

# Transportation Solutions Defense and Education Fund

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April 10, 2017  
Posted to:  
scopingplan2030

Mary Nichols, Chair  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812

Re: Proposed Final 2017 Scoping Plan Update Environmental Assessment

Dear Ms. Nichols:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating for the regional planning of transportation, land use and air quality, with a focus on climate change. This letter incorporates by reference companion TRANSDEF's letters on the Proposed Final 2017 Scoping Plan Update and its VMT reduction approach (both submitted April 10, 2017), and 2017 Regional Targets (submitted March 22, 2017), **all of which raised significant environmental issues despite not specifically addressing the Environmental Assessment ("EA")**. All page number references are to the EA unless otherwise noted.

## High-Speed Rail

Neither the EA nor the Update references *TRANSDEF v. ARB*, a challenge to the inclusion of High-Speed Rail ("HSR") in the 2014 Scoping Plan. With a decision pending in that case, and with HSR included as a measure in the Update, we reiterate our CEQA assertions here:

1. Under Impact 8.a, **the EA failed to identify as significant impacts the GHG emissions resulting from the very large amounts of construction materials to be used by the HSR project**. Rather than achieve emission reductions before 2020, TRANSDEF has submitted evidence (attached) that the project will substantially increase GHG emissions for at least the first twenty to thirty years of operations. The HSR project precisely fits the definition of an atypical project that requires a detailed analysis:

GHG analyses focus on operational phase emissions, as discussed below, unless the project is of a unique nature requiring atypical (e.g., large scale, long-term) construction activity levels (e.g., construction of a new dam or levee) for

which quantification and consideration (e.g., amortization of construction emissions over the lifetime of the project) may be recommended. (94.)

2. As acknowledged in the 2014 Scoping Plan, the project will not operate service until 2022 at the earliest. For that reason, and for the ones following, the project has thus changed since it was evaluated in 2008, requiring a new review of its emissions impacts.

Where applicable **and still valid**, information and analysis are drawn from these prior environmental documents for use in this Draft EA. (3, emphasis added.)

In the Final 2016 Business Plan, CHSRA's Peer Review Group states (p. 117) that "[T]he Authority is acknowledging that there are not sufficient existing funds to complete the southern leg [the connection from Bakersfield to Los Angeles]..." Thus, there is no longer evidentiary support for most of the claimed emissions reductions. See: [http://www.hsr.ca.gov/docs/about/business\\_plans/2016\\_BusinessPlan.pdf](http://www.hsr.ca.gov/docs/about/business_plans/2016_BusinessPlan.pdf)

Even if CHSRA provides interim bus service over the Tehachapis until funding is somehow located, there is no evidence to support the claimed ridership from L.A. to S.F. (or even to San Jose) under this plan, nor have the GHG emissions associated with bus service been analyzed. They are likely to more than offset any GHG emissions reductions associated with the HSR service.

See TRANSDEF comment letter on CHSRA 2016 Business Plan, attached.

3. After identifying the significant impact of construction GHG emissions, correcting the three excerpts of text below, and replacing the overly vague bold text below with a quantification, the most feasible and appropriate mitigation would be avoidance: Eliminate the HSR project as a measure in the Scoping Plan.

Overall, the Proposed Plan would result in substantial long-term GHG reductions, although certain aspects of the Proposed Plan would cause **comparatively small** short-term GHG emission increases. (94.)

Therefore, construction-related GHG emissions are expected to be short-term and limited in amount. (94.)

Implementation of the Proposed Plan would result in environmental benefits that include an estimated reduction in GHG emissions. These benefits would be greater than a comparatively small level of GHG emissions related to construction and operation of facilities associated with the compliance responses, as described above. (95.)

### Regional Targets (65.)

The EA recognized that MPO strategies to reduce congestion (by widening highways) can have adverse impacts on criteria pollutants:

...there may be some increases in localized exposure to TACs. For example, improvements to existing facilities identified in an RTP/SCS (e.g., road widenings, intersection or interchange improvements... (65.)

However, it failed to acknowledge the impact of induced demand: increased capacity leads to increased VMT, which leads to increased GHG emissions, a CEQA impact. Please revise the EA accordingly.

Even though the Environmental Assessment (EA) is a program-level analysis, it should be apparent that any program that adds new lanes for single-occupancy vehicles will, through induced demand, result in an increase in VMT and therefore, GHG emissions. It is therefore entirely appropriate, and critical for programmatic GHG emissions reduction, for the EA to find significant adverse GHG emission impacts resulting from the inclusion in the Plan of the following proposals in Appendix C, Potential State-Wide Strategies to Reduce Vehicle Miles Travelled:

- Develop additional highway express lanes under the authority of AB 194 that offer access to high-occupancy vehicle lanes to single occupant drivers willing to pay a toll, with related revenue supportive of road maintenance and improving multi-modal travel options on the corridor. (Appendix C, p. 4.)
- Explore creation of additional high-occupancy vehicle (HOV) and high-occupancy toll (HOT) lanes. (Appendix C, p. 5.)

Neither the additional revenue generated by HOT lanes, nor the fee charged solo drivers will adequately mitigate the increased GHG emissions impact of HOT lanes. The appropriate feasible mitigation for this impact would be avoidance, by deleting this text from Appendix C and identifying in the Impact.8a section that allowing solo drivers to access HOV lanes will create the significant impact of increased VMT and GHG emissions, because of the effect of induced demand.

With the new transportation funding for highway expansion in SB 1 just approved, a mitigation measure is especially needed: Avoidance of the impact is the preferred mitigation, by barring solo drivers from HOV lanes. TRANSDEF believes such an action is required by ARB's mandate, because transportation is the state's number one emissions sector:

Consider, to the extent feasible, the contribution of each source or category of sources to statewide emissions of GHGs (Health Saf. Code §38562, subd.(b)(9)) (11.)

SB 375 was intended to reduce regional emissions by changing how future transportation and land use projects interact:

Overall, MPOs are expected to meet new targets through actions that would reduce VMT... (65.)

While that may be ARB's expectation, it is not working out that way in practice. MTC's 2017 Final Preferred Scenario presentation for its Sustainable Communities Strategy stated that:

Most of the Plan's GHG emission reductions will come from MTC's Climate Initiatives Program. **Transportation and land use strategies are not enough to meet the climate goals of SB375**, requiring the following additional programs: Transportation Demand Management, Alternative Fuel/Vehicle Strategies, and Car Sharing and Vanpool Incentives. (Slide 19, emphasis added, [http://mtc.ca.gov/sites/default/files/Final Preferred Scenario POWERPOINT.pdf](http://mtc.ca.gov/sites/default/files/Final_PREFERRED_Scenario_POWERPOINT.pdf))

Please revise the EA accordingly.

#### Autonomous Vehicles

TRANSDEF's comments on previous versions of the Scoping Plan presented a Jarrett Walker [article](#) suggesting that autonomous vehicles will result in increased congestion and VMT. For that reason, we disagree that the assertion that autonomous vehicles necessarily offer emission benefits:

... and emission benefits associated with increased transportation efficiencies, as well as the potential for autonomous vehicles and advanced transportation systems. (18.)

In addition, as transportation practitioners, we have no idea what is meant by "advanced transportation systems."

In addition, TRANSDEF believes the following description from the Strategies paper, Appendix C:

- Continue to study and develop policies around driverless vehicle technology that promote sustainable and equitable land use and reduce VMT. (Appendix C, p. 3)

to be a null set, in that there cannot be driverless vehicles that reduce VMT. At least two reasons why: Driverless vehicles enable individual mobility for the young, old and disabled, thereby increasing person-trips. Driverless vehicles would be travelling between trips for customers, thereby adding additional trips.

Transportation Demand Management (27-28.)

Allowing access to managed lanes by toll-paying solo drivers will increase regional VMT and GHGs, rather than reduce them. The EA should note this as an impact, and calculate emissions reductions accordingly.

Mitigation of Transportation Impacts (144-145.)

The EA is legally incorrect in suggesting that:

Potential impacts on transportation and traffic could be reduced to a less-than-significant level by mitigation that can and should be implemented by local lead agencies, but is beyond the authority of ARB and not within its purview. (144, with analogous statement at 148.)

It is ARB's duty under CEQA to identify those impacts, and place the mitigation responsibility on the project sponsor in a statement of overriding considerations. In addition, It is within ARB's authority and purview to mitigate these impacts by limiting eligibility of grants of GGRF and other funds to only those jurisdictions that fully mitigate their projects' climate impacts.

ARB's statewide scope makes the Scoping Plan an especially appropriate place to call attention to the possibility that the congestion impacts of the construction of transportation projects can easily outweigh the time-savings benefits of some projects.

The EA asserts that:

ARB does not have the authority to require implementation of mitigation related to new or modified facilities that would be approved by local jurisdictions." (145.)

This is incorrect. ARB has the authority to enact Indirect Source Mitigation Fees on new development as mitigation of a variety of impacts, which could be highly effective in changing the economic incentives in favor of infill projects, by removing the windfall profits from greenfield construction, which typically does not mitigate its transportation impacts. TRANSDEF formally proposes indirect source mitigation fees as a feasible mitigation for the VMT-increasing impacts of greenfield development, which lead to increased GHG emissions and regional traffic congestion.

As was stated above in reference to Appendix C, a mitigation measure should be included in the Impact 17.b (and 8.a) sections, Operational Impacts to Traffic and Transportation, to avoid the impact of increased VMT and GHGs, to not open HOV lanes to solo drivers.

Publication Issues

The EA does not list its mandatory findings of significance (169-171). It is not adequate to merely make reference to other EA Chapters.

The Table of Contents (i) is insufficiently detailed, presenting over 110 pages of impact analyses in Chapter 4 without any entries. This prevents researching a specific impact.

Conclusion

TRANSDEF appreciates this opportunity to suggest improvements to the Environmental Assessment.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President  
David@Schonbrunn.org

Attachments

TRANSDEF comment letter on 2016 CHSRA Business Plan, with attached TRANSDEF Analysis of CHSRA GHG paper, and Chester and Horvath study.