

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-460-5260

May 8, 2009
By E-Mail

Tom Fitzwater
VTA Environmental Planning, Building B
3331 North First Street
San Jose, CA 95134-1927

Re: SVRTCP DEIS Comments

Dear Mr. Fitzwater:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit working in the field of regional transportation, land use and air quality. We have previously submitted scoping comments for this DEIS (see attached October 28, 2007 letter). These comments appear to have been ignored in their entirety. We herein restate all the questions and comments contained therein as comments on the DEIS.

Simply put, this DEIS does not provide compelling evidence that this project is worthy of a substantial commitment of federal dollars. Why would FTA grant \$750 million so that VTA can offer rapid transit service to a flea market? FTA spent that much to bring BART to San Francisco airport, a project that had vastly greater regional and national transportation significance.

Alternatives

In particular, the DEIS used the Major Investment Study (a consultant's work product we consider to be nearly worthless) to screen out all alternatives but the Board's favored ones, prior to undertaking NEPA review. By starting out with this inadequate alternatives analysis, the DEIS is inevitably inadequate. Prior to committing what we believe will be at least \$11 billion dollars (including the Warm Springs extension, which is widely acknowledged to have little utility other than as the first phase of this SVRTC project, and the inevitable BART project cost-overruns), we believe the NEPA process and the practice of good government require substantial evidence to support the project Purpose, Need and Description as having been based in competent transportation planning--as distinguished from dreams of political glory.

What's missing is an origin-destination study that identifies the highest volume trip pairs between Silicon Valley TAZs and those in the East Bay and Central Valley. Everything we've read indicates that the centroid for Silicon Valley travel is nowhere near Downtown, and that a massively expensive project serving Downtown is inherently a poor use of public funds--one that will offer far less benefit to the public. Tables 1-3, 1-4 and 1-5, in conjunction with Figures 1-4 and 1-5, show that Superdistrict 9 (Santa Clara, Sunnyvale and Alviso) has more jobs, both now and in 2030, than do Districts 11 and 12 put together (San Jose and Milpitas). The DEIS must provide a fine-grained analysis of where the trips in Superdistrict 9 will go. It could well be that a different route would provide substantially more transit ridership by better serving the Golden Triangle and other employment hot spots. The fact that the City of San Jose has political control of the VTA Board makes it mandatory that this EIS demonstrate that this project's design is more than a political plum for San Jose.

Another element missing in the development of alternatives was consideration of High-Speed Rail technology instead of BART technology. If High-Speed Rail were considered, VTA could achieve a rail connection between Silicon Valley and the East Bay and Central Valley, paid for largely by the High-Speed Rail Authority. The same tracks heading over the Altamont Pass from San Jose could provide capacity for a BART-level of local and regional service, at little or no cost to VTA. By selecting BART, VTA undertakes the heavy burden of building a stand-alone transit extension. It thereby commits funds that could have otherwise be used to provide substantial additional transit service, which would convey substantial environmental benefits.

This question of the environmental impacts of the project's opportunity costs was not considered in the MIS, thus making the alternatives analysis inadequate. Also, the Alternative Analysis used a No Build Alternative with "a zero-base capital cost to compare to the Build alternatives." (p. 2-18) If instead of building the SVRTCP, \$11 billion were used to provide both capital and operating costs for a comprehensive network of cost-effective transit projects, vastly greater environmental and social justice benefits would accrue. (See the TRANSDEF website at <http://transdef.org/RTP/RTP.html> where we present an entire RTP Alternative, including projects in Santa Clara County, and reduce VMT while increasing user benefits to low-income communities.)

Finally, explain the basis for selecting the SVRTCP over some improved version of the Capitol Corridor, which is currently in service. For a tiny fraction of the cost of the SVRTCP, the public could receive free service on the Capitol Corridor. Please explain the marginal benefits of the public investment in the SVRTCP over such an enhanced Capitol Corridor. What is the benefit of the subway segment of the SVRTCP for anyone other than Downtown property owners?

Funding

As acknowledged on page 9-1, the cost and revenue figures used in the DEIS are not current. Please be sure to use the latest numbers in the FEIS, and verify that they are consistent with the 2009 RTP. In addition, please provide current revenue assumptions for Measure A, along with the share of that tax that VTA has committed to the SVRTCP.

It is our understanding that NEPA requires a full funding plan. Attached is a Technical Memorandum from AECOM that offers the most recent cost estimates for SVRTCP, along with the most current revenue projections for Measure A. AECOM estimates that, after building BART to Milpitas, VTA will have only \$720 million left for the rest of its Measure A program, including the BART extension from Milpitas to Santa Clara. Please explain where the rest of the funding for BART to Santa Clara will come from. Please include a full discussion of how and where VTA expects to generate revenue from joint development. (p. 9-15.)

Transportation Analysis

1. Provide a breakout of projected boardings for each BART station under the various alternatives.
2. Provide a table of actual current San Francisco BART station boardings.
3. Include in that table the density of jobs/square mile within a half-mile of each station in San Francisco, and as projected for SVRTCP station areas.
4. Provide a table with current BART service headways in San Francisco, to compare them with the proposed SVRTCP 6 minute headways. (p. 2-39.) Be sure to place the densities on the table, as developed in step #3 above.
5. At what point is there an analysis of the reasonableness of the cost of this project, in light of the projected 35,230 riders BEP would bring to BART, compared to the No Build Alternative (p. 3-11.)? Or the 27,135 new linked transit trips, compared to the No Build Alternative (p. 3-13.)? These are the ridership of a good bus route! At what point does the cost go so high that a re-evaluation of alternatives is called for, using cost as a major criterion?
6. SVRTCP offers twice the new transit riders at what marginal increase in cost? (pp. 10-4 & 10-20.)

Flooding

It is clear from Figures 4.15-3 and 4.15-4 that both the Berryessa and the Alum Rock stations lie within the 100-year floodplain. Thus, the SVRTCP violates Executive Order 11988 and USDOT Order 5650.2. Yet there is no discussion of these facts or proposals for mitigation. Thus, Section 4.15 of the DEIS is inadequate as to the threat of flooding. Compounding this inadequacy are the demands of preparing for climate change. It is now recognized that climate change will bring more intense precipitation (see, e.g., p. 16, Climate Change in the Northeast, available at: <http://www.northeastclimateimpacts.org/>). This will require a re-evaluation of the entire body of risk analysis, as the field of civil engineering is now recognizing that it cannot depend on the patterns of the past to predict future conditions. As a result, design standards will inevitably change, and a 100-year flood will be considered to have a

substantially higher risk. Please evaluate the flooding risks of this project in light of the need for new design standards to protect property and human life.

Other Comments

p. 2-77: Evaluate the air quality and traffic impacts of abandoning the freight railroad service and converting rail freight to shipment-by-truck. While the freight railroad relocation is arguably a separate project, access to that right-of-way is a prerequisite for the SVRTCP to proceed. Therefore, its impacts must be studied.

p. 3-27 & 30: It is interesting that the plan for the Berryessa station under the BEP alternative is the same as under the SVRTC alternative, except that there is likely to be less parking available. As a terminal station, wouldn't Berryessa generate more parking demand than as an in-line station? If so, wouldn't it generate more traffic too?

TRANSDEF appreciates this opportunity to ask a series of commonsense questions that have obviously not been asked during the expenditure of hundreds of millions of dollars in project planning. Please feel free to contact us should the urge arise.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Attachments

TRANSDEF's 2007 DEIS Scoping Letter
AECOM March 6, 2009 Technical Memorandum

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-460-5260

October 28, 2007
By E-Mail and U.S. Mail

Tom Fitzwater, Environmental Resources Planning Manager
Santa Clara Valley Transportation Authority
Environmental Programs and Resources Management
3331 North First Street, Building B-2
San Jose, CA 95134-1927

Re: Silicon Valley Rapid Transit Project REIS

Dear Mr. Fitzwater:

The Transportation Solutions Defense and Education Fund (TRANSDEF) is an advocate for comprehensive regional transportation, air quality and land use planning to preserve the environmental amenities and quality of life for the Bay Area. As such, we take special interest in the proposed Silicon Valley Rapid Transit Corridor, due to the extraordinary levels of financial support the region is being asked to provide. We are concerned that VTA's current plans will devastate the region's ability to fund the extensive regional transit network that will be needed to meet the challenge of global climate change while preserving mobility. In that light, we offer the following comments on scoping the Revised EIS (REIS):

Environmental Justice

As such, we first take note of FHWA's NEPA procedures, which require full project funding before an FEIS can be approved and a Record of Decision be issued. Your agency has implemented fare increases and service cuts on its bus system at the same time that massive amounts of funding are being spent on preliminary engineering for this rail project. We remind you of the Title VI implications of this course of action, given the significant disparities in the ethnic and income composition of current bus ridership as compared to the future beneficiaries of a Rapid Transit project.

We further remind you that the agreement between VTA and BART for a \$48 million annual payment is predicated on a lien on TDA funds, which are essential to providing service to the same communities that are being hurt by fare increases. In short, the financing plan for this project depends on violating the civil rights of current and future bus passengers. The EIS/R should thus fully discuss the funding plan for this project, and evaluate the socio-economic impacts of the service cuts that would result from the seizure of the funds pledged by the TDA lien. Document the benefits as compared to the burdens imposed by the proposed project on communities of color and low-income communities.

Alternatives

The MTC 2001 RTP FEIR data indicated that a BART extension to San Jose, *et al* would produce little in the way of benefits to the region. "All differences in vehicle trips at the corridor level comparing Project B [i.e., no BART-SJ] to Project alternative [i.e., includes BART-SJ] are negligible (<0.3% in all corridors)." (Table 2.1-9, p. 2-12) No differences were found in regional travel times between an RTP with the BART-SJ project and one without it. (Table 2.1-7, p. 2-10).

Given the dismal results when the project is modelled by agencies that are not its direct sponsors, the REIS must inquire as to whether alternative projects exist that would better serve the Project's Purpose and Need, especially if that can be accomplished at a substantially lower cost. Our organization created a Regional Transportation Plan Alternative for MTC's 2005 RTP called the TRANSDEF Smart Growth Alternative. Instead of connecting San Jose to Fremont with a BART extension, the Alternative proposed a High Speed Rail (HSR) link, entering the Bay Area over the Altamont Pass. Its salient features:

- It would use the same EMU conventional rail technology as Caltrain is planning.
- It would offer express service as well as local service.
- Trains would be faster than BART but lower in purchase price.
- It would provide a cross-platform transfer to BART at Fremont.
- Regional service from the Tri-Valley and the Central Valley would connect directly to Silicon Valley without transfers.
- The project would be exceptionally cost-effective, because the same infrastructure would provide a BART-like frequency of service to Fremont while accommodating ACE service and eventual HSR service to Sacramento and Southern California.
- Its route would provide a station at Mineta International Airport and in North San Jose, the San Jose neighborhood with the highest concentration of jobs as well as much planned high job growth.
- It could receive substantial funding as part of a State HSR project, in the same way that Caltrain is expecting a major future upgrade by the HSR project. This would enable the project to be constructed in phases, with a lower-cost initial operation making the project more fiscally feasible (consider using at-grade crossings, clean-diesel locomotives and bi-level cars for start-up), followed by a major infrastructure upgrade when the State HSR project is funded.
- Evaluate the cumulative impacts of investing the capital and operating funds that are freed up when an alternative with a lower-cost initial operation is selected. Assume the funds are spent on implementing the full list of VTA capital projects. If additional funds are left over, implement Santa Clara County projects from the TRANSDEF Smart Growth Alternative from MTC's 2005 RTP.
- Evaluate how well each alternative serves the comprehensive transit needs of Santa Clara County, as defined by the Purpose and Need Statement.

We suggest using the rail alignments recommended by Architecture 21, on its website <http://www.arch21.org/BARegRail.dir/BayRailDetailMaps.dir/mapindex.html>. For modelling convenience, MTC should be able to provide network coding files for the TRANSDEF Smart Growth Alternative.

Demographic Assumptions

Previous BART extension ridership projections have been tainted by unsupported growth assumptions. Thoroughly document the assumptions to be used in modelling the ridership by:

- Identify the *Projections* series serving as the basis for the assumptions.
- Provide a detailed description of the methodology used to convert *Projections* census tract information into TAZ assumptions.
- Provide the Santa Clara County population and job numbers from *Projections*, along with the resulting TAZ numbers.
- Provide a certification that the population and jobs assumptions by TAZ are consistent with MTC practice.
- Provide a table of population and job assumptions by TAZ, containing the base year and the horizon year. Provide a column in which is calculated the percentage growth between the base year and the horizon year for that TAZ.
- Calculate the density of population and jobs for each TAZ for the base year and the horizon year.
- For comparison purposes, provide the density of population and jobs for each TAZ within a half mile of the San Francisco BART stations, for the same years.
- Provide the assumption for how much parking is available in each TAZ in the base year and horizon year.
- For accountability purposes, provide the name of the supervisor responsible for approving the assumptions used in the modelling.

Ridership modelling

- Identify the travel markets this project potentially could serve, along with their relative sizes. Prioritize them by size. Examine the modelling results developed by the High Speed Rail DPEIR/S and Regional Rail Plan.
- Evaluate how well the alternatives fit those travel markets.
- Demonstrate that the projected station boardings are quantitatively reasonable by comparing them to current levels of San Francisco BART boardings.
- Document that the frequency of service that is modelled is consistent with operating cost projections.
- Document that the frequency of service that is modelled is consistent with existing BART service planning.

- Model each alternatives at an equivalent frequency of service.
- Provide the stations boardings at SJC and North San Jose on the Architecture 21 route. Compare the densities of population and jobs for those stations with the TAZs within 1/2 mile of the stations on the Proposed Project route.

Without an analysis of land use alternatives, there can be no adequate justification of the proposed project. The environmental document must determine the environmentally superior transit project in conjunction with its associated station area land use sub-alternative. If the project is approved with a set of specific land use assumptions, the project may not go forward until the zoning of station areas is consistent with those assumptions. A Bait and Switch strategy of projecting high ridership on the assumption of dense station areas, without a followup of requisite General Plan and zoning amendments, will not be tolerated. The environmental clearance for the project must include the associated land use assumptions.

Please be aware that, despite our concerns about current VTA plans, we strongly support a rail connection from BART to the South Bay. The distinction is that we recognize that the BART technology and its 'park and ride' planning paradigm are obsolete and unacceptably expensive. TRANSDEF firmly believes that if the Bay Area had had a regional transportation planning agency worthy of the name, a commuter rail extension from would have been built early in the previous decade, in operation in time for the great boom of the 90's, to the great benefit of thousands of commuters. Unfortunately, unwise investment allocation decisions were made by elected officials. TRANSDEF seeks to not repeat that dismal episode. We appreciate the opportunity to be involved in such a vitally important review process.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

AECOM

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EXHIBIT B

Technical Memorandum

Date: March 6, 2009
To: Carolyn Gonot, VTA
From: Nathan Macek, AECOM Consult
Subject: VTA Measure A Program Financial Analysis Findings:
SVRT to Milpitas without Federal New Starts funding

This technical memorandum summarizes the application of the financial analysis model developed by AECOM Consult to examine an alternative project implementation and funding scenario for the Santa Clara Valley Transportation Authority (VTA) Measure A Program. The scenario is defined as the BART extension to Milpitas without Federal New Starts funding. It is a one-station extension.

The financial analysis demonstrates that VTA is projected to have the financial capacity to construct and operate a BART extension to Milpitas by 2018 without Federal funding support from the Section 5309 New Starts transit capital grant program.

ASSUMPTIONS

This analysis applies the following recently-updated data:

- The SVRT 65-percent design cost estimate
- A revised economic projection produced February 23, 2009 by Moody's Economy.com, which contains revised inflation rates, interest rates, and sales tax revenues projections
- The updated VTA Capital Improvement Program, as approved by the VTA Board in January 2009 and published in the agency's latest Short-Range Transit Plan (SRTP)

In addition, the Measure A program (including the SVRT project) is sized only to fund budgeted near-term capital expenditures (FY10 and FY11) and the following projects beyond FY11 (with total expenditures through project completion provided in year-of-expenditure (inflated) dollars):

- SVRT to Milpitas (\$2,650.0 million through FY19)
- BRT in the Downtown-East Valley Santa Clara-Alum Rock corridor (\$137.4 million through FY13)
- Caltrain South County (\$43.2 million through FY12)
- Caltrain Electrification (\$20.8 million through FY14)

The revised forecast reflects grant funding for these projects from other (non-Measure A) funding sources as appropriate. No other Measure A projects are explicitly funded in this scenario.

Since Federal New Starts grant funding is not assumed, this scenario **does not** apply sales tax revenue from Measure B, a ½-cent countywide sales tax fully dedicated to BART O&M and capital reserve contributions. Receipt of Measure B funds is conditioned upon receipt of a Full-Funding Grant Agreement from the Federal Transit Administration for the SVRT project.

This funding scenario applies the Base forecast of ancillary revenue. The revenue sources applied in the Base ancillary revenue forecast are summarized in Table 1.

Table 1. Revenues Applied in Ancillary Revenue Forecast

Revenue Source	Base Forecast
Joint Development	
VTA Light Rail Stations & Other Existing Properties	✓
Mitchell Block	✓
BART Stations*	Not Included
BART Station Parking Revenue*	✓
Automated Fare Collection Improved Fare Revenue	✓
Prop 1B State & Local Partnership Revenue	✓
North First Street Benefit Assessment District Revenue	Not Included

* Revenues applied only from BART stations assumed to be constructed in each alternative

In addition, this scenario tests the maximum permissible expenditure annually on capital and operating expenditures for out-year projects. These expenditures aim to fund additional projects on a cash (non-financed) basis once minimum fund balances have been exceeded. The projects funded by these expenditures are undefined or "to be determined" (TBD) in this analysis and could be spent on elements of Measure A not explicitly funded in this scenario, or other projects as defined and approved by the VTA Board over time. The amount and timing of out-year project expenditures are summarized in Table 2.

Table 2. Summary of Out-Year Capital Expenditures on "Other Projects TBD"

Funding Scenario	Out-Year Capital and Operating Expenditures			
	First Year Applied	# of Years Applied	Annual Amt. (2007 \$ Mil.)	Total Amount (2007 \$ Mil.)
Without New Starts Funding				
SVRT to Milpitas	2022	15	\$48	\$720

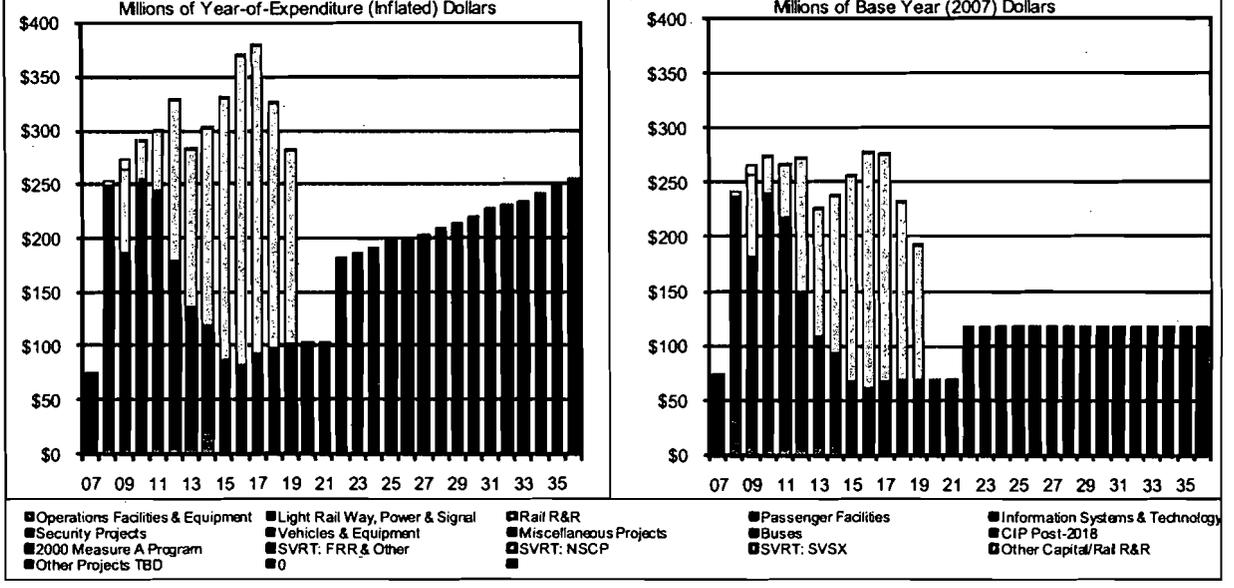
This amount represents the direct funding for capital and operations of other projects to be determined that VTA is projected to have the financial capacity to support with Measure A sales tax revenue. This amount could be leveraged through state and/or federal capital and/or operating grants. Applied to further extensions of SVRT project, it could be leveraged by a federal New Starts grant, which would enable Measure B's 1/8-cent sales tax revenue to fund SVRT operations.

FINDINGS

The underlying assumptions and findings for this scenario are presented below.

- **Capital Project Commitments:** A bar chart summarizes annual capital expenditures in base-year (2007) and year-of-expenditure (inflated) dollars. Note the smoothed cash flow of the locally-funded phase of SVRT capital expenditures, which maintains an even level of annual investment in the project following completion of the segment to Milpitas.
- **Duration of Capital Expenditures:** A Gantt chart summarizes the annual expenditure and scheduled duration of expenditures for Measure A capital projects in base-year (2007) and year-of-expenditure (inflated) dollars.

EXHIBIT A-3 CAPITAL PROJECT COMMITMENTS ALL PROGRAMS Silicon Valley Rapid Transit Project 1/8 Cent Additional Tax - SVRT to Milpitas without Federal Funding - Base



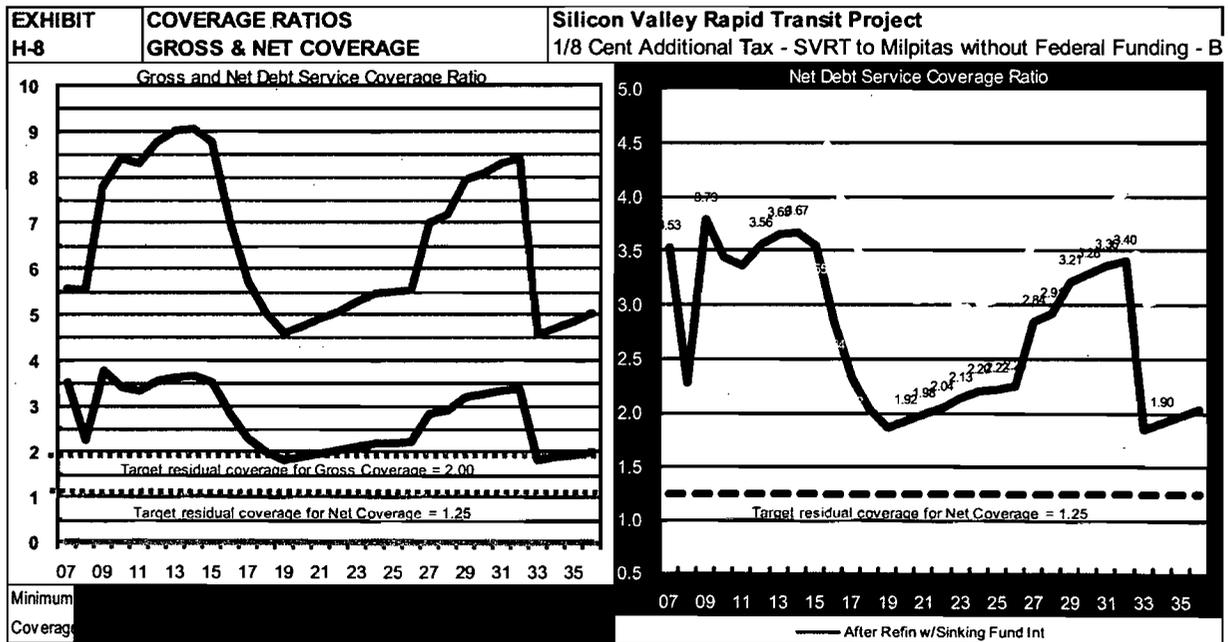
2000 MEASURE A PROGRAM: DURATION OF CAPITAL EXPENDITURES BY PROJECT

Scenario: 1/8 Cent Additional Tax - SVRT to Milpitas without Federal Funding - Base Revenue Forecast

In Fiscal Years	Capital Cost		YOEES																																		Total Years
	2007\$	YOEES	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36					
Project Duration																																					
SVRTP (SVRT Project Alternative) to Milpitas	\$ 1,339.3	\$ 1,748,899																																	11		
SVRT to Milpitas without New Starts Funding	\$ -	\$ -																																			
0	\$ -	\$ -																																			
Non-SVX Costs (FRR, NHY, MBR, pre-NEPA)	\$ 850.5	\$ 901,130																																	8		
DTEV - LRT To Escondido	\$ -	\$ -																																			
DTEV - SCAR Enhanced Bus Only	\$ 119.5	\$ 137,406																																	4		
DTEV - CELR Escondido to Nerman	\$ -	\$ -																																			
Caltrain Service Upgrades - Phase I	\$ -	\$ -																																			
Caltrain Service Upgrades - Phase II	\$ -	\$ -																																			
Caltrain South Terminal	\$ 11.0	\$ 11,600																																	1		
Caltrain South County	\$ 38.7	\$ 43,195																																	3		
Caltrain Electrification	\$ 16.8	\$ 20,800																																	5		
Caltrain Improvements/Electrification: SF to Tamien	\$ -	\$ -																																			
BART Warm Springs Extension	\$ 14.7	\$ 16,000																																	2		
Dumbarton Rail	\$ 0.2	\$ 0,250																																	1		
ACE Upgrade Phase I	\$ -	\$ -																																			
ACE Upgrade Phase II	\$ -	\$ -																																			
ACE Santa Clara Station	\$ -	\$ -																																			
New Rail Corridors Study	\$ 1.1	\$ 1,200																																	2		
LRT Extension to Vasona Junction	\$ -	\$ -																																			
BRT: Line 22, Monterey, Stevens Creek, & SV/Cupertino	\$ 9.9	\$ 10,600																																	2		
BRT Articulated Buses (40)	\$ 40.7	\$ 43,150																																	2		
Mineta San Jose Airport People Mover - Near-Term Planning	\$ -	\$ -																																			
Mineta San Jose Airport People Mover - Construction	\$ -	\$ -																																			
Airport Rubber-Tire Connector	\$ -	\$ -																																			
Palo Alto Intermodal Center - Near-Term Planning	\$ -	\$ -																																			
Palo Alto Intermodal Center - Construction	\$ -	\$ -																																			
Highway 17 Bus Service Improvements	\$ 2.4	\$ 2,500																																	1		
Zero Emission Buses (ZEBs and Facilities) 2010-2020	\$ -	\$ -																																			
Zero Emission Buses (ZEBs and Facilities) 2025-2035	\$ -	\$ -																																			
ZEB Demonstration Program	\$ -	\$ -																																			
Caltrain Safety Improvements	\$ 22.9	\$ 24,838																																	2		
Other Measure A Projects TBD	\$ 720.0	\$ 1,312,303																																	15		
LRT Systems Improvements	\$ 4.6	\$ 5,000																																	2		
STIP Swap Projects	\$ 17.5	\$ 19,054																																	2		
FY07, FY08 & FY09 Expenditures	\$ 46.4	\$ 47,535																																	3		
70 Low-Floor LRVS	\$ -	\$ -																																			
TOTAL	\$ 3,256.0	\$ 4,345.5																																			

- Debt Service Coverage Ratios:** A line graph summarizes the agency's net and gross debt service coverage ratios for all debt issues against all dedicated revenue sources. The coverage ratio is defined as the ratio of current year dedicated revenues and interest earned on debt service reserve funds divided by current year debt service payments. Simply stated, it is the minimum acceptable value in each year across the 30-year analysis period of the ratio of projected dedicated revenues divided by projected debt service. This is a conventional measure of financial feasibility. Higher values are better. The financial analysis assumed that revenues used to repay debt issued for implementation of the Measure A program were derived from dedicated funding sources. Under this financing structure, the following standards were observed:
 - Gross Coverage:** Minimum debt service gross coverage ratio before operating subsidy needs: 1.3 for Measure A sales tax bonds and 3.0 for VTA 1976 ½-cent sales tax bonds
 - Net Coverage:** Minimum debt service gross coverage ratio after operating subsidy needs for all measures: 1.25.

To evaluate this scenario, we have presented the VTA agencywide gross and net debt service coverage ratios, which summarize the agency's solvency across all debt issues and dedicated revenue sources.



This analysis demonstrates that VTA is projected to have the financial capacity to construct and operate a BART extension to Milpitas by 2018 without Federal funding support from the Section 5309 New Starts transit capital grant program. In addition, Measure A is projected to provide \$720 million (in base year (2007) dollars) in funding for other undefined projects from 2022 through 2036.