

Transportation Solutions Defense and Education Fund

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August 28, 2015
By E-Mail to
BBeck@ccta.net

Julie Pierce, Chair
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

Re: Notice of Preparation for Recirculated Draft Program Subsequent EIR for the 2014 Countywide Comprehensive Transportation Plan

Dear Ms. Pierce:

The Transportation Solutions Defense and Education Fund ("TRANSDEF") is a non-profit environmental group advocating for the regional perspective in the planning of transportation, land use and air quality. In the past few years, we have focused on reducing the impacts of transportation on climate change.

These comments pertain to the Notice of Preparation ("NOP") for the Recirculated Draft Program Subsequent EIR for 2014 Countywide Comprehensive Transportation Plan. Thank you for sending it to us by certified mail, return receipt requested. The proposed environmental document would replace the 2014 Draft Supplemental Environmental Impact Report ("DSEIR") for CCTA's 2014 Countywide Comprehensive Transportation Plan ("CTP").

While we appreciate CCTA's decision to not proceed with certification of the DSEIR, your agency has traded one set of legal inadequacies for another. Even after we identified a number of obvious CEQA violations in our November 3, 2014 DSEIR comment letter, the NOP continues to reflect disregard for the law. We are amazed at the peculiar legal advice CCTA relies on. The Recirculated Draft EIR section of the NOP carefully avoids using the full title of the 2014 Draft Supplemental Environmental Impact Report, identifying it only as the "2014 Draft SEIR." One can only conclude that CCTA was relying on the public to not think too hard about the acronym.

The NOP glosses over the fact that it impossible to recirculate a Draft Subsequent Environmental Impact Report, when no Draft Subsequent Environmental Impact Report was ever circulated. It was a Draft Supplemental Environmental Impact Report that was circulated. The NOP is deeply misleading.

We have commented intensively on twenty years of Regional Transportation Plan EIRs. At no point has MTC ever attempted to issue either a Draft Supplemental or Subsequent EIR. We truly do not understand why CCTA is so insistent on not following the obvious legal requirement to proceed along the same lines.

TRANSDEF strongly recommends that CCTA cease its efforts to evade the production of an EIR. By making it appear as if your agency is trying to hide something, these contortions harm CCTA's credibility, and cast doubt on the soundness of its judgment. We urge you to eradicate this source of doubt by stepping fully into transparency. CEQA requires it. Please issue an appropriate NOP and proceed accordingly. We know of no legal justification for the recirculation of a document that was never circulated.

Growth Management Plan

The profound regulatory changes since the last SEIR require an extensive update to the Growth Management Plan. The County will choke in traffic if the 35% increase in VMT projected by the draft CTP is allowed to happen. In addition, the resulting increase in GHG emissions will impede the efforts of both the County and the region to meet state targets for reducing GHG emissions. We recommend the Growth Management Plan be specifically designed to optimize these performance standards:

- Minimize future GHG emissions
- Minimize future VMT
- Minimize agricultural conversion (greenfield development)

To deter VMT growth, Santa Clara County cities have imposed trip caps on major employers, with sizeable penalties as enforcement. We suggest the Growth Management Plan tie sales tax subventions to compliance with trip caps (defined as the number of trips counted while entering the state highway on-ramps within each jurisdiction, during a specified peak period). In Contra Costa, the fiscal consequences of exceeding the cap on a city's trips would provide councils with powerful incentives to avoid making development decisions that generate additional auto trips, and to get involved in development decisions outside city limits that could affect the city's trip count.

Alternatives

We suggest the Community-Focus option and the Environmental Focus Option both be specifically designed to optimize these performance standards:

- Minimize future GHG emissions
- Minimize future VMT
- Maximize the use of alternative modes
- Minimize agricultural conversion (greenfield development)

We offer work we did back in 2004 as a model for how to implement such goals. (See Attachment.) We suggest CCTA take advantage of the Program EIR structure to include a specific approach to program-wide mitigation: a regional advance mitigation program.

Technical Coordinating Committee Staff Report Alternatives

The NOP is incomplete, as it does not contain the alternatives identified in the Staff Report for the August 27th meeting of the Technical Coordinating Committee. The public should have been invited to respond to the specifics of these draft alternatives. A reissued NOP should contain a discussion of these alternatives.

TRANSDEF finds the three Transportation Investment Options to be inadequately differentiated. To provide the maximal information to policymakers, the three options should represent distinctly different approaches to transportation policy. Because there is no contrasting option to "Transportation Investment Option A would promote safe, efficient and accessible operations for all users to create thriving local communities" (no one would favor promoting unsafe, inefficient, inaccessible operations for some users to create non-thriving local communities), this definition is not useful for an alternatives analysis--it does not distinguish what is distinctive about this option.

Options A and C are very similar, with both oriented towards liveable communities and environmental protection. To specifically test the difference between them, they should be renamed the Major Transit Capital Focus Option and the Transit Operations Focus Option. Both options should be designed to optimize the performance standards mentioned above. Option B is misnamed. Option B should be titled the Business as Usual Option, or the RTPC Option. It extends CCTA's past priorities into the present.

We recommend that a common base for the three alternatives be identified, to make the differences between the options readily ascertainable. Each option would add distinctive projects and programs on top of that base, up to the level of fiscal constraint. (We understand that Complete Streets improvements are now a state project requirement, shifting them out of only some options into the base.) To implement our recommendation above, a regional advance mitigation program should be included in the shared base, and not just in Option C.

We believe that Title VI will require the TEP to not discriminate against lower income groups in delivering benefits. For that reason, we suggest that the equity features of Option C need to be shifted over to the base, so they are part of each option.

Being familiar with this scenario process, we recognize that a meaningful policy analysis requires that each capacity-expanding RTP project that is not already under construction be reconsidered. The CTP and TEP cannot respond effectively to the profound changes that have occurred in transportation policy and law if major resources continue to flow to projects that are now seen as harmful in this new policy perspective.

The funding previously committed to these RTP projects is so large as to swamp the differences between options. That could mask the success of policy alternatives, thereby preventing the options process from being a valid alternatives analysis. We urge that all road and highway capacity projects and BART extensions not already under construction be excluded from the shared base, and be placed in Option B.

Specific Projects

The long-range implications of sea level rise suggest that it would be unwise to invest further in Capitol Corridor improvements on the UP right-of-way along San Pablo Bay. This route, although beautiful, is both excessively slow and will eventually be under water. A smarter strategy would be to plan to shift the Capitol Corridor to the BNSF line between Martinez and Richmond. Consistent with the concern we articulated above and in our vision document, it is critical that any rail extension to Brentwood be specifically conditioned on dense station area development. Continuing BART's pattern of suburban parking lots will induce more sprawl and unacceptable traffic congestion.

Environmental Baseline

TRANSDEF incorporates by reference our November 3, 2014 DSEIR comment letter. In issuing a replacement NOP, it would be appropriate to announce that the document will contain an analysis based on an existing conditions baseline.

Substantial Evidence

A Subsequent EIR carries the same evidentiary burden as a full EIR. It must support its conclusions with substantial evidence. A full set of tables of VMT projections and GHG emissions projections is mandatory, to adequately inform the public. County-level emissions reductions resulting from the implementation of the CTP must be separately reported from the emissions reductions resulting from statewide measures. It is critical for the integrity of the analysis that the EIR not give the CTP credit for emissions reductions that do not result from the plan. The legislative intent for SB 375 called for emissions reductions from regional transportation and land use in addition to those of statewide measures. Technical appendices are needed to document where the numbers come from.

Impact Thresholds

Proper impact analysis requires the selection of proper impact thresholds. It would be unacceptable to use "Significant Cumulative Impact, Project Contribution Not Cumulatively Considerable" as the threshold for a Net Increase in GHG Emissions. No countywide transportation plan could ever be found to make a cumulatively considerable contribution to a global problem. This threshold is especially egregious given California's accumulated body of policy, law and regulation that sets the absolute reduction of GHG emissions (and not the mere slowing of the rate of increase) as a state priority. It would be deeply violative of state policy to conclude that the CTP will result in an increase in GHG emissions, and then conclude that the increase isn't significant enough on a global scale to warrant mitigation.

The significance thresholds should be 1). an increase over existing emissions levels, 2). a level that impedes the attainment of the state's 2020 GHG target, 3). a level that impedes the attainment of the state's 2030 GHG target, and 4). a level that impedes the attainment of the state's 2050 GHG target.

Regulatory Changes

In addition to the list of regulatory changes we provided in our DSEIR comment letter, the recent Executive Order B-30-15 and the USEPA's 2015 Clean Power Plan indicate a significant increase in governmental seriousness about climate change.

TRANSDEF appreciates this opportunity to comment on the NOP. We recognize that the level of change taking place in transportation policy is difficult. We stand ready to assist in the transition to a more sustainable transportation system.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Attachment

2005 TRANSDEF Smart Growth RTP FEIR Alternative

2005 TRANSDEF Smart Growth RTP FEIR Alternative

TRANSDEF coordinated the development and submission of the Smart Growth Alternative ("Alternative") to MTC's 2005 RTP FEIR. The Alternative outperformed the adopted RTP on critical environmental and equity measures. Because it integrated transportation and land use in an RTP EIR, we believe it to be the first Sustainable Communities Strategy, long before SB 375. A complete write-up is available at transdef.org/RTP/RTP.html

In the Alternative, central Contra Costa County cities are served by a looping Rapid Bus system, connecting Walnut Creek, Concord, Pleasant Hill and Martinez. (The GIS files identifying all routes are available.) All BART stations are served, along with a major new urban center developed on and around the Sun Valley Mall. Smaller community centers develop at existing strip malls and along underdeveloped arterials.

The Delta cities of Contra Costa County are tied into the region with a [new Delta DMU rail system](#) running between North Concord BART and Brentwood. (Please note that this was designed prior to eBART.) Development in the eastern part of the county would be focused on this line. Clyde and Port Chicago, retired from military use, will support thousands of units of new transit-oriented development, with the potential to demonstrate sustainable development on a large scale. Under-utilized commercial and industrial land along the line will also see redevelopment, reducing the pressure to sprawl across the prime agricultural lands around Oakley and Brentwood.

Recognizing that CCTA's planning needs to coordinate with the Tri-Valley, the Alternative has three new Rapid Bus lines that serve Livermore, Pleasanton, Dublin, and San Ramon. Connections are made to all BART stations and new ACE stations on Isabel Avenue in Livermore and at Vasco Road. (The ACE reference is an early version of our 2015 proposal for a major investment in ACE between Tracy and Fremont, creating a fast passenger-only line.) All major employment centers are connected, including Bishop Ranch, Hacienda, and Lawrence Livermore National Labs. New development densifies formerly underused retail and commercial sites, and the excess parking facilities at many business parks are redeveloped for housing.

We attach to these comments the modified MTC transit headway spreadsheet we submitted back then, which reduced headways on hundreds of bus routes while eliminating BART extensions and highway widenings. To simplify looking at the spreadsheet, we show only the agencies operating in Contra Costa.

To provide a sense of our vision for development, we attach the 2030 Land Use spreadsheet. We matched the control levels of the adopted RTP, but did not convert any greenfield land or existing single-family neighborhoods. We relied instead on intensive multi-family development of greyfields--old shopping centers that were no longer economically productive. We recognize that the numbers will not be applicable to the CTP, but the pattern of development should be instructive. It is unknown to us whether MTC has changed the TAZ numbers and zone boundaries since then.