

From: Andrea Mirenda [REDACTED]
Sent: Wednesday, July 27, 2016 4:18 PM
To: MTC Info <info@mtc.ca.gov>
Subject: El Camino bus lane is a bad idea

Please review the impact of all residents of the area. El Camino is so crowded today and removing a lane for a bus lane is a bad idea.

Regards,
Andrea Mirenda
[REDACTED]
Mountain View CA

-----Original Message-----

From: Cathy Jennings [REDACTED]

Sent: Friday, July 29, 2016 6:25 PM

To: MTC Info <info@mtc.ca.gov>

Subject: Express/HOV lanes on Peninsula hwy101

I am very much in favor of continuing HOV lanes north of Whipple Ave. These days it should be 24 hours and not just 7-9AM and 4-7PM. Anybody who must move along as a single occupant should have the option of paying for the privilege. Anybody driving alone who can't afford to pay will benefit from others paying to get out of the free lanes. The idea is to make it more attractive for people to carpool and if the HOV/Express lanes are moving while the others aren't, hopefully those that cannot afford the fees will find someone to carpool with instead.

As a professional who drives these roads routinely (with an assistant) I am in favor of anything that decreases traffic!

Cathy Jennings, DVM

[REDACTED]

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Review and comment on the Draft 2017 TIP & Draft Transportation-Air Quality Conformity Analysis for Plan Bay Area and Draft 2017 TIP

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9/10/2016
Mr. Charlie Cameron
SHOULD NO
DISAYS

DEAR MTC PUBLIC AFFAIRS OFFICE:
(REF: PLS FIND MY COMMENTS FOR THIS AREA)
DRAFT 2017 TIP & ANALYSIS FOR PLAN BAY
I TRUSTING YOU WILL GET THE NEW
UNION CITY INTERMODAL TRANSIT STATION EAST
PLAZA DONE CORRECTLY, CORRECT IN PHASE II
W/ NEW TRANSIT BUS RTS (REAL TIME DEPT
ARRIVAL FOR TRANSFER INTO TOWN CENTER PARK,
(BUS & BART) & SW THE NEW CAPITAL
STATION AT UCITY, CA, & PERHAPS WE
CAN CORRECTLY CORRECT ALL OR MOST OF THE
SHORT COMINGS DEFICIENCY, & DEFAULTS AS
WE NOW HAVE IN PHASE I ON THE WEST SIDE
OF THE NOW UNION CITY BART STA. (NORTH
SIDE CONSISTS
STILL GOING ON AT THE STATION & NORTH SIDE IS
NOW NO SIT DOWN PADS IN THE PUBLIC AREA

STAIR

SO PAX CAN/COULD REST/SOBE BACK, KNEES
BREATHE AS TWO OF THE LEGS STAYING
SIT DOWN PODS ON 4" IN DIAMETER HAUB BEEN
NOW REMOVED (TO PUT IN A NEW FLOOR) - STUPID
& NEXT BART UNIT - SINCE MAY 2016
IN THE PUBLIC AREA

(A) TRUSTING THE ABOVE COMMENTS ISSUES CAN
& W/BE ADDRESSED IN ATTACHMENT (B)
pg 48 & REG. TLC PROGRAM IN RES. 3925
APPENDIX A - 14 STD. 6/17/2016.

(2) MAY 6 PLS ASK WASTA ID THE UNION CITY
INTERMODAL PROJ. ON THE 2013 TIP? I WAS IN
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TO BE A FINGER/ISLAND TYPE W/ SAW TOOTH
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"L" SHAPE (DOG LEG TO THE RIGHT) TEMP. DESIGN
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TO THE RIGHT) & LONG WALKS TO BUSES &
CABS, & NOT REALLY ANY SIT DOWN AREAS TO
HANDLE THE W/LOAD, FURTHER THE DISABLE
YOUNG & KIDS W/ RGS.

(2A) TRUST THATS OUTSIDE THE BART BUILDING
& STRONG ARM TALLIES, TO THE FORCE & 375
& W/ 2/22 (2) ONE BAY AREA GRAM
PROGRAM HAVE NOW LED TO THIS W/ BSS,
& WHITE/PINK ELEPHANT.

2 AMERSON
7/22/2016
page 2 of 2

COMPLETION:

ITEM 3 APPENDIX A-67 on page 6
ALA, TIP 130025

THE CORRECT SPELLING FOR THIS WORD
IS CAPITAL AVE. (IN FACT, CA NOT
AS PRINTED UP AS CAPITAL AVE,

(DID FREEMAN SUGGEST THATS PEOPLE
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From
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VOL # 1 SECT 4 FOR A/E TRANSIT 4'

1 SECT 4 FOR BANI S-4 - Pg 5

ALA TIP ALA. 150038 NEW
DOUBLE DECKER BUSES FOR A/E TRANSIT

BANISY-5 LADDERAS TO OPPORTUNITY
W/CARRIERS IN TRANSIT ALA 150030

& ALL OTHER PROJ. IN ALA. OF THAT
DID SPOT CHECK,

-----Original Message-----

From: Robert Moss [REDACTED]

Sent: Thursday, July 28, 2016 10:13 AM

To: MTC Info <info@mtc.ca.gov>

Subject: Bus Lanes on El Camino

The proposal for bus-only lanes on El Camino is a TRULY AWFUL idea!! MTC routes and service levels are inadequate and don't even serve areas like Stanford Research Park, Cal-train station at California Ave. and local residential neighborhoods. Traffic on El Camino is jammed now, especially during rush hours but even in mid-day. Removing a driving lane will make traffic far worse and encourage many drivers to cut down nearby narrow residential streets. Bus occupancy won't improve if a traffic lane is changed to a bus lane, it will just divert more car traffic from EL Camino.

Please drop this idea now. If MTC wants to improve transit service, start running small buses down residential streets and to Caltrain stations and Stanford Industrial Park and Stanford University. When Palo Alto ran it's own bus service, before 1973, local areas were served by bus lines, but within a few months after MTC took over the service those local bus lines were dropped and bus service began to deteriorate. Since then it has not improved. A bus-only lane on El Camino won't make the service more desirable or significantly increase ridership, it will only make traffic for everyone else more unbearable.

Please drop this proposal.

Regards, Bob Moss

From: Rand Strauss [REDACTED]
Sent: Thursday, July 28, 2016 9:25 PM
To: MTC Info <info@mtc.ca.gov>
Subject: a better design for VTA

Most of the VTA plans seem very bad.

Let's do it right, rather than slowing down all our streets for a half-baked solution. I know it's more expensive, but we're one of the richest towns in the country.

In **Mountain View**, the worst would be to have a bus-only lane on El Camino.

- This only modestly help busses
- it slows down the rest of the traffic
- It worsens the traffic-light situation if the lane is in the center since all riders must then cross the street
- Thus it worsens the problem with cross streets.

A much better plan is to lower, or embed, Central Expressway and the railroad tracks and make bridges for the cross streets. Faster busses can run on Central.

The lights on El Camino could be shortened by running one lane of cross streets under it. The light can then be used just for cars making left-hand turns.

If there are just two lanes on the side street, well before the intersection, the left lane is for through traffic and the right lane is for left and right turns.

The left lane then sinks down to go under the intersection. When it's low enough, it's covered again by the street and the right lane then splits for left and right turns.

The light allows left turns, and people turning right must yield. Either the light can pause a bit longer - all red - to let people turn right, or they can simply turn when traffic pauses.

A lot of the lights are slow on El Camino because of pedestrian traffic. This can be avoided by adding stairs and a pedestrian walkway under the street, or by adding an overhead walkway.

Let's do it right, rather than slowing down all our streets for a half-baked solution. I know it's more expensive, but we're one of the richest towns in the country.

-Rand Strauss

From: Alex Hakso [REDACTED]
Sent: Friday, July 29, 2016 2:34 PM
To: MTC Info <info@mtc.ca.gov>
Subject: In Support of Toll Lanes on the 101

I read the WSDOT toll lanes white paper, which can be found here:

https://www.wsdot.wa.gov/NR/rdonlyres/EF771287-A27A-48CB-914F-0C1E0441D78D/0/i405_ML_White_Paper_Final_Update_Apr07.pdf

These lanes strike me as an imminently reasonable solution to a real problem.

In particular, I hope we can implement dynamic pricing to achieve maximum utilization of the lanes.

From: ANNENICHOLS09 [REDACTED]

Sent: Wednesday, July 27, 2016 9:10 PM

To: MTC Info <info@mtc.ca.gov>

Subject: NO DESIGNATED BUS LANES

PLEASE DO NOT PROCEED WITH DESIGNATION OF BUS LANES.
ANNE NICHOLS

From: Jean [REDACTED]
Sent: Sunday, July 03, 2016 1:23 PM
To: MTC Info <info@mtc.ca.gov>
Subject: Comments on Draft 2017

Dear MTC,

RE: Comments for Draft 2017 Transportation Improvement Program (TIP) and Draft Transportation-Air Quality Conformity Analysis for Plan Bay Area and the Draft 2017 TIP

Please focus funding on Protected/Separated Bikeways, with "Protected-Only Phase Signals" at crosswalks, and Bicycle Signal Faces, that form basic transportation spines of comfortable and safe connected NETWORKS that are inviting to the 60% of our population to leave cars at home and walk and bike for transportation.

The SF Bay Area needs prioritization of such protected networks. Cities make a mistake in building bicycle infrastructure such as Class 2 lanes for the 2-14% of the population who are comfortable sharing roads with motor vehicles. We can do better in prioritizing funds to create connections safe for the ages '8-80,' in lieu of piecemeal bits of paint.

Crosswalks should provide truly "protected" signal phases for pedestrians and red turn arrows instead of asking pedestrians and cars to share the light, with pedestrians losing.

Our air quality and climate deserve radical re-prioritization now to reduce CO2.

Thank you.

Best wishes,
Jean Severinghaus
Caltrans District 4 Bicycle Advisory Committee, Marin Member At Large

[REDACTED]

From: Karim Hyder [REDACTED]
Sent: Thursday, July 28, 2016 10:06 AM
To: MTC Info <info@mtc.ca.gov>
Subject: Agree with Linda Curtis - no dedicated bus lanes!

Hello,
I don't have much time to write in length because I work 60+ hours a week with few breaks in order to afford to live in MV. I wholeheartedly agree with Linda Curtis, who is opposed to dedicated bus lanes.

Thank you,
Karim

[REDACTED]

--

Karim Hyder
Director of Operations

[REDACTED]

[REDACTED]

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From: Holly Westphal [REDACTED]
Sent: Wednesday, July 27, 2016 10:49 AM
To: MTC Info <info@mtc.ca.gov>
Subject: STOP PLAN FOR DESIGNATED BUS LANES

To Whom It May Concern,

I am strongly against the plan to establish a designated bus lane on the El Camino Real.

The creation of a designated bus lane would add to traffic and create more delays for drivers without significantly speeding up bus travel. A designated bus lane would increase gridlock and frustration with no serious long term solutions for transportation. Just because the VTA wants people to take the bus, doesn't mean they will. This isn't the Field of Dreams notion that if you build it, they will come. The reality is that bus travel is inefficient and impractical in the South Bay. One bus lane, on one road will not fix that.

Moreover, population growth in this area is based predominately on higher income earning households where the workers drive cars, not ride the bus. This is in part due to the efficiency of driving, but also due to the fact that unless you both live and work on the same bus line, driving is the only practical method of transportation.

Realistically, the only long term solution for encouraging people to stop driving would be to provide a faster method of transportation (i.e. underground subway with both east/west and north/south routes). This would be costly and a nightmare to build, but long term it is the only solution for limiting traffic and reducing the pollution caused by driving.

The designated bus lane plan is impractical and would be an economic waste of transportation funds.

Sincerely,

Holly Westphal
Mountain View Resident

-----Original Message-----

From: Mark Fassett [REDACTED]

Sent: Friday, July 29, 2016 11:35 AM

To: MTC Info <info@mtc.ca.gov>

Subject: 101 toll lanes

I am writing to express my extreme opposition to the addition of "toll lanes" to highway 101 on the peninsula.

I am a big supporter of HOV lanes, even though I don't use them in my daily commute. They do provide appropriate incentive to get individuals out of their cars and provide a less obstructed route for mass transit. Both of these things are VERY important.

But creating "toll lanes" is creating yet another place where we are creating more differences between rich and poor America. Rather than trying to solve the problem, we are putting a band-aid on the problem. The rich will be able to afford to avoid traffic and not regular Americans who have to sit in this traffic routinely. Frankly it's completely un-American, and I FIRMLY object to more of these toll lanes.

Please stop. Please focus on building much better public transportation for the region. Please focus on getting public transportation out of shared roadways and into their own dedicated routes like light rail etc. Your job is to plan, finance, and coordinate transportation for the bay area. Your job is to build LONG TERM solutions for our traffic, not simplistic and prejudicial band-aids that make things even worse for working class northern Californians.

Thank you.

Mark Fassett, Redwood City, CA

Re MTC Draft TIP + Air Quality Conformity for Plan Bay Area + Draft 2017 TIP

We need:

- a "Class Pass" for all Berkeley residents to encourage residents into riding the bus, + bus/BART - no car.
- we need to replace "clean diesel" with clean technology because "clean diesel" is as dirty as regular diesel, because the tiny "clean" diesel particles are so small they get stuck in small arteries and or can travel to the brain!
- solarize Civic Center buildings and use the power for clean electricity
- bring back the original # 51 which almost entirely paid for itself + was greatly popular with students + residents especially those who needed to have stops near their residences + destinations
- No BRT for Berkeley Albany
too polluting, uncomfortable, disfunctional.

msg.

From: Jim Burt [REDACTED]

Sent: Saturday, July 30, 2016 1:39 PM

To: MTC Info <info@mtc.ca.gov>

Subject: Paying for HOV Lanes on Highway 101 with Toll Lanes a Bad Idea

Dear MTC:

The proposal to add HOV lanes to highway 101 on the Peninsula is a great idea, one that has been sorely needed for years. I carpooled in HOV lanes to get from Redwood City to north San Jose for twelve years. However, I strongly object to the funding mechanism which involves toll lanes. It will only exacerbate the growing divide between the rich and poor in America. The rich will be able to afford to avoid traffic, while everybody else grinds it out in the other lanes. It will be highly symbolic and highly visible. It is a bad idea. Talk about road rage.

For this and many other transportation challenges we face in the Bay Area, why doesn't the MTC have the courage to take a stand and propose steady sources of funding such as [increasing the gasoline tax](#) or [reforming Prop 13](#)? We desperately need to: (1) add a second BART tunnel across the Bay, (2) fund CalTrain so that it can increase the frequency of trains, (3) finish [connecting BART to Diridon Station](#) in San Jose, and (4) help [SMART](#) complete both phases of rail transit in Sonoma and Marin counties. We are already behind the curve. Anyone at the MTC who proclaims the vision and has the courage to make bold proposals to direct tax increases to specific projects like these will become a famous leader. The MTC has been quiet for far too long. Let's get moving!

Please let me know how I can help.

Best regards,

Jim Burt, Redwood City

From: [REDACTED]
Sent: Thursday, July 28, 2016 8:58 AM
To: MTC Info <info@mtc.ca.gov>
Subject: As an engineer ...

Hello,

As a human being and learned Systems Design Engineer for many years I do not see the point of VTA's insisted dedicated bus lanes along El Camino Real. They would cause increased safety hazards, especially to our local neighborhoods and to those individuals who suffer from disabilities, as they would need to cross half of a busy intersection to get onto the median just to load onto the buses. I have seen many others try to cross this busy street, as it is today, to get to the median. To expect blind and mobility challenged people, who actually now do ride the buses, to load from the median, is demanding of them a very dangerous undertaking. And slow lanes shouldn't be bus dedicated, as they are enjoyed by many drivers who prefer not to ever change lanes and who will be stranded far from bus routes if they can no longer timidly drive along El Camino Real.

Joe Biden pledged, among other important issues, to give us *safe streets*. This dedicated bus lane project from VTA will cause many drivers, angry and frustrated by sitting in the standstill of El Camino Real, to drive through the adjacent residential streets. This will put our children, ourselves, our pets, and property at risk at a never yet experienced level. This could be construed as an act of endangerment towards the citizens of the United States of America. It is an illegal lapse of morality to endanger our populous.

Drivers able to continue on El Camino Real will find very few left turn lanes as the VTA busses are using them as loading zones. It was studied and reported by VTA itself that a dedicated bus lane would shave approximately a maximum of 10 minutes off the trip from San Jose to Mountain View. That is clearly not worth it. And as an aside, the trees that VTA will have to remove along the roadway and in the median will no longer provide cleaner air and a safety factor as they help the vision of drivers by screening the direct sunlight.

My next pet peeve is the unfulfilled need to help the communities along the Cal Train soon-to-be electrified rail, and the coming High Speed Train and the to-be-extended Light Rail. The neighborhoods would greatly benefit from the below grade level of these rails, from San Jose through to San Francisco. This would keep the noise levels to a minimum, bicyclists and others can have a path above the tracks and perhaps also at a lower than grade level to provide a bicycle throughway all along this path. At grade level, all cross streets can be kept level as they continue without changing their elevation as they now are. Some more cross streets can be easily added. Central Expressway/Alma will be as an underpass for these cross streets. This would increase the traffic flow and provide a separated pathway for pedestrians and bicyclists. Above the lower train path could be housing, shops, industrial, and storage buildings to further provide services to the population and offset the cost to lower the tracks and parallel roadway. This is newly created and badly needed space above the lowered railways and parallel roadway, that then becomes like a freeway. Great flow. Gridlock conquered.

Basically we need MTC to curb VTA and to listen to local governments and populous, as our country was built to do. We know what can work, we don't need an dictatorship authority to take our money and build what they want.

Thank you,
Larry V.

From: [REDACTED] [REDACTED]
Sent: Wednesday, July 27, 2016 11:01 PM
To: MTC Info <info@mtc.ca.gov>
Subject: Better ideas than yours

MTC:

I have an important idea that would solve most of the traffic gridlock on the lower peninsula. I call it the "Transportation Corridor." It calls for embedding Central Expressway/Alma (from where it merges with El Camino Real in Palo Alto through Santa Clara) and all rails running beside it from San Francisco through Santa Clara.

To clarify my use of the word "embedded," as I described the "Transportation Corridor" that I envision, embedded refers to creating a separate grade for the length of a thoroughfare, such as Central Expwy (and tracks). Central Expressway is already sunken in Sunnyvale, with the exception of Mary Ave. As the expwy is lower than the cross streets, they ALL flow unimpeded. That is my goal for the big picture. In Mtn. View, Castro St. need not close, nor do we invest in a ped/bike UNDERpass. We go for an overpass to serve in the meantime and to stay in place when the expwy & tracks are redone on a lower grade. Also Rengstorff does not need the underpass (or was it an overpass?) that as already been approved, unfortunately. We'll work to reverse that before it happens in exchange for the superior and preferable big picture plan of the transportation corridor. It will also solve the problems of Rengstorff: The newly improved and remodeled Mi Pueblo Market on Rengstorff will be gone and people's homes along Rengstorff are slated for seizure through eminent domain. Everybody hates that, but no one sees an alternative, as we need to separate the grade crossings. So we should embed the expwy and ALL the tracks before light rail gets extended up that way and beyond, before the high speed rail is added (if it must be), and before Cal Train is redone as its tracks get electrified. It's now or never! It's a long term project that other cities are on board with. Palo Alto, Menlo Park, and Atherton agree! What a perfect, really important fix to **safety, noise, and gridlock concerns.**

This is what the people want, NOT to be forced onto buses by the intentionally created traffic gridlock, buses that don't do what people need, are cold in winter & hot in summer, are filthy (and so are the exposed bus stops), allow passengers to become victims of crime (I've experienced this first hand), have inferior suspension that re-injures previous injuries, are an enormous inconvenience, and are certainly not worth any designated bus lanes anywhere!

We do not believe VTA does what the people believe is in their best interests to serve their needs (and they know their own needs best). VTA has said (quoted in local newspapers) that they are the "authority" and will do as *they deem best*, even if every city affected decides against their plan, as with dedicated buses lanes on el Camino Real. We the people detest the plan of dedicated bus lanes on el Camino Real (or bikes along such a perilous and extremely important arterial for vehicular traffic) or anywhere! But does that count with VTA and the MTC? They have become dictators and have demolished our democracy. How dare you!!!!!!

Response demanded!

And all the construction of high density/high rise along arterials to insure that people live, as well as work, along a bus route is absurd! Each housing development removes the services and businesses that employed these people! The new housing has only a coffee shop in them for the convenience of their own residents. And all the convenient stuff that was there previously is lost to everyone who now have to travel far to obtain services and to frequent businesses. You can't take a bus to wash your car, but now you have to drive to the next city to do so, when it was hither fore at the end of your block! Some progress! NOT.

And how much does the new housing cost compared to the *older buildings that were knocked down* for the shamelessly expensive new stuff? All of it built just so folk can "live" along the stinky, noisy bus route. Those that can afford it, won't ever just ride the buses! The new building is great at only promoting **gentrification** and the **displacement** of those who first lived there. You want to displace the three support personnel for each tech worker, just to create ridership for buses in order to make VTA an even more rich department than they *already are as the most highly financed department in all of Santa Clara County!* That means at the expense of Valley Medical Hospital, Social Services, Children's Protective Services, the Sheriff's Dept., and all the others! How ludicrous!

Get real! ABAG's model of high density/high rise building along arterials is unsafe in the inevitable event of a truly major seismic event. Chile had a 9.9 with a 8.5 further north a year later. It's coming our way and all the multistory building can only hold to a certain maximum level on the Richter scale. But the Richter scale has NO maximum magnitude. Anything above a 7 something on the Richter scale, or a P wave instead of a S wave, or any wave coming at a diagonal to what what planned for in the building specs, *will drop* all of that concrete, etc., right in the way of everyone's escape out and access in for emergency responders! Selfish suicide for all of us *just to make the buses supposedly work* at the expense of everyone and for the profit of VTA is shameful.

Response demanded!

Signed:

Linda Curtis, a striving citizen who has lost a job due to the unreliability of bus service in Santa Clara County, and a financially ruined owner of 96 photovoltaic panels used to power my home and to fuel my clean electric car that I get no encouragement for, much less any kind of financial break for buying, maintaining and cleaning my solar panels and fueling my car with them!

From: [REDACTED]
Sent: Thursday, July 28, 2016 10:51 AM
To: MTC Info <info@mtc.ca.gov>
Subject: Improving transportation on the lower peninsula

Many want to create grade separation for all trains, expressways (Alma included), and even EL Camino Real. I like all these ideas except for ECR. I'm thinking sinking ECR would kill all that I love along it, businesses and trees (down the median, too). Definitely don't want any designated bus lanes along ECR. As for separated grade crossings along it, how about adding just a few ped/bike elevated crossings over ECR as Las Vegas did over their strip? The costly elevators can be avoided with spiral ramps, not too steep, or straight ones when planned in conjunction with new builds like 801 ECR. But too late now for that one. Yet coming construction projects could have the ped/bike overpasses as part of their plan as their required added public benefit. They would really help mid-block on especially long blocks. Better than adding traffic signals really just to help peds cross as was done by the State at Clark & ECR in Mountain View. What a hinderance to traffic flow. Still cross traffic is not grade separated on ECR, but I don't mind. I prefer many options to turn off ECR to being stuck on it below grade. Do that only for trains and expressways. It's really needed there.

And I hate the idea of raising tracks: Their noise would travel further unimpeded (especially when light rail and high speed rail are added). Also, figures I read show that the Shoreline overpass would not clear raised train tracks. **Lowering all tracks and expressways** (Alma included) is my preference by far, as it is with the three cities (Atherton, Menlo Park, and Palo Alto) that are currently suing to allow this to happen. This is really the only way to do grade separation properly.

I just hope Rengstorff and Castro Street in Mountain View, and many other streets elsewhere, aren't messed up with rushed, inferior "solutions" for crossing or no longer crossing Central Expressway before we can orchestrate the *big picture, real* solution of grade separation done well. Save lives, save us from noise, and save us from gridlocked traffic by grade separation done right.

I would vote for lots of money for that, but none for designated bus lanes.

LC



July 26, 2016

Chair David Cortese and Commissioners
Metropolitan Transportation Commission (MTC)
Bay Area Metro Center
San Francisco 94105

Via info@mtc.ca.gov

Re: Comments on Draft 2017 Transportation Improvement Program (TIP)

Dear Chair Cortese and Commissioners:

The Sierra Club has reviewed the \$6.6 billion [draft 2017 Transportation Improvement Program](#) that will run through fiscal year 2020. As MTC notes on its web pages, the TIP is the Bay Area's comprehensive spending plan that lists the projects and programs for which Federal agency action is anticipated, plus all major regional projects that are not dependent on federal funds. The Sierra Club submits the following comments for your consideration.

An Alternative Planning Strategy May Be Required for the 2017 Regional Transportation Plan (RTP)

The Technical Summary of Predicted Traveler Responses to Planning Scenarios of the next RTP (PBA 2040), contained within the [Draft Transportation–Air Quality Conformity Analysis for the Amended Plan Bay Area and the 2017 Transportation Improvement Program](#), indicates that the draft 2017 TIP will *not* result in the GHG reduction per capita target for the year 2035 as required by the Air Resources Board under [The California Sustainable Communities and Climate Protection Act of 2008](#) (SB 375).

Table 6 of the Technical Summary (Attachment A) contains an important set of data including GHG projections as of 2035. The base year in Table 6 is 2005, and the figure given for that year for GHGs is 18.5 pounds per capita per typical weekday. For Plan Bay Area 2040, the MTC–sponsored scenario with the greatest reduction is “Big Cities.” The figure for 2035 is 17.7 pounds of GHGs per typical weekday per capita. This works out to a reduction per capita of about 4.4%, well below the required 15%. An additional scenario that conforms with ARB's requirement for the SCS needs to be developed and analyzed. If MTC decides to proceed with a scenario that does not meet the 2035 target, it must then prepare an “[Alternative Planning Strategy](#),” to show how it could meet the target.

Funds Should Not Go to Highway and Road Capacity Expansion

MTC should not use the 2017 TIP to fund state highway and road capacity expansion projects. A review of the state highway capacity expansion projects in the draft 2017 TIP that are sponsored by the Congestion Management Agencies of the largest counties—Alameda, Contra Costa and Santa Clara—show total future funds required will be about \$1.9 billion. Directing funds to these projects will only make the Vehicles Miles Traveled (“VMT”) problem of the Bay Area worse. Funding for state highway and roadway capacity expansion projects in all counties should instead go to supporting the Sustainable Communities Strategy.

The draft 2017 TIP Should Be Supportive of the SCS

As then-Attorney General Brown noted more than seven years ago, funds should go to pedestrian, bicycle, and transit projects and not to highway and roadway capacity expansion. In 2008, the Attorney General commented on the Notice of Preparation for the Draft Environmental Impact Report for MTC’s Transportation 2035 Plan. The letter discussed “smart” land-use strategies that can reduce VMT. The letter also noted that greenhouse gas emissions (GHGs) from the transportation sector are a significant problem in the Bay Area, and that “if we fail to make better transportation and land-use decisions—at all levels of government and at every opportunity—in a very short time, our climate goals may be out of reach.” (A copy of the 2008 letter is attached—Attachment B—and its recommendations on how MTC can help to reduce GHGs with the draft 2017 TIP are incorporated into our comments by reference.)

The Attorney General cited the Air Resources Board in the letter—

“[the] key to addressing the VMT challenge is providing people with more choices through diversified land use patterns, greater access to alternative forms of transportation including transit, biking and walking, and creating cities and towns where people can live, work and play without having to drive great distances.” In addition, the way a transportation plan allocates funds among potential transportation projects can make a significant difference in the amount of transportation-generated GHG emissions in the future.

MTC’s own description of SB 375 as given in the [Notice of Preparation](#) of the Draft Environmental Impact Report for Plan Bay Area 2040—the Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) provides a similar perspective: “SB 375 is intended to more effectively reduce emissions by integrating land use and transportation planning to reduce overall passenger vehicle miles traveled.”

Caltrans’ New Perspective on Highway and Road Capacity Expansion

There are a number of road and state highway capacity expansion projects in the TIP. However, few listings show Caltrans as the sponsor, perhaps because Caltrans has a new

perspective on road and highway expansions—they are costly and accomplish little over the long run:

It's pretty settled science that capacity expansion induces demand. We know that while it relieves traffic in the short term, there's pent-up demand that suggests it just fills up again in short order. There's ample evidence that if you lower costs, demand increases. ([Steven Cliff, Assistant Director of Sustainability](#) at Caltrans, November 2015)

MTC Must Change Its Long-Standing Practice of Front-Loading Road Projects

The draft 2017 TIP is an opportunity for MTC to change its long-standing practice of front-loading highway and roadway capacity expansion projects. Following the guidance in the Attorney General's letter, the draft 2017 TIP should maximize the use of its funds for pedestrian, bicycle, and transit projects and other actions to reduce VMT and therefore GHGs, and which will bring the region into compliance with the 2035 GHG target set by the ARB.

The TIP Should Also be Equitable

In the [TIP Overview](#) there is a section entitled "TIP Investment Analysis" that indicates low income and minority transit riders are at a disadvantage in terms of equitable funding. The TIP and its underlying projects should be changed to eliminate this inequitable result.

MTC Should Begin Mitigating Against Climate Change Dangers

As noted above, the current draft 2017 TIP fails to reduce GHGs as required. Additionally, it fails to recognize that the Bay Area needs to take action to protect transportation and transit infrastructure against the effects of climate change.

In 2009, MTC, along with Caltrans and other agencies, sponsored "[Impacts of Sea-Level Rise on the California Coast](#)." There is a section within the 2009 report that provides information, by county, of highways and roads vulnerable to sea level rise. In 2014 the Little Hoover Commission published "[Governing California Through Climate Change](#)." This thoughtful report states that planning agencies (such as MTC) will encounter "entirely new and perplexing questions."

[California Transportation Plan 2040](#) also addresses threats to transportation infrastructure from climate change:

California's infrastructure is already stressed and will face additional burdens from climate risks. The frequency of extreme weather events—such as heat waves, sustained droughts, and torrential rains are expected to increase over the next century, potentially causing flooding, landslides, wild fires, pavement damage, bridge damage, transit vehicle stress, and rail buckling. Even if global GHG emissions were to cease today, some of these effects would still be unavoidable. California must aggressively address threats to its transportation infrastructure to decrease these risks and significant damages.

The draft 2017 TIP should identify projects and funding that will mitigate climate change impacts on Bay Area transportation infrastructure.

If you have any questions or desire further information regarding these comments, please do not hesitate to contact Matt Williams, Chair of the San Francisco Bay Chapter Committee on Transportation and Compact Growth, at mwillia@mac.com

Sincerely,



Michael J. Ferreira
Loma Prieta Chapter Chair



Victoria Brandon
Redwood Chapter Chair



Rebecca Evans
San Francisco Bay Chapter Chair

cc: Legislative Delegation, San Francisco Bay Area
Chair, Air Resources Board
Association of Bay Area Governments
Loma Prieta, Redwood and San Francisco Bay Chapters

Attachment A


Table 6: Year 2035 On-Road Mobile Source Emission Estimates for the MTC Air Basin.

Contained within the Draft Transportation-Air Quality Conformity Analysis for the Amended Plan Bay Area and the 2017 Transportation Improvement Program, June 24, 2016.

Attachment A

Table 6: Year 2035 On-Road Mobile Source Emission Estimates for the MTC Air Basin

Scenario	Tons per typical weekday for all vehicles (unless otherwise noted)							
	Carbon Dioxide (CO ₂) [†]	CO ₂ [†] Pounds per Capita	Carbon Dioxide (CO ₂) [‡]	Small Particulate Matter (PM _{2.5})	Particulate Matter (PM ₁₀) [*]	Winter Nitrous Oxides (NO _x)	Reactive Organic Gases	Carbon Monoxide (CO)
Year 2005	64,640	18.5	64,640	8.54	14.09	2214	112.0	995.8
Year 2035, No Project	84,780	18.8	65,060	4.60	11.12	24.54	20.91	132.3
Year 2035, Main Streets	83,490	18.5	64,330	4.58	11.09	24.41	20.79	130.4
Year 2035, Connected Neighborhoods	81,100	17.9	62,490	4.47	10.81	23.80	20.26	127.4
Year 2035, Big Cities	79,810	17.7	61,330	4.40	10.64	23.32	20.00	125.4


[†] –Passenger vehicle emissions for the nine-county Bay Area, excluding –per SB 375 –expected reductions from fuel and vehicle regulations. Excludes expected reductions from MTC’s Climate Initiatives program.
[‡] –Passenger vehicle emissions for the nine-county Bay Area, including reductions expected from existing vehicle and fuel regulations. Excludes expected reductions from MTC’s Climate Initiatives program.
^{*} –Does not include road dust.

Attachment B

Letter from the Office of Edmund G. Brown Jr, Attorney General, to Metropolitan Transportation Commission, October 1, 2008.

RE: Comments on the Notice of Preparation for Draft Environmental Impact Report For the Transportation 2035 Plan.

Attachment B

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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October 1, 2008

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(510) 817-5848

Ms. Ashley Nguyen
EIR Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

RE: Comments on the Notice of Preparation for Draft Environmental Impact Report For the Transportation 2035 Plan

Dear Ms. Nguyen:

The Attorney General submits these comments to the Metropolitan Transportation Commission ("MTC") on the Notice of Preparation for the Draft Environmental Impact Report ("DEIR") for the proposed Transportation 2035 Plan ("Proposed Transportation Plan"). Although the deadline for comments on the Notice of Preparation has passed, we request that MTC consider these comments in preparing the DEIR.

We commend MTC for committing to evaluate the climate change impacts of the investments identified in the Proposed Transportation Plan. We also commend MTC for working to provide funding for "smart growth" development strategies that will reduce vehicle emissions associated with new development, for working to expand the bicycle network, and for including other elements of a Climate Change Program in the Proposed Transportation Plan. As climate change is one of the most critical environmental challenges to face our communities today, we urge MTC to embrace the opportunity it has in the Proposed Transportation Plan and the accompanying DEIR to show further leadership by identifying a comprehensive transportation strategy that will reduce emissions of the greenhouse gasses ("GHG") that cause global warming.

Global Warming in California

The Intergovernmental Panel on Climate Change of the United Nations has found

overwhelming evidence that global warming is occurring and is caused by human activity.¹ The California Climate Change Center reports that temperatures in the State are expected to rise 4.7 to 10.5°F by the end of the century.² Such increases would have serious consequences, including substantial loss of snowpack, an increase of as much as 55% in the risk of large wildfires, reductions in the quality and quantity of agricultural products, exacerbation of California's air quality problems, and adverse impacts on human health from increased heat stress, including heat-related deaths, as well as increases in asthma, respiratory, and other health problems.³

California recognizes that global warming is an urgent problem. As reflected in the California Global Warming Solutions Act of 2006 ("AB 32") and Executive Order S-3-05, we must substantially reduce our total GHG emissions by mid-century in order to stabilize atmospheric concentrations of GHGs at a level that will avoid dangerous climate change. This makes it imperative to address GHG emissions from the transportation sector, which account for 38% of the GHG emissions in the State.⁴ In the Bay Area, emissions from the transportation sector are even greater, accounting for 50% of the total.⁵ If we fail to make better transportation and land-use decisions – at all levels of government and at every opportunity – in a very short time, our climate goals may be out of reach. According to Rajendra Pachauri, Chairman of the United Nations Intergovernmental Panel on Climate Change ("IPCC"), "If there's no action before 2012, that's too late. What we do in the next two to three years will determine our future. This is the defining moment."⁶

¹United Nations Intergovernmental Panel on Climate Change, *Fourth Assessment Report: Climate Change 2007* (February 2007) *Working Group I Report, The Physical Science Basis, Summary For Policymakers* ("IPCC 4th").

²California Climate Change Center, *Our Changing Climate: Assessing the Risks to California* (July 2006) page 2, available at <<http://www.energy.ca.gov/2006publications/CEC-500-2006-077/CEC-500-2006-077.PDF>> (as of September 29, 2008). The report was prepared by the Climate Change Center at the direction of CalEPA pursuant to its authority under Governor's Executive Order No. S-3-05 (June 1, 2005) ("Exec. Order S-3-05").

³*Id.* at pp. 2, 10; Exec. Order S-3-05.

⁴California Air Resources Board, *Climate Change Draft Scoping Plan* (June 27, 2008) page 7 ("Draft Scoping Plan").

⁵Bay Area Air Quality Management District, *Source Inventory of Bay Area Greenhouse Gas Emissions* (November 2006) page 7.

⁶Rosenthal, *U.N. Chief Seeks More Leadership on Climate Change*, N.Y. Times (November 18, 2007).

California Environmental Quality Act

As the Legislature has recognized, global warming is an “effect on the environment” under the California Environmental Quality Act (“CEQA”), and an individual project’s incremental contribution to global warming can be cumulatively considerable.⁷ The projects authorized in the Proposed Transportation Plan will result in significant increases in the GHG emissions that contribute to global warming.

CEQA was enacted to ensure that public agencies do not approve projects unless they include feasible alternatives or mitigation measures that substantially reduce the significant environmental effects of the project.⁸ CEQA requires that “[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.”⁹ This requirement is recognized as “[t]he core of a DEIR....”¹⁰ Therefore, a DEIR must identify mitigation measures and examine alternatives that would reduce the emissions of greenhouse gases that contribute to global warming.¹¹ These requirements of CEQA are consistent with federal law, which requires the Proposed Transportation Plan to consider projects and strategies that will “protect and enhance the environment” and “promote energy conservation” and to discuss “potential environmental mitigation activities.”¹²

An EIR like the DEIR for the Proposed Transportation Plan must provide an accurate depiction of existing environmental conditions.¹³ “Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”¹⁴

⁷See Cal. Pub. Res. Code, § 21083.05, subd. (a); see also Sen. Rules Comm., Off. Of Sen. Floor Analyses, analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.), Aug. 22, 2007.

⁸Pub. Resources Code, § 21002.

⁹Pub. Resources Code, §§ 21002.1, subd. (b), and 21081; see also *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.

¹⁰*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.

¹¹Pub. Resources Code, § 21002.1(a); Cal. Code Regs., tit. 14, § 15130, subd. (b)(5).

¹²23 U.S.C. §§ 134(h) and 134(i)(2)(B)(i). (See text accompanying fn. 19, *infra*.)

¹³Cal. Code Regs., tit. 14, § 15125, subd. (a).

¹⁴*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.

The DEIR Should Consider Climate Change Impacts, As Well As Effective Methods of Mitigation and Alternatives to Reduce Such Impacts

The Proposed Transportation Plan will authorize expenditure of approximately \$223 billion for transportation projects, including road construction and improvements that will provide additional road capacity and accommodate more vehicles. These projects will contribute cumulatively to the Bay Area's existing GHG load. In addition, implementing the Proposed Transportation Plan will result in increased GHG emissions during construction of the authorized projects, resulting in a significant cumulative impact on climate change. The DEIR should evaluate all the anticipated climate change impacts of GHG emissions from these actions, including emissions of black carbon from diesel-powered vehicles, as black carbon also contributes significantly to global warming.¹⁵

“Smart” land-use strategies can result in a reduction in vehicle miles traveled (“VMT”) over the long term, which in turn is critical to reducing GHG emissions from the transportation sector. Statewide, VMT increased approximately 35% from 1990 to 2007, and under a business-as-usual scenario, VMT is currently expected to increase another 20% by 2020.¹⁶ According to the California Energy Commission, if we do not slow this anticipated growth in VMT, the increase will completely nullify the other advances that the State is making to control transportation-related emissions, including lowering the carbon content of fuel.¹⁷

As the Air Resources Board notes, “[t]he key to addressing the VMT challenge is providing people with more choices through diversified land use patterns, greater access to alternative forms of transportation including transit, biking and walking, and creating cities and towns where people can live, work and play without having to drive great distances.”¹⁸ In addition, the way a transportation plan allocates funds among potential transportation projects can make a significant difference in the amount of transportation-generated GHG emissions in the future. The DEIR should discuss whether the Proposed Transportation Plan *maximizes* the use of available funds for public transit, alternative fuel vehicles, carpool, vanpool, rideshare, pedestrian and bicycle projects (including “Safe Routes to School” programs), and other measures that reduce VMT and/or GHG emissions.

¹⁵Black carbon is a strong absorber of solar radiation, and black carbon particles mixed with dust and chemicals in the air may be the second biggest contributor to global warming. (See California Air Resources Board, Health Effects of Diesel Particulate Matter pages 4-5, available at <http://www.arb.ca.gov/research/diesel/dpm_draft_3-01-06.pdf> [as of September 29, 2008].)

¹⁶Draft Scoping Plan Appendices page C-22.

¹⁷California Energy Commission, The Role of Land Use in Meeting California's Energy and Climate Change Goals, Final Staff Report (August 2007) pages 10, 18.

¹⁸ Draft Scoping Plan Appendices page C-22.

CEQA requires that an EIR evaluate the potential environmental impacts of an entire project, which in this context we believe represents the entire \$223 billion of authorized expenditures – not just the \$31.6 billion for projects MTC identifies as “discretionary,” but also the \$191 billion for projects identified as “committed,” projects included in the prior Transportation Plan but not yet constructed. The EIR for the prior Transportation Plan was prepared before AB 32, with its GHG-emission reduction goals, was enacted. The prior Transportation Plan and EIR also were adopted before the enactment of the federal act (effective August 2005) (SAFETEA-LU) that requires a Transportation Plan to address projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life”¹⁹ Finally, the California Transportation Commission (“CTC”) recently adopted the Addendum to the 2007 Regional Transportation Plan Guidelines, “Addressing Climate Change and Greenhouse Gas Emissions During the RTP Process;” this guidance also did not exist when the EIR for the prior Transportation Plan was adopted.²⁰

Accordingly, CEQA requires evaluation in the DEIR of climate change impacts both of the “committed” projects and the “discretionary” projects, and ways to eliminate or reduce such impacts. It also requires consideration of an alternative that, where feasible, eliminates from the Proposed Transportation Plan so-called “committed” projects that would contribute to adverse cumulative impacts on climate.²¹

The Proposed Transportation Plan includes projects that MTC has selected for funding with \$31.6 billion in “discretionary” funds. To select these projects, MTC stated it used a performance rating system to evaluate the projects’ anticipated effectiveness at meeting the region’s transportation goals. Among other things, the adopted goals include “climate protection,” and the “performance objectives” include reducing VMT and reducing emissions (including GHGs). We commend MTC for adopting these goals and objectives.

The Proposed Transportation Plan also includes an additional \$191 billion for projects that were authorized in the last Transportation Plan, which MTC refers to as “committed” projects. MTC indicates that the “committed” projects include about \$29 billion for transit and road expansion and \$162 billion to maintain the existing transportation system. We understand that the \$29 billion of “committed” projects for transit and roadway expansion have been proposed for inclusion in the new Transportation Plan without renewed evaluation of the relative need for, benefits of, or impacts of these projects vis-à-vis others, and regardless of how well they meet MTC’s identified goals and performance objectives. We urge MTC to rectify this omission with respect to the “committed” transit and roadway expansion projects (which reflect only 15% of the “committed” funding). MTC’s own research shows that achieving reductions in

¹⁹23 U.S.C. § 134(h)(1)(E).

²⁰It was adopted by the California Transportation Commission on May 29, 2008.

²¹If there is a contractual obligation or other overriding reason to complete a particular low-performing “committed” expansion project, the DEIR should discuss this.

GHG emissions consistent with the goals of AB 32 will be extremely difficult:²² this highlights the need for careful and complete evaluation of impacts on VMT and GHG emissions of *all* expenditures for road and transit expansion in the Proposed Transportation Plan.

MTC staff's analysis indicates that many of the "committed" expansion projects support only one, in some cases *none*, of the identified performance goals. If low-performing "committed" projects were eliminated where feasible to do so, funding would be available to cover transit shortfalls, particularly for BART, Muni, and AC Transit, which together carry 80% of the transit riders in the Bay Area.²³ If these shortfalls are not addressed, or if they are addressed through fare increases, as recently proposed,²⁴ ridership may fall, with a concomitant increase in GHG emissions. The DEIR should address the implications of the potential transit shortfalls on GHG emissions and whether those impacts could be reduced by using funds currently proposed to be allocated to low-performing "committed" projects. This would be consistent with the direction in the CTC's guidelines for addressing climate change in RTPs to "[c]onsider shifting transportation investments towards improving and expanding urban and suburban core transit, programs for walkability, bicycling and other alternative modes, transit

²²See Therese W. McMillan, Deputy Executive Director, Policy, Metropolitan Transportation Commission, presentation to California Transportation Futures Symposium (September 3, 2008), Transportation 2035: S.F. Bay Area - Targeting Health Through Environment, available at <http://www.dot.ca.gov/hq/tpp/offices/osp/presentations/McMillan,T.ppt> (as of September 30, 2008).

²³There is currently a projected \$19 billion shortfall in transit capital and operating needs for transit in the Bay Area over the life of the Proposed Transportation Plan, and a projected \$4.2 billion shortfall in BART core capacity improvements. (See Commission Meeting presentation (July 23, 2008), Transportation 2035: Financially Constrained Investment Plan, page 22, available at http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1116/T2035_Recommendations_short_v.3.ppt [as of October 1, 2008].) These figures were generated before recent increases in public transit ridership due to high gasoline prices. The American Public Transportation Association reports more than a 5% increase in BART ridership in 2008. (See <http://www.apta.com/research/stats/ridership/index.cfm> [as of September 29, 2008].) Thus, the funding needs for existing transit service may well exceed these estimates.

²⁴See, e.g., *Consider congestion pricing for BART*, San Francisco Chronicle (September 15, 2008), available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/09/15/EDIJ12T13A.DTL&hw=BART+fare&sn=001&sc=1000> (as of September 30, 2008); Gordon, *BART considers higher fares*, San Francisco Chronicle (September 12, 2008), available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/09/12/MNS412SGBC.DTL&hw=BART+fare&sn=002&sc=491> (as of September 30, 2008), which noted that BART trains are currently near capacity in peak hours.

access, housing near transit, and local blueprint plans that coincide with the regional blueprint.”²⁵

The DEIR should also address, at a minimum, the following issues:

1. ***The impact of high-occupancy toll (“HOT”) lanes on carpooling, transit ridership, VMT, and GHG emissions.*** A principal benefit of the HOT lane network is savings in travel time for people driving alone (both in the HOT lane and in other lanes). Some commentators have expressed concerns about the effect of HOT lanes on “induced travel,” noting that “at the same time that some drivers are encouraged to stay away from congestion or higher peak-period tolls, others are drawn to use the HOT lanes because they are relatively less congested than other options.”²⁶ At least one expert panel has expressed concerns that a proposed increase in freeway lane miles for a “managed lane” network similar to the HOT lane network proposed here would “perpetuate auto-oriented development and reduce transit’s competitiveness.”²⁷

In recognition of these concerns, the DEIR should evaluate, for each corridor, the effect of (1) creation of a new lane to be used as a HOT lane, or (2) conversion of an existing HOV lane to a HOT lane, whichever is applicable, including any increase in the carpool requirement from 2 to 3 occupants,²⁸ on the following: (a) carpooling rates, (b) VMT, (c) induced travel (commuters, carpoolers, telecommuters, etc., who are thereby induced to start driving alone), and (d) long-term housing distribution patterns (i.e., “induced growth” of housing in areas

²⁵California Transportation Commission, Addendum to the 2007 Regional Transportation Plan Guidelines: Addressing Climate Change and Greenhouse Gas Emissions During the RTP Process (May 29, 2008) page 2 (emphasis added).

²⁶ Dahl, *The Price of Life in the Fast Lane* (2003) 111 *Envtl. Health Persp.*, Number 16, available at <<http://www.ehponline.org/members/2003/111-16/spheres.html>> (as of September 30, 2008), citing the director of the Bridge Tolls Advocacy Project in New York.

²⁷See Independent Transit Planning Review Services December 2006 Final Report, prepared for the San Diego Association of Governments (December 2006) pages ES-5 and 3-32, available at <http://www.sandag.cog.ca.us/uploads/publicationid/publicationid_1274_6239.pdf> (as of September 30, 2008). The panel also observed, “Smart Growth efforts will likely be weakened by managed lanes’ alleviation of congestion and its encouragement of auto-oriented growth away from transit corridors.” (See *id.* at pp. 6-16.)

²⁸ The Bay Area High-Occupancy/Toll (HOT) Network Study Final Report notes that implementing HOT lanes will likely require increasing carpool occupancy requirements. MTC, Bay Area High-Occupancy/Toll (HOT) Network Study Final Report (September 2007) page 7.

where HOT lanes can be used to commute to employment centers).²⁹ The DEIR should provide both short-term and long-term evaluation of the environmental impacts/benefits of the HOT lane network. In particular, the EIR should evaluate the potential effects of induced travel where the freeway is expanded to create a HOT lane.³⁰

2. ***The effect on GHG emissions of different prioritizations of uses of HOT lane revenues.*** MTC recently adopted “HOT Network Implementation Principles” that indicate HOT lane revenues will be used “to finance and construct the HOT network” and “provide transit services and improvements in the corridors.” However, it is not clear when *any* excess revenues will be generated from the HOT lane network, and what the priority will be for investment of such revenues. We understand that, if completing the area-wide HOT lane network is the priority use for HOT lane revenues, the anticipated benefits of excess revenue from the HOT lane network would not accrue to public transit until the network is completed in 2025. The EIR should disclose the anticipated timing and amount of excess revenues (i.e., revenues not need to cover network expenses), and

²⁹The California Department of Transportation’s (“Caltrans”) own guidance for preparing an EIR recognizes the need to evaluate how a project will influence growth. (See Caltrans, EIR/EA Annotated Outline (April 2008) pages 37-39, available at http://www.dot.ca.gov/ser/downloads/templates/eir_ea_SER.doc [as of September 30, 2008]; Caltrans, Guidance for Preparers of Growth-related, Indirect Impact Analyses (May 2006), available at http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm [as of September 30, 2008].)

³⁰ The Superior Court for the County of Sacramento recently invalidated Caltrans’s EIR for an HOV lane project in Sacramento, in part because it did not adequately evaluate the impacts of induced travel. (See *Environmental Council of Sacramento v. Caltrans* (July 15, 2008, 07CS00967) <http://nastsacramento.blogspot.com> [as of September 29, 2008].) There are numerous reports and studies on the “induced travel” impacts of new freeway lanes and recommended methods of analysis. (See, e.g., U.S. Department of Transportation Federal Highway Administration, *Induced Travel: Frequently Asked Questions*, available at <http://www.fhwa.dot.gov/Planning/itfaq.htm> [as of September 30, 2008]; Cervero & Hanson, *Induced Travel Demand and Induced Road Investment* (2002) 36 J. Transp. Econ. & Pol’y, Part 3, pp. 469-490; Litman, *Generated Traffic and Induced Travel: Implications for Transport Planning* (September 17, 2007), available at <http://www.vtpi.org/gentraf.pdf> [as of September 30, 2008]; Litman, *Smart Transportation Investments: Reevaluating the Role of Highway Expansion for Improving Urban Transportation* (October 6, 2006), available at http://www.vtpi.org/cong_relief.pdf [as of September 30, 2008]; Cervero, *Road Expansion, Urban Growth, and Induced Travel: A Path Analysis* (Spring 2003) 69 APA Journal, No. 2, pp. 145-163; Noland, *Relationships between highway capacity and induced vehicle travel* (2001), 35 Transp. Res. Part A: Policy and Practice, Issue 1, pp. 47-72.)

should compare the anticipated effect on GHG emissions of this planned prioritization of the use of these revenues to the anticipated effect on GHG emissions of an alternative that applies a significant percentage of HOT lane revenues to unfunded transit needs as the revenue is generated (rather than after the HOT network is completed). In particular, the EIR should evaluate the benefits of using HOT lane funds for transit improvements that would maintain and increase transit ridership in the completed HOT lane corridors.³¹

3. ***The projected effects of the different alternatives on VMT and GHG emissions.*** In addition, the DEIR should provide and evaluate at least one alternative designed to maximize the reduction of GHG emissions. As you are aware, there are many policies and/or projects that MTC could consider to help achieve this goal, some of which it is already considering and could fund at a significantly higher level. While this letter is not intended to provide a complete list, some of the possibilities include the following: focus on eliminating transit shortfalls; increase service capacity to meet increased demand for public transit in core urban areas; increase funding for transportation infrastructure to serve infill and mixed use development located near employment centers and provide incentives for such development; increased incentives for use of public transit, ridesharing and carpools; and expanded public transit frequency of operation.
4. ***Green Construction Policy.*** To further reduce the impact of the projects in the Proposed Transportation Plan on air quality and climate change, the EIR should evaluate the effect of including a mandatory “green construction” policy. Such a policy could require, for example,
 - use of an emissions calculator in the planning of every construction project, one that uses the proposed equipment fleet and hours of use to project nitrogen oxides, particulate matter, and carbon dioxide emissions, then quantifies the reductions achievable through the use of cleaner/newer

³¹ The way the revenue is used could impact the effectiveness of HOT lanes. (See Dahl, R., *The Price of Life in the Fast Lane* (December 2003), 111 Environmental Health Perspectives, Number 16, available at <<http://www.ehponline.org/members/2003/111-16/spheres.html>> [as of September 29, 2008], citing the transportation director of Environmental Defense, who stated that “[t]he key element for truly effective congestion pricing [] is dedication of HOT lane fees to public transit and public health purposes in the same transit corridor.”) Along similar lines, the California Air Resources Board’s Draft Scoping Plan identifies congestion pricing as a GHG-reduction measure under consideration, emphasizing that the GHG emission reductions would come from “relief of severely congested traffic, some reduction in vehicle travel, and from the investment of funds in transit infrastructure that would provide additional transportation options during congested hours.” (Draft Scoping Plan p. 38 [emphasis added].)

equipment;³²

- that all off-road construction vehicles be alternative fuel vehicles, or diesel-powered vehicles with Tier 3 or better engines or retrofitted/repowered to meet equivalent emissions standards as Tier 3 engines;³³
- use of the minimum feasible amount of GHG-emitting construction materials (cement, asphalt, etc.);³⁴
- use of cement blended with the maximum feasible amount of flyash or other materials that reduce GHG emissions from cement production;
- use of lighter-colored pavement with increased reflectivity, which reduces the “heat island” effect;
- recycling of construction debris to maximum extent feasible;
- planting of shade trees in or near construction projects where feasible.

Finally, the DEIR also should consider feasible measures to mitigate and/or reduce emissions of criteria pollutants (including black carbon and other particulate matter) from diesel buses, such as requiring retrofitting of diesel buses with particulate traps, replacing diesel buses

³²The calculator used in the Sacramento Metropolitan Air Quality Management District’s program is available at <<http://www.airquality.org/ceqa/index.shtml#construction>> (as of September 29, 2008).

³³Similarly, the South Coast Air Quality Management District has called for the State, in selecting projects that will be funded from Proposition 1B, to impose a condition that requires “use of lowest emitting construction equipment and fuels available.” (South Coast Air Quality Management District Res. No. 07-07 (April 6, 2007), “Resolution Expressing Conditions for Funding Projects with Proposition 1B Funds in the South Coast District.”)

³⁴A new production method known as “warm-mix” asphalt technology that significantly reduces GHG emissions during application may prove to be a feasible alternative road paving material. (See Moore, *Warm-Mix Asphalt (WMA) Potentially Can Provide Important Benefits for Paving Contractors, Reduce Fuel Costs and Diminish Green-House Gases*, Construction Equipment (March 1, 2007), available at <<http://www.constructionequipment.com/article/CA6421459.html>> [as of September 29, 2008]. Warm-mix asphalt was used successfully in Yellowstone National Park in August 2007, and, this fall, Logan International Airport in Boston will become the first in the U.S. to pave a runway with the new asphalt mix. (See “Green” Asphalt Saves Energy and Reduces Greenhouse Gas Emissions (August 6, 2008), available at <http://fypower.org/news/email_story.html?post_id=3165> [as of September 29, 2008]).

with the lowest-emitting available alternative fuel buses, requiring that all new buses have the lowest level of emissions feasible, and planting particulate-absorbing trees near freeways and busy streets. Emissions of these pollutants is a critical health issue for the region, which does not meet attainment standards for ozone and particulate matter.³⁵

Global warming presents California with one of its greatest challenges to date. MTC has the opportunity to take steps to address the problem of climate change constructively, while educating the public and decision-makers. We urge MTC to meet the challenge with the Proposed Transportation Plan and DEIR. Please do not hesitate to contact us if the Attorney General's Office can be of any assistance.

Sincerely,

/S/

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³⁵See generally, e.g., California Air Resources Board, Health Effects of Diesel Exhaust, available at <http://www.oehha.org/public_info/facts/dieselfacts.html> (as of September 29, 2008); California Air Resources Board, Draft Diesel Particulate Matter Health Risk Assessment for the West Oakland Community (March 19, 2008), available at <<http://www.arb.ca.gov/ch/communities/ra/westoakland/westoakland.htm>> (as of September 29, 2008); and the Bay Area Air Quality Management District's air quality summaries, available at <http://www.baaqmd.gov/pio/aq_summaries/index.htm> (as of September 29, 2008).