

# Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

October 17, 2014  
By E-Mail

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

Re: Regional Target Setting Update

Dear Chair Nichols:

With the release of the final staff report, we would like to supplement our comments of October 10 (attached for your convenience). That letter pointed out the lack of a sense of urgency in the draft staff report, and asked ARB to publicly decide "Are we facing a climate crisis?" We are troubled by the claim in the final staff report that:

These SCSs show that, if implemented, the major metropolitan regions of California can reduce transportation-related GHG emissions compared to the status quo, thereby contributing to achievement of the State's broader climate goals.

Egregiously missing here--in a document about targets, no less--is a quantitative assessment of those reductions, and their level of contribution to the State's goals.

Our recent comments on a draft county transportation plan (attached) highlight the dismal state of policy coherence at a local transportation agency, which we suspect is typical of suburban counties. While climate change is mentioned, none of the policies materially reduce GHG emissions, while VMT and GHGs increase greatly. Even worse, the DSEIR for this plan has the appalling judgment to conclude that the

Implementation of the 2014 CTP, combined with forecast countywide growth, would contribute to GHG emissions. (Significant Cumulative Impact, Project Contribution Not Cumulatively Considerable.)  
(p. 2.12-11, 2014 CTP DSEIR)

None of the proposed mitigations involves transportation, despite motor vehicles being the largest source category of GHG emissions. In these black and white terms, the agency rejected any duty to comply with the State's GHG policy regime.

This staunch Business as Usual stance was endorsed by MTC's recent adoption of Countywide Plan Guidelines that explicitly release counties from any duty to tie their planning to regional goals. Rather than collaborating with ARB, MTC set itself up as the champion of parochial interests that resist mandates and responsibility for emissions. Under these circumstances, MPOs need a wake up call that Business as Usual is over.

A comparison with the current Ebola crisis is instructive: Climate change threatens far more lives--both human and non-human--than Ebola ever will, yet Ebola is receiving urgent action and resources. The staff recommendation to delay implementation of updated targets until 2019 sends a strong meta-message that "We have time--there is no urgency here." This message is inexcusable.

ARB was designated to take the state's leadership position on climate change, which necessarily means developing a message to engage the public in the profound changes needed to reduce California's carbon emissions. Change on this scale has been compared to turning a battleship. ARB needs to commence the turning by ramping up the regional targets immediately. How will the public ever get engaged if it is never informed about the crisis and asked to join in an effort to slow climate change? Delaying the target updates would be an abdication of ARB's mandatory responsibilities.

Adopting the staff recommendation would be arbitrary and capricious, as ARB has not: 1). demonstrated that the current regional targets have met the legislative intent of SB 375 and of Executive Order B16-12; 2). demonstrated that the current regional targets have met the legislative mandate of SB 375 and legal requirements of Executive Order B16-12; 3). demonstrated that delaying an update of the regional targets will not impede the implementation of AB 32, Executive Order B16-12 and SB 375; and 4). demonstrated that delaying the implementation of updated targets will not impede the implementation of AB 32, Executive Order B16-12 and SB 375.

Finally, we note an internal conflict in the Notice for the October 23-24 Board meeting. One part ("This item may not be considered until October 24, 2014.") stresses the indeterminate scheduling of this item, while another suggests the agenda will indicate the day this item will be heard. This conflict creates unnecessary doubt as to whether the Public Meeting Agenda can be relied on for the day of the hearing on the item. That uncertainty could necessitate an overnight stay, making it infeasible for many members of the public to participate in person. We urge you to modify your notice language to provide needed certainty.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

# Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

October 10, 2014  
By E-Mail

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

Re: Regional Target Setting Update

Dear Chair Nichols:

TRANSDEF, the Transportation Solutions Defense and Education Fund, would like to offer you our thoughts in preparation for your Board's consideration of an update of the regional GHG emissions reduction targets:

Alarming, regional GHG emissions are increasing, despite the legislative intent of SB 375 to generate additional reductions beyond those achievable with statewide measures. It should be clear that the 2010 regional targets are not achieving what they were mandated to accomplish. Given that, TRANSDEF urges the Board to order the regional targets to be updated.

## Is there a Climate Crisis?

TRANSDEF is conversant with the long-term consequences of having 400+ ppm CO<sub>2</sub> in the atmosphere. We anticipate catastrophic conditions for the next generation if our generation's response is inadequate. We are among a disappointingly small group of advocates that recognize that the human race is in a climate crisis. By its actions, ARB appears to us to not share our sense of looming crisis.

The *Preliminary Draft Staff Report on the SB 375 Greenhouse Gas Reduction Target Update Process* lacked any sense of urgency. As a result, it asked the wrong questions. The Roundtable process also lacked a sense of urgency. Participants there seemed far more concerned that interregional travel not impose a responsibility for VMT reduction.

It seems to us that the first step in deciding the Board's preferences on regional targets needs to be to decide "Are we facing a climate crisis?" The comprehensiveness of the response will depend on the degree of crisis perceived.

## The Bottoms-Up Approach

We think you need to reconsider the 2010 decision to use a bottoms-up approach, as it is not working. No transportation agency we are aware of has yet acknowledged that

climate change is its problem. They all act as if some other agency--most likely ARB--is going to take care of the problem, and leave them out of it. They see no need to change their practices, and are truly oblivious to the GHG consequences of continuing to facilitate solo driving.

We have recently been involved in several counties' transportation plans. Alameda adopted a plan with a 46% increase in VMT. While the plan claimed to reduce per capita GHGs by 24%, upon close examination, that claim relied entirely on Scoping Plan measures. When they were removed from the calculation, the plan will result in a **31% increase** in per capita GHGs. Contra Costa is currently workshopping a plan with a 35% in VMT, which will result in a **5.5% increase** over current per capita GHG levels.

As if these trends are not troubling enough, MTC recently adopted a revised set of Guidelines for Countywide Plans (in response to a lawsuit by advocates). The draft Guidelines called on counties to look to the regional goals expressed in the Sustainable Communities Strategy. In a strong pushback by local jurisdictions, the Guidelines were amended to make them even more explicitly voluntary than Guideline inherently are. Without strong state direction, local agencies will continue to insist on maintaining Business as Usual, and ignoring their responsibility for climate change.

These plans are clearly heading in the wrong direction. The setting of new regional targets would send an important message to transportation agencies across the state, waking them up to the realities of climate change.

#### The Top-Down Approach

The recent SB 375 Implementation review avoided the question of the cumulative statewide emissions reductions resulting from the regional targets. Buried in an obscure ARB publication was the calculation that the SB 375 program will produce reductions of 3 MMTCO<sub>2e</sub>, where the 2008 Scoping Plan had a placeholder target of 5 MMTCO<sub>2e</sub>.

The 2008 Scoping Plan did not identify enough measures to meet the target statewide emissions reduction, so falling behind with this program is potentially serious. Since that time, climate science has advanced, making it clear that larger reductions are needed, and needed sooner than previously thought, as the models had been overly conservative. Given these developments, it should be clear that the state needs to achieve greater emissions reductions from the regional targets.

This is why a top-down approach is needed: ARB needs to use the best science available as its starting point, and work its way backwards to what is needed to achieve a statewide target by the jurisdictions that approve land use and transportation projects.

#### Conclusion

The MPOs have made it clear on multiple occasions that they oppose a new round of target setting. That is hardly a surprise, as MPOs are inherently averse to change and to mandates. They are not leading the fight to protect the climate.

The challenge for Board members now is the question "Are we facing a climate crisis?" When each member is able to answer it in a way that they could feel comfortable defending to future generations, ARB will be ready to make wise policy decisions.

We would be pleased to answer any questions you might have, at the phone number above.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

#### Appendix

The following points, which we submitted to ARB in 2010 for the first target setting, are still relevant to today's update:

1. We find it unimaginable that the Draft Targets report did not identify the aggregate effect of the proposed targets. The answer to the question "will we accomplish our Scoping Plan goals with these targets?" should have been central to the process. The targets are useless, or even counterproductive, if they are not directly tied to the Scoping Plan. (Please note that we are not intruding into the RTAC's recommendation on how the target is to be expressed at the regional level--we refer here to tying the statewide total emissions to the Scoping Plan.)
2. **Only a top-down process that results in a regional target that is tied to a statewide plan to accomplish the Scoping Plan's goals can provide sufficient justification for making uncomfortable policy decisions at the local level. Locals need this backup.**
3. The undersigned was an active participant in the Working Group that revised the CTC's RTP Guidelines in response to the adoption of SB 375. Throughout that process, we expected ARB to allocate the regional targets so as to achieve statewide targets. That was not the case with the Draft Targets.
4. ARB staff mentioned several times today that the targets need to have "a sound technical basis." Please be aware that the MPO submissions which became the basis for the draft targets are already strongly colored by political judgment.

5. We observe with dismay that the absence of a statewide emissions total in the draft targets report strongly implies that the target setting process has been turned into a politicized process that caters to the MPOs' desire to minimize their targets, rather than a process with "a sound technical basis."
6. We notice the acquiescence of the Draft Targets report to the notion that because land use effects are long-term, that it is logical that the 2020 targets be lower than the 2035 targets. This approach completely ignores the realm of pricing measures which can be implemented very quickly. Note the absence of pricing in: "This range is based on the potential reductions from land use and transportation planning scenarios provided by the MPOs." (p. 3, Draft Targets report.)
7. We associate the absence of a discussion of the feasibility of pricing with the lax national attitude to what we understand to be a pressing emergency. Scientists inform us that there are only a few years left to correct our emissions overhang before irreversible changes take place. We call on ARB to use the best science to recognize the urgent need for early reductions, which would require strong leadership to educate the public about the need for increased pricing of driving.
8. Similarly, it is solely a function of the public's lack of understanding of the threat of climate change that "extremely aggressive policy scenarios ... could not realistically be implemented." (p. 4, Draft Targets report.) Once peacetime America was attacked, it rapidly geared up to fight World War II, and endured great privation for the public good. The Draft Targets report clearly expresses a lack of resolve for the kind of societal mobilization that we believe is called for by climate science.
9. We reject the idea that lower, more achievable, targets are a wise idea. We don't have 10 or 20 years to build confidence. Unfortunately, climate is not a problem that can be responded to at a pace that is comfortable for government.
10. We agree that target setting should include the provision of a margin of safety, as is commonplace in the setting of health-based criteria pollutant standards.
11. The very fact that the San Joaquin Valley is expected to grow so much means it can realistically handle a much higher target. Would it really be acceptable for the Valley to actually increase its GHG emissions (or even keep them level, with Pavley)? Giving the Valley an aggressive target will encourage the use of Best Practices for new development. It is crucial to not squander the opportunity to reshape settlement patterns. This will bring substantially lower future emissions.
12. Page 3 of the Draft Targets report uses the phrase "improving the efficiency of each region's existing transportation network." This is the current Caltrans euphemism for widening highways. Current research indicates that while highway widening may have congestion relief benefits in the short-term, in the long-term such projects induce further demand, resulting in increased trips, longer trips, and increased VMT and GHG emissions. (citations available.) We urge ARB to avoid this phrase, as well as the transportation planning strategy that underlies it.

# Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

October 15, 2014  
By E-Mail

Kevin Romick, Chair  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

Re: Draft 2014 Countywide Comprehensive Transportation Plan

Dear Mr. Romick:

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.

## Introduction

We write to commend staff for an excellent analysis of the constraints facing CCTA. The Draft 2014 Countywide Comprehensive Transportation Plan ("Plan") is very up-to-date in its understanding of the trends of travel demand for millennials, for example. (ES-8, Note: all citations are to pages of the Plan.) However, as will be detailed below, the list of projects and programs in the Plan is completely disconnected from that analysis. That disconnect is exquisitely captured by the following statement in the "Finding the Right Balance" discussion:

Where feasible and beneficial, improve the throughput capacity of roadways while recognizing that these improvements will not, in the long run, eliminate congestion. (I-28.)

Contra Costa residents and their elected officials seem driven by a naive faith that suburbia can somehow be made to work. That faith blocks them from recognizing the obvious reality that traffic keeps getting worse as CCTA "improve[s] the throughput capacity of roadways."

In short, the "Right Balance" for CCTA has meant believing in the traffic fairy. County residents bought there on the promise of convenient solo commuting--something that is unrealistic for large communities of primarily low-density development. CCTA's core problem is that it is driven by the politics of mass fantasy to spend its resources on

projects that its staff knows are only short-term fixes. In this era of climate change, the time has come to align the planned investments with realistic planning.

It would be unfortunate if the County had to descend into total gridlock before there is a willingness to commit to a realistic transportation system. This comment letter will attempt to lay out what such a system would look like. Interestingly, much of the needed analytical work is already in place.

### Constraints

The Plan did an excellent job of identifying the factors that constrain future action:

- It is clear that CCTA has only half the financial resources that it wants to spend over the Plan period. (ES-20) Thoughtful strategic choices must be made.
- "Our ability to expand the roadway system is extremely limited. (1-37)
- **"[E]xpanding roadway capacity to meet demand is no longer an option in Contra Costa."** (1-37) This is perhaps the most important sentence in the Plan.
- "Building new facilities and expanding existing ones face increasing opposition." (1-37)
- "In most areas, even major projects represent only minor increases in total capacity." (1-37)
- "Climate change will have to be considered in our growth management plan due to the California Governor's order mandating an 80 percent reduction of greenhouse gases below 1990 levels by 2050, as shown in Figure E-5" (ES-11) Note that there is no follow-up in terms of Plan recommendations for how climate change should be considered. This is a serious oversight.
- "Will increased frequency of storm surges harm our rail lines and roadways?" (ES-9) It's good planning to recognize these vulnerabilities.

The projected 35% growth in VMT (1-12) indicates a failure to ask the fundamental question: "What transportation investments and policies and land use investments and policies do we need to maintain (or better yet, to reduce) current levels of VMT as we grow?" That 35% growth in VMT is profoundly irresponsible given (1) the inability to expand roadway capacity to accommodate that increase in vehicular travel, leading to massive and inevitable congestion (2) existing state policy to reduce GHGs, in recognition of impending catastrophic climate change.

Contra Costa is like an army with overextended supply lines. Its auto-dependent transportation system is very vulnerable to shifts in conditions, such as the price of gas. The 2006 foreclosure crisis began when gas prices spiked. As identified in the film *The End of Suburbia*, sharply rising gas prices put pressure on family budgets. Commuting costs became unaffordable, resulting in mortgage delinquencies and foreclosures, especially in exurbs like East County. With this systemic vulnerability to price rises, and inevitability of higher gas prices, current transportation patterns are unsustainable.

### Refocus the Plan on Responsive Solutions

The Plan already contains most of the needed action elements that are appropriate responses to the constraints cited above:

- CCTA Goal #3, "Expand safe, convenient and affordable alternatives to the single-occupant vehicle." (ES-7) Make it the only priority for system expansion funding. Please note that the extension of conventional BART technology does not qualify as "affordable." We prefer the term "cost-effective."
- Real-time ridesharing. (ES-9) This is a very hopeful technology that harnesses vast unused capacity in Single Occupant Vehicles (SOVs) at a tiny public cost.
- "The Authority also requires each jurisdiction to adopt and implement a transportation demand management (TDM) ordinance or resolution that encourages greater transit use." (1-45)
- Collaboration with Alameda County on planning for the Tri-Valley. (ES-16)
- "[O]ur emphasis has shifted instead to improvements in how we operate, manage and maintain the facilities that we now have." (1-37)
- "By carrying more people per vehicle, buses can make more efficient use of the capacity of existing roadways." (1-41)
- "By providing faster and more reliable travel times to carpools and transit, carpool lanes, also known as high-occupancy vehicle (HOV) lanes, can encourage a shift away from solo commuting..." (1-46)
- "Support land use patterns within Contra Cost that make more efficient use of the transportation system..." (I-30) Land use is key to a future policy redirection. Unfortunately, the quoted statement in the Plan ends with the problematic phrase "consistent with the General Plans of local jurisdictions." Local General Plans that promote conventional suburban development are the heart of the problem.

### Land Use

In planning, one takes observed trends and constraints, and attempts to optimize future conditions. In this "plan" responding to the identified challenges was replaced by catering to the public's misunderstandings and fantasies. That is how the observed congestion at the plan horizon came to be treated as inevitable, rather than recognized to be the result of politicized planning-avoidant decisions. The key unaddressed decisions involve land use.

Despite profound changes in the policy environment in the last decade, suburbia has continued to grow, with congestion moving in lockstep. If Contra Costa residents all stayed home during the day, there would be no transportation problems, and no need for transportation plans. Congestion arises, however, when residents want to commute to all parts of the Bay Area. Had the transportation system capacity for that travel been planned, funded and constructed prior to the massive development of suburban housing, Contra Costa would be a very different place now. Mistakes were made...

The projected 35% increase in VMT (I-12) is indicative of a new round of planning mistakes. The increase in VMT/capita implies even lower-density auto-dependent land use practices. If the transportation plan is to improve--or even to maintain--the quality of life--it must strongly influence the pattern of new development. There simply is no alternative: the consequences of continued suburban growth cannot be mitigated.

Now that CCTA has acknowledged it cannot catch up with needed highway capacity (1-37), the First Law of Holes applies:

When stuck in a hole, the First Law of Holes is to stop digging.

The commonsense policy response to today's congestion would be to not make it worse. To protect the existing transportation network, CCTA needs to make it clear to local jurisdictions that land use patterns for new development must change. New jobs and housing need to be located in relation to transit, with adequate density. (I-13) The agency made itself an excellent role model by locating its offices in a new transit-oriented neighborhood.

Because of the congestion crisis and the climate crisis, solo driving cannot and must not remain the foundation of transportation for new development. Instead, CCTA needs to promote creative solutions. The goal needs to be not increasing auto trips as new jobs and housing are built. That requires a convenient, cost-effective, well-coordinated, well-marketed and well-promoted transit network, one that can appeal to existing residents as well. New development needs to be planned simultaneously with the cost-effective transit needed to serve it, such as Bus Rapid Transit.

#### What's Wrong in the Plan?

- "As the region grows, so will the demands on our roadway system and need to expand and make better use of its capacity. The CTP incorporates a broad range of roadway projects, programs and strategies to meet the needs of growth." (I-36) Sisyphus could have written that. As a strategy, it is doomed to failure. Operational improvements can add only limited capacity. (I-37) While the "make better use of its capacity" was identified above as a solution, expanding capacity is already known to not work in the long-term. What's needed instead is a focus on transit-oriented development, coupled with cost-effective transit. It's clear the author of the quoted text was unwilling to leap to the obvious conclusion that the development of auto-dependent land uses cannot continue.
- "In recent years, focus has shifted from mobility for automobiles to mobility for all modes and for all types of users. The 2014 CTP reflects that shift." (I-21) The projected increase in VMT and flat SOV mode split indicate that, while the rhetoric may have shifted, the funding priorities haven't changed at all.
- The time has arrived to dump Goal #1: "Support the efficient, safe, and reliable movement of people and goods using all available traffic modes." (ES-7) This goal is only a fig leaf for continued status quo dependence on the auto.

- The enthusiasm for technological innovations for the automobile (ES-10) is misplaced. Technology will not be able to preserve suburban mobility if land use planning continues to encourage more driving (although real-time ridesharing could help those willing to abandon their cars).
- "Continue to invest wisely to maximize the benefits of available funding." (I-29) This is not a goal, it is merely a strategy for achieving goals.
- "Improve the highway and arterial system to influence the location and nature of anticipated growth..." (I-29) In 2014, the location of anticipated growth must be influenced by transit investments, not highway investments.
- "Agencies will assign staff to monitor the operation of the HOT lanes and the amount of toll charged, to ensure that the lanes continue to benefit carpools and buses." (I-49-50) Express lanes explicitly discourage carpooling. They are a massive financial commitment to keep the fantasy of solo driving alive.
- "In addition to reducing congestion, HOV and carpool strategies can help reduce greenhouse gases." (I-51) Note how HOT lanes have been mixed into discussions of HOV lanes (I-51 & I-29). This is obfuscation: the two strategies are in direct conflict. HOT lanes--aka Express Lanes--facilitate solo driving, thus discouraging a shift away from solo commuting. With all the policy reasons to not support solo driving, this is a crystal-clear example of politics trumping policy.
- "The increased use of electric vehicles will increase the need for charging infrastructure." (ES-10) If people are only commuting moderate distances to work, this is untrue. Charging will be done at home. Public charging networks (I-30) will prove to be far less important than public agencies believe.

### Climate Change

This conflict between policy and politics is sharpest on climate change. The Plan contains an exemplary section on "Managing the Effects of Greenhouse Gases." However, the absence of any implementation makes this nothing more than window dressing. As currently written, the Plan predicts 2040 Vehicle Miles Travelled (VMT) to increase by 35% (I-12), with a parallel increase in GHGs. The projected 28% increase in population (I-12) makes this a 5.5% increase over current VMT/capita. **In the age of climate change, these figures indicate a total policy failure.**

Figure E-5 (ES-12) shows the statewide reductions in GHG emissions needed by 2050. Oddly, there is no corresponding chart for CCTA emissions. The Plan does nothing to change the Forecast 2050 Emissions trendline within the County. By implication, some other agency must be responsible for that... There's a complete disconnect between this Climate Change section and where actual dollars are directed.

All of this is very troubling in the context of the recent U.N. Climate Conference and Peoples' Climate Rally. The world is coming to understand that deep systemic change is needed if the human species is going to survive in coming centuries. What will it take for Contra Costa policy makers to decide to take responsibility for the largest source of the County's GHG emissions and join the worldwide effort to protect future generations?

Additional Recommendations

- Provide a breakdown of how the funding is allocated between the four goals. (I-28-29) Note the comment above that the fifth "goal" is really only a strategy. The funding breakdown is critical information for evaluating Plan coherence: Does the allocation of funding match the policy framework?
- A modern transportation plan must show the current and projected VMT/capita.
- The agency needs to focus on preventing the displacement of lower-income residents as older areas redevelop. Note the overlap on Figure 1-8 (I-23) between Communities of Concern and Infill Opportunity Zones.
- Work with other jurisdictions to encourage the truck freight system to operate at night.
- Increase the use of the Richmond BART station by sponsoring security there, especially at night.
- TDM ordinances (I-45) should include such features as transit passes, car share, unbundled parking in leases and real property sales, and reform in parking ratios.
- Incentives are needed for the implementation of SB 375.

Textual Corrections

- I-31: Does "Link transit investment to increased coordination and integration of public transit services, and improved connections between travel modes" mean "condition" transit investment? The meaning of the text is unclear.
- I-43-44: "And for most trips, a car will get one to a destination faster, for less money "out-of-pocket" and with no waiting other than in congestion. Transit can, however, compete as if the differences between travel time, out-of-pocket cost, and convenience between the two modes are reduced."
- I-45: "And finally, Measure J ~~is~~ funds ..."

TRANSDEF appreciates this opportunity to comment on the Plan. We would be pleased to assist staff in the implementation of any of the ideas offered here.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

CC:

Amy Rein Worth, MTC Representative  
Federal Glover, MTC Representative  
John Gioia, BAAQMD & ARB Representative