

Transportation Solutions Defense and Education Fund

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March 1, 2009
By Hand Delivery &
E-Mail

Scott Haggerty, Chair
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: 2009 RTP

Dear Scott:

MTC's action last week, approving Economic Stimulus federal transit formula money for the Oakland Airport Connector, is a microcosm of everything that is wrong with both MTC and its premier product, the RTP. The Commission demonstrated its contempt for the overwhelming public input it received by showing that all it really cares about is preserving the political deals it has cut in the past. On the RTP, the Commission completely ignored the messages from both the public and its own Advisory Council on the need to reevaluate its past commitments to projects, in light of new priorities emerging from AB 32 and climate protection.

The public's request for the reevaluation of past commitments was a primary message received at the June 14, 2003 Transportation 2030 Summit (*Public Outreach & Involvement Program, Appendix IV, p. 10*):

"We should use performance criteria to judge every transit and roadway project, not just new ones. Poor-performing projects should be dropped even if they are "committed." (84% agreed either somewhat or strongly. emphasis in original.)

"Our traffic and transit problems are getting worse for all communities, and old approaches don't seem to be working. Therefore, we must critically examine all of our policies, programs and projects." (89% agreed either somewhat or strongly.)

And yet, despite that overwhelming consensus, the 2005 RTP that the Commission adopted maintained the ongoing MTC practice of including all past commitments. In the discussion for the 2009 Plan, the Advisory Council adopted a resolution calling for the reevaluation of all committed projects in the light of AB 32, and recommended not adopting the proposed Committed Projects policy. Without even the courtesy of providing a rationale, the Commission ignored these recommendations and voted down an exceedingly modest motion to study past projects. Similarly, despite extensive testimony about the perilous state of transit operator revenues resulting from state budget cuts, the Commission did not even bother to provide a rationale for adopting the staff recommendation to fund the Oakland Airport Connector.

These recent events lead inexorably to the following conclusions:

1. While MTC does an excellent job of recording public input, it is all for show. MTC does not actually consider public input in its deliberations. This can be demonstrated by the near-100% record of the Commission adopting staff recommendations.
2. At the same time, MTC is unwilling to be transparent about the reasons for its decisions. Under federal rules for public participation, MTC needs to document how it considers the input it receives from the public. This means providing reasons for not adopting what was overwhelmingly requested by the public. If the reason is “because we made a deal, and we cannot back out of that deal without harming our ability to make deals in the future” that needs to be stated on the record.
3. Despite severe funding shortages faced by the region’s transit operators, the Commission made it clear that its top priority with Economic Stimulus funds was making good on past commitments, no matter how odious. Preventing service cuts and fare increases was clearly a lower priority.

Change in Motion

Familiarity with MTC and a close reading of the RTP lead to these conclusions:

1. The RTP is beautifully produced and extremely well-written. It is inspiring and philosophical. Unfortunately all of that serves as mere window dressing, due to key Commission decisions on committed projects.
2. The decisions on the RTP very clearly express MTC’s priorities. While ‘Change’ is central to the rhetoric of the 2009 RTP (“Change in Motion”), this RTP is about anything but change. The RTP shows that MTC is willing to commit funds it can’t yet identify for projects and programs for climate protection. The real money, however--the funds that MTC can identify--are going to committed projects that ignore climate change considerations and financial prudence: for additional highway capacity and cost-ineffective BART extensions. This is the status quo--it has nothing to do with Change.
3. By retaining the status quo as its priority, MTC exhibits a complete indifference to science, which indicates the need for urgent GHG emissions reductions. Motor vehicles are the largest source of GHG emissions in the region, putting great responsibility on MTC to use the tremendous powers granted it to respond to a serious threat to our

society. This RTP both rejects that responsibility and misleads the public into thinking that MTC is 'doing something about climate change.'

4. Change is described as something beyond the RTP: "The Bay Area must take additional bold steps beyond the Transportation 2035 Plan." (RTP, p. 79) If MTC were to live up to the leadership role it claims for itself in its public relations, this RTP would be the Change. (See Recommended Actions, below.)

5. Part of the reason "that surface infrastructure investments will not be sufficient to realize our ambitious goals for the Bay Area" (RTP, p. 79) is that MTC wastes so much money on expensive projects that accomplish little in the way of transportation benefits. The most recent *Statistical Summary of Bay Area Transit Operators* indicated that the region has still not achieved the 15% increase in regional transit ridership over 1982 levels that MTC committed to as TCM 2 back in 1990. Given the 30+% increase in population since then, this is an indictment of MTC's wasteful and/or incompetent project selections. The primary beneficiaries of these projects were their political sponsors. Meanwhile, the public has been left with a mediocre transit system and overcrowded highways. For all the money that was spent, these are dismal results.

6. MTC does not do planning--it is a programming agency. Planning would mean determining regional needs and determining appropriate implementation. Instead, MTC passively awaits sponsors' project submissions. This is why a rail connection from the East Bay to San Jose never advanced during the 1980's--there was no project sponsor with the requisite jurisdiction, and MTC did not see fit to assign the task to an agency.

7. MTC is unwilling to say no to its Partnership agencies. No matter how ridiculous, a submitted project is dutifully placed in the list. MTC has not instructed the Partnership on the need to alter transportation planning so as to reduce VMT and GHGs.

8. MTC's completely uncritical acceptance of projects submitted by sponsors is why the organization is known amongst critics as an MSO, a Metropolitan Stapling Organization. Instead of benign neglect leading to project death by starvation, MTC instead actively promotes the most dreadful politically motivated projects such as the Oakland Airport Connector, the BART extensions and the Central Subway through such efforts as its Resolution 3434 Strategic Plan Update and Economic Stimulus Fund allocation plan. While any reasonably objective analysis would demonstrate the abysmal cost-effectiveness of these projects, MTC is instead actually proud that these projects are being delivered. The dubious legality of a recent Strategic Plan decision to transfer funding to a BART extension will soon be reviewed by a Court.

9. The Performance Assessments should have been a critical part of the RTP process, but as it turned out, they were a joke. "No projects were excluded from the RTP Project or fiscally unconstrained element as a result of the Performance Assessment process." (1/30/09 Response to our Public Records Act request.) The weighting of the various benefits needed to have been less auto-centric, for the results to be at all useful. However, the CMAs actively subverted the process by withholding projects from MTC scrutiny and thereby blocking MTC discretion. Agencies should be sanctioned for not playing by the rules.

HOT Lanes

TRANSDEF is troubled by the proposed HOT lanes network. We believe it represents a giant step backwards for a Bay Area transition to much higher transit use:

1. HOT lanes would eliminate the travel time advantage that transit in a dedicated right-of-way has over the single-occupant vehicle, thereby changing forever the fundamental relationship between driving alone and taking transit. Then the only difference is price. Transit's inherent inconvenience, as compared to the single-occupant mode, will weigh much more heavily in mode choices.
2. Worse yet, there is only so much HOV capacity that can be sold. HOT lanes create unreasonable expectations that single-occupant driving remains a realistic mode of travel. This is exactly opposite to the JPC's Climate Protection Plan, which sets "Reducing Driving" as a major strategy.
3. HOT lanes are built for the solo driver. They are a distraction from building a regional transit network, which is the work we face in an era of climate change.
4. By making driving easier, HOT lanes will result in more driving and thus more GHG. This is tremendously irresponsible in an era of climate change. Due to the lack of sophistication of MTC's travel demand model, the performance assessments for the 2009 RTP showed some highway projects resulting in lowered VMT and GHG emissions. TRANSDEF is certain that these results are merely artifacts of the failure to feed back land use inputs back into the modelling, and that all highway projects will increase VMT and GHG emissions.
5. HOT lanes are not easily understood by the public.
6. It will take decades for HOT lanes to be built. This fails to meet the time scale of climate change--emissions reductions are needed now, not twenty years from now.
7. TRANSDEF believes the HOT lanes proposal turns the decades of HOV construction into a bait-and-switch, in which the public was told that these lanes were built for their air quality benefits. By putting single-occupant vehicles into HOV lanes, MTC would be violating the Clean Air Act prohibition on building mixed-flow lanes in non-attainment regions. Because of the special legal status of HOV lanes, changing them to HOT would require more than a mere RTP EIR. The proposal will need proper NEPA and air quality conformity determinations (the proposed final conformity determination did not address this issue).

TRANSDEF believes that the National Surface Transportation Policy and Revenue Study Commission got it right: the U.S. needs on-road pricing in metropolitan areas. We would like to see MTC lead the way, by educating the public on the need to price highways (especially during congested periods) to encourage more carpooling and transit, which will reduce GHG emissions. We believe this message is much more understandable than HOT lanes, and would produce emissions reductions in the short term, when they are desperately needed. The public knows it needs to do something to reduce emissions. Leadership by responsible agencies will result in letting the public know that driving is one of the biggest problem areas, resulting in changed behavior.

Lastly, the RTP asserts that Highway expansion makes up 3% of the total RTP. (p. 35) A PhD working for TRANSDEF calculated that highway expansion projects made up 8.1% of the RTP. After back-and-forth e-mails with staff, it appears clear that this 3% number excludes committed projects. If this assertion is confirmed (staff has not yet replied to our request for the project list used in calculating the 3% number), that would mean that MTC had intentionally hid the committed highway projects. Like Watergate, a cover-up demonstrates intent to hide something deemed unfavorable.

Due Diligence

In TRANSDEF's comments on the Conformity Analysis and in our Public Records Act request, we sought to find out what kind of due diligence MTC has performed on the very substantial project costs of the proposed BART extension to San Jose. We were alarmed to find out that staff merely accepted at face value the figure submitted to MTC by VTA. At \$6.1 billion, this project makes up more than half the dollar amount of the TIP Amendment. None of the documents we saw demonstrated that MTC had independently undertaken any kind of review of VTA's numbers.

This is especially troubling, given how we have consistently informed MTC staff that, as a result of another Public Records Act request, we were aware that VTA was reviewing 65% design estimate costs last summer. Meanwhile, MTC was using VTA's 2005 costs in the fiscally constrained plan. Now that VTA has publicly announced that its new 2008 cost estimate is \$6 billion unescalated, we insist that MTC bring the latest numbers into the RTP, along with VTA's reduced sales tax revenue projections. MTC has received plenty of notice from us that VTA was going to try to slip into the fiscally constrained plan with old cost numbers and sales tax revenues. If MTC expects its federal partners to accept the assertion of fiscal constraint, it will need to revise its current draft RTP numbers, or reduce the scope of the proposed project.

Recommended Actions

TRANSDEF recommends that MTC adopt the TRANSDEF Smart Growth Alternative that was studied in the EIR for the 2005 RTP. That Alternative had no highway expansion in it, which created motivation for drivers to shift to transit modes. In addition, it contained cost-effective commuter rail and rapid bus expansion projects, along with expanded transit service. It had High-Speed Rail entering the Bay Area over the Altamont Pass, and going down to San Jose along the alignment that had been purchased for a BART extension, thereby eliminating the cost of the San Jose and Warm Springs BART extensions. Both pricing and land use contributed greatly to enhancing the mode shift to transit, and resulted in reasonable performance at a significantly lower cost than the adopted RTP, thereby leaving more funds available for maintenance. By ending the building of highways, the Alternative puts a stop to the phenomenon of induced demand, resulting in lower VMT.

If, as expected, MTC is not willing to adopt a true emissions reduction alternative such as the TRANSDEF Smart Growth Alternative, the next best thing would be to adopt the land use and pricing variants of the Heavy Maintenance/Climate Protection Emphasis,

along with the RTP's proposed project list. This would mean that MTC commits to moving towards implementing pricing and land use measures, starting with seeking the necessary authority from the Legislature and Congress. Such a commitment would allow MTC to develop appropriate measures after appropriate rounds of public outreach and analysis. The implementation of these measures would result in performance equivalent to the effect each of these variants produced in the EIR.

Conclusion

After 16 years of involvement with MTC, TRANSDEF has absolutely no illusions that these comments will result in any changes to the draft RTP. However, we felt it was important that there be a record made for the public of MTC's irresponsibility as the body of government that had the ability to act at the time that the climate crisis became deadly serious, but didn't. As always, we would be pleased to answer any questions you may have to help MTC become a force for change for the better. Our website is www.transdef.org

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President