June 13, 2018

TO: Board of Directors

FROM: AMBAG Staff

SUBJECT: Materials on 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy Submitted after the Close of the Public Comment Period

Attached to this memorandum are four new emails that were submitted to AMBAG after the close of the Draft 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Draft Environmental Impact Report (EIR) public comment period and after the posting of the June 13, 2018 AMBAG Board of Directors agenda.

The attached comment emails were submitted by:

- Rick Longinotti, Campaign for Sustainable Transportation, June 7, 2018
- Jack Nelson, June 10, 2018
- Dana Bagshaw, June 11, 2018
- Rick Longinotti, Campaign for Sustainable Transportation, June 12, 2018

The comments do not raise substantive environmental issues about the adequacy of the EIR. The comments and these responses do not present significant new information that would trigger Draft EIR recirculation under CEQA Guidelines Section 15088.5. The issues raised have generally already been addressed in the 2040 MTP/SCS, the EIR, responses to comments on these documents, and the CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP). AMBAG staff has provided the following responses to the comments below.

Response to Mr. Longinotti Email dated June 7, 2018

Comments from Mr. Longinotti requested additional detail regarding enforcement of mitigation measures to reduce VMT. These comments refer to Mitigation Measure T-5, Project-Level VMT Analysis and Reduction. In response, note that the EIR MMRP indicates that implementing agencies and project sponsors will be responsible for implementing and enforcing this mitigation measure. Mitigation Measure T-5, including its preamble, should be read in its entirety. The preamble states that for “land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following mitigation measure.” Mitigation Measure T-5 is a voluntary “can and should” mitigation recommendation.
The MMRP (p.1) states that:

“AMBAG, TAMC, SBtCOG and SCCRTC have lead agency status; and therefore, authority to enforce mitigation measures for projects for which they have discretionary authority. However, AMBAG, TAMC, SBtCOG and SCCRTC do not have authority to require recommended mitigation measures be implemented by other implementing agencies (e.g., Caltrans, counties, cities, transit agencies, etc.) that will be lead agencies for future transportation and land use development projects.”

Further, the MMRP (p. 51) also states that:

“For transportation projects under their jurisdiction, TAMC, SBtCOG and SCCRTC shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the 2040 MTP/SCS program where applicable for transportation projects that would increase the capacity of a roadway. For land use projects under their jurisdiction, the cities and counties in the AMBAG region can and should implement the following mitigation measure. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.”

Therefore, there is no conflict between the text of Mitigation Measure T-5 and the MMRP, as the comment suggested.

Response to Mr. Nelson Email dated June 10, 2018

Mr. Nelson’s comments regarding the appropriateness of adopting of a Statement of Overdoing Considerations will be considered by the AMBAG Board of Directors prior to taking action on the 2040 MTP/SCS.

In preparing an MTP/SCS that meets SB 375 passenger vehicle GHG reduction targets, AMBAG is complying with its applicable legal requirements to help reduce GHG emissions. There is no legal requirement that the AMBAG region’s MTP/SCS achieve GHG emission reductions proportional to State reductions called for by AB 32, SB 32 and EO-S-3-05. CARB’s 2017 Scoping Plan presents the State’s strategy to achieve these State GHG reduction goals, and does not call for proportional reductions in each region.

The CEQA Findings of Fact, (p. 47) states for Impact GHG-4 that:

“The AMBAG Board of Directors finds this mitigation measure is within the responsibility and jurisdiction of cities and counties, which can and should adopt it. Implementation of Mitigation Measures E-2(b) and GHG-4 would reduce GHG emissions from land use projects by reducing energy and water demand. However, implementation of project level GHG-reducing measures may not be feasible and cannot be guaranteed on a
project-by-project basis. Additionally, it is unlikely that an increase in annual GHG emissions above existing conditions could be avoided in 2040, due to factors unrelated to discretionary approvals, such as population growth in the region. The AMBAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The AMBAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.”

Response to Ms. Bagshaw Email dated June 11, 2018

Ms. Bagshaw’s comments underscore the same comments submitted by Mr. Nelson in his email dated June 10, 2018. In response, AMBAG’s MTP/SCS is complying with its applicable legal requirements to help reduce GHG emissions. Please see responses to Mr. Nelson’s email.

Response to Mr. Longinotti Email dated June 12, 2018

Mr. Longinotti forwarded a letter sent to the California Air Resources Board/California Transportation Commission (CARB/CTC) dated June 4, 2018 regarding concerns about the implementation of SB 375. Mr. Longinotti claims that RTPs prepared in regions such as AMBAG are showing increases in VMT and have a negligible effect on reducing GHG emissions, but yet still meet the requirements of SB 375. The letter was directed to CARB/CTC for a direct response, but Mr. Longinotti’s email also requested that the AMBAG Board discuss what can be done to improve the MTP/SCS so it makes a significant contribution to GHG reduction.

As stated in previous responses to comments, by preparing an MTP/SCS that meets SB 375 passenger vehicle per capita GHG reduction targets, AMBAG is complying with its applicable legal requirements to help reduce GHG emissions. There is no legal requirement that the AMBAG region’s MTP/SCS achieve steep GHG emission reductions proportional to State reductions called for by SB 32 and EO-S-3-05. CARB’s 2017 Scoping Plan presents the State’s strategy to achieve these State GHG reduction goals, and does not call for proportional reductions in each region.

Implementation of a 2040 MTP/SCS alternative that substantially reduces mobile source GHG emissions is considered infeasible because such an alternative would likely require major changes in land use policies, parking policies, transit funding, road pricing and vehicle fuels and technology that are beyond AMBAG’s authority to implement. Such changes may occur in the future and be reflected in future versions of the MTP/SCS. CARB’s 2017 Scoping Plan (p. 75) states that:

“While most of the GHG reductions from the transportation sector in this Scoping Plan will come from technologies and low carbon fuels, a reduction in the growth of VMT is
also needed. VMT reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this Plan. Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward this goal, but alone will not provide all of the VMT growth reductions that will be needed. There is a gap between what SB 375 can provide and what is needed to meet the State’s 2030 and 2050 goals.”

HAD

Attachments:

1. Rick Longinotti Email dated June 7, 2018
2. Jack Nelson Email dated June 10, 2018
3. Dana Bagshaw Email dated June 11, 2018
4. Rick Longinotti Email dated June 12, 2018
Hi Heather,

I’m confused about the mitigation implementation. Can you help me understand one point? Under Mitigation T-5 it says that where land use projects result in significant VMT, “implementing agencies shall identify and implement measures that reduce VMT... Implementing agencies for land use projects include cities and counties.”

This seems to contradict the third paragraph of the Mitigation Monitoring and Reporting Program where it says that AMBAG, etc. “do not have the authority to require recommended mitigation measures be implemented by other implementing agencies (eg. Caltrans, counties, cities, transit agencies, etc.) that will be lead agencies for future transportation and land use development projects.”

Does AMBAG have the authority to require cities and counties to implement Mitigation T-5 for land use projects? If so, should the third paragraph be edited so that there are no misinterpretations?

Thanks,
Rick

On May 31, 2018, at 10:00 AM, Heather Adamson <hadamson@ambag.org> wrote:

Yes, the agenda for the Board meeting is usually posted the Friday before the Wednesday meeting so most likely on June 8th.

From: Rick Longinotti
Sent: Thursday, May 31, 2018 9:52 AM
To: Heather Adamson
Subject: Re: mitigation for VMT

Hi Heather,
Will the staff response be available in advance of the meeting in an agenda report?
Thanks,
Rick

On May 31, 2018, at 9:21 AM, Heather Adamson <hadamson@ambag.org> wrote:

Rick-

I did receive your email and both the comment and the staff response will be presented at the AMBAG Board meeting on June 13, 2018.
Hi Heather,
I had trouble with my email last week and I’m not sure if you received it. -Rick

Hi Heather,
I was pleased to see the new language in the Final EIR that requires transportation projects that increase VMT to implement measures to reduce VMT. Thanks for your part in developing this mitigation!

I’m wondering how AMBAG will enforce this mitigation?
What level of VMT reduction will be required compared to the estimated VMT increase due to the roadway expansion?
Will the mitigation require VMT-reducing projects that have not already been programmed, i.e., additional to programs in the Regional Transportation Plan? Once AMBAG adopts the RTP/SCS in June, will projects currently under environmental review (like the Highway 1 expansion in Santa Cruz County) be required to include this mitigation?
I’m curious if you modeled the mitigation on other regions.

Thanks!

-Rick

Campaign for Sustainable Transportation
http://SustainableTransportationSC.org
Friendly greetings, Santa Cruz County Regional Transportation Commission, and AMBAG Board:

I must call your attention to the “Statement of Overriding Considerations" in the RTC’s June 14, 2018 agenda packet, and in AMBAG’s June 13 agenda packet, related to certification of the Final EIR for the 2040 Regional Transportation Plan and the 2040 Metropolitan Transportation Plan. I provide you the relevant page citations below.

My question: What “Overriding Considerations” can ever justify not doing our full part to save civilization from ruinous climate destabilization? Your staff report recommends you accept an acknowledged climate-action failure.

Is it troubling to you, friends and leaders, to effectively say that transportation business-as-usual, including ongoing, incremental expansions of highways and freeways, is more important than taking care of the climate we all depend on?

Are we (well, you) formally saying together as rational human beings, it is infeasible to save ourselves from ourselves?

The details:

1. RTC, June 14, 2018 meeting agenda, item #24:

On page 71-72 of Attachment 2 (packet pdf-page 375), for agenda item #24 about the 2040 RTP, we encounter a list of 25 significant impacts from carrying out the 2040 RTP. Items 14 and 25 in that list acknowledge that the RTP “Project” will grow vehicle miles travelled and will conflict with California’s ability to achieve the State's AB 32 and SB 32 GHG emission reduction goals. This is wrong to accept, people. Isn’t it wrong to wreck the world? But the staff report recommends you adopt the 2040 RTP, and presumes that at AMBAG’s meeting the previous day, the AMBAG Board will also adopt under CEQA the proposed Statement of Overriding Considerations and certify the related Final EIR for the MTP and RTP.

2. AMBAG June 13, 2018 meeting agenda, packet page 173 (page numbers as shown on page footer):

This shows the same Statement of Overriding Considerations, proposed for AMBAG Board approval. Again, admitting a fail on climate action. Scrolling back, packet page 98 gives the proposed AMBAG resolution, approving the Statement of Overriding Considerations and certifying the Final EIR.
Leaders, it is long past time to take a better way than this. It is up to you to speak up.

Sincerely,

Jack Nelson
Land Use Planner and Environmental Planner, retired
Santa Cruz, CA
I'd like to underscore what Jack Nelson said. Our overriding consideration, our number one priority, should always be reduce to greenhouse emissions, causing harm to our planet and our people. No exceptions. We look to you, our transportation experts and elected officers, for leadership in this action. Please help us.

Dana Bagshaw

Santa Cruz resident
Dear Ms. Twomey,

Attached is a letter that I sent from the Campaign for Sustainable Transportation to the Air Resources Board calling their attention to the fact that the AMBAG Metropolitan Transportation Plan and Sustainable Communities Strategy is estimated by the AMBAG EIR to play an insignificant role in reducing greenhouse gas emissions by 2040.

I request that you frame a question for Board discussion, “If the 2040 GHG transportation emissions under the MTP/SCS are virtually equivalent to the 2040 emissions under the No Build Alternative, what can we do to improve the MTP/SCS so that the plan would make a significant contribution to GHG reduction?”

The second issue is that the modeling projecting a significant GHG reduction in 2040 is incongruent with the projection for a significant increase in vehicle miles traveled. This is not a criticism of AMBAG or its staff. Rather, it is a wake-up call of statewide significance. It suggests that Metropolitan Planning Organizations are meeting their mandated targets for GHG reduction according to modeling, but that such estimated reductions can’t be explained in the real world.

My request is that you share this email with the AMBAG Board and recommend that the Board send a letter to the Air Resources Board, calling attention to the breakdown in implementation of SB 375.

Thank you,

Rick Longinotti
Campaign for Sustainable Transportation
June 4, 2018

California Air Resources Board
California Transportation Commission

Dear Board Members and Commissioners,

I’m writing to call your attention to a serious defect in the implementation of SB 375. Secondly, I want to tell you about a step taken by the Association of Monterey Bay Area Governments (AMBAG) to reduce vehicle miles traveled. The AMBAG step should be emulated statewide.

In the case of one region, and probably many more, the requirement of SB 375 that regional Metropolitan Transportation Plans and Sustainable Communities Strategies (MTP/SCS) achieve a reduction in greenhouse gases is not being met. The MTP/SCS prepared by AMBAG for adoption at their June 13th meeting has a negligible effect on reducing GHG’s. According to the EIR on the plan, GHG emissions in 2040 will be just 0.3% lower with the MTP/SCS than with the No Build Alternative.1 This is certainly not the intent of SB 375.

Nevertheless, the AMBAG region meets the requirements of SB 375 because under both the Plan and the No Build Alternative, GHG emissions from transportation are estimated to drop 22% by 2040 from the 2015 baseline. The calculation of these emissions reductions are not supposed to include statewide measures such as fuel efficiency mandates. Accordingly, the Final EIR reports that, “per capita GHG emissions presented in the Draft EIR did not factor in State programs that improve vehicle emission standards, changes in fuel composition, or other State measures that reduce GHG emissions”.

This begs the question. How can VMT go up by 24%, yet GHG’s from transportation go down by 22%? The Final EIR offers no explanation other than describing how the modeling of GHG emissions works.

Without an explanation that makes sense in the real world, it is difficult to trust the methodology. Since the modeling that AMBAG uses is not unique, I suggest that this is a statewide problem. I recently came across a letter to the San Joaquin Council of Governments that raises the same issue of estimates for lower GHG’s that don’t correspond with reductions in VMT, “We would like to see stronger VMT reductions

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1 Draft EIR on AMBAG MTP/SCS Table 32
2 Draft EIR on AMBAG MTP/SCS p 373
that better align with the plan’s GHG reduction emissions or better transparency to understand why the VMT decline is smaller than the GHG reduction emissions.”

If the AMBAG experience is prevalent across the state, VMT is continuing to climb, and inexplicably, regions are estimating that they will meet their GHG reduction targets.

I request that the Transportation Commission and the Air Resources Board ask for an independent review of the modeling by Metropolitan Planning Organizations in order to resolve the discrepancy between vehicle miles traveled and GHG emissions. (SB 375 places the responsibility on the Transportation Commission and the Air Resources Board for guiding travel demand models.)

On a brighter note, AMBAG has created a mitigation requiring that transportation agencies that build projects that increase roadway capacity and potentially significant levels of vehicle travel must “implement measures that reduce VMT”. The Air Resources Board should mandate all regions to take up this AMBAG mitigation.

Thank you for your consideration,

Rick Longinotti, Co-chair

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3 Letter from Catholic Charities, Diocese of Stockton; ClimatePlan; et al 4/30/2018
4 14522.1.(a) (1) The commission, in consultation with the department and the State Air Resources Board, shall maintain guidelines for travel demand models used in the development of regional transportation plans by federally designated metropolitan planning organizations.
5 AMBAG MTP/SCS Final EIR, p F-7 “Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high occupancy vehicle lanes; and implementing or funding off-site travel demand management.”