



October 14, 2016

Chair David Cortese and Commissioners  
Metropolitan Transportation Commission (MTC)  
Bay Area Metro Center  
San Francisco 94105

Via [info@mtc.ca.gov](mailto:info@mtc.ca.gov) and [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

Re: Sierra Club Comments on Draft Preferred Scenario (DPS) and Scoping of Draft Environmental Impact Report (DEIR) for Plan Bay Area 2040 (PBA 2040)

Dear Chair Cortese and Commissioners:

In addition to comments regarding the Draft Preferred Scenario (DPS) for PBA 2040, this letter first provides supplemental comments to those which the Sierra Club submitted on this topic on June 15, 2016. That letter and its attachment letter from Earthjustice remain fully incorporated by reference.

As you know, Earthjustice wrote to MTC and the Association of Bay Area Governments (ABAG) on June 7, 2016 pointing out, among other issues, that:

A key feature of the settlement agreement requires the preparation of a Feasibility Analysis for the Priority Development Areas (“PDA”), prior to the issuance of a notice of preparation (“NOP”) for the Plan Bay Area Environmental Impact Report (“EIR”). (Settlement Agreement, Section 5(c).) The agreement requires a Feasibility Analysis for the PDAs that includes analysis of: current transit availability for each PDA, development readiness in the PDA, analysis of risks of sea level rise and liquefaction in the PDA, housing and jobs information for the PDA, and public health information for the PDA. (Settlement Agreement, 5(c)(i)-(v).)

Although the NOP was issued on May 16, 2016, there were required disclosures from the Regional Agencies relating to the PDA Feasibility Analysis and other elements of the Settlement Agreement which were not released until after the published deadline for submitting comments on the NOP. The Sierra Club is therefore supplementing our previous comments with this letter. Because we continue to believe that successful PDAs are crucial to achievement of the goals of SB 375 and the Region’s Sustainable Communities Strategy (SCS), these comments focus on concerns raised by our analysis of the recently-available PDA data.

***The Plan Bay Area 2040 Scenario needs to achieve PDA goals more successfully***

Nearly four years after the release of the DEIR for the Region's initial "Plan Bay Area," there are more than 50 PDAs that are still classified as merely "Potential," meaning that they significantly lack the required attributes. What are MTC and ABAG going to do so that these potential PDAs move into the "Planned" category with PBA 2040? If a PDA is not being actualized, should the PDA and its municipality receive any credit for reduced VMT in analyses?

Further, even the "Planned" category should be updated to identify where success is actually being accomplished. Please specify those PDAs, by county, which satisfy, at a minimum, at least all of the following criteria:

- Achieve at least the minimum transit frequency of 15 minutes or less during peak commute times for routes within a quarter mile of the PDA
- Have issued permits for affordable housing during 2013 to 2016.
- Have site(s) for recreation and/or parks within the PDA.
- Have an anti-displacement policy.
- Have a Complete Streets Policy.
- Are not (or are not adjacent to) subject due to flooding due to sea level rise.
- Have no land within or adjacent to the PDA that has a liquefaction susceptibility of "Very High" or "High."

To help provide the Regional Agencies with context for this request, please note the following summary information as additional specific examples of PDAs whose "progress" toward achieving the goals of SB 375 seems questionable:

- At least 38 PDAs do not have the minimum transit frequency within one quarter of a mile, and the Plan fails to identify adequate funding to augment existing transit service.
- 17 PDAs affirmatively identified a possibility of flooding due to sea level rise.
- More than 50 PDAs responded negatively regarding current sites for parks/recreation.

Please clarify how these are or are not being addressed in the Preferred Scenario.

Local chapters of the Sierra Club have sent correspondence to several Congestion Management Agencies (CMAs) throughout the Region, asking how these deficiencies are planned to be corrected within their own county. Since the CMA plans are an integral submittal to the Regional Transportation Plan, we again request clarification as to how MTC plans to overcome these inadequacies.

In the Sierra Club letter dated June 15<sup>th</sup>, we suggested an "aspirational" scenario that would "achieve all (or at least a significant majority) of the Performance Targets" for PBA 2040. We again request that there be at least one additional scenario that achieves the

“success” criteria listed above for the PDAs in each county and which identifies what funding and implementation steps are required to achieve such status. If such a “reality check “ scenario is not financially constrained, please identify why, and suggest potential new funding sources. Please note that the concept of clearly identifying what would be required for full achievement of all of the PBA 2040 targets received general support at a recent meeting of the Regional Equity Working Group (REWG).

Further, in order to succeed meaningfully in reducing GHGs and combatting climate change, PBA 2040 needs to demonstrate timely progress towards the goals of SB 375, and such a timeline should be part of the DEIR, the draft PBA 2040 report, and other supporting documents. It is wholly insufficient and inappropriate to merely project some changed circumstances as of December 2039—how will local City Councils and other policy makers know, along the way, whether or how they are actually achieving success?

In this context, how is MTC justifying support for projects that encourage in-commuting from the Central Valley, such as High Speed Rail and BART-to-ACE? Such expansions work against the purpose of SB 375, and would expend funds that could be better used to ensure success of PDAs and improved local transit services.

The DEIR and resulting analysis for PBA 2040 should clearly identify the feasibility status of each PDA which has been designated, as was required in the Sierra Club/CBE Settlement Agreement. One possibility would be to assign an actual “letter grade” (eg, A through F) for each PDA’s achievement, in order to give a meaningful perspective to the public and local officials.

The Sierra Club also notes our support for many of the concepts that are outlined in the comment letters that are being submitted on the Draft Preferred Scenario by colleague organizations, including:

- Six Wins for Social Equity Network—The Sierra Club continues to share concern about how the DPS continues to fail to achieve equity-based targets including affordable housing, access to appropriate jobs, and avoidance of displacement. We agree that a scenario that focuses on Equity, Environment and Jobs (EEJ) should again be modeled, but with a focus on PDAs so that they can more realistically achieve sufficient density to increase access to higher-frequency transit.
- Greenbelt Alliance—The Sierra Club supports improved attention and funding to achieve conservation goals. Development should not be increased in or near “edge jurisdictions” so as to encroach on the Region’s natural and agricultural resources.
- Safe Routes to School National Partnership—The Sierra Club agrees that the minimalistic achievement of the “Healthy & Safe Communities” target is unacceptable and needs to be improved. We support additional safe opportunities for active transportation, and remind the Regional Agencies that more intensive implementation of Complete Streets can yield a result that constrains the growth (especially from our aging populations) in a need for increased complementary paratransit service and costs under the Americans with Disabilities Act (ADA).

***Housing for all levels of income need to be permitted and constructed within near-term timeframes throughout PDAs***

Our analysis of available data shows that approximately two-thirds of all PDAs did not have any affordable housing built during the years 2013–2014. What are MTC and ABAG doing to turn around this unfortunate trend line and ensure that adequate affordable housing is actually made available in the PDAs? Subsequent to the June NOP comment deadline, we now know that several cities and counties have ballot measures that will be considered by voters in November 2016 to provide funding mechanisms for more residential units, and for more “affordable” units – how are the outcomes of these being considered in the PBA update? We also disagree with the notion presented in the recent staff memo (Agenda Item #5a FAQs to the October 14<sup>th</sup> joint meeting of MTC Planning and ABAG Administration Committees) which suggests that housing bonds be allowed in lieu of inclusionary zoning. Both strategies and resources are needed.

Achievement of adequate housing for all levels of incomes is widely reported as a regional “crisis,” especially for PDA-type communities that allow decreased use of single-occupancy autos and encourage active transportation. Plan Bay Area 2040 needs to more aggressively identify how to achieve these goals, not merely continue the status quo. Allocation criteria should be added for the One Bay Area Grant (OBAG) program that deny eligibility to any jurisdiction whose planning and/or permitting process fails to move towards achieving a jobs/housing balance, and should further require repayment of grant funds in more severe instances of non-improvement.

We also continue to be concerned that the Scenarios that have been designed result in only 52% of jobs being located in PDAs. A successful Sustainable Communities Strategy needs to be crafted to significantly improve the current Jobs–Housing imbalance.

***Additional information which remains outstanding needs to be documented***

As an amendment to approval of Plan Bay Area in July 2013, the Commission approved a requirement which stated in relevant part:

In addition, promptly after adoption of the plan, MTC will work with the region’s operators and other stakeholders to develop a plan to address the gap in funding for transit capital replacement and rehabilitation needs, and to expand the funding available to support future increases in transit service.

To date, no such information has been made available to the public or, to our knowledge, to transit agencies. When and how will it be included as a component of PBA 2040?

We were disappointed that the innovative M–580 Green Trade Corridor was not included in the “Freight Emissions Reduction Action Plan” as conducted under the Settlement Agreement. We therefore expect that M–580 project will be fully considered as an element of PBA 2040. If not, please explain why such an oversight is being continued.

***If PBA 2040 is unable to achieve the goals of SB 375, what is being done to develop an Alternative Planning Strategy (APS)?***

Since SB 375 requires that “decisions relating to the allocation of transportation funding be consistent with the SCS” (Institute for Local Government), an APS will detrimentally affect further achievement of GHG-reduction and equity goals for the region. The Sierra Club’s concerns in our letter of June 15, 2016 remain strong that discretionary funds such as the OBAG

program should be directed toward achieving SB 375 and PDA success, and sooner rather than later.

When the Draft EIR and Draft PBA 2040 are released, we ask that the Regional Agencies make available to the public a fully completed and signed “Regional Transportation Plan Checklist” as required by the 2010 California Regional Transportation Plan Guidelines issued by the California Transportation Commission.

If you have any questions about our letter, please do not hesitate to contact Matt Williams, Chair of the San Francisco Bay Chapter Committee on Transportation and Compact Growth, at mwillia@mac.com. Thank you for your consideration. We look forward to your response.

Sincerely,



Michael J. Ferreira  
Loma Prieta Chapter Chair



Victoria Brandon  
Redwood Chapter Chair



Rebecca Evans  
San Francisco Bay Chapter Chair

cc: Legislative Delegation, San Francisco Bay Area  
Chair, Air Resources Board  
Association of Bay Area Governments  
Sierra Club California  
Earthjustice  
Communities for a Better Environment