/documents/policy/mobilityplnmemo.pdf>

If you have questions or wish to discuss our suggestions further, please contact Steve Birdlebough at 707-576-6632 or [scbaffirm@gmail.com](mailto:scbaffirm@gmail.com). Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Willard Richards". The signature is written in a cursive style with a large, prominent initial "W".

Willard Richards, Chair,  
SCTLC

A handwritten signature in black ink that reads "Michael Allen". The signature is written in a cursive style with a large, prominent initial "M".

Michael Allen, Chair  
SCCA

A handwritten signature in black ink that reads "Teri Shore". The signature is written in a cursive style with a large, prominent initial "T".

Teri Shore, North Bay Regional Director  
Greenbelt Alliance

A handwritten signature in blue ink that reads "David Schonbrunn". The signature is written in a cursive style with a large, prominent initial "D".

David Schonbrunn, President  
TRANSDEF