

Transportation Solutions Defense and Education Fund

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March 20, 2008
By E-Mail

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: Scoping for 2009 RTP EIR

Dear Steve:

On behalf of TRANSDEF, I would like to thank you for the forward-thinking comments you made at last Friday's Planning Committee. It is in that spirit that we offer the following comments on scoping the EIR for the next RTP.

TRANSDEF is pleased to have collaborated with MTC staff in presenting an RTP alternative in the 2005 RTP EIR. We believe it demonstrated important principles--principles which are now being implemented in the new RTP. We seek to provide further food for thought for policy makers with the following proposed additions to the scope of the EIR:

CEQA Analysis of GHG Emissions

After attending the Attorney General's seminar on CEQA and Climate Change today, it is clear MTC needs guidance on how to analyze GHG emissions. Until revised Guidelines are issued by OPR or new regulations are issued by ARB, perhaps the best interim guidance comes from CAPCOA. It is a white paper entitled "CEQA and Climate Change." It is available at www.capcoa.org

Because MTC prepares very few EIRs, the potential for minor projects to overload staff with the need to conduct environmental review--the major consideration driving the setting of a non-zero threshold of significance--is not present. Therefore, the most logical threshold for significant impact of GHG emissions is zero. The IPCC reports have created a solid basis of substantial evidence that additional emissions of greenhouse gases will contribute to cumulative impacts, making global warming more severe and climate more unstable.

Proposed Alternatives #3 and #4

The approach proposed in Attachment A to the Notice of Preparation is for these alternatives to involve both pricing and "non-pricing" concepts. That sounds good. The problem is that these alternatives propose modifying the projects and programs from those in the Proposed Project. Having created an alternative in the 2005 EIR

that altered both pricing, land use and project lists, we can say from experience that this will not provide the most useful information to policymakers. It is impossible to isolate which changes from the Proposed Project produce the results seen. On the basis of our experience, we recommend that the alternatives be defined solely as different lists of investments--combinations of projects and programs.

We suggest that pricing alternatives and "other" alternatives be run as sub-alternatives (sometimes called "options") on each of the alternatives. This will allow investment packages to be compared directly against each other, without confounding the results with multiple variables. While this will involve a few more model runs, it will better help decisionmakers decide which interventions merit taking on the difficulties of implementation.

We strongly support the running of pricing sub-alternatives. Immediately below, we define two we believe need to be run, either replacing the concepts proposed for study in Alternative #3 or in addition to them.

In addition, we urge a land use sub-alternative be run for all alternatives, using the ABAG alternative land use forecast that was created for the scenario assessments last year. These runs are explicitly authorized by Government Code Section 65080 as "alternative planning scenarios" in the RTP. These runs will provide policymakers with the best information possible as to the potential benefits that could result from substantial change in local land use policies and plans. In the absence of confidence about such benefits, that level of change is unlikely to ever occur.

Freeway Congestion Pricing Sub-Alternatives

These two sub-alternatives are designed to be consistent with recent direction received from the Secretary of Transportation, who wrote to Mayor Newsom on February 13 that "the objective of the Urban Partnership Program is to demonstrate the ability of metropolitan areas to reduce traffic congestion in the near-term." Recognizing that the benefits of a HOT lane program will be both small and off in the distant future, TRANSDEF believes policymakers need information on congestion relief choices that will be available to them in the near-term.

We fully recognize that near-term relief will not be available until Congress enacts the recommendation of the National Surface Transportation Policy and Revenue Study Commission to rescind the prohibition on the tolling of federal highways in metropolitan areas. Once that has been accomplished, however, MTC will have the flexibility to consider adopting congestion pricing here, if it has been studied in an adopted FEIR.

Each RTP Alternative will be tested with 2 congestion pricing options. These options are to be defined as an open-road toll imposed on the mixed-flow lanes of a freeway during periods when congestion causes the volume-to-capacity ratio to exceed 0.90 for any link of that freeway. This definition was designed to include relief from congestion during periods outside the traditional 2-hour and 4-hour peak periods.

The toll amount for the Maximum Congestion Relief option will be calculated to achieve the Federal DOT aspiration goal of the Urban Partnership Agreement: During peak periods, 90% of the traffic should travel at speeds that are not more than ten miles per hour lower than the posted speed limit. [TRANSDEF recognizes that this goal may not readily translate into terms that are compatible with inputs to the travel demand model. We would be pleased to discuss appropriate work-arounds with planning staff.]

To provide information about the sensitivity of the driving public to a congestion toll, a second option, the Moderate Congestion Relief option, shall be run, using a toll set at half the toll amount of the Maximum Congestion Relief option. (Alternatively, the toll for this sub-alternative could be designed to achieve the Performance Objective of a 20% reduction in congestion per capita hours of delay.)

The Freeway Congestion Pricing Sub-Alternatives will re-code any HOT lanes in the network definitions back to HOV lanes, thus continuing to offer free passage to those vehicles meeting the HOV occupancy requirements. We request that staff monitor the model outputs to see if occupancy definitions need to be shifted to preserve an adequate level of service in the HOV lanes. A large shift to HOV modes could also require the redesignation of mixed-flow lanes to HOV in the network definitions. While these tasks would require extra staff work, it would make the outputs much more meaningful and useful to policymakers.

Emissions-Reduction Alternative

This alternative will be a transportation network that is designed to reduce GHG emissions. The base for this network will be the network submitted for the TRANSDEF Smart Growth Alternative in the 2005 EIR. We plan to tweak it to improve its performance prior to the running of the model.

There are a number of compelling reasons to include the Emissions-Reduction Alternative in the EIR:

1. Three of the RTP's Performance Objectives of emissions reductions and VMT reduction are compromised by the inclusion in the RTP of freeway widening projects. Testing done for the Project Performance Evaluations has already shown that freeway widening projects will increase VMT and PM and GHG emissions. Because these projects are certain to be part of the Proposed Project, an alternative needs to be run to test whether a different project mix can more fully achieve the RTP Performance Objectives. By not including projects whose impacts are directly negative for 3 out of 10 of the Plan's Performance Objectives, this Alternative may well demonstrate a more effective strategy.
2. This Alternative's re-allocation of resources will enable superior performance on 6 more of the 10 Performance Objectives. In the 2005 RTP, the TRANSDEF Smart Growth Alternative's expansion of transit service provided 3 times the benefits to low-income communities, when compared to the Adopted Plan.

3. Coupled with the Freeway Congestion Pricing Sub-Alternatives, this Alternative should be able to meet the congestion reduction Performance Objective, thereby providing superior results for all 10 Performance Objectives.
4. Shifting funding away from freeway widening projects and overly expensive transit projects will make substantial resources available for areas of identified need: incentives for PDAs, the shortfall in local streets and roads maintenance, and the shortfall in transit capital. Coupling this Alternative with the Freeway Congestion Pricing Sub-Alternative will make even more resources available. The 2005 TRANSDEF Smart Growth Alternative cost \$6.2 billion less than the adopted Plan, even after adding an additional \$4.2 billion in transit service.
5. This Alternative will demonstrate a local implementation of key recommendations of the National Surface Transportation Policy and Revenue Study Commission.
 - a). A new beginning: This Alternative explores the benefits of rescinding the Commission policy on committed projects;
 - b). Starting with a clean slate, projects are then selected on the basis of their cost-effectiveness and connectivity, i.e., their performance;
 - c). Congestion pricing: The Sub-Alternative, coupled with this Alternative, will demonstrate an optimal environmentally oriented implementation of freeway congestion pricing.
6. This Alternative will be a strong candidate for Environmentally Superior Alternative, a mandatory part of CEQA analysis.
7. This Alternative will provide more economic benefits to the region. A dollar invested in transit service will produce more jobs than a dollar invested in highway construction. That dollar will be spent locally, whereas construction company profits may well leave the community. The multiplier effect means that how funds are spent by MTC and its partner agencies has a significant effect on the economy of the region.
8. The model run for the 2005 RTP EIR did not have the benefit of the interregional model that was built for the Regional Rail Plan. As a result, it was unable to evaluate the mode shift induced in the in-commute from the Central Valley by High Speed Rail over the Altamont Pass, the marquee feature of the TRANSDEF Alternative.
9. Under CEQA, the EIR is required to study all feasible alternatives. This Alternative becomes feasible once a consensus is reached on what is best for the region. The implementation of this Alternative is limited only by political constraints, not by statutory or technical constraints. If the necessary political will is developed, this Alternative will enable far better results to be produced from the expenditure of RTP funds.

Definition for CEQA Purposes of the RTP Project

The description of alternatives in Attachment A to the Notice of Preparation is internally inconsistent with other language which states that "As required by federal metropolitan planning regulations, the plan will be financially constrained to projected transportation revenues that are reasonably expected to be available over the 25

year period; however the plan may also include a set of illustrative transportation projects that would have benefits if additional new revenue is secured in the future.” The description of alternatives includes within the Proposed Project a list of projects that depend on funding that does not meet the federal criteria of being “reasonably expected to be available.” This is then incorrectly described as “referred to as the financially constrained portion of the plan.” The set of illustrative projects must be removed from the Proposed Project. The Proposed Project must be defined as the fiscally constrained list.

According to Title 23 CFR part 450.322 (f)(10), an RTP requires a fiscally constrained list of projects. An air quality conformity determination must be made on this fiscally constrained list (40 CFR 93 part 108). While the RTP may contain a list of illustrative projects that are unfunded, this latter list is ineligible for a conformity finding, and therefore, cannot be adopted as the RTP or the Proposed Project.

Because of these legal requirements, the definitions of Project Alternatives in Attachment A must be modified. The Proposed Project must be a project that meets the federal requirements for an RTP. It must be fiscally constrained and be able to be determined to conform to the State Implementation Plan.

It is perfectly fine for the list of illustrative projects plus the fiscally constrained list to be studied as an Alternative, but this must be recognized as not meeting the basic requirements of the Project Definition. The significance of this change in the Proposed Project is that future transportation projects from the list of illustrative projects will have to be amended into the RTP when they receive funding. While the environmental analysis for them will have been completed in the FEIR, a new conformity determination may be needed.

Conclusion

TRANSDEF looks forward to collaborating with MTC to prepare an EIR that evaluates an enhanced range of policy options. Thank you for this opportunity to provide these suggestions.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President