



**SIERRA  
CLUB**  
FOUNDED 1892

## **Bay Area Transportation Committee**

2530 San Pablo Avenue, Suite I, Berkeley, CA 94702

510-848-0800 (voice) · 510-848-3383 (fax)

## **Sierra Club Comments on Regional Transportation Plan DEIR**

### **Alternative 3, combined with land use strategies, would have lowest environmental impacts.**

The alternatives analysis is significantly flawed and inadequate for reasons discussed below. However, among the alternatives studied, the “HEAVY MAINTENANCE/ CLIMATE PROTECTION EMPHASIS + PRICING STRATEGIES” alternative, if combined with appropriate land use changes, would have the lowest environmental impacts, and therefore best serve the future well being of the Bay Region. If the Freeway Performance Initiative was added to this package, its transportation performance would be improved at little environmental or financial cost. MTC should revise its projects as required to conform to the objectives and characteristics of in this alternative, which maximize greenhouse gas reductions compared to the other alternatives studied. The EIR should adequately study alternatives that would fully evaluate maximizing greenhouse gas emission reductions.

### **The EIR Fails to Properly Evaluate the Environmental Impacts of the RTP due to the Inclusion of Committed Projects in the No Project Alternative**

The \$28 billion in committed transit and roadway expansion projects are included in the No Project Alternative. This prevents evaluation of the impacts of the entire Plan against existing environmental conditions in the Plan horizon year. CEQA does not allow treating the previous RTP as the No Project Alternative. Therefore, projects, even if funded, that are not yet built or under contract, they cannot be considered as part of the No Project Alternative. The EIR, with its current definition of the No Project Alternative, does not conform to this requirement because it prevents the evaluation of the impacts of the plan as a whole as compared to a future scenario in which none of the committed expansion projects included in the RTP are built. We request a revised definition of the No Project Alternative to accurately reflect a scenario in which none of the committed expansion project RTP funds are invested. The No Project Alternative should include and evaluate only the transit and roadway infrastructure in place under 2035 conditions, and in comparison to 2006 conditions.

### **The Alternatives Analysis Fails to Include an Alternative which Maximizes Greenhouse Gas Reductions**

CEQA requires all feasible mitigation of environmental impacts. Besides considering the overall impact of the Project, the EIR must analyze its component projects to determine which of them result in increased VMT and GHG emissions. Increased greenhouse gas emissions resulting from the highway expansion projects in the RTP will cause significant environmental impacts. An alternative must be considered which maximizes greenhouse gas emission reductions and mitigates any remaining GHG emissions by eliminating the GHG emission-increasing projects and replacing that expanded capacity with additional transit projects. For convenience, we suggest using the list of projects that was studied in the 2005 RTP EIR as the TRANSDEF Smart Growth Alternative.

In addition, the Alternatives Analysis should evaluate the Project together with policies and programs that would mitigate greenhouse gas emissions and maximize their reduction. In particular, the alternatives analysis fails to include study of : (1) the Project together with pricing strategies to reduce vehicle miles traveled, (2) the Project together with land use strategies to reduce vehicle miles traveled, (3) the Project together with both land use and pricing strategies to reduce vehicle miles traveled, and (4) the Heavy Maintenance/Climate Protection Emphasis alternative together with both pricing and land use.

On page ES-8 of the DEIR Summary, MTC acknowledges that the land-use oriented alternative and the pricing-oriented alternative are both "environmentally superior" to the "Proposed Alternative". Yet the DEIR proposes dropping both alternatives, solely on grounds that the "regional agencies" don't have the power to implement them.

MTC reports have stated that MTC may not currently have authority to unilaterally implement either pricing and land use strategies, or its proposed new HOT lane network. Yet MTC proposes to reject the pricing and land use strategies without taking steps to seek the legislative authority to implement land use and pricing initiatives. MTC has the responsibility to exercise its regional planning powers in a manner consistent with CEQA and mitigating environmental impacts. In addition, MTC has the authority to program transportation projects conditionally on the eventual implementation of pricing and land use policies. An adequate alternatives analysis must include a study of the options that would reduce environmental impacts. Therefore, MTC should include in the Final EIR the three options that incorporate pricing and/or land use strategies that would reduce greenhouse gases to the greatest extent.

### **The DEIR is Inadequate Due to the Limitations of Modeling and the Failure to Model Induced Demand**

The RTP proposes to expand roadway capacity, including systems management/operational changes, and physical expansion, including proposed HOT lanes. However, there is no discussion of induced demand in the transportation chapter of the DEIR. Because of the lack of iterative feedback from a land use model, MTC's travel demand model is insensitive to the differences between the distributional effects of roadway expansion and the distributional effects of transit expansion on future land uses. In recognition of the extensive literature on this topic<sup>1</sup>, and in recognition of MTC's commitment to acquire integrated urban modelling capabilities for the next RTP, the FEIR should acknowledge the induced demand impacts of expanding roadway capacity, including the environmental effects of additional vehicle miles traveled that MTC is unable to model. The induced demand due to roadway expansion should be evaluated both independently and together with any proposals to implement HOT lanes.

The FEIR, in examining induced demand resulting from the HOT lane network, should examine the reduction in time savings offered by transit service by allowing single occupant vehicles to enter a lane that is used by transit service.

There is no discussion of induced growth due to highway and roadway widening. The EIR should at a minimum follow CTC guidelines for regions to examine both induced growth and induced demand from new capacity construction. Specifically, there should also be an evaluation in the "Indirect/Cumulative

---

<sup>1</sup> See citations and analysis in the attached Review of Marin Sonoma Narrows (MSN) HOV Widening Project Draft Environmental Impact Report/Draft Environmental Impact Statement

Impacts” paragraph on page 2.3-27 to expand the list of potential indirect effects to include the impact of inducing development of farmland beyond the Bay Area.

The travel demand forecasting model does not discuss the model’s limitations. The model poorly reflects travel behavior changes from land use improvements or bicycle or pedestrian amenities. The model also does not adequately reflect travel demand changes from programs such as Safe Routes to Schools or other educational or incentive programs. The inadequacies of the model should be disclosed in the EIR.

### **Inadequate Explanation and Justification for Metrics**

The criteria for transportation impacts and air quality are defined as a “substantial” change, without any associated values, but energy criterion #1 is defined as “greater than 5% increase in the total consumption.” The EIR should explain and adequately justify what “substantial” means for the transportation and air quality impacts. The EIR should aim for reductions in total greenhouse gas emissions. Increases to regional greenhouse gas emissions by individual projects within the RTP should be considered significant and be fully mitigated.

### **Inadequate Significance Criterion**

On Page 15 of Section 2.5 in the T-2035 EIR, there is a discussion of "Significance Criterion" under "Impact Analysis." “Criterion 1: Result in an increase in CO2 emissions from on-road mobile sources compared to existing (2006) conditions.” This criterion is inadequate. The criterion should be that the Plan results in a decrease in CO2 emissions by 2035 compared to existing (2006) conditions to avoid potentially significant adverse impacts. How can MTC comply with AB32 targets by simply ensuring that CO2 emissions don't increase?

It seems inaccurate to describe this criterion as "the most responsible and comprehensive approach..." inasmuch as (1) it will not result in the reductions in GHG emissions called for in AB32 and (2) that failure to reduce these emissions most likely will result in the dire consequences predicted by the UNIPCC? To avoid potentially significant adverse impacts pointed out by the IPCC, and spelled out in AB32, the criterion should be that the Plan results in a decrease in CO2 emissions from Bay Area transportation by 2035 compared to existing (2006) conditions in such a way as to meet the targets set in AB32 [to conform with AB32].

### **Misleading Statement of Climate Change Science**

The last sentence on *page 2 of Chapter 2.5 (Climate Change and Greenhouse Gases)* creates the impression that there is a dispute among scientists about climate change.

The sentence begins: "However, many scientists believe that emissions from human activities ... have elevated the concentrations of GHGs in the atmosphere beyond naturally-occurring concentrations, contribution to the larger process of global climate change."

The use of the word "many" in this sentence conflicts with the sentence in the second paragraph on *page 1 of Chapter 2.5* which states: "While scientists are certain that human activities are changing the composition of the atmosphere and that increasing concentrations of greenhouse gases ... will change the

planet's climate ..." It creates a misleading impression of the findings of the UNIPCC and suggests that this is a disputed fact. The EIR should correct this.

### **The Mitigations in the DEIR Do Not Adequately Mitigate Environmental Impacts**

The EIR should aim for reductions in total greenhouse gas emissions. Increases to regional greenhouse gas emissions should be considered significant and be fully mitigated.

Mitigation measure 2.1(a) calls for existing TLC funds and additional funds to provide financial benefits to local governments that have designated Priority Development Areas (PDAs). This mitigation should include additional funding sources including Safe Routes to Transit, and the \$7 billion in Local Streets and Roads funding. This mitigation is feasible and would reduce greenhouse gases by encouraging transit-oriented development near bus and rail stations.

Mitigation 2.1 (b) proposes for regional and local agencies and employers to promote innovative parking strategies. This measure should also include a parking cash-out program (opt-out), which could feasibly integrate pricing for otherwise free or underpriced parking into regional parking policies and practices.

The MTC TOD Policy does not adequately leverage transit investments to mitigate greenhouse gas impacts of roadway expansion. It does not require a mix of uses at stations, it sets targets far too low, and excuses some projects from any requirements at all.

### **Inadequate Study of Impacts and Mitigations Regarding HOT Network**

MTC has included a regional HOT network as part of the RTP investments, but this HOT lane network has significant environmental impacts of induced demand, induced growth, and impacts to climate change and air quality that are not mitigated. MTC staff reports show that their purpose is to increase vehicular throughput, but do not reconcile this goal with the VMT reduction goal.

While the possibility of using revenue for transit is put forward, there are no articulated plans for transit in the HOT lanes. The HOT program should include a clear commitment to funding transit on each corridor that has HOT lanes, at the time these lanes open, or else the induced demand will result in unmitigated significant impacts to greenhouse gases, air quality, and induced growth and land use impacts. The funding program should require tolls high enough to generate funding for regional express buses to operate at frequent headways, and allow for bus flow at speeds that will attract riders. If the tolls are set for lane performance at 45 miles per hour, this may not be adequate for attracting sufficient transit ridership; therefore tolls should be studied that would allow for buses to travel at 55 miles per hour or greater.

The HOT program should evaluate the conversion of existing lanes to HOT lanes to avoid expansion, given that expansion induces growth and leads to VMT increases.

### **Air Quality and Climate Change**

To adequately evaluate the air quality and climate change impacts of the RTP, the EIR should quantify the changes that result from implementation of the RTP investments and distinguish them from the changes that result from improved vehicle efficiency and cleaner fuels.

In particular, Table 2.2-6 shows a reduction in ROG, NO<sub>x</sub>, CO, and smaller increases in PM<sub>10</sub> and PM<sub>2.5</sub>, but these projects include the effects of the fleet turning over. Pollution impacts to each of these pollutants is underestimated and fails to consider potential significant impacts. To adequately analyze impacts to both air quality and climate change, the EIR must analyze a controlled comparison between the "2006," "2035 No Project" and "2035 Project" scenarios to the same fleet engine assumptions so that the impacts of highway expansions, including the HOT network, can be reflected and compared to 2006 conditions.

The EIR should reflect the new PM<sub>2.5</sub> standard of 35 ug/m<sup>3</sup> adopted by the US EPA in 2006. The Bay Area is currently in nonattainment for PM<sub>2.5</sub>. Increases to PM<sub>2.5</sub> resulting from roadway expansion should be mitigated in the RTP EIR.

### **Inadequate Equity and Socioeconomic Impacts Analysis**

The only place where the word "socioeconomic" even appears is on page 3.1-3 as part of a response to a comment by the Alameda County CMA. The only place that the phrase "environmental justice" appears in on page 518 of the PDF (page 26 of 107 in Appendix B), in a comment letter from Urban Habitat.

Even the key concept of "equity" -- supposedly one of the core "Three E's" and with one of the "eight main goals of the T2035 Plan" being "Equitable Access to Mobility" -- shows up a total of only 26 times, of which 7 are references to the names of the TEA-21 and SAFETEA-LU statutes. Another reference mentions the existence of the "Equity Analysis," a totally separate document, not apparently incorporated into this DEIR, since comments are due later.

In contrast, the word "highway" appears 223 times, and even "rail" shows up approximately 248 times (excluding trail/trailer). "Bus" (or buses, minus, business/bust/etc) is fewer than 200 occurrences. Given the current litigation in federal district court, one would think they'd be a bit more sensitive -- or at least smarter.

Employment and the existence/location of "jobs" is apparently based on ABAG 2007 projects -- whether these will remain valid for 2035 is more suspect than previously assumed, and some kind of update of assumptions, given the current economic turmoil and huge job losses, should be included in a final document.

The EIR should provide sufficient analysis of equity and socioeconomic impacts of the RTP.

### **Noise**

In the EIR, twenty five pages are devoted to describing different types of noise, how noise is created, the noise pollution regulatory environment, the damage noise can cause and how noise affects different receptors. On Page 2.6-7 it is stated that "traffic noise is usually not a serious problem for people who live more than 500 feet from heavily traveled freeways". On Page 2.6-8 it is stated that noise emanating from freeways and arterials "can be a significant environmental concern where buffers (e.g., buildings, landscaping, etc.) are inadequate or where the distance from centerline to sensitive uses is relatively small".

Yet there is no indication in the EIR that any resources will be directed to noise control or noise suppression. In the Bay Area there are hundreds of sensitive existing receptors afflicted with excessive

noise, such as schools abutting high speed roadways, exposed BART platforms sandwiched between freeway lanes, residences adjacent to BART viaducts and harried BART passengers screaming to be heard while passing under the Bay. Yet no mention is made of addressing any of these problems of long-standing. In the EIR there should be a section that clearly defines what types of noise control and suppression elements will be included in the Plan. Before spending tens of billions of dollars on expanding the Region's freeway system MTC should take the steps necessary to eliminate excessive existing noise pollution

### **Cumulative Impacts**

The EIR does not adequately evaluate impacts of all committed projects cumulatively, not just additions in the Transportation 2035 RTP.

Sincerely,

Irvin Dawid  
Co-Chair, Bay Area Transportation Committee