COMMUNITY INPUT

PUBLIC PARTICIPATION AND CONSULTATION

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

CONNECT SoCal

APPENDIX 3D

COMMENT LETTERS S - W
ADOPTED ON SEPTEMBER 3, 2020

PUBLIC PARTICIPATION AND CONSULTATION

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Bill Jahn, President
Regional Council
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

January 24, 2020
RE: Comments on Connect SoCal 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy

Dear President Jahn,

Thank you for providing the opportunity to provide comments on the Connect SoCal 2020 update. The undersigned organizations have worked together in collaboration and we submit a joint letter for your consideration. Many of us have participated in Connect SoCal's Regional Transportation Plan (RTP) Sustainable Communities Strategy (SCS) update process through various working groups, workshops, policy committees, regional council meetings and one-on-one meetings with staff. We have been engaged in the process because we understand regional planning helps create a blueprint for shaping the region's future. We recognize that updating the RTP/SCS requires a tremendous amount of effort on a regional scale. Southern California has a vast amount of diverse geographic areas with various opportunities and challenges. We need a regional plan that provides policy solutions to our affordable housing crisis, safe options to walk and bike in our communities, and jobs in the local communities. Furthermore, we need a regional plan that addresses current and future climate change impacts for the most vulnerable communities.

Therefore, our joint letter is made of organizations who are invested in advocacy efforts throughout all of Southern California and are keeping the pulse of emerging planning needs from the desert to the sea. We present our comment letter in two main sections. First, we examine elements in the plan that we support. Second, we identify areas of improvement and provide policy recommendations under specific issue areas.

Connect SoCal elements we support:

1. **Funding Community Based Organizations (CBO) for RTP/SCS outreach:** We support SCAG's efforts to contract with community based organizations to lead Connect SoCal outreach. We support the practice of paying CBO's for outreach work as trusted partners. We also hope that SCAG expands this model for other outreach needs, including working group member participation and technical assistance.

2. **Inventory of Active Transportation Plans:** Appendix 2 of 6 in the active transportation report includes an inventory of city level, county level and multi-jurisdictional plans. This list of plans is extremely useful in that it allows advocates and community members to track the progress of the plans. Another useful tab would be to include information such as an agency website, where stakeholders can find more information on the plan itself. We applaud the effort of coordinating with jurisdictions to identify all plans that are in progress or are being developed within the region.

3. **Improvement of public health data & *Health in All Policies* approach:** We are pleased to see the social determinants of health incorporated in the plan, especially in the public health report. This framework provides a critical perspective to develop policies that will positively impact health outcomes in our region.

4. **Emphasis on non-infrastructure investments like Go Human and Safe Routes to School (SRTS) programs:** The plan elevates non-infrastructure programmatic projects like Go Human and SRTS as public educational opportunities. Go Human and SRTS are model avenues in which the public can learn more about active transportation options in their community and be engaged in the process. We applaud the inclusion of these

programs as good examples more jurisdiction should participate in. We encourage SCAG to expand their role in SRTS programs by initiating partnerships between Go Human and SRTS efforts in the region. More SRTS demonstration projects supported by Go Human's efforts are a key way that jurisdictions can grow their capacity around safety.

5. **The inclusion of the Environmental Justice (EJ) Toolbox and the EJ report performance indicators:** The EJ working group provided comments on the EJ toolbox and we are pleased to see many of the comments included in the report. The EJ toolbox contains a strong list of policy options for jurisdictions to adopt. We also appreciate the inclusion of the EJ report performance indicators, as it makes it easier to see how EJ-related issue areas (such as active transportation hazards, climate resilience, accessibility to parks/open spaces) will impact particular elements of a general plan. Although not to be substituted for an EJ element, performance indicators help remind jurisdictions to incorporate EJ considerations throughout a general plan.

Connect SoCal elements that can be improved and strengthened in the 2020 update:

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Active Transportation & Transit

3. **Increased investment in active transportation projects:** In terms of dollar amounts for active transportation investments, investments have doubled from the previous RTP/SCS. However, the proposed dollar investment percentage only adds up to 3.5% of the budget. The proposed percentage of investment makes it nearly impossible to achieve mode shifts. This proposed investment does not allow our region to meet our SB 375 targets. Given our region's climate goals, we cannot continue to rely on auto travel and need to shift more people to walking, biking, and transit. More aggressive investments would support mode shifts that would make it safer and easier to walk, bike and take transit. Instead, we recommend SCAG commit to investing 5% of the plan's budget to active transportation. By investing 5% into active transportation projects, we can fill the funding and infrastructure gaps in places that have active transportation plans

but cannot fund projects. The budget outlined in the plan also shows a breakdown of investments in programming. We recommend prioritizing investments towards projects that include complete streets elements as well as bike and pedestrian improvements in EJ/communities of concern and communities that have high per-capita affordable housing targets under the next Regional Housing Needs Allocation cycle.

4. **Assure that investments in active transportation projects will not result in increased policing:** As stated above, we are excited to see investments reflect needed improvements for biking, walking, and public transportation. However, given the concentration of high-risk streets in low-income neighborhoods of color, we also demand that those dollars not be spent on policing but on genuine evaluation, engineering, education, and engagement efforts that shift the dynamics from car-centric travel to a diverse range of safe options. Part of ensuring this safety is reducing police interactions with vulnerable community members.

5. **The plan should include a community engagement checklist and elevate universal design principles for active transportation projects:** We recommend that active transportation projects funded by SCAG grants should meet a checklist of community engagement standards, as well as universal design principles. SCAG should establish community engagement standards that ensure outreach includes diverse underserved populations and are language accessible. We also recommend that SCAG prioritize investing in projects that adopt universal design standards. Universal design principles ensure projects include accessibility features for all types of users, including users with disabilities. SCAG can also provide policy recommendations on how to incorporate universal design principles in projects that go beyond the minimum ADA requirements for sidewalks.

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Environmental Justice

7. **SCAG needs to prioritize funding environmental justice plans, including climate resiliency plans for DACs and the SB 1000 EJ element:** As mentioned above, the inclusion of the EJ toolbox is a step in the right direction to help agencies address climate change impacts. Although the toolbox includes many strong policy recommendations, the toolbox fails to provide avenues for funding. In addition to providing a funding guide, SCAG needs to play a stronger role in providing technical support for plans related to environmental justice and resiliency plans in EJ areas. More agencies need funding and technical support to develop and implement such plans. SCAG should seek funds and invest in environmental justice planning support as well as climate resiliency plans. SCAG's Sustainable Communities Program would be a prime funding source that could support EJ projects.

8. **Connect SoCal should address park inequities for environmental justice areas and invest in safe routes to parks/transit to trails:** The EJ report documents that inequities of park access create challenges for communities of color and vulnerable populations like elders and children (p. 74). In the case study of access to the San Gabriel Mountains (SGM), SCAG found no transit and limited rail service to the monument. Furthermore, both maps (Exhibit 19: Minority Distribution Overlaid with Natural lands and Local Parks, and Exhibit 20: Low-income households with Natural Land and Local Parks) depict severe park inequities, especially in the Inland Empire and parts of South and East Los Angeles County. These tables are not easy to interpret but it does present a bleak picture of park access. The accompanying tables depict the majority of our region faces transit trips that are upwards of 45 minutes to local parks or natural lands. Given this data, SCAG should invest in studies similar to the SGM case study, invest in rapid transit/AT to parks projects, transit to trails programs, and develop a multi-jurisdictional strategy for park access. CBO's can play a big role in providing feedback on strategies for safe routes to parks that include transit and active transportation projects. Furthermore, SCAG should encourage non-infrastructure programs such as Safe Routes to School and Go Human include education and encouragement strategies for park accessibility.

9. **The Environmental Justice Technical Report should be more greatly aligned with other reports of the plan:** The Environmental Justice Technical Report should more explicitly align with other sections of the Plan that focus on equity. For example, the Public Health Technical Report focuses on the Social Determinants of Health yet these are barely mentioned in the Environmental Justice Technical Report. In order to promote greater coordination and collaboration between the practitioners and stakeholders who will ultimately be responsible for implementing this plan, these sections should be better aligned and reflect the data, strategies, goals and other elements identified in each section.

10. **The Environmental Justice Technical Report needs to elevate the hazards of warehouse freight fleet as one of the biggest threats to community health and safety:** We are concerned with the growing number of freight fleets on the road. Considering that diesel particulate matter impacts public health (especially for Inland Empire communities), the EJ report should be better aligned with other appendices. The framing of sustainable growth within the plan applauds the growth of goods movement as a job stimulator. Elevating goods movement within a sustainable growth plan is antithetical to our goals around GHG reduction, anti-displacement strategies, bicycle and pedestrian safety, and environmental justice. The following policy strategies seek to center EJ communities by prioritizing public health:
    a. **The environmental justice technical report needs to include better data on the health impacts from freight/cargo pollution:** The EJ report should include data on community impacts from freight, which should be sourced from partners like the South Coast Air Quality Management District. Additionally, the EJ and Goods Movement reports should include an inventory of existing and planned industrial land use areas that result in the increasing freight truck traffic and idling near surrounding communities, which affect pollution levels but also safety for biking and walking given higher volumes of heavy vehicles. Such an inventory would help advocates and public agencies work together to address impact from freight. Data can also help illuminate policy reasoning for zero emission freight

and why we should hold industry accountable to change to clean fleets. This recommendation is especially critical for the Inland Empire, who carries 51.4% of the share of freight networks (p. 15 of the Goods Movement Report).

b. **The plan should include a cost benefit analysis of warehouse/cargo industries and accompanying fleet/aircraft:** Job creation is often cited as reason for expanding warehouses, but no study has ever been conducted to do a cost-benefit analysis of health impacts and warehouse jobs. SCAG should fund a study conducted by an outside consultant to assess health impacts from freight pollution, workers' safety, and traffic safety from expanding warehouses against the benefit of job wages. SCAG's report says the Inland Empire has more low wage jobs than any other area in the region and the report also shows the IE has among the highest concentration of communities of concern and environmental justice areas. We believe a cost benefit analysis would show that expanding warehouses is bad business for community health and does more damage in perpetuating the cycle of poverty. This study should also look at the likelihood of these jobs becoming automated, which would result in even fewer jobs in exchange for the negative impacts.

Goods Movement

11. **Develop stronger traffic safety policy for autonomous cargo vehicles from the goods movement industry:** The plan points to trends for increasing technology for autonomous cargo and is likely to become an industry standard. The plan states "Easier goods delivery can reduce the need for additional trips on the individual level, but if not properly planned for, the use of the sidewalk and curb for goods movement could have negative impacts on active transportation needs (p. 53, AT report)." SCAG needs to develop stronger model policies that protect the safety of active transportation users in an increasingly automated world. We also recommend that this issue be a topic for an upcoming active transportation working group that includes goods movement staff.

12. **Include the consideration of public health and fair labor practices as a standard for the Goods Movement vision:** The Goods Movement report documents how Connect SoCal promotes the goods movement system vision (p. 6). The outlined vision prioritizes maximizing profit and does not consider mitigating or eliminating public health impacts nor does it consider fair labor practices. We recommend the following principles be added to the system vision:
    a. "The promotion of local and regional job creation and retention" principle should include community benefits agreements to ensure labor and public health standards. A community benefits agreement between industry and the surrounding community would allow community members an opportunity to voice their needs.

Public Health

13. **Incorporate and elevate the California Healthy Places Index in the plan:** The California Healthy Places Index, located at www.healthyplacesindex.org, is an increasingly significant resource for public health, social determinants of health and equity data for use by local, regional and State agencies across California. HPI is used in several statewide grant competitions including the Active Transportation Program and SCAG's own Sustainable Communities Planning Grants. Connect SoCal should elevate this model tool within the report overall to ensure jurisdiction can turn to the tool as a resource in their planning efforts, as well as the increasing number of State grant

programs using it as part of their selection criteria. For example, the public health report includes a mention of HPI on page 13, but without the use of data in any tables, maps or other visualizations like other datasets. We recommend adding HPI maps to strengthen the public health report as well as adding air quality HPI maps in the Environmental Justice report. Given the Plan's focus on the social determinants of health and health equity, we recommend incorporating HPI score maps, as well as maps of several of the indicators and decision support layers that represent the social determinants of health that are the focus of the Public Health Technical Report, such as housing (Housing Policy Action Area indicators), air quality (Environment Policy Action Area indicators), economic opportunity (Economic Policy Action Area indicators) and Climate Change (Climate Vulnerability decision support layers). We also recommend adding tables with additional public health information available in HPI to the Technical Report. This will ensure that the implementers of this Plan have a wide range of information available as they consider public health and health equity impacts of their decision-making in the region.

Climate change

14. **Elevate the discussion of climate change:** We are pleased to see an elevated focus on climate change compared to the last RTP/SCS plan. Climate change will be an increasingly important topic that jurisdictions will need to address. We are concerned that climate change impacts will have a disproportionate impact on communities of color, rural, under resourced, the elderly and children. We recommend the following actions to elevate climate change:
    - **a.** We recommend that SCAG consider creating a standalone Technical Report devoted to Climate Change in order to provide specific data and strategies for addressing climate change in the SCAG region. Review and incorporation of jurisdiction climate action plans, climate adaptation plans, and/or sustainability plans may help guide the development of a Climate Change Technical Report. In addition, the discussion of climate change focuses on a narrow set of climate-related events such as wildfires and sea level rise. These discussions could benefit from a broader focus on climate adaptation and resilience, especially how they relate to the changing demographics of the region.
    - **b.** In the Public Health Technical Report under the Climate Change Expanded Analysis Section there should be greater emphasis on the importance of active transportation and public transit accessibility as a community climate resilience and health equity strategy, not solely as a climate mitigation strategy (via VMT reduction). Additionally, we recommend the inclusion of an analysis of the potential cost savings of more resilient active transportation and public transit systems in the projected climate scenarios.
    - **c.** In order to further address the nexus between public health, regional transportation plans, and climate change, we recommend explicitly addressing the public health risks of active transportation modes during extreme heat events, poor air quality days, and wildfire season. Similarly, we recommend including consideration of the importance of transportation needs, especially evacuation protocols, of vulnerable populations (e.g. elderly, disabled, socially isolated) during a climate- related event.
    - **d.** In order to increase the emphasis on climate adaptation and resilience, we recommend including current regional, local, and community-based climate resilience efforts within the Existing Conditions section, specifically the sub-sections that are directly related to climate change (e.g. Access to Parks and

Open Space, Air Quality, Smoke and Wildfires, etc.). Similarly, we recommended the inclusion of more specific data related to the disproportionate burden faced by low-income and communities of color due to current and future climate impacts (e.g. poor air quality, asthma rates, homes in inundation areas, etc.).

e. We applaud the thoughtful consideration of the plan implementation strategies and actions. We propose the inclusion of HPI as a strategic tool to further Strategy 2, Action D. In order to advance the goals of Strategy 2 for Local Jurisdictions and Partners, and Strategies throughout the Plan and Technical Reports, we recommend including explicit language about providing financial support to community-based partners and community members for their engagement in stakeholder meetings and coalitions throughout the continued refinement, implementation, and evaluation of the Plan.

Connect SoCal Data

15. **Improve data collection:** Data collection is a critical avenue for jurisdiction to analyze current and projected planning needs. We recommend the following strategies and considerations to improve data collection:
    - **a.** We applaud the inclusion of Safety and Health measures in the overall Plan Performance measures, particularly the "Daily amount of walking and biking related to work and non-work trips" and the "Collision rates by severity and mode." We encourage cities and counties to collaborate with SCAG, Public Safety Departments, Caltrans, and Public Health Departments to improve the collection of data to track these metrics over time at a granular level. Data collection will be particularly important in tracking the impacts and benefits of the plan to Environmental Justice communities where greater numbers of residents are reliant on active transportation modes.
    - **b.** In order to provide more information and context to local jurisdictions, we recommend including additional data and evaluation strategies related to the impacts of active transportation, including; an analysis and model of the safety impacts of active transportation; a return on investment analysis for investments in active transportation infrastructure and technology; and a recommendation to systematically install automated counters along bike paths and other active transportation thoroughfares.
    - **c.** We also urge SCAG to establish more meaningful targets for many of the goals in the Plan other than "improvement over baseline." While the Plan touts the benefits of making the proposed transportation investments, this Plan covers a long range of time where more ambitious targets could be established and strived for by SCAG and its member cities and counties. The target-setting process for the Federal Highway Administration's Safety Performance Measures was a good standard to follow and should be considered for other goals in the Plan, so we have greater accountability for meeting these goals. SCAG should also issue regular (at least every two years) reports identifying progress towards these targets.

16. **Connect SoCal plan should have an interactive data site:** The plan contains a rich amount of data ranging from public health, environmental justice, housing and active transportation. Much of the data is referenced from SCAG's GIS open data portal, however it is not an accessible interactive source for the public. We recommend a few strategies to help make this data become more digestible for public consumption:
    - **a.** Offer tutorials for how the public can engage with the GIS open data portal (A

potential group of interested parties could be CBOs who contributed in Connect SoCal community outreach, city and county staff).

b. Connect SoCal should have interactive features that showcase data used in the plan and that is easily downloadable for the public. At an EJ working group meeting, staff mentioned that an interactive data feature for the EJ report is a possibility. We recommend to expand this idea to include the Connect SoCal plan's other technical reports and solicit feedback on its accessibility from the working groups.

Again, thank you for the opportunity to submit comments for the Connect SoCal RTP/SCS 2020 update. We look forward to working with you and SCAG staff on the inclusion and implementation of these policy recommendations. We are available to discuss any of these recommendations further upon request. We look forward to the implementation of the best version of the Connect SoCal plan that ensures we are planning for healthier futures.

Respectfully,

Demi Espinoza
Senior Equity & Policy Manager
Safe Routes Partnership

Jesi Harris
Inspiring Growth Manager
People for Mobility Justice

John Yi
Executive Director
Los Angeles Walks

Chanell Fletcher
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Esther Rivera
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    a. **The environmental justice technical report needs to include better data on the health impacts from freight/cargo pollution:** The EJ report should include data on community impacts from freight, which should be sourced from partners like the South Coast Air Quality Management District. Additionally, the EJ and Goods Movement reports should include an inventory of existing and planned industrial land use areas that result in the increasing freight truck traffic and idling near surrounding communities, which affect pollution levels but also safety for biking and walking given higher volumes of heavy vehicles. Such an inventory would help advocates and public agencies work together to address impact from freight. Data can also help illuminate policy reasoning for zero emission freight

and why we should hold industry accountable to change to clean fleets. This recommendation is especially critical for the Inland Empire, who carries 51.4% of the share of freight networks (p. 15 of the Goods Movement Report).

b. **The plan should include a cost benefit analysis of warehouse/cargo industries and accompanying fleet/aircraft:** Job creation is often cited as reason for expanding warehouses, but no study has ever been conducted to do a cost-benefit analysis of health impacts and warehouse jobs. SCAG should fund a study conducted by an outside consultant to assess health impacts from freight pollution, workers' safety, and traffic safety from expanding warehouses against the benefit of job wages. SCAG's report says the Inland Empire has more low wage jobs than any other area in the region and the report also shows the IE has among the highest concentration of communities of concern and environmental justice areas. We believe a cost benefit analysis would show that expanding warehouses is bad business for community health and does more damage in perpetuating the cycle of poverty. This study should also look at the likelihood of these jobs becoming automated, which would result in even fewer jobs in exchange for the negative impacts.

Goods Movement

11. **Develop stronger traffic safety policy for autonomous cargo vehicles from the goods movement industry:** The plan points to trends for increasing technology for autonomous cargo and is likely to become an industry standard. The plan states "Easier goods delivery can reduce the need for additional trips on the individual level, but if not properly planned for, the use of the sidewalk and curb for goods movement could have negative impacts on active transportation needs (p. 53, AT report)." SCAG needs to develop stronger model policies that protect the safety of active transportation users in an increasingly automated world. We also recommend that this issue be a topic for an upcoming active transportation working group that includes goods movement staff.

12. **Include the consideration of public health and fair labor practices as a standard for the Goods Movement vision:** The Goods Movement report documents how Connect SoCal promotes the goods movement system vision (p. 6). The outlined vision prioritizes maximizing profit and does not consider mitigating or eliminating public health impacts nor does it consider fair labor practices. We recommend the following principles be added to the system vision:
    a. "The promotion of local and regional job creation and retention" principle should include community benefits agreements to ensure labor and public health standards. A community benefits agreement between industry and the surrounding community would allow community members an opportunity to voice their needs.

Public Health

13. **Incorporate and elevate the California Healthy Places Index in the plan:** The California Healthy Places Index, located at www.healthyplacesindex.org, is an increasingly significant resource for public health, social determinants of health and equity data for use by local, regional and State agencies across California. HPI is used in several statewide grant competitions including the Active Transportation Program and SCAG's own Sustainable Communities Planning Grants. Connect SoCal should elevate this model tool within the report overall to ensure jurisdiction can turn to the tool as a resource in their planning efforts, as well as the increasing number of State grant

programs using it as part of their selection criteria. For example, the public health report includes a mention of HPI on page 13, but without the use of data in any tables, maps or other visualizations like other datasets. We recommend adding HPI maps to strengthen the public health report as well as adding air quality HPI maps in the Environmental Justice report. Given the Plan's focus on the social determinants of health and health equity, we recommend incorporating HPI score maps, as well as maps of several of the indicators and decision support layers that represent the social determinants of health that are the focus of the Public Health Technical Report, such as housing (Housing Policy Action Area indicators), air quality (Environment Policy Action Area indicators), economic opportunity (Economic Policy Action Area indicators) and Climate Change (Climate Vulnerability decision support layers). We also recommend adding tables with additional public health information available in HPI to the Technical Report. This will ensure that the implementers of this Plan have a wide range of information available as they consider public health and health equity impacts of their decision-making in the region.

Climate change

14. **Elevate the discussion of climate change:** We are pleased to see an elevated focus on climate change compared to the last RTP/SCS plan. Climate change will be an increasingly important topic that jurisdictions will need to address. We are concerned that climate change impacts will have a disproportionate impact on communities of color, rural, under resourced, the elderly and children. We recommend the following actions to elevate climate change:
    - **a.** We recommend that SCAG consider creating a standalone Technical Report devoted to Climate Change in order to provide specific data and strategies for addressing climate change in the SCAG region. Review and incorporation of jurisdiction climate action plans, climate adaptation plans, and/or sustainability plans may help guide the development of a Climate Change Technical Report. In addition, the discussion of climate change focuses on a narrow set of climate-related events such as wildfires and sea level rise. These discussions could benefit from a broader focus on climate adaptation and resilience, especially how they relate to the changing demographics of the region.
    - **b.** In the Public Health Technical Report under the Climate Change Expanded Analysis Section there should be greater emphasis on the importance of active transportation and public transit accessibility as a community climate resilience and health equity strategy, not solely as a climate mitigation strategy (via VMT reduction). Additionally, we recommend the inclusion of an analysis of the potential cost savings of more resilient active transportation and public transit systems in the projected climate scenarios.
    - **c.** In order to further address the nexus between public health, regional transportation plans, and climate change, we recommend explicitly addressing the public health risks of active transportation modes during extreme heat events, poor air quality days, and wildfire season. Similarly, we recommend including consideration of the importance of transportation needs, especially evacuation protocols, of vulnerable populations (e.g. elderly, disabled, socially isolated) during a climate- related event.
    - **d.** In order to increase the emphasis on climate adaptation and resilience, we recommend including current regional, local, and community-based climate resilience efforts within the Existing Conditions section, specifically the sub-sections that are directly related to climate change (e.g. Access to Parks and

Open Space, Air Quality, Smoke and Wildfires, etc.). Similarly, we recommended the inclusion of more specific data related to the disproportionate burden faced by low-income and communities of color due to current and future climate impacts (e.g. poor air quality, asthma rates, homes in inundation areas, etc.).

e. We applaud the thoughtful consideration of the plan implementation strategies and actions. We propose the inclusion of HPI as a strategic tool to further Strategy 2, Action D. In order to advance the goals of Strategy 2 for Local Jurisdictions and Partners, and Strategies throughout the Plan and Technical Reports, we recommend including explicit language about providing financial support to community-based partners and community members for their engagement in stakeholder meetings and coalitions throughout the continued refinement, implementation, and evaluation of the Plan.

Connect SoCal Data

15. **Improve data collection:** Data collection is a critical avenue for jurisdiction to analyze current and projected planning needs. We recommend the following strategies and considerations to improve data collection:
    - **a.** We applaud the inclusion of Safety and Health measures in the overall Plan Performance measures, particularly the "Daily amount of walking and biking related to work and non-work trips" and the "Collision rates by severity and mode." We encourage cities and counties to collaborate with SCAG, Public Safety Departments, Caltrans, and Public Health Departments to improve the collection of data to track these metrics over time at a granular level. Data collection will be particularly important in tracking the impacts and benefits of the plan to Environmental Justice communities where greater numbers of residents are reliant on active transportation modes.
    - **b.** In order to provide more information and context to local jurisdictions, we recommend including additional data and evaluation strategies related to the impacts of active transportation, including; an analysis and model of the safety impacts of active transportation; a return on investment analysis for investments in active transportation infrastructure and technology; and a recommendation to systematically install automated counters along bike paths and other active transportation thoroughfares.
    - **c.** We also urge SCAG to establish more meaningful targets for many of the goals in the Plan other than "improvement over baseline." While the Plan touts the benefits of making the proposed transportation investments, this Plan covers a long range of time where more ambitious targets could be established and strived for by SCAG and its member cities and counties. The target-setting process for the Federal Highway Administration's Safety Performance Measures was a good standard to follow and should be considered for other goals in the Plan, so we have greater accountability for meeting these goals. SCAG should also issue regular (at least every two years) reports identifying progress towards these targets.

16. **Connect SoCal plan should have an interactive data site:** The plan contains a rich amount of data ranging from public health, environmental justice, housing and active transportation. Much of the data is referenced from SCAG's GIS open data portal, however it is not an accessible interactive source for the public. We recommend a few strategies to help make this data become more digestible for public consumption:
    - **a.** Offer tutorials for how the public can engage with the GIS open data portal (A

potential group of interested parties could be CBOs who contributed in Connect SoCal community outreach, city and county staff).

b. Connect SoCal should have interactive features that showcase data used in the plan and that is easily downloadable for the public. At an EJ working group meeting, staff mentioned that an interactive data feature for the EJ report is a possibility. We recommend to expand this idea to include the Connect SoCal plan's other technical reports and solicit feedback on its accessibility from the working groups.

Again, thank you for the opportunity to submit comments for the Connect SoCal RTP/SCS 2020 update. We look forward to working with you and SCAG staff on the inclusion and implementation of these policy recommendations. We are available to discuss any of these recommendations further upon request. We look forward to the implementation of the best version of the Connect SoCal plan that ensures we are planning for healthier futures.

Respectfully,

Demi Espinoza
Senior Equity & Policy Manager
Safe Routes Partnership

Jesi Harris
Inspiring Growth Manager
People for Mobility Justice

John Yi
Executive Director
Los Angeles Walks

Chanell Fletcher
Executive Director
ClimatePlan

Esther Rivera
Deputy Director
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Inland Empire Biking Alliance

Eli Akria Kaufman
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Los Angeles Bicycle Coalition

Bryn Lindblad
Deputy Director
Climate Resolve

Denny Zane
Executive Director
Move LA

Cesar Covarrubias
Executive Director
The Kennedy Commission

cog
Council of Governments

sb

cta
County Transportation Authority

January 24, 2020

Mr. Kome Ajise
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Comments by San Bernardino County Transportation Authority and San Bernardino Council of Governments on the draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (*Connect SoCal*) and draft Program Environmental Impact Report

Dear Mr. Ajise:

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) appreciate the opportunity to provide comments on the Southern California Association of Governments' (SCAG's) draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and draft Program Environmental Impact Report (PEIR). Both documents have been very professionally prepared, with substantial input over the last several years from County Transportation Commissions (CTCs), councils of governments (COGs), local jurisdictions, other transportation agencies, advocacy groups, and the public. We appreciate the working relationship we have had with SCAG to bring the 2020 RTP/SCS to this point in its development. We look forward to the Regional Council's approval of the RTP/SCS in April and receiving subsequent federal approval for air quality conformity.

Our comments can be classified into three general themes:

- A summary of SBCTA's sustainability activities over the last several years
- Overall perspectives on the 2020 RTP/SCS
- Specific comments on the content of the draft RTP/SCS and PEIR (Attachment 2) and a list of edits to the San Bernardino County portion of the RTP/SCS Project List (Attachment 3)

SBCTA AND SBCOG SUSTAINABILITY INITIATIVES

As you are aware, SCAG and SBCTA jointly executed a Sustainability MOU in 2014 titled "Collaboration between SBCTA and SCAG to Implement the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy." Although the MOU itself has become dated at this point, it is important to recognize that SBCTA and our local partners (transit agencies and local jurisdictions) are proactively pursuing sustainability initiatives throughout San Bernardino County. These activities represent important contributions to sustainability

region-wide, and we thought it would be appropriate to highlight some of these in our comment letter on the RTP/SCS.

The San Bernardino Countywide Vision is a centerpiece of our sustainability activities. The Vision was adopted by the County of San Bernardino and SBCTA members in June 2011, well prior to the execution of the Sustainability MOU with SCAG. The Vision is very consistent with the direction of the RTP/SCS and gave San Bernardino County an important foundation for the activities that have been undertaken since that time. Extensive information is available on the Countywide Vision site at http://cms.sbcounty.gov/cao-vision/Home.aspx.

In brief, the following are recent and ongoing sustainability initiatives of SBCTA and SBCOG:

- Transit investments – Over $600 million is being invested in high-capacity transit infrastructure over a 10-year period, an extraordinary investment for a county generally thought to be suburban, with just over 2 million residents.
- Joint report with SCAG: "*Customer-Focused, Technology-Enabled Multi-Modalism Action Plan*," completed in 2018 and containing 16 targeted initiatives for transit, transportation demand management (TDM), and active transportation in San Bernardino County.
- Active transportation – we have delivered or are in the process of delivering over $50 million in State Active Transportation Program grants, together with our local partners.
- Expansion of the SBCTA rideshare/vanpool program (in progress)
- Zero-Emission Vehicle Readiness and Implementation Plan (completed 2019)
- Countywide GHG Reduction Plan and EIR (completed in 2014 and in the process of being updated to address SB 32 goals for GHG reduction)
- Regional Energy Partnership
- Partnerships on Clean Freight
- Climate Adaptation Plan and Partnership with Western Riverside COG (Plan will be complete in February)
- Healthy Communities Best Practices Toolkit
- Preparation of a Regional Conservation Investment Strategy (RCIS), pursuant to AB 2087 – Draft has been prepared, and is being refined using a Wildlife Conservation Board grant.
- SB 743 Countywide VMT Implementation Study (being completed in Spring 2020 for all the jurisdictions in the county)
- Two Comprehensive Multimodal Corridor Plans are underway, in partnership with the Riverside County Transportation Commission, Caltrans District 8, and SCAG.

Attachment 1 to this letter expands on these activities. The SBCTA Sustainability web page can be accessed at: https://www.gosbcta.com/planning-sustainability/.

OVERALL PERSPECTIVES ON THE 2020 RTP/SCS

Prior to the more detailed comments contained in the attachments, SBCTA has some overall perspectives for how the RTP/SCS can be used to achieve the mobility, safety, and sustainability goals of the region in the coming years. These comments relate to our own Countywide Transportation Plan; perspectives on transit, VMT, GHGs, and a multimodal transportation system; our emerging express lane network; goods movement; and airports.

SBCTA's Countywide Transportation Plan and Relationship to the 2020 RTP/SCS

SBCTA's 2015 Countywide Transportation Plan (CTP) is being updated to be consistent with the RTP/SCS. The 2015 CTP outlined a path forward for a sustainable transportation future, laying out an achievable strategy for highway and transit facilities, transit oriented development (TOD), air quality, GHG reduction, freight, airports, transportation demand management (TDM), active transportation, and funding. The CTP analyzes two future scenarios: a "baseline scenario" that assumes traditional revenue sources (generally consistent with what the RTP/SCS defines as "core revenues") and an "aggressive scenario" (generally consistent with RTP/SCS "Plan" revenues, including the innovative sources identified in the Plan). The projects and programs in the aggressive scenario of SBCTA's updated CTP are consistent with the lists in SCAG's RTP/SCS. SBCTA has provided SCAG with technical corrections to the San Bernardino County portion of the RTP/SCS project list in a separate communication so that the changes can be incorporated into the modeling for the final RTP/SCS.

Need for a Balanced, Multimodal Transportation System

As noted above, SBCTA is investing heavily in the transit system, TDM, and active transportation. At the same time, our citizens and businesses remain extremely concerned about living up to the commitments in our Measure I half-cent sales tax. Much of the concern centers around the congestion on freeways, interchanges, and the regional arterial system. We have prioritized interchange improvements and are proceeding to deliver those improvements, having completed eight major interchange projects in the last 10 years. We are well into delivery of 10 additional interchanges and are working with local jurisdictions on strategic ramp improvements. Interstates 10 and 15 are being addressed largely through our managed lane strategy, as described in the next section.

We appreciate SCAG's acknowledgement that "*given that critical gaps and congestion choke points still exist in the system, improvements beyond those that are operational in nature still need to be considered*" (page 73 of RTP/SCS). In other words, the RTP/SCS acknowledges that highway improvements are still necessary, even though most of the attention is being given to trip-reduction strategies, with the goal of reducing GHGs and VMT.

At the same time, it is important to acknowledge that each individual project should not be expected to reduce VMT. What is important is the impact of the overall strategy. In San Bernardino County, the RTP/SCS shows that VMT per capita is being reduced by 2% through 2045 just with the "baseline" investment and by 5% with the "Plan" investment

(see page 122). While this is well below the 15% per capita reduction goal identified by the Governor's Office of Planning and Research (OPR), it represents billions of dollars of investment in transit and trip reduction measures over that time period and appears realistic for San Bernardino County to achieve. There are two primary points: 1) each project cannot be held to a VMT reduction target, and state/regional agencies should not impose that requirement; and 2) VMT thresholds should be set at levels that are achievable within the bounds of financial capacity and the modal choices that travelers make within the context of their geographic setting.

The RTP/SCS demonstrates how difficult it is to reduce VMT even with many billions of dollars invested in alternative modes of travel. Regionally, the Plan reduces per capita VMT by 9.5% between 2016 and 2045, but the population increases by about 20%. In other words, total VMT can still be expected to increase regionally by about 10%. The VMT increase in the Inland Empire will be more in the range of 25%. The rate of population growth tends to outstrip the per capita reductions that can be achieved, so expectations of VMT reduction need to be tempered with what is realistic.

The good news is that GHGs can be reduced even if the absolute VMT increases, following the same path as the region's remarkable improvement in air quality as population and travel has dramatically increased. This means that, for mobile sources, the path to GHG reduction will largely fall on clean energy production, energy efficiency, technological innovations, and more rapid turnover of vehicle fleets. The GHG analysis in the 2040 California Transportation Plan demonstrated that vehicle and fuels technology will be the primary way in which GHG reduction goals will need to be met. VMT reduction is an appropriate goal, but technology will be the principal path to long term GHG reduction. SBCTA looks forward to partnering with SCAG, the State, and the utility industry to pursue these opportunities, consistent with the initiatives we have mentioned earlier, while also doing what we can in transit and TDM to reduce VMT. We are excited to be involved in the Governor's "Regions Rise Together" initiative, which recognizes that there are no "one-size-fits-all" solutions as far as transportation management and GHG reduction are concerned.

Regional Express Lane Network

As indicated in the RTP/SCS, SBCTA has two major express lane implementation initiatives: I-10 from the Los Angeles County line to Ford Street in Redlands, and I-15 from the Riverside County line, up the Cajon Pass, through Victor Valley, to just north of the Mojave River. These projects are not only multi-modal projects for passengers, with benefits for buses, vanpools, and 3+ carpools, but they will significantly improve freight mobility as well. Each project includes auxiliary lanes and will take some of the auto travel out of the general purpose lanes.

It is noteworthy that the I-10/I-15 interchange, at the heart of Inland Empire logistics activity, is designated as the 15th most critical freight bottleneck in the United States (per the American Transportation Research Institute), and the I-10 and I-15 corridors represent the major gateways from/to Southern California to/from the rest of America. The express lanes will also permit light duty (under 10,000 pounds) commercial traffic. Improvement of these corridors is a win-win for

both multimodal passengers and freight, but will need to be staged over the duration of the RTP/SCS.

One request from SBCTA is that one of the sample projects listed in the HOV section of Table 3.2 on page 77 of the RTP/SCS be swapped out with another from the project list. Please replace the I-210 project (Add one HOV lane in each direction from I-215 to I-10) with an additional express lane project (I-10 Contract 2A – add two Express Lanes in each direction from I-15 to Sierra Avenue). The I-10 project has more visibility, is more short term, and more appropriate for inclusion on the sample list. It has an expected completion year of 2029 and cost of $700 million. This is consistent with FTIP amendment 19-13. No changes to the master project list are required.

Goods Movement

SBCTA appreciates SCAG's analysis of freight bottlenecks, documented in the Goods Movement appendix of the draft RTP/SCS. As you know, San Bernardino County is both benefitted by the logistics industry and at the same time heavily impacted by freight. Three of our freight bottlenecks appear on Exhibit 7: I-10 east of I-15, I-15 south of I-10, and I-15 through the Cajon Pass. This is consistent with the notation earlier about the critical bottleneck on the ATRI "top 100" list at the I-10/I-15 interchange. However, we would request that the 15,000-20,000 AVHD bottlenecks be added to Table 7 on pages 53 and 54, given that these are more "fixable" than many of the bottlenecks to our west, which may have higher delay values but are much more constrained and costly to improve.

The San Bernardino County bottlenecks have near-term solutions in the works, and are likely to be strong candidates for freight program funding at the State and federal level. There are only a few of these "second-tier" bottlenecks in the region and could easily be added to Table 7. We would also point out that our freight bottleneck on eastbound I-10 in Yucaipa is one that did not make the delay threshold, but can be addressed at a relatively low cost ($37 million for a truck climbing lane). We would recommend that the next RTP/SCS include the "feasibility of improvement" as a factor in the bottleneck evaluation, particularly given the competitive nature of freight program funding grants, such as those for SB 1.

As an additional note, we believe that the regional freight collaboration that has worked so well for our regional project funding through the State's Trade Corridor Improvement Fund (TCIF) program should be re-invigorated. The collaboration is in a good position to craft a program of freight projects that can be most competitive for State and federal freight program funds.

Airports

It should be noted that control over Ontario International Airport (ONT) was transferred from the Los Angeles World Airports to the Ontario International Airport Authority (OIAA) in November 2016. SBCTA and our partner agencies appreciate the regional support that has been provided by SCAG and other agencies around the region, enabling ONT to serve 5.5 million

passengers in 2019, the highest level in a decade. We look forward to continuing local and regional efforts to make ONT a truly regional asset.

The RTP/SCS shows the projected airport passenger forecasts for 2017 through 2045 in Table 3.3. The Plan shows that LAX and ONT account for 80% of the passenger growth region-wide. LAX is forecast to increase by 42 million annual passengers (MAP) to 127 MAP, or 50% higher than existing. ONT is forecast to increase by 28 MAP to 33 MAP, or about six times the existing passenger volume. The market will ultimately determine how rapidly each airport will grow. However, it would be helpful if SCAG could consider some additional analysis as a way of quantifying airport accessibility. It is suggested that graphics be produced for each of the seven major airports that show travel time contours and the population within each contour. In other words, this would answer the question of how much population is within 15 minutes of each airport, 30 minutes of each airport, 60 minutes of each airport, etc for both peak and off-peak conditions. It would be done for both existing and 2045 to see how airport accessibility might change with changing traffic conditions. Perhaps for the next RTP/SCS an airport accessibility index could be developed. This could be an additional data point for the forecasting of future passenger volumes.

Secondly, it would be beneficial to have SCAG compile regular monitoring data for all the airports in Southern California, perhaps on an annual basis, using the FAA Air Traffic Activity Data System (ATADS) or other appropriate data sources. This would be useful to just keep tabs on airport growth and operational characteristics region-wide. Finally, it would be useful for SCAG to maintain information on project activity at the airports, focusing on projects geared toward capacity expansion and airport efficiency improvements.

Programmatic Environmental Impact Report (PEIR)

Regarding the PEIR, we appreciate the structure of the document and the mitigation measures. The mitigation measures encourage action, but do not put requirements on the County Transportation Commissions or local jurisdictions, beyond those already required by State or federal law. It also acknowledges that project-level environmental studies will need to be conducted prior to the implementation of any specific project, which is why a lesser level of detail was provided in the PEIR.

We have no significant comments on the PEIR. In Attachment 2 to this letter we indicate that it is difficult to match up VMT data between the RTP/SCS and PEIR. It may have to do with vehicle classes included or excluded, but we would request that differences in VMT, GHGs, or other performance measures between the two documents be clearly explained.

SCAG also indicates that the PEIR for the RTP/SCS may be useful as a basis for streamlining CEQA clearance for certain types of projects. SBCTA looks forward to collaborating with SCAG to take advantage of this opportunity, where possible.

Please see the attachments for additional comments. As stated earlier, SBCTA appreciates all the efforts by the SCAG Regional Council and SCAG staff to make the 2020 RTP/SCS a reflection of where the region is headed over the next 25 years. We look forward to continuing partnerships with SCAG to implement the projects and programs in the RTP/SCS.

Regards,

Raymond Wolfe
Executive Director

Attachment 1
SBCTA and SBCOG Sample Sustainability Initiatives

SBCTA and SBCOG have worked closely with SCAG in implementing and delivering sustainability projects in the region and have affirmed our commitment every four years when SCAG embarks on developing the RTP/SCS. In 2014, SBCTA/SBCOG and SCAG jointly executed a MOU on Sustainability planning efforts and delineated a list of activities demonstrating SBCTA/SBCOG's commitment to implementing the sustainability elements of the RTP/SCS. Although some project level specifics and programs in the MOU have changed over the years, the main goals and principles have remained and are still applicable and consistent with the latest 2020 RTP/SCS.

When it comes to San Bernardino County, the San Bernardino Countywide Vision is a centerpiece of our sustainability activities. Although the Vision was adopted by the County of San Bernardino and SBCTA/SBCOG in June, 2011, it still serves as the foundation for the all sustainability efforts in the County. Although the draft Connect SoCal (2020 RTP/SCS) provides an overview of some of these activities region wide, it is useful to provide a more specific status report on San Bernardino County's sustainability work. (https://www.gosbcta.com/wp-content/uploads/2019/09/SBCTA-Sustainability_FINAL_digital.pdf). Based on Table ES-3 Connect SoCal Goals, here are some examples of sustainability projects from SBCTA/SBCOG that align with the RTP/SCS.

Connect SoCal Goal #2 "Improve mobility, accessibility, reliability, and travel safety for people and goods."

Active Transportation Investments Countywide – Agencies are now engaged in delivering bicycle and pedestrian improvements made possible by over $50 million in State Active Transportation Program (ATP) grants. SBCTA has recently updated its Active Transportation Plan to include a Safe Routes to School element, a Points of Interest element, and a Complete Streets element. A countywide sidewalk inventory project is underway.

Connect SoCal Goal #3 "Enhance the preservation, security, and resilience of the regional transportation system"

Climate Adaptation Partnership with Western Riverside COG – This plan has been initiated to address the potential effects of climate change in Riverside and San Bernardino counties and identify ways to work together to address the challenges. As a result, the Inland Empire has formed a Climate Collaborative consistent with SB 1072 to put policies identified in the Regional Climate Adaptation Plan.

Connect SoCal Goal #4 "Increase person and goods movement and travel choices within the transportation system."

The Redlands Passenger Rail Project – This is a 9-mile rail line between Redlands and downtown San Bernardino, to be operational in late 2021, using self-propelled trainsets. As part of this project, SBCTA will implement a zero emission passenger rail trainset, a first in North America.

Connect SoCal Goal #5 "Reduce greenhouse gas emissions and improve air quality."

Countywide GHG Reduction Plan and EIR – This effort was completed in 2014 and is now being updated to address the State's 2030 GHG reduction goals under SB 32. The Plan includes the State's first and only certified PEIR for countywide GHGs and has facilitated adoption of local Climate Action Plans (CAPs).

Connect SoCal Goal #6 "Support healthy and equitable communities."

Healthy Communities Best Practices Toolkit – The San Bernardino County Department of Public Health created a Strategic Plan for the implementation of Healthy Communities policies. The toolkit, a collaboration between SBCOG and the County, will contain sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.

Connect SoCal Goal #8 "Leverage new transportation technologies and data-driven solutions that result in more efficient travel."

Partnerships on Clean Freight – Using a federal DOE grant and state CEC grant, SBCTA partnered with Ryder to place over 200 natural gas fueled trucks into its leasing fleet in Southern California as well as a maintenance facility and two fueling facilities. We are currently working with the BYD, BNSF railroad, and Daylight Transportation to pilot battery electric drayage trucks at Intermodal Yards in San Bernardino and Los Angeles and a distribution facility in Fontana.

Connect SoCal Goal #10 "Promote conservation of natural and agricultural lands and restoration of critical habitats"

Habitat Conservation – San Bernardino County and SBCOG are collaborating on an effort to create a Regional Conservation Investment Strategy (RCIS) through the process established by the California Department of Fish and Wildlife under AB 2087.

Aside from the specific activities referenced in the MOU, it should be noted that SBCTA completed its Countywide Transportation Plan (CTP) in 2015 and is being updated to be consistent with the 2020 RTP/SCS. The CTP is built on a foundation of economic and environmental sustainability. It recognizes that mobility and smart land development are needed to sustain the economic growth and competitiveness necessary for survival within the global economy. This economic growth is needed, in turn, to fund the array of statewide and regional sustainability commitments. San Bernardino County must invest in all modes of transportation, including highways, to support its businesses and growing population.

Please visit SBCTA's Sustainability page on our website at https://www.gosbcta.com/planning-sustainability/?category=sustainability, including our Sustainability Fact Sheet.

Attachment 2
Additional Comments on the Text of the RTP/SCS (Connect SoCal) Main RTP/SCS Report

- Page 18 - Figure 2.2 needs more explanation within the graphic itself. The Y-axis is not labeled. Are these thousands of jobs regionally? May be better presented as percentages of jobs subject to automation.
- Page 23, second paragraph under Transportation System – The paragraph references Exhibit 2.3, Existing Arterial System. The text refers to express lanes, while the graphic refers to Expressway/Parkway. Needs to be clarified. Also, what criteria were used for inclusion as an arterial? Was this the FHWA designation?
- Page 27, Exhibit 2.4 – Suggest that I-215 from SR-91 to I-15 be included in the map. Also, there are two intermodal facility dots shown in San Bernardino. Not clear what the second one is.
- Page 30 – Interesting graphic on mode of access to airports. Define "on-call." Is that where TNCs are included? Please clarify.
- Page 31 – Grey text is hard to read in the electronic version. Needs more contrast.
- Page 37 – Graphic should say annually, for number of injuries and fatalities.
- Page 59, Under Progress Since 2016 – Refers to "Three roadway improvement/rehabilitation projects, including bridge improvement have already been programmed." There have to be many more projects than that around the region. Referencing only three projects is very underwhelming. It would seem that a number of the "Progress Since 2016" sections could be improved.
- Page 61 – You may want to caveat the mileage-based user fee discussion, to be clear that no specific plans have been made to implement such a system at this time, and that implementation would need to occur on a statewide basis.
- Page 66 – Please re-orient the list of transit projects for San Bernardino from shorter term to longer term and please omit the Foothill/San Bernardino BRT from the list. That project is too long term. So the list would be in this order: Redlands Passenger Rail, West Valley Connector Phase 1, Gold Line Extension to Montclair, and Passenger Rail Service from San Bernardino Metrolink Line to Ontario Airport.
- Page 77 – I-15 Express Lane segment 5 – take out reference to High Desert Corridor and say "to north of Mojave River." For long range projects like this, it would be adequate to round the costs off to the nearest million.
- Page 102, Figure 4.7 – If it is possible to add dash patterns to similar-color lines, that would be helpful in distinguishing the operators from one another.
- Page 103, Table 4.3 – Title should state that the revenue forecast covers both capital and operating/maintenance costs. The numbers would be very large for only capital costs, so clarifying that O&M costs are included would reduce the number of questions.
- Page 122 and throughout Table 5.1 – It is important to clearly distinguish when statistics include light duty vehicles only, versus all vehicles. For example, the GHG per capita targets for SB 375 purposes relate to light duty vehicles only. On page 122, the basis of the VMT data is unclear. It is clarified as light duty in Table 5.1, but should also be stated on page 122 and on Figure 5.1 as well. Same with daily minutes of delay. Is that person delay or vehicle delay, and which vehicle sectors are included? The definition of VMT is also critical to distinguish for SB 743 purposes, to avoid confusion. We did not

see where total VMT statistics are presented. Truck delay by facility type is presented, but we did not see truck VMT within the main body of the RTP/SCS or in the Goods Movement appendix. Also, we could not match the VMT data in the RTP/SCS with the VMT data in the PEIR. Perhaps the differences are because of the inclusion or exclusion of vehicle types. Please review these sections to make sure the references are always clearly explained.

Goods movement appendix

- Page 50 – Please add more truck volume data points in the Inland Empire. Volumes in the I.E. are not well represented, given the role of the IE in goods movement.
- Page 51 – See comments within the text of the letter on the bottleneck relief strategy. The likelihood and cost of fixing the bottlenecks should be factored into the bottleneck relief strategy, not just the sheer magnitude of delay. Some bottlenecks have massive delays, but there are practical and cost limitations to relieving that congestion.
- Page 61 – SBCTA supports the language in the first bullet regarding working with the federal government on a low NOx engine standard for heavy-duty trucks. We signed onto the ultra low-NOx petition several years ago, along with SCAQMD and CARB. The standards should be developed at the national level, given the amount of travel through San Bernardino County by out-of-state trucks. Having a California-only standard could disadvantage our businesses further and will not be as effective. California and our region should strive for a level playing field as part of our air quality strategy.
- Page 94 – The South Archibald grade separation is planned, not complete.

Attachment 3

Comments on the Draft 2020 RTP/SCS Project List (note: costs are in $1000s; current RTP entry was copied directly from Table 2 of Project List Appendix)

1. LOCAL HIGHWAY SAN BERNARDINO, COUNTY OF 200837 0 VISTA ROAD 0 0 VISTA ROAD GRADE SEPARATION-WIDEN 2-4 LANES AND CONSTRUCT GRADE SEPARATION (PA&ED ONLY) 2030 $50,000 – **Comment: Change cost to $4,000 ($ in 1000s), since PA&ED only**
2. LOCAL HIGHWAY SAN BERNARDINO COUNTY 4120193 0 VARIOUS LOCATIONS VARIOUS TRAFFIC SIGNAL PROJECTS THROUGHOUT SAN BERNARDINO COUNTY 2023 $519,912 – **Comment: should have a completion year of 2040; costs should be $5,000.**
3. LOCAL HIGHWAY COLTON 4160046 0 MT VERNON I-10 EB RAMPS COOLEY DR WIDEN MT VERNON ACROSS UPRR AND SANTA ANA RIVER FROM 2 TO 4 LANES 2025 $30,000 – **Comment: delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
4. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4120198 10 I-10 I-10 MT VERNON AVE I-10 @ MT VERNON AVE INTERCHANGE IMPROVEMENTS 2035 $38,500 – **Comment: Delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
5. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4160004 10 I-10 I-10 GROVE AVE/4TH ST I-10 @ GROVE AVE/4TH ST NEW INTERCHANGE 2045 $199,000– **Comment: Delete because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 2002160 2002160 10 I-10 AT GROVE AVE AND 4TH ST: CONSTRUCT NEW INTERCHANGE AT I-10 AND GROVE AVE; CLOSE EXISTING I-10/FOURTH ST INTERCHANGE; AND LOCAL STREET IMPROVEMENTS ALONG GROVE AVE (CHILD PROJECT IS 20171102). $199,423
6. STATE HIGHWAY CALTRANS 4200S001 395 US-395 1.8 MI S/O DESERT FLOWER RD FARMINGTON RD WIDEN US-395 FROM 1.8 MI S/O DESERT FLOWER RD TO FAMINGTON RD 2025 $459,978 – **Comment: change date to 2035**

7. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4M01043 215 I-215 I-215 MT VERNON/ WASHINGTON AVE I-215 @ MT. VERNON/WASHINGTON ST INTERCHANGE RECONSTRUCTION 2045 $109,048 – **Comment: Delete, as it is duplicate of:**

   a. LOCAL HIGHWAY CALTRANS 4160072 215 WASHINGTON I-215 WASHINGTON I-215 & WASHINGTON/MT. VERNON; REPLACEMENT BRIDGE PROJECT TO PROVIDE STANDARD VERTICAL AND HORIZONTAL CLEARANCES FOR THE ULTIMATE I-215 ROADWAY. 2023 $29,252

8. STATE HIGHWAY SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) 4M07007 210 SR-210 SR-210 BASELINE AVE SR-210 @ BASELINE AVE INTERCHANGE IMPROVEMENTS 2020 $15,600– **Comment: Delete because it is in FTIP as:**

   a. SAN BERNARDINO STATE HIGHWAY 201186 REG0701 210 AT SR-210/BASE LINE IC: RECONSTRUCT/WIDEN BASE LINE BETWEEN CHURCH AVE AND BOULDER AVE FROM 4 TO 6 THROUGH LANES AND EXTEND LEFT TURN LANES, WIDEN RAMPS – WB EXIT 1 TO 3 LANES, WB AND EB ENTRANCES 1 TO 3 LANES INCLUDING HOV PREFERENTIAL LANES (EA 1C970) $31,216

9. STATE HIGHWAY HESPERIA 4M07014 15 I-15 I-15 MOJAVE ST I-15 @ MOJAVE ST NEW INTERCHANGE 2040 $45,000 – **Comment: Delete as it is no longer in the SBCTA Nexus Study, so can be deleted from RTP project list.**

10. RTP ID 4120219 Foothill/San Bernardino from San Manuel Casino to Kaiser Hospital (Sierra Ave. Fontana) – Full BRT 2045 – Comment: Can be deleted, as this route is mostly covered by RTP ID 4120205. – **Comment: Please change to 5th St/Baseline from San Manuel Casino to San Bernardino Transit Center – Express Bus 2045 - $15,000.**

cog
Council of Governments

sb

cta
County Transportation Authority

January 24, 2020

Mr. Kome Ajise
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Comments by San Bernardino County Transportation Authority and San Bernardino Council of Governments on the draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (*Connect SoCal*) and draft Program Environmental Impact Report

Dear Mr. Ajise:

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) appreciate the opportunity to provide comments on the Southern California Association of Governments' (SCAG's) draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and draft Program Environmental Impact Report (PEIR). Both documents have been very professionally prepared, with substantial input over the last several years from County Transportation Commissions (CTCs), councils of governments (COGs), local jurisdictions, other transportation agencies, advocacy groups, and the public. We appreciate the working relationship we have had with SCAG to bring the 2020 RTP/SCS to this point in its development. We look forward to the Regional Council's approval of the RTP/SCS in April and receiving subsequent federal approval for air quality conformity.

Our comments can be classified into three general themes:

- A summary of SBCTA's sustainability activities over the last several years
- Overall perspectives on the 2020 RTP/SCS
- Specific comments on the content of the draft RTP/SCS and PEIR (Attachment 2) and a list of edits to the San Bernardino County portion of the RTP/SCS Project List (Attachment 3)

SBCTA AND SBCOG SUSTAINABILITY INITIATIVES

As you are aware, SCAG and SBCTA jointly executed a Sustainability MOU in 2014 titled "Collaboration between SBCTA and SCAG to Implement the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy." Although the MOU itself has become dated at this point, it is important to recognize that SBCTA and our local partners (transit agencies and local jurisdictions) are proactively pursuing sustainability initiatives throughout San Bernardino County. These activities represent important contributions to sustainability

region-wide, and we thought it would be appropriate to highlight some of these in our comment letter on the RTP/SCS.

The San Bernardino Countywide Vision is a centerpiece of our sustainability activities. The Vision was adopted by the County of San Bernardino and SBCTA members in June 2011, well prior to the execution of the Sustainability MOU with SCAG. The Vision is very consistent with the direction of the RTP/SCS and gave San Bernardino County an important foundation for the activities that have been undertaken since that time. Extensive information is available on the Countywide Vision site at http://cms.sbcounty.gov/cao-vision/Home.aspx.

In brief, the following are recent and ongoing sustainability initiatives of SBCTA and SBCOG:

- Transit investments – Over $600 million is being invested in high-capacity transit infrastructure over a 10-year period, an extraordinary investment for a county generally thought to be suburban, with just over 2 million residents.
- Joint report with SCAG: "*Customer-Focused, Technology-Enabled Multi-Modalism Action Plan*," completed in 2018 and containing 16 targeted initiatives for transit, transportation demand management (TDM), and active transportation in San Bernardino County.
- Active transportation – we have delivered or are in the process of delivering over $50 million in State Active Transportation Program grants, together with our local partners.
- Expansion of the SBCTA rideshare/vanpool program (in progress)
- Zero-Emission Vehicle Readiness and Implementation Plan (completed 2019)
- Countywide GHG Reduction Plan and EIR (completed in 2014 and in the process of being updated to address SB 32 goals for GHG reduction)
- Regional Energy Partnership
- Partnerships on Clean Freight
- Climate Adaptation Plan and Partnership with Western Riverside COG (Plan will be complete in February)
- Healthy Communities Best Practices Toolkit
- Preparation of a Regional Conservation Investment Strategy (RCIS), pursuant to AB 2087 – Draft has been prepared, and is being refined using a Wildlife Conservation Board grant.
- SB 743 Countywide VMT Implementation Study (being completed in Spring 2020 for all the jurisdictions in the county)
- Two Comprehensive Multimodal Corridor Plans are underway, in partnership with the Riverside County Transportation Commission, Caltrans District 8, and SCAG.

Attachment 1 to this letter expands on these activities. The SBCTA Sustainability web page can be accessed at: https://www.gosbcta.com/planning-sustainability/.

OVERALL PERSPECTIVES ON THE 2020 RTP/SCS

Prior to the more detailed comments contained in the attachments, SBCTA has some overall perspectives for how the RTP/SCS can be used to achieve the mobility, safety, and sustainability goals of the region in the coming years. These comments relate to our own Countywide Transportation Plan; perspectives on transit, VMT, GHGs, and a multimodal transportation system; our emerging express lane network; goods movement; and airports.

SBCTA's Countywide Transportation Plan and Relationship to the 2020 RTP/SCS

SBCTA's 2015 Countywide Transportation Plan (CTP) is being updated to be consistent with the RTP/SCS. The 2015 CTP outlined a path forward for a sustainable transportation future, laying out an achievable strategy for highway and transit facilities, transit oriented development (TOD), air quality, GHG reduction, freight, airports, transportation demand management (TDM), active transportation, and funding. The CTP analyzes two future scenarios: a "baseline scenario" that assumes traditional revenue sources (generally consistent with what the RTP/SCS defines as "core revenues") and an "aggressive scenario" (generally consistent with RTP/SCS "Plan" revenues, including the innovative sources identified in the Plan). The projects and programs in the aggressive scenario of SBCTA's updated CTP are consistent with the lists in SCAG's RTP/SCS. SBCTA has provided SCAG with technical corrections to the San Bernardino County portion of the RTP/SCS project list in a separate communication so that the changes can be incorporated into the modeling for the final RTP/SCS.

Need for a Balanced, Multimodal Transportation System

As noted above, SBCTA is investing heavily in the transit system, TDM, and active transportation. At the same time, our citizens and businesses remain extremely concerned about living up to the commitments in our Measure I half-cent sales tax. Much of the concern centers around the congestion on freeways, interchanges, and the regional arterial system. We have prioritized interchange improvements and are proceeding to deliver those improvements, having completed eight major interchange projects in the last 10 years. We are well into delivery of 10 additional interchanges and are working with local jurisdictions on strategic ramp improvements. Interstates 10 and 15 are being addressed largely through our managed lane strategy, as described in the next section.

We appreciate SCAG's acknowledgement that "*given that critical gaps and congestion choke points still exist in the system, improvements beyond those that are operational in nature still need to be considered*" (page 73 of RTP/SCS). In other words, the RTP/SCS acknowledges that highway improvements are still necessary, even though most of the attention is being given to trip-reduction strategies, with the goal of reducing GHGs and VMT.

At the same time, it is important to acknowledge that each individual project should not be expected to reduce VMT. What is important is the impact of the overall strategy. In San Bernardino County, the RTP/SCS shows that VMT per capita is being reduced by 2% through 2045 just with the "baseline" investment and by 5% with the "Plan" investment

(see page 122). While this is well below the 15% per capita reduction goal identified by the Governor's Office of Planning and Research (OPR), it represents billions of dollars of investment in transit and trip reduction measures over that time period and appears realistic for San Bernardino County to achieve. There are two primary points: 1) each project cannot be held to a VMT reduction target, and state/regional agencies should not impose that requirement; and 2) VMT thresholds should be set at levels that are achievable within the bounds of financial capacity and the modal choices that travelers make within the context of their geographic setting.

The RTP/SCS demonstrates how difficult it is to reduce VMT even with many billions of dollars invested in alternative modes of travel. Regionally, the Plan reduces per capita VMT by 9.5% between 2016 and 2045, but the population increases by about 20%. In other words, total VMT can still be expected to increase regionally by about 10%. The VMT increase in the Inland Empire will be more in the range of 25%. The rate of population growth tends to outstrip the per capita reductions that can be achieved, so expectations of VMT reduction need to be tempered with what is realistic.

The good news is that GHGs can be reduced even if the absolute VMT increases, following the same path as the region's remarkable improvement in air quality as population and travel has dramatically increased. This means that, for mobile sources, the path to GHG reduction will largely fall on clean energy production, energy efficiency, technological innovations, and more rapid turnover of vehicle fleets. The GHG analysis in the 2040 California Transportation Plan demonstrated that vehicle and fuels technology will be the primary way in which GHG reduction goals will need to be met. VMT reduction is an appropriate goal, but technology will be the principal path to long term GHG reduction. SBCTA looks forward to partnering with SCAG, the State, and the utility industry to pursue these opportunities, consistent with the initiatives we have mentioned earlier, while also doing what we can in transit and TDM to reduce VMT. We are excited to be involved in the Governor's "Regions Rise Together" initiative, which recognizes that there are no "one-size-fits-all" solutions as far as transportation management and GHG reduction are concerned.

Regional Express Lane Network

As indicated in the RTP/SCS, SBCTA has two major express lane implementation initiatives: I-10 from the Los Angeles County line to Ford Street in Redlands, and I-15 from the Riverside County line, up the Cajon Pass, through Victor Valley, to just north of the Mojave River. These projects are not only multi-modal projects for passengers, with benefits for buses, vanpools, and 3+ carpools, but they will significantly improve freight mobility as well. Each project includes auxiliary lanes and will take some of the auto travel out of the general purpose lanes.

It is noteworthy that the I-10/I-15 interchange, at the heart of Inland Empire logistics activity, is designated as the 15th most critical freight bottleneck in the United States (per the American Transportation Research Institute), and the I-10 and I-15 corridors represent the major gateways from/to Southern California to/from the rest of America. The express lanes will also permit light duty (under 10,000 pounds) commercial traffic. Improvement of these corridors is a win-win for

both multimodal passengers and freight, but will need to be staged over the duration of the RTP/SCS.

One request from SBCTA is that one of the sample projects listed in the HOV section of Table 3.2 on page 77 of the RTP/SCS be swapped out with another from the project list. Please replace the I-210 project (Add one HOV lane in each direction from I-215 to I-10) with an additional express lane project (I-10 Contract 2A – add two Express Lanes in each direction from I-15 to Sierra Avenue). The I-10 project has more visibility, is more short term, and more appropriate for inclusion on the sample list. It has an expected completion year of 2029 and cost of $700 million. This is consistent with FTIP amendment 19-13. No changes to the master project list are required.

Goods Movement

SBCTA appreciates SCAG's analysis of freight bottlenecks, documented in the Goods Movement appendix of the draft RTP/SCS. As you know, San Bernardino County is both benefitted by the logistics industry and at the same time heavily impacted by freight. Three of our freight bottlenecks appear on Exhibit 7: I-10 east of I-15, I-15 south of I-10, and I-15 through the Cajon Pass. This is consistent with the notation earlier about the critical bottleneck on the ATRI "top 100" list at the I-10/I-15 interchange. However, we would request that the 15,000-20,000 AVHD bottlenecks be added to Table 7 on pages 53 and 54, given that these are more "fixable" than many of the bottlenecks to our west, which may have higher delay values but are much more constrained and costly to improve.

The San Bernardino County bottlenecks have near-term solutions in the works, and are likely to be strong candidates for freight program funding at the State and federal level. There are only a few of these "second-tier" bottlenecks in the region and could easily be added to Table 7. We would also point out that our freight bottleneck on eastbound I-10 in Yucaipa is one that did not make the delay threshold, but can be addressed at a relatively low cost ($37 million for a truck climbing lane). We would recommend that the next RTP/SCS include the "feasibility of improvement" as a factor in the bottleneck evaluation, particularly given the competitive nature of freight program funding grants, such as those for SB 1.

As an additional note, we believe that the regional freight collaboration that has worked so well for our regional project funding through the State's Trade Corridor Improvement Fund (TCIF) program should be re-invigorated. The collaboration is in a good position to craft a program of freight projects that can be most competitive for State and federal freight program funds.

Airports

It should be noted that control over Ontario International Airport (ONT) was transferred from the Los Angeles World Airports to the Ontario International Airport Authority (OIAA) in November 2016. SBCTA and our partner agencies appreciate the regional support that has been provided by SCAG and other agencies around the region, enabling ONT to serve 5.5 million

passengers in 2019, the highest level in a decade. We look forward to continuing local and regional efforts to make ONT a truly regional asset.

The RTP/SCS shows the projected airport passenger forecasts for 2017 through 2045 in Table 3.3. The Plan shows that LAX and ONT account for 80% of the passenger growth region-wide. LAX is forecast to increase by 42 million annual passengers (MAP) to 127 MAP, or 50% higher than existing. ONT is forecast to increase by 28 MAP to 33 MAP, or about six times the existing passenger volume. The market will ultimately determine how rapidly each airport will grow. However, it would be helpful if SCAG could consider some additional analysis as a way of quantifying airport accessibility. It is suggested that graphics be produced for each of the seven major airports that show travel time contours and the population within each contour. In other words, this would answer the question of how much population is within 15 minutes of each airport, 30 minutes of each airport, 60 minutes of each airport, etc for both peak and off-peak conditions. It would be done for both existing and 2045 to see how airport accessibility might change with changing traffic conditions. Perhaps for the next RTP/SCS an airport accessibility index could be developed. This could be an additional data point for the forecasting of future passenger volumes.

Secondly, it would be beneficial to have SCAG compile regular monitoring data for all the airports in Southern California, perhaps on an annual basis, using the FAA Air Traffic Activity Data System (ATADS) or other appropriate data sources. This would be useful to just keep tabs on airport growth and operational characteristics region-wide. Finally, it would be useful for SCAG to maintain information on project activity at the airports, focusing on projects geared toward capacity expansion and airport efficiency improvements.

Programmatic Environmental Impact Report (PEIR)

Regarding the PEIR, we appreciate the structure of the document and the mitigation measures. The mitigation measures encourage action, but do not put requirements on the County Transportation Commissions or local jurisdictions, beyond those already required by State or federal law. It also acknowledges that project-level environmental studies will need to be conducted prior to the implementation of any specific project, which is why a lesser level of detail was provided in the PEIR.

We have no significant comments on the PEIR. In Attachment 2 to this letter we indicate that it is difficult to match up VMT data between the RTP/SCS and PEIR. It may have to do with vehicle classes included or excluded, but we would request that differences in VMT, GHGs, or other performance measures between the two documents be clearly explained.

SCAG also indicates that the PEIR for the RTP/SCS may be useful as a basis for streamlining CEQA clearance for certain types of projects. SBCTA looks forward to collaborating with SCAG to take advantage of this opportunity, where possible.

Please see the attachments for additional comments. As stated earlier, SBCTA appreciates all the efforts by the SCAG Regional Council and SCAG staff to make the 2020 RTP/SCS a reflection of where the region is headed over the next 25 years. We look forward to continuing partnerships with SCAG to implement the projects and programs in the RTP/SCS.

Regards,

Raymond Wolfe
Executive Director

Attachment 1
SBCTA and SBCOG Sample Sustainability Initiatives

SBCTA and SBCOG have worked closely with SCAG in implementing and delivering sustainability projects in the region and have affirmed our commitment every four years when SCAG embarks on developing the RTP/SCS. In 2014, SBCTA/SBCOG and SCAG jointly executed a MOU on Sustainability planning efforts and delineated a list of activities demonstrating SBCTA/SBCOG's commitment to implementing the sustainability elements of the RTP/SCS. Although some project level specifics and programs in the MOU have changed over the years, the main goals and principles have remained and are still applicable and consistent with the latest 2020 RTP/SCS.

When it comes to San Bernardino County, the San Bernardino Countywide Vision is a centerpiece of our sustainability activities. Although the Vision was adopted by the County of San Bernardino and SBCTA/SBCOG in June, 2011, it still serves as the foundation for the all sustainability efforts in the County. Although the draft Connect SoCal (2020 RTP/SCS) provides an overview of some of these activities region wide, it is useful to provide a more specific status report on San Bernardino County's sustainability work. (https://www.gosbcta.com/wp-content/uploads/2019/09/SBCTA-Sustainability_FINAL_digital.pdf). Based on Table ES-3 Connect SoCal Goals, here are some examples of sustainability projects from SBCTA/SBCOG that align with the RTP/SCS.

Connect SoCal Goal #2 "Improve mobility, accessibility, reliability, and travel safety for people and goods."

Active Transportation Investments Countywide – Agencies are now engaged in delivering bicycle and pedestrian improvements made possible by over $50 million in State Active Transportation Program (ATP) grants. SBCTA has recently updated its Active Transportation Plan to include a Safe Routes to School element, a Points of Interest element, and a Complete Streets element. A countywide sidewalk inventory project is underway.

Connect SoCal Goal #3 "Enhance the preservation, security, and resilience of the regional transportation system"

Climate Adaptation Partnership with Western Riverside COG – This plan has been initiated to address the potential effects of climate change in Riverside and San Bernardino counties and identify ways to work together to address the challenges. As a result, the Inland Empire has formed a Climate Collaborative consistent with SB 1072 to put policies identified in the Regional Climate Adaptation Plan.

Connect SoCal Goal #4 "Increase person and goods movement and travel choices within the transportation system."

The Redlands Passenger Rail Project – This is a 9-mile rail line between Redlands and downtown San Bernardino, to be operational in late 2021, using self-propelled trainsets. As part of this project, SBCTA will implement a zero emission passenger rail trainset, a first in North America.

Connect SoCal Goal #5 "Reduce greenhouse gas emissions and improve air quality."

Countywide GHG Reduction Plan and EIR – This effort was completed in 2014 and is now being updated to address the State's 2030 GHG reduction goals under SB 32. The Plan includes the State's first and only certified PEIR for countywide GHGs and has facilitated adoption of local Climate Action Plans (CAPs).

Connect SoCal Goal #6 "Support healthy and equitable communities."

Healthy Communities Best Practices Toolkit – The San Bernardino County Department of Public Health created a Strategic Plan for the implementation of Healthy Communities policies. The toolkit, a collaboration between SBCOG and the County, will contain sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.

Connect SoCal Goal #8 "Leverage new transportation technologies and data-driven solutions that result in more efficient travel."

Partnerships on Clean Freight – Using a federal DOE grant and state CEC grant, SBCTA partnered with Ryder to place over 200 natural gas fueled trucks into its leasing fleet in Southern California as well as a maintenance facility and two fueling facilities. We are currently working with the BYD, BNSF railroad, and Daylight Transportation to pilot battery electric drayage trucks at Intermodal Yards in San Bernardino and Los Angeles and a distribution facility in Fontana.

Connect SoCal Goal #10 "Promote conservation of natural and agricultural lands and restoration of critical habitats"

Habitat Conservation – San Bernardino County and SBCOG are collaborating on an effort to create a Regional Conservation Investment Strategy (RCIS) through the process established by the California Department of Fish and Wildlife under AB 2087.

Aside from the specific activities referenced in the MOU, it should be noted that SBCTA completed its Countywide Transportation Plan (CTP) in 2015 and is being updated to be consistent with the 2020 RTP/SCS. The CTP is built on a foundation of economic and environmental sustainability. It recognizes that mobility and smart land development are needed to sustain the economic growth and competitiveness necessary for survival within the global economy. This economic growth is needed, in turn, to fund the array of statewide and regional sustainability commitments. San Bernardino County must invest in all modes of transportation, including highways, to support its businesses and growing population.

Please visit SBCTA's Sustainability page on our website at https://www.gosbcta.com/planning-sustainability/?category=sustainability, including our Sustainability Fact Sheet.

Attachment 2
Additional Comments on the Text of the RTP/SCS (Connect SoCal) Main RTP/SCS Report

- Page 18 - Figure 2.2 needs more explanation within the graphic itself. The Y-axis is not labeled. Are these thousands of jobs regionally? May be better presented as percentages of jobs subject to automation.
- Page 23, second paragraph under Transportation System – The paragraph references Exhibit 2.3, Existing Arterial System. The text refers to express lanes, while the graphic refers to Expressway/Parkway. Needs to be clarified. Also, what criteria were used for inclusion as an arterial? Was this the FHWA designation?
- Page 27, Exhibit 2.4 – Suggest that I-215 from SR-91 to I-15 be included in the map. Also, there are two intermodal facility dots shown in San Bernardino. Not clear what the second one is.
- Page 30 – Interesting graphic on mode of access to airports. Define "on-call." Is that where TNCs are included? Please clarify.
- Page 31 – Grey text is hard to read in the electronic version. Needs more contrast.
- Page 37 – Graphic should say annually, for number of injuries and fatalities.
- Page 59, Under Progress Since 2016 – Refers to "Three roadway improvement/rehabilitation projects, including bridge improvement have already been programmed." There have to be many more projects than that around the region. Referencing only three projects is very underwhelming. It would seem that a number of the "Progress Since 2016" sections could be improved.
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- Page 77 – I-15 Express Lane segment 5 – take out reference to High Desert Corridor and say "to north of Mojave River." For long range projects like this, it would be adequate to round the costs off to the nearest million.
- Page 102, Figure 4.7 – If it is possible to add dash patterns to similar-color lines, that would be helpful in distinguishing the operators from one another.
- Page 103, Table 4.3 – Title should state that the revenue forecast covers both capital and operating/maintenance costs. The numbers would be very large for only capital costs, so clarifying that O&M costs are included would reduce the number of questions.
- Page 122 and throughout Table 5.1 – It is important to clearly distinguish when statistics include light duty vehicles only, versus all vehicles. For example, the GHG per capita targets for SB 375 purposes relate to light duty vehicles only. On page 122, the basis of the VMT data is unclear. It is clarified as light duty in Table 5.1, but should also be stated on page 122 and on Figure 5.1 as well. Same with daily minutes of delay. Is that person delay or vehicle delay, and which vehicle sectors are included? The definition of VMT is also critical to distinguish for SB 743 purposes, to avoid confusion. We did not

see where total VMT statistics are presented. Truck delay by facility type is presented, but we did not see truck VMT within the main body of the RTP/SCS or in the Goods Movement appendix. Also, we could not match the VMT data in the RTP/SCS with the VMT data in the PEIR. Perhaps the differences are because of the inclusion or exclusion of vehicle types. Please review these sections to make sure the references are always clearly explained.

Goods movement appendix

- Page 50 – Please add more truck volume data points in the Inland Empire. Volumes in the I.E. are not well represented, given the role of the IE in goods movement.
- Page 51 – See comments within the text of the letter on the bottleneck relief strategy. The likelihood and cost of fixing the bottlenecks should be factored into the bottleneck relief strategy, not just the sheer magnitude of delay. Some bottlenecks have massive delays, but there are practical and cost limitations to relieving that congestion.
- Page 61 – SBCTA supports the language in the first bullet regarding working with the federal government on a low NOx engine standard for heavy-duty trucks. We signed onto the ultra low-NOx petition several years ago, along with SCAQMD and CARB. The standards should be developed at the national level, given the amount of travel through San Bernardino County by out-of-state trucks. Having a California-only standard could disadvantage our businesses further and will not be as effective. California and our region should strive for a level playing field as part of our air quality strategy.
- Page 94 – The South Archibald grade separation is planned, not complete.

Attachment 3

Comments on the Draft 2020 RTP/SCS Project List (note: costs are in $1000s; current RTP entry was copied directly from Table 2 of Project List Appendix)

1. LOCAL HIGHWAY SAN BERNARDINO, COUNTY OF 200837 0 VISTA ROAD 0 0 VISTA ROAD GRADE SEPARATION-WIDEN 2-4 LANES AND CONSTRUCT GRADE SEPARATION (PA&ED ONLY) 2030 $50,000 – **Comment: Change cost to $4,000 ($ in 1000s), since PA&ED only**
2. LOCAL HIGHWAY SAN BERNARDINO COUNTY 4120193 0 VARIOUS LOCATIONS VARIOUS TRAFFIC SIGNAL PROJECTS THROUGHOUT SAN BERNARDINO COUNTY 2023 $519,912 – **Comment: should have a completion year of 2040; costs should be $5,000.**
3. LOCAL HIGHWAY COLTON 4160046 0 MT VERNON I-10 EB RAMPS COOLEY DR WIDEN MT VERNON ACROSS UPRR AND SANTA ANA RIVER FROM 2 TO 4 LANES 2025 $30,000 – **Comment: delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
4. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4120198 10 I-10 I-10 MT VERNON AVE I-10 @ MT VERNON AVE INTERCHANGE IMPROVEMENTS 2035 $38,500 – **Comment: Delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
5. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4160004 10 I-10 I-10 GROVE AVE/4TH ST I-10 @ GROVE AVE/4TH ST NEW INTERCHANGE 2045 $199,000– **Comment: Delete because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 2002160 2002160 10 I-10 AT GROVE AVE AND 4TH ST: CONSTRUCT NEW INTERCHANGE AT I-10 AND GROVE AVE; CLOSE EXISTING I-10/FOURTH ST INTERCHANGE; AND LOCAL STREET IMPROVEMENTS ALONG GROVE AVE (CHILD PROJECT IS 20171102). $199,423
6. STATE HIGHWAY CALTRANS 4200S001 395 US-395 1.8 MI S/O DESERT FLOWER RD FARMINGTON RD WIDEN US-395 FROM 1.8 MI S/O DESERT FLOWER RD TO FAMINGTON RD 2025 $459,978 – **Comment: change date to 2035**

7. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4M01043 215 I-215 I-215 MT VERNON/ WASHINGTON AVE I-215 @ MT. VERNON/WASHINGTON ST INTERCHANGE RECONSTRUCTION 2045 $109,048 – **Comment: Delete, as it is duplicate of:**

   a. LOCAL HIGHWAY CALTRANS 4160072 215 WASHINGTON I-215 WASHINGTON I-215 & WASHINGTON/MT. VERNON; REPLACEMENT BRIDGE PROJECT TO PROVIDE STANDARD VERTICAL AND HORIZONTAL CLEARANCES FOR THE ULTIMATE I-215 ROADWAY. 2023 $29,252

8. STATE HIGHWAY SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) 4M07007 210 SR-210 SR-210 BASELINE AVE SR-210 @ BASELINE AVE INTERCHANGE IMPROVEMENTS 2020 $15,600– **Comment: Delete because it is in FTIP as:**

   a. SAN BERNARDINO STATE HIGHWAY 201186 REG0701 210 AT SR-210/BASE LINE IC: RECONSTRUCT/WIDEN BASE LINE BETWEEN CHURCH AVE AND BOULDER AVE FROM 4 TO 6 THROUGH LANES AND EXTEND LEFT TURN LANES, WIDEN RAMPS – WB EXIT 1 TO 3 LANES, WB AND EB ENTRANCES 1 TO 3 LANES INCLUDING HOV PREFERENTIAL LANES (EA 1C970) $31,216

9. STATE HIGHWAY HESPERIA 4M07014 15 I-15 I-15 MOJAVE ST I-15 @ MOJAVE ST NEW INTERCHANGE 2040 $45,000 – **Comment: Delete as it is no longer in the SBCTA Nexus Study, so can be deleted from RTP project list.**

10. RTP ID 4120219 Foothill/San Bernardino from San Manuel Casino to Kaiser Hospital (Sierra Ave. Fontana) – Full BRT 2045 – Comment: Can be deleted, as this route is mostly covered by RTP ID 4120205. – **Comment: Please change to 5th St/Baseline from San Manuel Casino to San Bernardino Transit Center – Express Bus 2045 - $15,000.**

cog
Council of Governments

sb

cta
County Transportation Authority

January 24, 2020

Mr. Kome Ajise
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Comments by San Bernardino County Transportation Authority and San Bernardino Council of Governments on the draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (*Connect SoCal*) and draft Program Environmental Impact Report

Dear Mr. Ajise:

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) appreciate the opportunity to provide comments on the Southern California Association of Governments' (SCAG's) draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and draft Program Environmental Impact Report (PEIR). Both documents have been very professionally prepared, with substantial input over the last several years from County Transportation Commissions (CTCs), councils of governments (COGs), local jurisdictions, other transportation agencies, advocacy groups, and the public. We appreciate the working relationship we have had with SCAG to bring the 2020 RTP/SCS to this point in its development. We look forward to the Regional Council's approval of the RTP/SCS in April and receiving subsequent federal approval for air quality conformity.

Our comments can be classified into three general themes:

- A summary of SBCTA's sustainability activities over the last several years
- Overall perspectives on the 2020 RTP/SCS
- Specific comments on the content of the draft RTP/SCS and PEIR (Attachment 2) and a list of edits to the San Bernardino County portion of the RTP/SCS Project List (Attachment 3)

SBCTA AND SBCOG SUSTAINABILITY INITIATIVES

As you are aware, SCAG and SBCTA jointly executed a Sustainability MOU in 2014 titled "Collaboration between SBCTA and SCAG to Implement the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy." Although the MOU itself has become dated at this point, it is important to recognize that SBCTA and our local partners (transit agencies and local jurisdictions) are proactively pursuing sustainability initiatives throughout San Bernardino County. These activities represent important contributions to sustainability

region-wide, and we thought it would be appropriate to highlight some of these in our comment letter on the RTP/SCS.

The San Bernardino Countywide Vision is a centerpiece of our sustainability activities. The Vision was adopted by the County of San Bernardino and SBCTA members in June 2011, well prior to the execution of the Sustainability MOU with SCAG. The Vision is very consistent with the direction of the RTP/SCS and gave San Bernardino County an important foundation for the activities that have been undertaken since that time. Extensive information is available on the Countywide Vision site at http://cms.sbcounty.gov/cao-vision/Home.aspx.

In brief, the following are recent and ongoing sustainability initiatives of SBCTA and SBCOG:

- Transit investments – Over $600 million is being invested in high-capacity transit infrastructure over a 10-year period, an extraordinary investment for a county generally thought to be suburban, with just over 2 million residents.
- Joint report with SCAG: "*Customer-Focused, Technology-Enabled Multi-Modalism Action Plan*," completed in 2018 and containing 16 targeted initiatives for transit, transportation demand management (TDM), and active transportation in San Bernardino County.
- Active transportation – we have delivered or are in the process of delivering over $50 million in State Active Transportation Program grants, together with our local partners.
- Expansion of the SBCTA rideshare/vanpool program (in progress)
- Zero-Emission Vehicle Readiness and Implementation Plan (completed 2019)
- Countywide GHG Reduction Plan and EIR (completed in 2014 and in the process of being updated to address SB 32 goals for GHG reduction)
- Regional Energy Partnership
- Partnerships on Clean Freight
- Climate Adaptation Plan and Partnership with Western Riverside COG (Plan will be complete in February)
- Healthy Communities Best Practices Toolkit
- Preparation of a Regional Conservation Investment Strategy (RCIS), pursuant to AB 2087 – Draft has been prepared, and is being refined using a Wildlife Conservation Board grant.
- SB 743 Countywide VMT Implementation Study (being completed in Spring 2020 for all the jurisdictions in the county)
- Two Comprehensive Multimodal Corridor Plans are underway, in partnership with the Riverside County Transportation Commission, Caltrans District 8, and SCAG.

Attachment 1 to this letter expands on these activities. The SBCTA Sustainability web page can be accessed at: https://www.gosbcta.com/planning-sustainability/.

OVERALL PERSPECTIVES ON THE 2020 RTP/SCS

Prior to the more detailed comments contained in the attachments, SBCTA has some overall perspectives for how the RTP/SCS can be used to achieve the mobility, safety, and sustainability goals of the region in the coming years. These comments relate to our own Countywide Transportation Plan; perspectives on transit, VMT, GHGs, and a multimodal transportation system; our emerging express lane network; goods movement; and airports.

SBCTA's Countywide Transportation Plan and Relationship to the 2020 RTP/SCS

SBCTA's 2015 Countywide Transportation Plan (CTP) is being updated to be consistent with the RTP/SCS. The 2015 CTP outlined a path forward for a sustainable transportation future, laying out an achievable strategy for highway and transit facilities, transit oriented development (TOD), air quality, GHG reduction, freight, airports, transportation demand management (TDM), active transportation, and funding. The CTP analyzes two future scenarios: a "baseline scenario" that assumes traditional revenue sources (generally consistent with what the RTP/SCS defines as "core revenues") and an "aggressive scenario" (generally consistent with RTP/SCS "Plan" revenues, including the innovative sources identified in the Plan). The projects and programs in the aggressive scenario of SBCTA's updated CTP are consistent with the lists in SCAG's RTP/SCS. SBCTA has provided SCAG with technical corrections to the San Bernardino County portion of the RTP/SCS project list in a separate communication so that the changes can be incorporated into the modeling for the final RTP/SCS.

Need for a Balanced, Multimodal Transportation System

As noted above, SBCTA is investing heavily in the transit system, TDM, and active transportation. At the same time, our citizens and businesses remain extremely concerned about living up to the commitments in our Measure I half-cent sales tax. Much of the concern centers around the congestion on freeways, interchanges, and the regional arterial system. We have prioritized interchange improvements and are proceeding to deliver those improvements, having completed eight major interchange projects in the last 10 years. We are well into delivery of 10 additional interchanges and are working with local jurisdictions on strategic ramp improvements. Interstates 10 and 15 are being addressed largely through our managed lane strategy, as described in the next section.

We appreciate SCAG's acknowledgement that "*given that critical gaps and congestion choke points still exist in the system, improvements beyond those that are operational in nature still need to be considered*" (page 73 of RTP/SCS). In other words, the RTP/SCS acknowledges that highway improvements are still necessary, even though most of the attention is being given to trip-reduction strategies, with the goal of reducing GHGs and VMT.

At the same time, it is important to acknowledge that each individual project should not be expected to reduce VMT. What is important is the impact of the overall strategy. In San Bernardino County, the RTP/SCS shows that VMT per capita is being reduced by 2% through 2045 just with the "baseline" investment and by 5% with the "Plan" investment

(see page 122). While this is well below the 15% per capita reduction goal identified by the Governor's Office of Planning and Research (OPR), it represents billions of dollars of investment in transit and trip reduction measures over that time period and appears realistic for San Bernardino County to achieve. There are two primary points: 1) each project cannot be held to a VMT reduction target, and state/regional agencies should not impose that requirement; and 2) VMT thresholds should be set at levels that are achievable within the bounds of financial capacity and the modal choices that travelers make within the context of their geographic setting.

The RTP/SCS demonstrates how difficult it is to reduce VMT even with many billions of dollars invested in alternative modes of travel. Regionally, the Plan reduces per capita VMT by 9.5% between 2016 and 2045, but the population increases by about 20%. In other words, total VMT can still be expected to increase regionally by about 10%. The VMT increase in the Inland Empire will be more in the range of 25%. The rate of population growth tends to outstrip the per capita reductions that can be achieved, so expectations of VMT reduction need to be tempered with what is realistic.

The good news is that GHGs can be reduced even if the absolute VMT increases, following the same path as the region's remarkable improvement in air quality as population and travel has dramatically increased. This means that, for mobile sources, the path to GHG reduction will largely fall on clean energy production, energy efficiency, technological innovations, and more rapid turnover of vehicle fleets. The GHG analysis in the 2040 California Transportation Plan demonstrated that vehicle and fuels technology will be the primary way in which GHG reduction goals will need to be met. VMT reduction is an appropriate goal, but technology will be the principal path to long term GHG reduction. SBCTA looks forward to partnering with SCAG, the State, and the utility industry to pursue these opportunities, consistent with the initiatives we have mentioned earlier, while also doing what we can in transit and TDM to reduce VMT. We are excited to be involved in the Governor's "Regions Rise Together" initiative, which recognizes that there are no "one-size-fits-all" solutions as far as transportation management and GHG reduction are concerned.

Regional Express Lane Network

As indicated in the RTP/SCS, SBCTA has two major express lane implementation initiatives: I-10 from the Los Angeles County line to Ford Street in Redlands, and I-15 from the Riverside County line, up the Cajon Pass, through Victor Valley, to just north of the Mojave River. These projects are not only multi-modal projects for passengers, with benefits for buses, vanpools, and 3+ carpools, but they will significantly improve freight mobility as well. Each project includes auxiliary lanes and will take some of the auto travel out of the general purpose lanes.

It is noteworthy that the I-10/I-15 interchange, at the heart of Inland Empire logistics activity, is designated as the 15th most critical freight bottleneck in the United States (per the American Transportation Research Institute), and the I-10 and I-15 corridors represent the major gateways from/to Southern California to/from the rest of America. The express lanes will also permit light duty (under 10,000 pounds) commercial traffic. Improvement of these corridors is a win-win for

both multimodal passengers and freight, but will need to be staged over the duration of the RTP/SCS.

One request from SBCTA is that one of the sample projects listed in the HOV section of Table 3.2 on page 77 of the RTP/SCS be swapped out with another from the project list. Please replace the I-210 project (Add one HOV lane in each direction from I-215 to I-10) with an additional express lane project (I-10 Contract 2A – add two Express Lanes in each direction from I-15 to Sierra Avenue). The I-10 project has more visibility, is more short term, and more appropriate for inclusion on the sample list. It has an expected completion year of 2029 and cost of $700 million. This is consistent with FTIP amendment 19-13. No changes to the master project list are required.

Goods Movement

SBCTA appreciates SCAG's analysis of freight bottlenecks, documented in the Goods Movement appendix of the draft RTP/SCS. As you know, San Bernardino County is both benefitted by the logistics industry and at the same time heavily impacted by freight. Three of our freight bottlenecks appear on Exhibit 7: I-10 east of I-15, I-15 south of I-10, and I-15 through the Cajon Pass. This is consistent with the notation earlier about the critical bottleneck on the ATRI "top 100" list at the I-10/I-15 interchange. However, we would request that the 15,000-20,000 AVHD bottlenecks be added to Table 7 on pages 53 and 54, given that these are more "fixable" than many of the bottlenecks to our west, which may have higher delay values but are much more constrained and costly to improve.

The San Bernardino County bottlenecks have near-term solutions in the works, and are likely to be strong candidates for freight program funding at the State and federal level. There are only a few of these "second-tier" bottlenecks in the region and could easily be added to Table 7. We would also point out that our freight bottleneck on eastbound I-10 in Yucaipa is one that did not make the delay threshold, but can be addressed at a relatively low cost ($37 million for a truck climbing lane). We would recommend that the next RTP/SCS include the "feasibility of improvement" as a factor in the bottleneck evaluation, particularly given the competitive nature of freight program funding grants, such as those for SB 1.

As an additional note, we believe that the regional freight collaboration that has worked so well for our regional project funding through the State's Trade Corridor Improvement Fund (TCIF) program should be re-invigorated. The collaboration is in a good position to craft a program of freight projects that can be most competitive for State and federal freight program funds.

Airports

It should be noted that control over Ontario International Airport (ONT) was transferred from the Los Angeles World Airports to the Ontario International Airport Authority (OIAA) in November 2016. SBCTA and our partner agencies appreciate the regional support that has been provided by SCAG and other agencies around the region, enabling ONT to serve 5.5 million

passengers in 2019, the highest level in a decade. We look forward to continuing local and regional efforts to make ONT a truly regional asset.

The RTP/SCS shows the projected airport passenger forecasts for 2017 through 2045 in Table 3.3. The Plan shows that LAX and ONT account for 80% of the passenger growth region-wide. LAX is forecast to increase by 42 million annual passengers (MAP) to 127 MAP, or 50% higher than existing. ONT is forecast to increase by 28 MAP to 33 MAP, or about six times the existing passenger volume. The market will ultimately determine how rapidly each airport will grow. However, it would be helpful if SCAG could consider some additional analysis as a way of quantifying airport accessibility. It is suggested that graphics be produced for each of the seven major airports that show travel time contours and the population within each contour. In other words, this would answer the question of how much population is within 15 minutes of each airport, 30 minutes of each airport, 60 minutes of each airport, etc for both peak and off-peak conditions. It would be done for both existing and 2045 to see how airport accessibility might change with changing traffic conditions. Perhaps for the next RTP/SCS an airport accessibility index could be developed. This could be an additional data point for the forecasting of future passenger volumes.

Secondly, it would be beneficial to have SCAG compile regular monitoring data for all the airports in Southern California, perhaps on an annual basis, using the FAA Air Traffic Activity Data System (ATADS) or other appropriate data sources. This would be useful to just keep tabs on airport growth and operational characteristics region-wide. Finally, it would be useful for SCAG to maintain information on project activity at the airports, focusing on projects geared toward capacity expansion and airport efficiency improvements.

Programmatic Environmental Impact Report (PEIR)

Regarding the PEIR, we appreciate the structure of the document and the mitigation measures. The mitigation measures encourage action, but do not put requirements on the County Transportation Commissions or local jurisdictions, beyond those already required by State or federal law. It also acknowledges that project-level environmental studies will need to be conducted prior to the implementation of any specific project, which is why a lesser level of detail was provided in the PEIR.

We have no significant comments on the PEIR. In Attachment 2 to this letter we indicate that it is difficult to match up VMT data between the RTP/SCS and PEIR. It may have to do with vehicle classes included or excluded, but we would request that differences in VMT, GHGs, or other performance measures between the two documents be clearly explained.

SCAG also indicates that the PEIR for the RTP/SCS may be useful as a basis for streamlining CEQA clearance for certain types of projects. SBCTA looks forward to collaborating with SCAG to take advantage of this opportunity, where possible.

Please see the attachments for additional comments. As stated earlier, SBCTA appreciates all the efforts by the SCAG Regional Council and SCAG staff to make the 2020 RTP/SCS a reflection of where the region is headed over the next 25 years. We look forward to continuing partnerships with SCAG to implement the projects and programs in the RTP/SCS.

Regards,

Raymond Wolfe
Executive Director

Attachment 1
SBCTA and SBCOG Sample Sustainability Initiatives

SBCTA and SBCOG have worked closely with SCAG in implementing and delivering sustainability projects in the region and have affirmed our commitment every four years when SCAG embarks on developing the RTP/SCS. In 2014, SBCTA/SBCOG and SCAG jointly executed a MOU on Sustainability planning efforts and delineated a list of activities demonstrating SBCTA/SBCOG's commitment to implementing the sustainability elements of the RTP/SCS. Although some project level specifics and programs in the MOU have changed over the years, the main goals and principles have remained and are still applicable and consistent with the latest 2020 RTP/SCS.

When it comes to San Bernardino County, the San Bernardino Countywide Vision is a centerpiece of our sustainability activities. Although the Vision was adopted by the County of San Bernardino and SBCTA/SBCOG in June, 2011, it still serves as the foundation for the all sustainability efforts in the County. Although the draft Connect SoCal (2020 RTP/SCS) provides an overview of some of these activities region wide, it is useful to provide a more specific status report on San Bernardino County's sustainability work. (https://www.gosbcta.com/wp-content/uploads/2019/09/SBCTA-Sustainability_FINAL_digital.pdf). Based on Table ES-3 Connect SoCal Goals, here are some examples of sustainability projects from SBCTA/SBCOG that align with the RTP/SCS.

Connect SoCal Goal #2 "Improve mobility, accessibility, reliability, and travel safety for people and goods."

Active Transportation Investments Countywide – Agencies are now engaged in delivering bicycle and pedestrian improvements made possible by over $50 million in State Active Transportation Program (ATP) grants. SBCTA has recently updated its Active Transportation Plan to include a Safe Routes to School element, a Points of Interest element, and a Complete Streets element. A countywide sidewalk inventory project is underway.

Connect SoCal Goal #3 "Enhance the preservation, security, and resilience of the regional transportation system"

Climate Adaptation Partnership with Western Riverside COG – This plan has been initiated to address the potential effects of climate change in Riverside and San Bernardino counties and identify ways to work together to address the challenges. As a result, the Inland Empire has formed a Climate Collaborative consistent with SB 1072 to put policies identified in the Regional Climate Adaptation Plan.

Connect SoCal Goal #4 "Increase person and goods movement and travel choices within the transportation system."

The Redlands Passenger Rail Project – This is a 9-mile rail line between Redlands and downtown San Bernardino, to be operational in late 2021, using self-propelled trainsets. As part of this project, SBCTA will implement a zero emission passenger rail trainset, a first in North America.

Connect SoCal Goal #5 "Reduce greenhouse gas emissions and improve air quality."

Countywide GHG Reduction Plan and EIR – This effort was completed in 2014 and is now being updated to address the State's 2030 GHG reduction goals under SB 32. The Plan includes the State's first and only certified PEIR for countywide GHGs and has facilitated adoption of local Climate Action Plans (CAPs).

Connect SoCal Goal #6 "Support healthy and equitable communities."

Healthy Communities Best Practices Toolkit – The San Bernardino County Department of Public Health created a Strategic Plan for the implementation of Healthy Communities policies. The toolkit, a collaboration between SBCOG and the County, will contain sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.

Connect SoCal Goal #8 "Leverage new transportation technologies and data-driven solutions that result in more efficient travel."

Partnerships on Clean Freight – Using a federal DOE grant and state CEC grant, SBCTA partnered with Ryder to place over 200 natural gas fueled trucks into its leasing fleet in Southern California as well as a maintenance facility and two fueling facilities. We are currently working with the BYD, BNSF railroad, and Daylight Transportation to pilot battery electric drayage trucks at Intermodal Yards in San Bernardino and Los Angeles and a distribution facility in Fontana.

Connect SoCal Goal #10 "Promote conservation of natural and agricultural lands and restoration of critical habitats"

Habitat Conservation – San Bernardino County and SBCOG are collaborating on an effort to create a Regional Conservation Investment Strategy (RCIS) through the process established by the California Department of Fish and Wildlife under AB 2087.

Aside from the specific activities referenced in the MOU, it should be noted that SBCTA completed its Countywide Transportation Plan (CTP) in 2015 and is being updated to be consistent with the 2020 RTP/SCS. The CTP is built on a foundation of economic and environmental sustainability. It recognizes that mobility and smart land development are needed to sustain the economic growth and competitiveness necessary for survival within the global economy. This economic growth is needed, in turn, to fund the array of statewide and regional sustainability commitments. San Bernardino County must invest in all modes of transportation, including highways, to support its businesses and growing population.

Please visit SBCTA's Sustainability page on our website at https://www.gosbcta.com/planning-sustainability/?category=sustainability, including our Sustainability Fact Sheet.

Attachment 2
Additional Comments on the Text of the RTP/SCS (Connect SoCal) Main RTP/SCS Report

- Page 18 - Figure 2.2 needs more explanation within the graphic itself. The Y-axis is not labeled. Are these thousands of jobs regionally? May be better presented as percentages of jobs subject to automation.
- Page 23, second paragraph under Transportation System – The paragraph references Exhibit 2.3, Existing Arterial System. The text refers to express lanes, while the graphic refers to Expressway/Parkway. Needs to be clarified. Also, what criteria were used for inclusion as an arterial? Was this the FHWA designation?
- Page 27, Exhibit 2.4 – Suggest that I-215 from SR-91 to I-15 be included in the map. Also, there are two intermodal facility dots shown in San Bernardino. Not clear what the second one is.
- Page 30 – Interesting graphic on mode of access to airports. Define "on-call." Is that where TNCs are included? Please clarify.
- Page 31 – Grey text is hard to read in the electronic version. Needs more contrast.
- Page 37 – Graphic should say annually, for number of injuries and fatalities.
- Page 59, Under Progress Since 2016 – Refers to "Three roadway improvement/rehabilitation projects, including bridge improvement have already been programmed." There have to be many more projects than that around the region. Referencing only three projects is very underwhelming. It would seem that a number of the "Progress Since 2016" sections could be improved.
- Page 61 – You may want to caveat the mileage-based user fee discussion, to be clear that no specific plans have been made to implement such a system at this time, and that implementation would need to occur on a statewide basis.
- Page 66 – Please re-orient the list of transit projects for San Bernardino from shorter term to longer term and please omit the Foothill/San Bernardino BRT from the list. That project is too long term. So the list would be in this order: Redlands Passenger Rail, West Valley Connector Phase 1, Gold Line Extension to Montclair, and Passenger Rail Service from San Bernardino Metrolink Line to Ontario Airport.
- Page 77 – I-15 Express Lane segment 5 – take out reference to High Desert Corridor and say "to north of Mojave River." For long range projects like this, it would be adequate to round the costs off to the nearest million.
- Page 102, Figure 4.7 – If it is possible to add dash patterns to similar-color lines, that would be helpful in distinguishing the operators from one another.
- Page 103, Table 4.3 – Title should state that the revenue forecast covers both capital and operating/maintenance costs. The numbers would be very large for only capital costs, so clarifying that O&M costs are included would reduce the number of questions.
- Page 122 and throughout Table 5.1 – It is important to clearly distinguish when statistics include light duty vehicles only, versus all vehicles. For example, the GHG per capita targets for SB 375 purposes relate to light duty vehicles only. On page 122, the basis of the VMT data is unclear. It is clarified as light duty in Table 5.1, but should also be stated on page 122 and on Figure 5.1 as well. Same with daily minutes of delay. Is that person delay or vehicle delay, and which vehicle sectors are included? The definition of VMT is also critical to distinguish for SB 743 purposes, to avoid confusion. We did not

see where total VMT statistics are presented. Truck delay by facility type is presented, but we did not see truck VMT within the main body of the RTP/SCS or in the Goods Movement appendix. Also, we could not match the VMT data in the RTP/SCS with the VMT data in the PEIR. Perhaps the differences are because of the inclusion or exclusion of vehicle types. Please review these sections to make sure the references are always clearly explained.

Goods movement appendix

- Page 50 – Please add more truck volume data points in the Inland Empire. Volumes in the I.E. are not well represented, given the role of the IE in goods movement.
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Attachment 3

Comments on the Draft 2020 RTP/SCS Project List (note: costs are in $1000s; current RTP entry was copied directly from Table 2 of Project List Appendix)

1. LOCAL HIGHWAY SAN BERNARDINO, COUNTY OF 200837 0 VISTA ROAD 0 0 VISTA ROAD GRADE SEPARATION-WIDEN 2-4 LANES AND CONSTRUCT GRADE SEPARATION (PA&ED ONLY) 2030 $50,000 – **Comment: Change cost to $4,000 ($ in 1000s), since PA&ED only**
2. LOCAL HIGHWAY SAN BERNARDINO COUNTY 4120193 0 VARIOUS LOCATIONS VARIOUS TRAFFIC SIGNAL PROJECTS THROUGHOUT SAN BERNARDINO COUNTY 2023 $519,912 – **Comment: should have a completion year of 2040; costs should be $5,000.**
3. LOCAL HIGHWAY COLTON 4160046 0 MT VERNON I-10 EB RAMPS COOLEY DR WIDEN MT VERNON ACROSS UPRR AND SANTA ANA RIVER FROM 2 TO 4 LANES 2025 $30,000 – **Comment: delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
4. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4120198 10 I-10 I-10 MT VERNON AVE I-10 @ MT VERNON AVE INTERCHANGE IMPROVEMENTS 2035 $38,500 – **Comment: Delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
5. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4160004 10 I-10 I-10 GROVE AVE/4TH ST I-10 @ GROVE AVE/4TH ST NEW INTERCHANGE 2045 $199,000– **Comment: Delete because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 2002160 2002160 10 I-10 AT GROVE AVE AND 4TH ST: CONSTRUCT NEW INTERCHANGE AT I-10 AND GROVE AVE; CLOSE EXISTING I-10/FOURTH ST INTERCHANGE; AND LOCAL STREET IMPROVEMENTS ALONG GROVE AVE (CHILD PROJECT IS 20171102). $199,423
6. STATE HIGHWAY CALTRANS 4200S001 395 US-395 1.8 MI S/O DESERT FLOWER RD FARMINGTON RD WIDEN US-395 FROM 1.8 MI S/O DESERT FLOWER RD TO FAMINGTON RD 2025 $459,978 – **Comment: change date to 2035**

7. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4M01043 215 I-215 I-215 MT VERNON/ WASHINGTON AVE I-215 @ MT. VERNON/WASHINGTON ST INTERCHANGE RECONSTRUCTION 2045 $109,048 – **Comment: Delete, as it is duplicate of:**

   a. LOCAL HIGHWAY CALTRANS 4160072 215 WASHINGTON I-215 WASHINGTON I-215 & WASHINGTON/MT. VERNON; REPLACEMENT BRIDGE PROJECT TO PROVIDE STANDARD VERTICAL AND HORIZONTAL CLEARANCES FOR THE ULTIMATE I-215 ROADWAY. 2023 $29,252

8. STATE HIGHWAY SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) 4M07007 210 SR-210 SR-210 BASELINE AVE SR-210 @ BASELINE AVE INTERCHANGE IMPROVEMENTS 2020 $15,600– **Comment: Delete because it is in FTIP as:**

   a. SAN BERNARDINO STATE HIGHWAY 201186 REG0701 210 AT SR-210/BASE LINE IC: RECONSTRUCT/WIDEN BASE LINE BETWEEN CHURCH AVE AND BOULDER AVE FROM 4 TO 6 THROUGH LANES AND EXTEND LEFT TURN LANES, WIDEN RAMPS – WB EXIT 1 TO 3 LANES, WB AND EB ENTRANCES 1 TO 3 LANES INCLUDING HOV PREFERENTIAL LANES (EA 1C970) $31,216

9. STATE HIGHWAY HESPERIA 4M07014 15 I-15 I-15 MOJAVE ST I-15 @ MOJAVE ST NEW INTERCHANGE 2040 $45,000 – **Comment: Delete as it is no longer in the SBCTA Nexus Study, so can be deleted from RTP project list.**

10. RTP ID 4120219 Foothill/San Bernardino from San Manuel Casino to Kaiser Hospital (Sierra Ave. Fontana) – Full BRT 2045 – Comment: Can be deleted, as this route is mostly covered by RTP ID 4120205. – **Comment: Please change to 5th St/Baseline from San Manuel Casino to San Bernardino Transit Center – Express Bus 2045 - $15,000.**

cog
Council of Governments

sb

cta
County Transportation Authority

January 24, 2020

Mr. Kome Ajise
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Comments by San Bernardino County Transportation Authority and San Bernardino Council of Governments on the draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (*Connect SoCal*) and draft Program Environmental Impact Report

Dear Mr. Ajise:

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) appreciate the opportunity to provide comments on the Southern California Association of Governments' (SCAG's) draft 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and draft Program Environmental Impact Report (PEIR). Both documents have been very professionally prepared, with substantial input over the last several years from County Transportation Commissions (CTCs), councils of governments (COGs), local jurisdictions, other transportation agencies, advocacy groups, and the public. We appreciate the working relationship we have had with SCAG to bring the 2020 RTP/SCS to this point in its development. We look forward to the Regional Council's approval of the RTP/SCS in April and receiving subsequent federal approval for air quality conformity.

Our comments can be classified into three general themes:

- A summary of SBCTA's sustainability activities over the last several years
- Overall perspectives on the 2020 RTP/SCS
- Specific comments on the content of the draft RTP/SCS and PEIR (Attachment 2) and a list of edits to the San Bernardino County portion of the RTP/SCS Project List (Attachment 3)

SBCTA AND SBCOG SUSTAINABILITY INITIATIVES

As you are aware, SCAG and SBCTA jointly executed a Sustainability MOU in 2014 titled "Collaboration between SBCTA and SCAG to Implement the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy." Although the MOU itself has become dated at this point, it is important to recognize that SBCTA and our local partners (transit agencies and local jurisdictions) are proactively pursuing sustainability initiatives throughout San Bernardino County. These activities represent important contributions to sustainability

region-wide, and we thought it would be appropriate to highlight some of these in our comment letter on the RTP/SCS.

The San Bernardino Countywide Vision is a centerpiece of our sustainability activities. The Vision was adopted by the County of San Bernardino and SBCTA members in June 2011, well prior to the execution of the Sustainability MOU with SCAG. The Vision is very consistent with the direction of the RTP/SCS and gave San Bernardino County an important foundation for the activities that have been undertaken since that time. Extensive information is available on the Countywide Vision site at http://cms.sbcounty.gov/cao-vision/Home.aspx.

In brief, the following are recent and ongoing sustainability initiatives of SBCTA and SBCOG:

- Transit investments – Over $600 million is being invested in high-capacity transit infrastructure over a 10-year period, an extraordinary investment for a county generally thought to be suburban, with just over 2 million residents.
- Joint report with SCAG: "*Customer-Focused, Technology-Enabled Multi-Modalism Action Plan*," completed in 2018 and containing 16 targeted initiatives for transit, transportation demand management (TDM), and active transportation in San Bernardino County.
- Active transportation – we have delivered or are in the process of delivering over $50 million in State Active Transportation Program grants, together with our local partners.
- Expansion of the SBCTA rideshare/vanpool program (in progress)
- Zero-Emission Vehicle Readiness and Implementation Plan (completed 2019)
- Countywide GHG Reduction Plan and EIR (completed in 2014 and in the process of being updated to address SB 32 goals for GHG reduction)
- Regional Energy Partnership
- Partnerships on Clean Freight
- Climate Adaptation Plan and Partnership with Western Riverside COG (Plan will be complete in February)
- Healthy Communities Best Practices Toolkit
- Preparation of a Regional Conservation Investment Strategy (RCIS), pursuant to AB 2087 – Draft has been prepared, and is being refined using a Wildlife Conservation Board grant.
- SB 743 Countywide VMT Implementation Study (being completed in Spring 2020 for all the jurisdictions in the county)
- Two Comprehensive Multimodal Corridor Plans are underway, in partnership with the Riverside County Transportation Commission, Caltrans District 8, and SCAG.

Attachment 1 to this letter expands on these activities. The SBCTA Sustainability web page can be accessed at: https://www.gosbcta.com/planning-sustainability/.

OVERALL PERSPECTIVES ON THE 2020 RTP/SCS

Prior to the more detailed comments contained in the attachments, SBCTA has some overall perspectives for how the RTP/SCS can be used to achieve the mobility, safety, and sustainability goals of the region in the coming years. These comments relate to our own Countywide Transportation Plan; perspectives on transit, VMT, GHGs, and a multimodal transportation system; our emerging express lane network; goods movement; and airports.

SBCTA's Countywide Transportation Plan and Relationship to the 2020 RTP/SCS

SBCTA's 2015 Countywide Transportation Plan (CTP) is being updated to be consistent with the RTP/SCS. The 2015 CTP outlined a path forward for a sustainable transportation future, laying out an achievable strategy for highway and transit facilities, transit oriented development (TOD), air quality, GHG reduction, freight, airports, transportation demand management (TDM), active transportation, and funding. The CTP analyzes two future scenarios: a "baseline scenario" that assumes traditional revenue sources (generally consistent with what the RTP/SCS defines as "core revenues") and an "aggressive scenario" (generally consistent with RTP/SCS "Plan" revenues, including the innovative sources identified in the Plan). The projects and programs in the aggressive scenario of SBCTA's updated CTP are consistent with the lists in SCAG's RTP/SCS. SBCTA has provided SCAG with technical corrections to the San Bernardino County portion of the RTP/SCS project list in a separate communication so that the changes can be incorporated into the modeling for the final RTP/SCS.

Need for a Balanced, Multimodal Transportation System

As noted above, SBCTA is investing heavily in the transit system, TDM, and active transportation. At the same time, our citizens and businesses remain extremely concerned about living up to the commitments in our Measure I half-cent sales tax. Much of the concern centers around the congestion on freeways, interchanges, and the regional arterial system. We have prioritized interchange improvements and are proceeding to deliver those improvements, having completed eight major interchange projects in the last 10 years. We are well into delivery of 10 additional interchanges and are working with local jurisdictions on strategic ramp improvements. Interstates 10 and 15 are being addressed largely through our managed lane strategy, as described in the next section.

We appreciate SCAG's acknowledgement that "*given that critical gaps and congestion choke points still exist in the system, improvements beyond those that are operational in nature still need to be considered*" (page 73 of RTP/SCS). In other words, the RTP/SCS acknowledges that highway improvements are still necessary, even though most of the attention is being given to trip-reduction strategies, with the goal of reducing GHGs and VMT.

At the same time, it is important to acknowledge that each individual project should not be expected to reduce VMT. What is important is the impact of the overall strategy. In San Bernardino County, the RTP/SCS shows that VMT per capita is being reduced by 2% through 2045 just with the "baseline" investment and by 5% with the "Plan" investment

(see page 122). While this is well below the 15% per capita reduction goal identified by the Governor's Office of Planning and Research (OPR), it represents billions of dollars of investment in transit and trip reduction measures over that time period and appears realistic for San Bernardino County to achieve. There are two primary points: 1) each project cannot be held to a VMT reduction target, and state/regional agencies should not impose that requirement; and 2) VMT thresholds should be set at levels that are achievable within the bounds of financial capacity and the modal choices that travelers make within the context of their geographic setting.

The RTP/SCS demonstrates how difficult it is to reduce VMT even with many billions of dollars invested in alternative modes of travel. Regionally, the Plan reduces per capita VMT by 9.5% between 2016 and 2045, but the population increases by about 20%. In other words, total VMT can still be expected to increase regionally by about 10%. The VMT increase in the Inland Empire will be more in the range of 25%. The rate of population growth tends to outstrip the per capita reductions that can be achieved, so expectations of VMT reduction need to be tempered with what is realistic.

The good news is that GHGs can be reduced even if the absolute VMT increases, following the same path as the region's remarkable improvement in air quality as population and travel has dramatically increased. This means that, for mobile sources, the path to GHG reduction will largely fall on clean energy production, energy efficiency, technological innovations, and more rapid turnover of vehicle fleets. The GHG analysis in the 2040 California Transportation Plan demonstrated that vehicle and fuels technology will be the primary way in which GHG reduction goals will need to be met. VMT reduction is an appropriate goal, but technology will be the principal path to long term GHG reduction. SBCTA looks forward to partnering with SCAG, the State, and the utility industry to pursue these opportunities, consistent with the initiatives we have mentioned earlier, while also doing what we can in transit and TDM to reduce VMT. We are excited to be involved in the Governor's "Regions Rise Together" initiative, which recognizes that there are no "one-size-fits-all" solutions as far as transportation management and GHG reduction are concerned.

Regional Express Lane Network

As indicated in the RTP/SCS, SBCTA has two major express lane implementation initiatives: I-10 from the Los Angeles County line to Ford Street in Redlands, and I-15 from the Riverside County line, up the Cajon Pass, through Victor Valley, to just north of the Mojave River. These projects are not only multi-modal projects for passengers, with benefits for buses, vanpools, and 3+ carpools, but they will significantly improve freight mobility as well. Each project includes auxiliary lanes and will take some of the auto travel out of the general purpose lanes.

It is noteworthy that the I-10/I-15 interchange, at the heart of Inland Empire logistics activity, is designated as the 15th most critical freight bottleneck in the United States (per the American Transportation Research Institute), and the I-10 and I-15 corridors represent the major gateways from/to Southern California to/from the rest of America. The express lanes will also permit light duty (under 10,000 pounds) commercial traffic. Improvement of these corridors is a win-win for

both multimodal passengers and freight, but will need to be staged over the duration of the RTP/SCS.

One request from SBCTA is that one of the sample projects listed in the HOV section of Table 3.2 on page 77 of the RTP/SCS be swapped out with another from the project list. Please replace the I-210 project (Add one HOV lane in each direction from I-215 to I-10) with an additional express lane project (I-10 Contract 2A – add two Express Lanes in each direction from I-15 to Sierra Avenue). The I-10 project has more visibility, is more short term, and more appropriate for inclusion on the sample list. It has an expected completion year of 2029 and cost of $700 million. This is consistent with FTIP amendment 19-13. No changes to the master project list are required.

Goods Movement

SBCTA appreciates SCAG's analysis of freight bottlenecks, documented in the Goods Movement appendix of the draft RTP/SCS. As you know, San Bernardino County is both benefitted by the logistics industry and at the same time heavily impacted by freight. Three of our freight bottlenecks appear on Exhibit 7: I-10 east of I-15, I-15 south of I-10, and I-15 through the Cajon Pass. This is consistent with the notation earlier about the critical bottleneck on the ATRI "top 100" list at the I-10/I-15 interchange. However, we would request that the 15,000-20,000 AVHD bottlenecks be added to Table 7 on pages 53 and 54, given that these are more "fixable" than many of the bottlenecks to our west, which may have higher delay values but are much more constrained and costly to improve.

The San Bernardino County bottlenecks have near-term solutions in the works, and are likely to be strong candidates for freight program funding at the State and federal level. There are only a few of these "second-tier" bottlenecks in the region and could easily be added to Table 7. We would also point out that our freight bottleneck on eastbound I-10 in Yucaipa is one that did not make the delay threshold, but can be addressed at a relatively low cost ($37 million for a truck climbing lane). We would recommend that the next RTP/SCS include the "feasibility of improvement" as a factor in the bottleneck evaluation, particularly given the competitive nature of freight program funding grants, such as those for SB 1.

As an additional note, we believe that the regional freight collaboration that has worked so well for our regional project funding through the State's Trade Corridor Improvement Fund (TCIF) program should be re-invigorated. The collaboration is in a good position to craft a program of freight projects that can be most competitive for State and federal freight program funds.

Airports

It should be noted that control over Ontario International Airport (ONT) was transferred from the Los Angeles World Airports to the Ontario International Airport Authority (OIAA) in November 2016. SBCTA and our partner agencies appreciate the regional support that has been provided by SCAG and other agencies around the region, enabling ONT to serve 5.5 million

passengers in 2019, the highest level in a decade. We look forward to continuing local and regional efforts to make ONT a truly regional asset.

The RTP/SCS shows the projected airport passenger forecasts for 2017 through 2045 in Table 3.3. The Plan shows that LAX and ONT account for 80% of the passenger growth region-wide. LAX is forecast to increase by 42 million annual passengers (MAP) to 127 MAP, or 50% higher than existing. ONT is forecast to increase by 28 MAP to 33 MAP, or about six times the existing passenger volume. The market will ultimately determine how rapidly each airport will grow. However, it would be helpful if SCAG could consider some additional analysis as a way of quantifying airport accessibility. It is suggested that graphics be produced for each of the seven major airports that show travel time contours and the population within each contour. In other words, this would answer the question of how much population is within 15 minutes of each airport, 30 minutes of each airport, 60 minutes of each airport, etc for both peak and off-peak conditions. It would be done for both existing and 2045 to see how airport accessibility might change with changing traffic conditions. Perhaps for the next RTP/SCS an airport accessibility index could be developed. This could be an additional data point for the forecasting of future passenger volumes.

Secondly, it would be beneficial to have SCAG compile regular monitoring data for all the airports in Southern California, perhaps on an annual basis, using the FAA Air Traffic Activity Data System (ATADS) or other appropriate data sources. This would be useful to just keep tabs on airport growth and operational characteristics region-wide. Finally, it would be useful for SCAG to maintain information on project activity at the airports, focusing on projects geared toward capacity expansion and airport efficiency improvements.

Programmatic Environmental Impact Report (PEIR)

Regarding the PEIR, we appreciate the structure of the document and the mitigation measures. The mitigation measures encourage action, but do not put requirements on the County Transportation Commissions or local jurisdictions, beyond those already required by State or federal law. It also acknowledges that project-level environmental studies will need to be conducted prior to the implementation of any specific project, which is why a lesser level of detail was provided in the PEIR.

We have no significant comments on the PEIR. In Attachment 2 to this letter we indicate that it is difficult to match up VMT data between the RTP/SCS and PEIR. It may have to do with vehicle classes included or excluded, but we would request that differences in VMT, GHGs, or other performance measures between the two documents be clearly explained.

SCAG also indicates that the PEIR for the RTP/SCS may be useful as a basis for streamlining CEQA clearance for certain types of projects. SBCTA looks forward to collaborating with SCAG to take advantage of this opportunity, where possible.

Please see the attachments for additional comments. As stated earlier, SBCTA appreciates all the efforts by the SCAG Regional Council and SCAG staff to make the 2020 RTP/SCS a reflection of where the region is headed over the next 25 years. We look forward to continuing partnerships with SCAG to implement the projects and programs in the RTP/SCS.

Regards,

Raymond Wolfe
Executive Director

Attachment 1
SBCTA and SBCOG Sample Sustainability Initiatives

SBCTA and SBCOG have worked closely with SCAG in implementing and delivering sustainability projects in the region and have affirmed our commitment every four years when SCAG embarks on developing the RTP/SCS. In 2014, SBCTA/SBCOG and SCAG jointly executed a MOU on Sustainability planning efforts and delineated a list of activities demonstrating SBCTA/SBCOG's commitment to implementing the sustainability elements of the RTP/SCS. Although some project level specifics and programs in the MOU have changed over the years, the main goals and principles have remained and are still applicable and consistent with the latest 2020 RTP/SCS.

When it comes to San Bernardino County, the San Bernardino Countywide Vision is a centerpiece of our sustainability activities. Although the Vision was adopted by the County of San Bernardino and SBCTA/SBCOG in June, 2011, it still serves as the foundation for the all sustainability efforts in the County. Although the draft Connect SoCal (2020 RTP/SCS) provides an overview of some of these activities region wide, it is useful to provide a more specific status report on San Bernardino County's sustainability work. (https://www.gosbcta.com/wp-content/uploads/2019/09/SBCTA-Sustainability_FINAL_digital.pdf). Based on Table ES-3 Connect SoCal Goals, here are some examples of sustainability projects from SBCTA/SBCOG that align with the RTP/SCS.

Connect SoCal Goal #2 "Improve mobility, accessibility, reliability, and travel safety for people and goods."

Active Transportation Investments Countywide – Agencies are now engaged in delivering bicycle and pedestrian improvements made possible by over $50 million in State Active Transportation Program (ATP) grants. SBCTA has recently updated its Active Transportation Plan to include a Safe Routes to School element, a Points of Interest element, and a Complete Streets element. A countywide sidewalk inventory project is underway.

Connect SoCal Goal #3 "Enhance the preservation, security, and resilience of the regional transportation system"

Climate Adaptation Partnership with Western Riverside COG – This plan has been initiated to address the potential effects of climate change in Riverside and San Bernardino counties and identify ways to work together to address the challenges. As a result, the Inland Empire has formed a Climate Collaborative consistent with SB 1072 to put policies identified in the Regional Climate Adaptation Plan.

Connect SoCal Goal #4 "Increase person and goods movement and travel choices within the transportation system."

The Redlands Passenger Rail Project – This is a 9-mile rail line between Redlands and downtown San Bernardino, to be operational in late 2021, using self-propelled trainsets. As part of this project, SBCTA will implement a zero emission passenger rail trainset, a first in North America.

Connect SoCal Goal #5 "Reduce greenhouse gas emissions and improve air quality."

Countywide GHG Reduction Plan and EIR – This effort was completed in 2014 and is now being updated to address the State's 2030 GHG reduction goals under SB 32. The Plan includes the State's first and only certified PEIR for countywide GHGs and has facilitated adoption of local Climate Action Plans (CAPs).

Connect SoCal Goal #6 "Support healthy and equitable communities."

Healthy Communities Best Practices Toolkit – The San Bernardino County Department of Public Health created a Strategic Plan for the implementation of Healthy Communities policies. The toolkit, a collaboration between SBCOG and the County, will contain sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.

Connect SoCal Goal #8 "Leverage new transportation technologies and data-driven solutions that result in more efficient travel."

Partnerships on Clean Freight – Using a federal DOE grant and state CEC grant, SBCTA partnered with Ryder to place over 200 natural gas fueled trucks into its leasing fleet in Southern California as well as a maintenance facility and two fueling facilities. We are currently working with the BYD, BNSF railroad, and Daylight Transportation to pilot battery electric drayage trucks at Intermodal Yards in San Bernardino and Los Angeles and a distribution facility in Fontana.

Connect SoCal Goal #10 "Promote conservation of natural and agricultural lands and restoration of critical habitats"

Habitat Conservation – San Bernardino County and SBCOG are collaborating on an effort to create a Regional Conservation Investment Strategy (RCIS) through the process established by the California Department of Fish and Wildlife under AB 2087.

Aside from the specific activities referenced in the MOU, it should be noted that SBCTA completed its Countywide Transportation Plan (CTP) in 2015 and is being updated to be consistent with the 2020 RTP/SCS. The CTP is built on a foundation of economic and environmental sustainability. It recognizes that mobility and smart land development are needed to sustain the economic growth and competitiveness necessary for survival within the global economy. This economic growth is needed, in turn, to fund the array of statewide and regional sustainability commitments. San Bernardino County must invest in all modes of transportation, including highways, to support its businesses and growing population.

Please visit SBCTA's Sustainability page on our website at https://www.gosbcta.com/planning-sustainability/?category=sustainability, including our Sustainability Fact Sheet.

Attachment 2
Additional Comments on the Text of the RTP/SCS (Connect SoCal) Main RTP/SCS Report

- Page 18 - Figure 2.2 needs more explanation within the graphic itself. The Y-axis is not labeled. Are these thousands of jobs regionally? May be better presented as percentages of jobs subject to automation.
- Page 23, second paragraph under Transportation System – The paragraph references Exhibit 2.3, Existing Arterial System. The text refers to express lanes, while the graphic refers to Expressway/Parkway. Needs to be clarified. Also, what criteria were used for inclusion as an arterial? Was this the FHWA designation?
- Page 27, Exhibit 2.4 – Suggest that I-215 from SR-91 to I-15 be included in the map. Also, there are two intermodal facility dots shown in San Bernardino. Not clear what the second one is.
- Page 30 – Interesting graphic on mode of access to airports. Define "on-call." Is that where TNCs are included? Please clarify.
- Page 31 – Grey text is hard to read in the electronic version. Needs more contrast.
- Page 37 – Graphic should say annually, for number of injuries and fatalities.
- Page 59, Under Progress Since 2016 – Refers to "Three roadway improvement/rehabilitation projects, including bridge improvement have already been programmed." There have to be many more projects than that around the region. Referencing only three projects is very underwhelming. It would seem that a number of the "Progress Since 2016" sections could be improved.
- Page 61 – You may want to caveat the mileage-based user fee discussion, to be clear that no specific plans have been made to implement such a system at this time, and that implementation would need to occur on a statewide basis.
- Page 66 – Please re-orient the list of transit projects for San Bernardino from shorter term to longer term and please omit the Foothill/San Bernardino BRT from the list. That project is too long term. So the list would be in this order: Redlands Passenger Rail, West Valley Connector Phase 1, Gold Line Extension to Montclair, and Passenger Rail Service from San Bernardino Metrolink Line to Ontario Airport.
- Page 77 – I-15 Express Lane segment 5 – take out reference to High Desert Corridor and say "to north of Mojave River." For long range projects like this, it would be adequate to round the costs off to the nearest million.
- Page 102, Figure 4.7 – If it is possible to add dash patterns to similar-color lines, that would be helpful in distinguishing the operators from one another.
- Page 103, Table 4.3 – Title should state that the revenue forecast covers both capital and operating/maintenance costs. The numbers would be very large for only capital costs, so clarifying that O&M costs are included would reduce the number of questions.
- Page 122 and throughout Table 5.1 – It is important to clearly distinguish when statistics include light duty vehicles only, versus all vehicles. For example, the GHG per capita targets for SB 375 purposes relate to light duty vehicles only. On page 122, the basis of the VMT data is unclear. It is clarified as light duty in Table 5.1, but should also be stated on page 122 and on Figure 5.1 as well. Same with daily minutes of delay. Is that person delay or vehicle delay, and which vehicle sectors are included? The definition of VMT is also critical to distinguish for SB 743 purposes, to avoid confusion. We did not

see where total VMT statistics are presented. Truck delay by facility type is presented, but we did not see truck VMT within the main body of the RTP/SCS or in the Goods Movement appendix. Also, we could not match the VMT data in the RTP/SCS with the VMT data in the PEIR. Perhaps the differences are because of the inclusion or exclusion of vehicle types. Please review these sections to make sure the references are always clearly explained.

Goods movement appendix

- Page 50 – Please add more truck volume data points in the Inland Empire. Volumes in the I.E. are not well represented, given the role of the IE in goods movement.
- Page 51 – See comments within the text of the letter on the bottleneck relief strategy. The likelihood and cost of fixing the bottlenecks should be factored into the bottleneck relief strategy, not just the sheer magnitude of delay. Some bottlenecks have massive delays, but there are practical and cost limitations to relieving that congestion.
- Page 61 – SBCTA supports the language in the first bullet regarding working with the federal government on a low NOx engine standard for heavy-duty trucks. We signed onto the ultra low-NOx petition several years ago, along with SCAQMD and CARB. The standards should be developed at the national level, given the amount of travel through San Bernardino County by out-of-state trucks. Having a California-only standard could disadvantage our businesses further and will not be as effective. California and our region should strive for a level playing field as part of our air quality strategy.
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Comments on the Draft 2020 RTP/SCS Project List (note: costs are in $1000s; current RTP entry was copied directly from Table 2 of Project List Appendix)

1. LOCAL HIGHWAY SAN BERNARDINO, COUNTY OF 200837 0 VISTA ROAD 0 0 VISTA ROAD GRADE SEPARATION-WIDEN 2-4 LANES AND CONSTRUCT GRADE SEPARATION (PA&ED ONLY) 2030 $50,000 – **Comment: Change cost to $4,000 ($ in 1000s), since PA&ED only**
2. LOCAL HIGHWAY SAN BERNARDINO COUNTY 4120193 0 VARIOUS LOCATIONS VARIOUS TRAFFIC SIGNAL PROJECTS THROUGHOUT SAN BERNARDINO COUNTY 2023 $519,912 – **Comment: should have a completion year of 2040; costs should be $5,000.**
3. LOCAL HIGHWAY COLTON 4160046 0 MT VERNON I-10 EB RAMPS COOLEY DR WIDEN MT VERNON ACROSS UPRR AND SANTA ANA RIVER FROM 2 TO 4 LANES 2025 $30,000 – **Comment: delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
4. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4120198 10 I-10 I-10 MT VERNON AVE I-10 @ MT VERNON AVE INTERCHANGE IMPROVEMENTS 2035 $38,500 – **Comment: Delete, because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 20190010 4120198 10 COLTON: MT. VERNON AVE BRIDGE WIDENING OVER I-10: WIDEN MT. VERNON BRIDGE STRUCTURE (3-4 LANES; 1 NEW SB LANE) TO ACCOMMODATE NEW DEDICATED TURN AND BIKE LANES, WIDEN MT. VERNON AVE (2-4 LANES) FROM I-10 EB OFF/ON-RAMPS TO APPROX. 300 FT SOUTH ALONG MT. VERNON; REALIGN MT. VERNON & E VALLEY BLVD INTERSECTION; RELOCATE WB ON-RAMP (REMAINS 1 LANE AT THE MAINLINE). $53,869
5. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4160004 10 I-10 I-10 GROVE AVE/4TH ST I-10 @ GROVE AVE/4TH ST NEW INTERCHANGE 2045 $199,000– **Comment: Delete because it is in FTIP as:**
    a. SAN BERNARDINO STATE HIGHWAY 2002160 2002160 10 I-10 AT GROVE AVE AND 4TH ST: CONSTRUCT NEW INTERCHANGE AT I-10 AND GROVE AVE; CLOSE EXISTING I-10/FOURTH ST INTERCHANGE; AND LOCAL STREET IMPROVEMENTS ALONG GROVE AVE (CHILD PROJECT IS 20171102). $199,423
6. STATE HIGHWAY CALTRANS 4200S001 395 US-395 1.8 MI S/O DESERT FLOWER RD FARMINGTON RD WIDEN US-395 FROM 1.8 MI S/O DESERT FLOWER RD TO FAMINGTON RD 2025 $459,978 – **Comment: change date to 2035**

7. STATE HIGHWAY SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA) 4M01043 215 I-215 I-215 MT VERNON/ WASHINGTON AVE I-215 @ MT. VERNON/WASHINGTON ST INTERCHANGE RECONSTRUCTION 2045 $109,048 – **Comment: Delete, as it is duplicate of:**

   a. LOCAL HIGHWAY CALTRANS 4160072 215 WASHINGTON I-215 WASHINGTON I-215 & WASHINGTON/MT. VERNON; REPLACEMENT BRIDGE PROJECT TO PROVIDE STANDARD VERTICAL AND HORIZONTAL CLEARANCES FOR THE ULTIMATE I-215 ROADWAY. 2023 $29,252

8. STATE HIGHWAY SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) 4M07007 210 SR-210 SR-210 BASELINE AVE SR-210 @ BASELINE AVE INTERCHANGE IMPROVEMENTS 2020 $15,600– **Comment: Delete because it is in FTIP as:**

   a. SAN BERNARDINO STATE HIGHWAY 201186 REG0701 210 AT SR-210/BASE LINE IC: RECONSTRUCT/WIDEN BASE LINE BETWEEN CHURCH AVE AND BOULDER AVE FROM 4 TO 6 THROUGH LANES AND EXTEND LEFT TURN LANES, WIDEN RAMPS – WB EXIT 1 TO 3 LANES, WB AND EB ENTRANCES 1 TO 3 LANES INCLUDING HOV PREFERENTIAL LANES (EA 1C970) $31,216

9. STATE HIGHWAY HESPERIA 4M07014 15 I-15 I-15 MOJAVE ST I-15 @ MOJAVE ST NEW INTERCHANGE 2040 $45,000 – **Comment: Delete as it is no longer in the SBCTA Nexus Study, so can be deleted from RTP project list.**

10. RTP ID 4120219 Foothill/San Bernardino from San Manuel Casino to Kaiser Hospital (Sierra Ave. Fontana) – Full BRT 2045 – Comment: Can be deleted, as this route is mostly covered by RTP ID 4120205. – **Comment: Please change to 5th St/Baseline from San Manuel Casino to San Bernardino Transit Center – Express Bus 2045 - $15,000.**

SIERRA CLUB
Save Hobo Aliso Task Force

January 20, 2020

Dear Connect SoCal Team:

Thank you for the opportunity to comment on the Southern California Association of Governments (SCAG) 2020 Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS) (collectively called Connect SoCal). In 2012, with release of the prior RTP/SCS, Friends of Harbors, Beaches and Parks coordinated a cross-county regional conservation coalition focused on the inclusion of natural lands mitigation and policies within that SCAG plan. Our organization, Sierra Club's Hobo Aliso Task Force is now a part of this growing coalition in 2020.

The Hobo Aliso Task Force works in Orange County and has since 2001. Our mission is to protect and preserve finite natural resources and uphold the Coastal Act and other applicable laws and policies that support our mission. We have had important successes since our inception including saving many acres of land from develop, protecting and preserving ESHA and endangered species from poorly planned fuel modification, and implementing crucial restoration projects to bolster the biodiversity in areas that are considered hot spots.

We offer the following comments on the Natural and Farmland policy, goals, and next steps.

We are pleased to see conservation of our natural and agricultural lands as one of the 10 main policies of Connect SoCal. Land preservation that not only reduces greenhouse gas (GHG) emissions, but also sequesters carbon. Any investment in habitat restoration improves this sequestration potential as well. When land is left in its natural state, no new "vehicle miles travelled" are added to the region's transportation system. We believe including land conservation is a step in the right direction. SCAG has demonstrated that Metropolitan Planning Organizations can play a vital, thoughtful, and science-based role in mitigating impacts to our natural environment from transportation, infrastructure, and other development projects. By incorporating natural and farmlands protection strategies into your policy document, we believe the many benefits of this broad-based conservation approach will be realized sooner than expected. Thank you for your leadership.

Our organization supports the idea that as new growth occurs it should be focused in existing city-centers and near transit. When developments are built in the city center, it relieves pressure from the fringe.

However, the Plan fails to outline exactly how (or with what conservation mechanism) these fringe lands (or any lands) will actually be protected. Just because the pressure is relieved by focusing development elsewhere, doesn't mean the land then automatically becomes protected. We know this is a fact due to multiple experiences our organization has experienced. Numerous organizations, ours included, focus our work on protecting important habitat lands. A lot of time, energy, money, strategy, and political will are combined to create a successful conservation transaction that lead to permanently conserved lands. And once the land is conserved, it needs care and attention, AND ongoing protection. Further, just because local agencies may be contributing to the conservation arena, in no way should you discount the roles of the conservation non-profit community. In short, SCAG must identify the actual mechanism, process or plan on how the greenfields and agricultural lands will be protected.

Many of the benefits of open space and parkland have been outlined in the Plan and Natural Lands Appendix. In addition, there are many economic benefits of open space. These are realized through increased property values, ecosystem services, support of local businesses through park visitor purchases, and a reduction in the urban heat island effect. Further, conservation of natural lands has many on-the-ground co-benefits like access to recreational opportunities, preservation of important habitats and species, protection of cultural and archeological sites, increased job opportunities, protection of threatened/endangered species, and environmental education experiences. Our natural lands also filter water, clean the air, and provide homes for wildlife. Natural lands preservation also protects our watersheds, rivers, and water sources. Voters consistently support measures that benefit their local water resources. And last, but not least, our future generations must not be forgotten – they too must have open space and parkland. Our children have taken to the streets to let adults know how much they care about the planet, we must support them and make sure we are doing our very best to protect and preserve our finite natural resources.

The Plan outlines that the region anticipates an additional 3.8 million people by 2045 providing increased pressure to our existing parkland. Existing studies document that many communities in the Southern California region already do not have enough parkland as outlined by the Quimby Act (five acres per 1000 residents). As cities grow, more parks and more park access will be needed. What is the mechanism for this? Additionally, and more importantly, these city parks are fundamentally different than habitat-focused parks. Usually city and regional parks include high intensity activities, like turfed soccer and baseball fields. The types of land acquired as mitigation or through local conservation efforts typically focus on preservation of natural habitat and less intensive uses (birding, hiking, etc.). In fact, many of these mitigation lands have limited or managed public access. Providing "more" access to either high or low intensity parks and/or habitat lands may have significant consequences for the land manager. How additional access will be provided should be addressed, as well as how additional lands will actually be preserved.

Wildlife corridors are getting more and more attention these days. Ensuring survival of the top predator and the suite of species in the ecosystem means our natural lands must also maintain environmental functions, be sustainable over the long term, and include plans for long-term stewardship. The issue is that many housing and transportation projects eliminate the wildlife movement corridors and fragment the landscapes into smaller, less viable pieces of land, or they completely ignore the need for these corridors. Ensuring our open spaces are connected to one another is essential for species survival. Wildlife corridors allow landscapes to maintain ecological functions, allow places for regeneration after natural disasters such as fire, flood or landslide, and improve the resiliency in the face of climate change impacts. The Plan would be stronger if it supported the enhancement of and/or protection of documented wildlife corridors *prior to commencing* impactful projects.

Many non-profits are working to ensure additional bays, estuaries, wetlands, bluffs, and beaches are preserved forever. Additionally, one way our coasts are connected to inland areas are through our rivers and streams. These riparian areas serve as recreational trail corridors, water recharge and infiltration locations, and serve as places our wildlife use for watering sources. However, transportation and land use generated urban runoff are still problems. Our beaches and coastline are inundated with pollution, and a 303(d) listing is simply not acceptable, and can be prevented. Litter, debris, and pollutants should be decreased prior to reaching the coast. Ensuring everyone has a positive experience on the sand and in the surf should be our goal and is our collective responsibility, but we need to address Southern California's trash and contaminants problem.

One key way to improve the environment is through restoration projects. Our organization works very hard at finding creative ways to fund and maintain restoration projects. These can be on land, in riparian areas, on the beach, as well as in the ocean. Restoration provides benefits by adding native plants, removing the non-native plants and their seedbank, as well as increasing carbon storage, and providing improved habitats for our wildlife. Our environment benefits from these improvements, as do our watersheds, our air, and our communities. Having improved habitats means that our water is cleaner, our soils won't erode as easily, it creates jobs for local residents, and our unique biodiversity is maintained. Further, the many endemic and threatened/endangered plants and animals benefit from these restoration projects as well. Thank you for including restoration as a key component in the natural lands and agricultural policy.

Thank you for reviewing our comments and we look forward to working with SCAG on the implementation of this Plan, especially as it relates to the conservation policy and Natural and Farmlands Appendix. Should you need to contact me, I can be reached at . In addition, we request to be included on any notifications (electronic or otherwise) about this policy's creation and implementation, please send information to

Sincerely,

Penny Elia
Task Force Chair
Save Hobo Aliso Task Force
Sierra Club

United Service Workers West

SEIU

Southern California

Los Angeles
[redacted]

Orange County
[redacted]

San Diego
[redacted]

Northern California

Alameda
[redacted]

San Jose
[redacted]

Sacramento
[redacted]

www.seiu-usww.org

January 24, 2020

VIA EMAIL

Roland Ok
Southern California Association of Governments
900 Wilshire Blvd., 16th Floor
Los Angeles, Ca 90017
2020PEIR@SCAG.CA.GOV

RE: DRAFT PEIR COMMENTS FOR 2020 RTP/SCS (SCH # 20199011061)

Dear Mr. Ok:

Service Employees International Union – United Service Workers West, on behalf of its members (collectively "USWW" or "Commentor"), appreciates the opportunity to comment[1] on the referenced draft Program Environmental Impact Report ("PEIR")[2] for the draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy plan ("Plan" or "2020 RTP/SCS"),[3] prepared by the Southern California Association of Governments ("SCAG") pursuant to the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.* ("CEQA").[4]

In short, USWW writes with regard to the Plan's air quality analysis and growth forecasts. Concerning is the absence of any modeling under newer EMFAC2017 models that may disclose additional air quality impacts. It is unclear whether the Plan's General Conformity Determination accounts for additional, updated projects that have already been credited with emission budgets under applicable air quality plans. Finally, the Plan's growth assumptions seem untethered to the SCAG region's historic growth record. USWW respectfully requests clarification on these issues in a recirculated or final PEIR.

I. STANDING OF COMMENTOR

USWW and its sister local unions have many thousands of members who reside and work in the SCAG region which this Plan covers. They will be directly affected by impacts under the Plan, such as traffic, air quality, GHG and noise.

This comment letter is made to exhaust remedies under administrative law principles and Pub. Res. Code § 21177 concerning the Plan, and incorporates by this reference all written and oral comments, in their entirety, submitted on the Plan or PEIR by any commenting party or agency. It is well-established that any party, as Commentor here, who participates in the administrative process can assert all factual and legal issues raised by anyone. [5]

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[1] Please note that pages cited herein are either to the page's stated pagination (referenced herein as "p. ##") or the page's location in the referenced PDF document (referenced herein as "PDF p. ##").
[2] Inclusive of all appendices (referenced herein as "APP-##") provided on SCAG's PEIR webpage. *See* https://connectsocal.org/Pages/Draft-2020-PEIR.aspx.
[3] Inclusive of all technical reports (referenced herein as "TR-[name]") provided on SCAG's Plan webpage. *See* https://connectsocal.org/Pages/Connect-SoCal-Draft-Plan.aspx.
[4] Inclusive of State CEQA Guidelines, 14 Cal. Code Regs. § 1500 *et seq.* ("CEQA Guidelines").
[5] *See Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

II. SPECIFIC COMMENTS REGARDING DRAFT PLAN/PEIR

1. Use of EMFAC2014 Rather Than EMFAC2017 Is Concerning

It appears that the Plan's air quality, health risk assessment, and GHG analysis utilizes the older EMFAC2014 modeling per the two-year grace period provided by the U.S. EPA for regional conformity analysis.[6] Yet, the newer EMFAC2017 modeling may show more significant air quality emissions that should be translated into human health impacts in order to fulfill CEQA's informed decision-making purposes. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502. So too, it is unclear whether the grace period for using the old EMFAC2014 model applies to the entire 2020 RTP/SCS PEIR analysis or is limited strictly to the federally-required General Conformity Determination ("GCD").

Commentor requests clarification regarding the utility of the 2020 RTP/SCS PEIR absent an EMFAC2017 modeling. For example, would future addendums to the PEIR include brand new EMFAC2017 modeling? Will future projects after the expiration of the grace period have to do *both* an EMFAC2014 modeling (to show consistency with 2020 RTP/SCS assumptions) and EMFAC2017 modeling to disclose emissions otherwise undisclosed in this PEIR? What specific mitigation measures are incorporated now to ensure future impacts disclosed pursuant to EMFAC2017 modeling are addressed?

2. Available General Conformity Determination Emission Budgets Are Not Updated

The Plan claims that air emissions associated with the 2020 RTP/SCS are within the air quality emission Budgets under applicable State Implementation Plans ("SIP(s)") and local Air Quality Management Plans ("AQMP(s)"), and thus the Plan satisfies its federally-mandated General Conformity Determination.[7] First, as noted above, this analysis relies on EMFAC2014 modeling under a soon-lapsing grace provision,[8] which may very well leave impacts unanalyzed and unmitigated.

Second, the Plan compares Plan emissions against applicable emission Budgets,[9] often finding slim to no emission Budgets remain after deducting the Plan's emissions. It is unclear, however, whether this analysis accounts for recent projects not already included in the applicable AQMP that rely on local General Conformity Budgets. For example, a warehouse logistics project at San Bernardino International Airport just approved in December 2019 exceeded *de minimis* thresholds and required a GCD under the National Environmental Protection Act.[10] There, the project relied on set-aside General Conformity Budgets tracked by South Coast Air Quality Management District ("SCAQMD").[11] As indicated by SCAQMD, SCAQMD tracks projects requiring GCDs that utilize General Conformity Budgets and the Budgets "are in high demand and have a limited availability."[12] Here, it is unclear whether the Plan's GCD accounts for the recent projects that have already secured these highly sought after General Conformity Budgets.

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[6] *See* Plan, TR-Transportation Conformity Analysis, p. 28; PEIR, pp. 3.3-19, 3.3-50, 3.3-76, 3.8-60, 3.8-74.

[7] *See* PEIR, p. 3.3-52, 3.3-69; Plan, TR-Transportation Conformity Analysis, pp. 2-4, 108.

[8] *See* Plan, TR-Transportation Conformity Analysis, pp. 25, 287,

[9] *Ibid.*, pp. 28-41.

[10] *See* Eastgate GCD, PDF p. 10, http://bit.ly/3aEJsHt.

[11] *Ibid.*, PDF p. 31-34, 95-96.

[12] *Ibid.*

Commentor therefore requests clarification whether the Plan and PEIR account for available General Conformity Budgets. For example, do the emission Budgets in the Plan include set-aside General Conformity Budgets? Has SCAG consulted with SCAQMD and other relevant agencies about the updated status of available General Conformity Budgets that are highly sought after by project-proponents? Does SCAG, much less the public, know how much of the Budgets have already been allocated, and how much remains? All this should be provided in a recirculated or Final PEIR.

3. Growth Assumptions May Lack Substantial Evidence

The 2020 RTP/SCS anticipates a significant increase in airplane passenger volume for the SCAG region with passenger enplanements increasing from 110.17 million annual passengers ("MAP") in 2017 to 197.14 MAP in 2045 (i.e., an increase of 86.97 MAP), which amounts to a Compound Annual Growth Rate ("CAGR") of approximately 2.1 percent during those 28 years.[13] This level of growth is out of line with the area's historic track record and more akin to the trajectory anticipated under old SCAG plans that have proven unreliable. Table 1 below shows the anticipated growth in passenger enplanement SCAG-wide under this Plan and prior SCAG plans over their respective planning periods, and historic growth from 1997 to 2017. As the below table indicates, past plans have consistently *overestimated* anticipated growth as compared to *actual* growth (i.e., 1.55 percent actual growth from 1997-2017).

TABLE 1: PRIOR ANTICIPATED GROWTH UNDER SCAG PLANS

RTP	Base		Forecast		Trend	
	Year	MAP	Year	MAP	Period	CAGR
2001	1997	81	2025	167	28	2.62%
2004	2002	77.8	2030	170	28	2.83%
2008	2007	89.53	2035	165.3	28	2.21%
2012	2009	79.1	2035	145.9	26	2.38%
2016	2013	88	2040	136.2	27	1.63%
2020	2017	110.17	2045	197.14	28	2.10%
Historic	1997	81	2017	110.17	20	1.55%

The linear trajectory of the above growth projections are reflected in Figure 1 on the following page, which shows the 2045 anticipated growth under the proposed 2020 RTP/SCS (green) is near levels anticipated under the older 2001 RTP (blue), 2004 RTP (orange), and 2008 RTP (purple); and much higher than anticipated growth under the newer 2012 RTP/SCS (yellow) and 2016 RTP/SCS (light blue). As compared to historic levels reported by SCAG between 1997 through 2017 (red),[14] those older RTP forecasts overestimated passenger growth significantly. So too, those older plans overestimated growth

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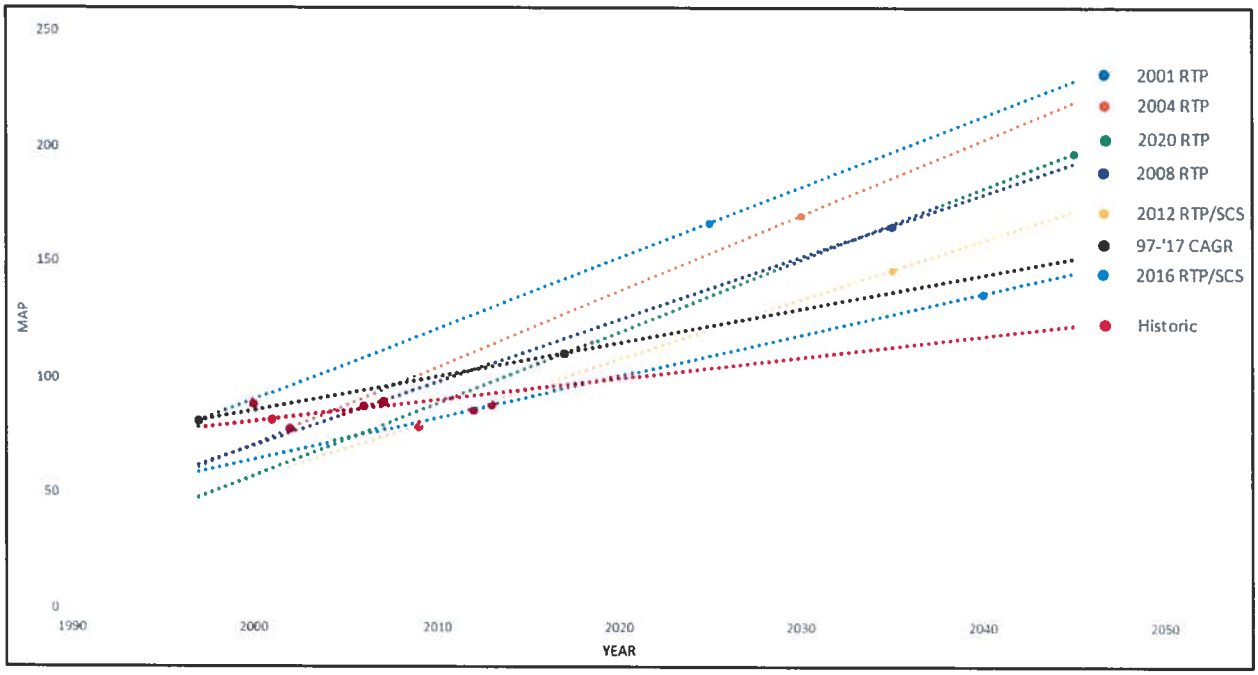
[13] *See* Plan, p. 81; Plan, TR-Aviation & Airport Ground Access, p. 33; PEIR, APP-3.13, PDF p. 37.

[14] According to SCAG-reported figures, the SCAG-wide region had 81 MAP in 1997, 88.5-88.7 MAP in 2000, 81.9 MAP in 2001, 77.8-77.9 MAP in 2002, 87.9 MAP in 2006, 89.4-89.53 MAP in 2007, 79-79.1 MAP in 2009, 85.8 MAP in 2012, 88 MAP in 2013, and 110.17 MAP in 2017. *See e.g.*, 2020 RTP/SCS, TR-Aviation and Airport Ground Access, p. 26; 2016 RTP/SCS, Aviation Airport Ground Access Appendix, p. 1, http://bit.ly/2tEwfxP; 2012 RTP/SCS, PDF p. 106, http://bit.ly/2RrJvip; 2008 RTP, Aviation and Airport Ground Access Report, PDF p. 30, http://bit.ly/2GllrXT; 2004 RTP, PDF p. 144, http://bit.ly/36rk3NY; 2001 RTP, PDF p. 113, http://bit.ly/3aKI1aD.

as compared to the CAGR trajectory based on the actual levels reached from 1997 and 2017 (black).[15]

FIGURE 1: PASSENGER FORECASTS COMPARED TO HISTORIC LEVELS



As indicated in the above figure, the trajectory of the region's actual track record (i.e., black and red) is relatively low and much more in keeping with the trajectory under SCAG's 2012 and 2016 RTP/SCS growth forecasts, which collectively anticipate passenger volume in 2045 in the range of 145-170 MAP. It would seem that, after 16 years of consistently lowering forecasted passenger volumes in each successive RTP, SCAG is now changing course under an apparent pro-growth plan that may not be supported by substantial evidence.

The 2020 RTP/SCS derives its 2.10 percent CAGR growth rate based on factors described only generically and is facially out of line with the region's long-term track record that has seen only a 1.55 percent CAGR in passenger enplanement from 1997-2017. This discrepancy is due, in part, to the Plan's emphasis on recent growth rates from narrow time periods (e.g., 2012-2017 returning to normal levels after sharp declines in the wake of the 9/11 attacks and the Great Recession), based on largely forecasted numbers that have yet to be proven accurate (e.g., 2018-2045), and from jurisdictions that are dissimilar from the SCAG region (e.g., emerging countries like Africa and Asia/Pacific).[16] As a long-term planning document, the RTP/SCS must give adequate weight to the SCAG-region's actual performance over the long-term, such as SCAG's 1.55 percent CAGR from 1997-2017 and the 1.3 percent CAGR from 2000-2017 (i.e., from 88.5 MAP in 2000 to 110.1 MAP in 2017).[17] Furthermore, given that the State and region have

[15] This 1997-2017 CAGR trajectory is higher than the red trajectory because it only includes the historic levels at 1997 and 2017, excludes lower MAP levels in interim years largely attributed to the 9/11 attacks and the Great Recession. *See* Plan, TR-Aviation & Airport Ground Access, pp. 26, 29.

[16] *See* Plan, TR-Aviation & Airport Ground Access, pp. 22, 28 (Tbls. 6 & 9).

[17] *Ibid.*, pp. 27, 29.

experienced ten-years of continued economic growth, a softening of the economy is foreseeable, which will undoubtedly affect passenger travel. This seems to be entirely overlooked by the Plan and PEIR. As such, Commentor requests clarification regarding the adequacy of the Plan's growth projections. For example, what modeling and source data was used to derive this 2.10 CAGR? Why does the Plan/PEIR fail to specify exactly what levels were in prior years? How effective is this model compared to the region's track record?[18] Why is there no consideration for the cyclical nature of the economy?

Moreover, each SCAG airport is assumed to accommodate this growth at different volumes and at different CAGRs, as reflected in Table 2 below. So too, the Plan anticipates some airports will have significant increases or decreases to their respective regional share of passenger volume.

TABLE 2

Airport	2017		2045		MAP CAGR (2017-2045)
	MAP	% of Total	MAP	% of Total	
BUR	4.74	4.3%	9.00	4.6%	2.3%
IPL	0.012	0.0%	0.30	0.2%	12.2%
LAX	84.56	76.8%	127.00	64.4%	1.5%
LGB	3.783	3.4%	5.50	2.8%	1.3%
ONT	4.552	4.1%	33.00	16.7%	7.3%
OXR	0.00	0.0%	0.30	0.2%	n/a
PMD	0.00	0.0%	1.82	0.9%	n/a
PSP	2.10	1.9%	5.00	2.5%	3.1%
RIV	0.00	0.0%	0.61	0.3%	n/a
SBD	0.00	0.0%	1.81	0.9%	n/a
SNA	10.423	9.5%	12.50	6.3%	0.7%
VCV	0.00	0.0%	0.30	0.2%	n/a
TOTAL	**110.17**	100%	**197.14**	100%	**2.1%**

Notes:
n/a CAGR not calculated given SCAG provides no base year values.

In addition to concerns about overstated growth projections, Commentor therefore requests clarification about the timing of these purported MAP increases. For example, how does the PEIR account for and mitigate more severe local impacts that could be caused by accelerated increase in MAP at a particular airport within the first five or ten years of the planning period, instead of evenly spread out over the Plan's full 25+ year time period? Alternatively, in this circumstance how does the PEIR account for disruptions in the Plan's modeled regional share of passenger volume for each airport?

[18] For example, if the current model used in the Plan was used under prior RTPs, how accurate would the model's forecasts be compared to historic passenger volumes.

III. CONCLUSION

USWW appreciates the opportunity to provide these comments to SCAG and looks forward to a meaningful response to these fundamental questions. Commentor reserves the right to supplement these comments at future hearings and proceedings for this Plan. Finally, to the extent not already on the notice list, Commentor requests all notices of CEQA actions, Plan CEQA determinations, or public hearings to be held on the Plan/PEIR under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them.[19] Please send notice by electronic and regular mail to: [redacted]

Sincerely,

David Huerta
President
SEIU United Service Workers West

[19] *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f).

Angeles Chapter
[redacted]

January 24, 2020

Sierra Club comments submitted to the Southern California Association of Governments on the Connect SoCal 2020 Regional Transportation Plan / Sustainable Communities Strategy

The Sierra Club Angeles Chapter represents over 40,000 members in Los Angeles and Orange Counties. We welcome the regional transportation planning efforts of the Southern California Association of Governments (SCAG). The Connect SoCal 2020 Regional Transportation Plan / Sustainable Communities Strategy is an opportunity for people and governments in Southern California to find region-wide solutions to pressing problems of pollution, congestion, social equity and transportation safety. While it is understood that the SCAG RTP/SCS is largely a compilation of plans of each of the individual county government transportation agencies, SCAG is in a unique position to encourage regionally-minded transportation solutions involving different counties and cities.

The comments below are on regional issues which the Sierra Club feel that Connect SoCal 2020 RTP/SCS needs to better address.

1. *Regional transit fare integration*

Seamless fare integration of various transit systems across the region will make riding transit easier. The greater convenience of universal fares will encourage more people to ride transit and leave their cars at home. Fare media from Omnitrans, Foothills Transit, RTD, OCTA, LA Metro and other systems should be integrated. Metrolink tickets should also be part of the system, perhaps as an expansion of the existing LA Metro TAP card system. Transit systems around the world are integrating fares, because it just makes sense. The Transit chapter of the 2020 RTP/SCS should advocate for fare integration of transit systems across the SCAG region.

2. *Regional cross-county transit lines*

SCAG is in a unique position to plan and coordinate transit lines which cross county lines. There are some critical cross-county rail transit links which should be addressed in the Transit chapter. Most notably, the West Santa Ana Branch rail project needs to be extended into Orange County. Similarly, the light rail extension to Whittier should be continued to La Habra and Brea.

Also worthy of development are extension of Redlands Arrow passenger rail service to Ontario Airport and Downtown Los Angeles, and the extension of the Gold Line east from Montclair to Ontario Airport. (Los Angeles San Bernardino Intercounty Transit and Rail Study).

3. *Transit-Oriented Development*

The Sierra Club national policy on transportation calls for systems to "minimize the consumption of limited resources, including fuel, and reduce pollutant and noise emissions." The guidelines for implementation of the policy state that: "Land use patterns should be designed to prioritize walking and biking, reduce vehicle miles traveled (VMT), increase public transit use, enhance the economic viability of public transit and decrease private motor vehicle use (auto mobility)." Infill development, especially for housing, needs to be encouraged by SCAG around transit stations. This is a critical part of the SB 375 Sustainable Communities Strategy (SCS) aspect of 2020 Connect SoCal plan. There needs to be more discussion of transit-oriented development in the Transit chapter.

4. *Reducing emissions from goods movement*

Clean freight transport in the Southern California region is too often overlooked. It is admirable that the SCAG plan's Goods Movement report is calling more electric trucks, but alternatives to trucking also deserve attention. Electric freight rail and mode shift of more freight movement from trucks to rail need further study.

Alternatives to truck transportation are much needed in the Los Angeles metro area, which is afflicted by the worst highway congestion and air quality in the nation. To address pollution and congestion, a mode shift of more freight from truck to rail is critical in Southern California. In particular, short-haul freight rail between San Pedro Bay and the Inland Empire could displace thousands of truck VMT each day. There will be major environmental and energy-savings benefits to short-haul freight rail service. Moving a ton-mile of freight by rail uses 1/3rd to 1/5th the energy (and resulting pollution) compared to truck. This is true whether you are comparing diesel truck to a diesel train, or an electric truck to electric train. California's goals to reduce greenhouse gas emissions depend on cleaner freight transport, and more rail must be part of the solution.

5. *Highways & Arterials*

Sierra Club policy is to not support adding freeway lanes. While it is understood that the freeway "Mixed use lanes" projects listed on the table on page 21 of the Highways & Arterials chapter are already "programmed commitments," it is still a major disappointment.

Orange County plans to add one mixed-flow lane in each direction to I-405 from SR-73 to I-605 (by 2026, $1.9 billion), I-405 from I-5 to SR-55 (by 2034, $190 million), SR-91 from SR-55 to SR-57 (by 2030, $456 million), and SR-55 (by 2023, $327 million). This represents OCTA spending over the next decade of $3 billion for adding mixed-use freeway lanes, out of OCTA's Next 10 Delivery Plan of $4.3 billion for freeways. Ventura County add one lane each direction to SR-118 from RT-23 to Tapo Canyon Rd. (by 2031, $216 million). Imperial County plans to widen SR-111 into a six-lane freeway (by 2030, $1 billion). All of this freeway expansion capital expenditure proposed over the next decade would be better spent on transit projects and maintaining existing roads.

6. *Emerging Technologies*

Emission reductions strategies for rail, which are mentioned at the end of the Goods Movement chapter, omit the technology of all-battery-electric locomotives. While a hybrid electric locomotive is mentioned briefly, in practice an all-battery, zero-emissions locomotive can be paired with an existing diesel locomotive to operate has a hybrid pair. This is a viable option for zero-emissions locomotive track miles of operation in the SCAG region, for both passenger and regional freight service. Battery-electric locomotives could also be easily used as switchers in railyards. Such operation within a railyard avoids the operational (locomotive change-out) and range limitations which would make battery operation a challenge for line-haul freight and regional passenger trains. Zero-emissions switcher locomotives would also directly replace existing diesel switchers, which are typically the oldest and dirtiest locomotives in a railroad fleet. These dirty locomotives in urban railyard service have a disproportionate impact on neighboring communities, so replacing them with electric switchers would have significant public health benefits.

The 'Goods Movement Technologies' sections of the Emerging Technologies chapter should discuss electric rail, along with new intermodal rail car technologies which will encourage mode shift from truck to rail.

Darrell Clarke
Sierra Club Angeles Chapter Transportation Chair

Moreno Valley ignored environmental law when it OK'd World Logistics Center, California Attorney General says

Xavier Becerra and the California Air Resources Board accuse the city of 'side-stepping' responsibility to regulate emissions from proposed warehouse project

The area where the World Logistics Center is proposed to be built is seen from Cactus Ave. looking north to the 60 Freeway in August 2015. The Skechers warehouse is in the background. (File photo by Kurt Miller, The Press-Enterprise, SCNG)

By Beau Yarbrough [redacted] | The Press-Enterprise
PUBLISHED: January 10, 2020 at 11:56 am | UPDATED: January 10, 2020 at 12:56 pm

California Attorney General Xavier Becerra says the Moreno Valley City Council illegally disregarded California environmental law in 2015 when it approved a massive complex of warehouses that could ultimately cover a tenth of the city.

"California is already suffering from the onerous effects of climate change — including wildfires, droughts, and harmful air pollution," Becerra is quoted as saying in a news release. "We have a responsibility to our communities, particularly those that are disproportionately affected by pollution, to make sure all feasible mitigation measures are taken to reduce greenhouse gas emissions in projects like the World Logistics Center."

City officials and representatives of Highland Fairview, the World Logistics Center's developer, could not be immediately reached Friday morning, Jan. 10.

Becerra filed an amicus — or "friend of the court" — brief with the Fourth District Court of Appeal on Friday, writing that city officials have inaccurately said the logistics center falls under the California Air Resources Board's Cap-and-Trade program.

The program, referred to as "emissions trading" by the Environmental Protection Agency, limits the pollution companies can produce and allows companies below that limit to sell credits to companies over the limit. The system is intended to create incentives for companies to emit less pollution than the cap and to do so quickly enough that they can economically benefit by selling the credits to companies that are slower to comply.

But the environmental impacts of warehouses and logistics centers must be regulated by local governments, rather than by the state air quality board's cap and trade system, according to Becerra.

"Local governments like Moreno Valley must do their part as regulators if we are going to safeguard the well-being of residents and meet California's long-term climate change goals," he said in Friday's press release.

By saying the center's emissions were covered under the Cap-and-Trade program, Moreno Valley failed to consider more than 95% of the greenhouse gases — as required by the California Environmental Quality Act — that could be emitted by 40 million square feet of warehouses on 2,610 acres, Becerra alleged.

The American Lung Association gives Riverside County an F grade for both ozone and particle pollution and says that 38,245 children and 142,916 adults in the county suffer from asthma. In a 2019 report, the association ranks Riverside County as the second-most ozone-polluted county in the United States.

Related links

- Mega-warehouse plan would hit entire region's traffic
- Planners OK World Logistics Center mega-warehouse
- Moreno Valley OKs megawarehouse on 3-2 vote (UPDATE)
- Benzeevi 'humbled' after World Logistics Center win
- All you need to know about the World Logistics Center
- World Logistics Center developer owes Moreno Valley $180,402 in legal fees
- Gov. Brown vetoes bill that would have closed loophole in the California Environmental Quality Act
- Judge voids environmental study for Moreno Valley's World Logistics Center

- Court voids Moreno Valley's agreement for World Logistics Center, in what foes call a setback for the project
- World Logistics Center developer outspent by builder, marijuana businesses in Moreno Valley elections
- California Supreme Court won't review World Logistics Center ruling on environment
- California cities, counties would have to report incentives to warehouses and job details under Riverside assemblyman's bill
- No more Theodore: Street, 60 Freeway signs in Moreno Valley will bear warehouse name

Highland Fairview representatives have said the logistics center would create 20,000 permanent jobs, but an environmental report said the center would also generate 68,721 daily vehicle trips, including more than 14,000 truck trips.

"Large distribution centers with heavy truck traffic must take responsibility for the greenhouse gas emissions and smog-forming exhaust they generate," California Air Resources Board Chair Mary D. Nichols is quoted as saying in Becerra's news release. "They cannot hide behind legal fictions to ignore the need to protect public health and the environment."

According to the attorney general's office, the center is expected lead to more 385,000 metric tons of greenhouse gases to be released into the atmosphere each year — almost 40 times what the South Coast Air Quality Management District considers to be significant greenhouse gas emissions.

"The message for this developer – and others contemplating this illegal ploy – is clear: Distribution centers need to move towards zero-emission trucks and cargo equipment," Nichols said in the release. "They can't duck their responsibility to the community where they are located, or pass on the costs of their pollution in the form of unhealthy air and poor health."

In the brief, Becerra argues that Moreno Valley's greenhouse-gas analysis of the World Logistics Center violates the state's environmental law by improperly saying the center's greenhouse gas emissions would be covered by the air board's Cap-and-Trade program, which uses the free market to offset greenhouse gas emissions.

This is not likely to be the last time the attorney general weighs in on air quality issues: In 2018, his office established a Bureau of Environmental Justice at the California Department of Justice.

Staff writer David Downey contributed to this report.

This is a developing story. Check back for updates.

Case No. E071184

**IN THE COURT OF APPEAL OF
THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO**

ALBERT THOMAS PAULEK, et al.,
Plaintiffs and Respondents,

vs.

MORENO VALLEY COMMUNITY SERVICES DISTRICT, et al.;
Defendants and Appellants

HF PROPERTIES, et al.,
Real Parties in Interest and Appellants

LABORERS' INTERNATIONAL UNION NORTH AMERICA
LOCAL 1184,
Plaintiffs and Appellants,

vs.

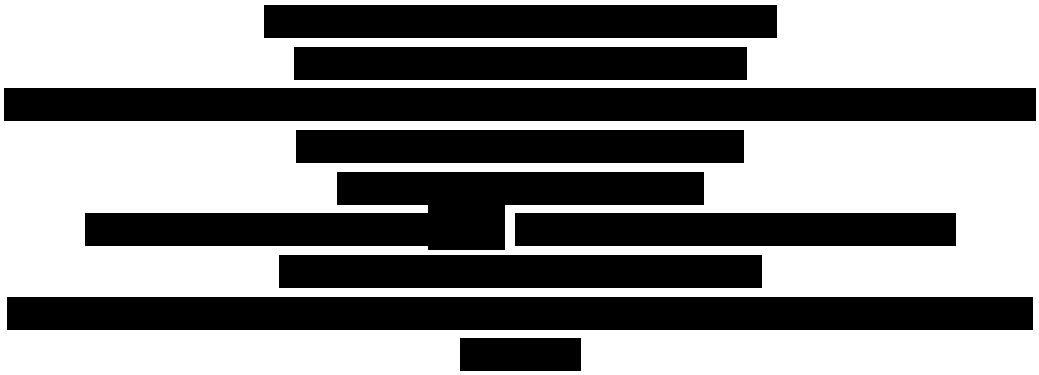
MORENO VALLEY COMMUNITY SERVICES DISTRICT, et al.;
Defendants and Respondents

HF PROPERTIES, et al.,
Real Parties in Interest and Respondents

Appeal from the Superior Court of California
Hon. Sharon J. Waters, Judge, Case Nos. RIC1510967 MF,
RIC1511279, RIC1511327, RIC1511421 & RIC1511195

PROPOSED BRIEF OF CALIFORNIA CEQA AND CLIMATE POLICY EXPERTS IN SUPPORT OF PLAINTIFFS/ APPELLANTS

Counsel listed on next page



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I. Introduction

The World Logistics Center complex (the "Project"), the 40 million square foot warehouse development at the heart of this dispute, will impact the environment for decades. The resolution of this case may have an even larger footprint, answering important questions about the California Environmental Quality Act ("CEQA") and its relationship to the state's climate laws. The EIR's analysis, if endorsed, would have dire consequences for California's ability to meet its greenhouse gas ("GHG") reduction goals and would upend settled CEQA precedent about the role state-level regulation should play in assessing the significance of project impacts.

The City of Moreno Valley; HF Properties, Inc.; Sunnymead Properties; Theodore Property Partners; 13451 Theodore, LLC; and HL Property Partners (collectively, "Respondents") are asking this Court to endorse a novel approach to assessing the significance of a project's GHG emissions under CEQA. Although the Project is not regulated under California's cap-and-trade program—and, moreover, although nearly all of the emissions at issue in this case will be emitted after 2030, the sunset date of cap and trade—the Project's EIR relies on that program to write off an overwhelming majority of the Project's lifetime GHG emissions. The Project is estimated to draw 70,000 truck trips

per day at full buildout, yet the EIR declines to consider as significant ***any*** mobile source emissions associated with the Project.

Respondents' rationale for this outcome misconstrues the state's climate program, and its relationship to CEQA, by treating cap and trade as California's one-and-done policy for controlling certain greenhouse gas emissions. The EIR's analysis breaks Project emissions into "capped" emissions, which are regulated by cap and trade, and "uncapped" emissions. Because cap and trade requires "upstream" fuel suppliers and electricity generators to surrender compliance instruments while applying a declining emissions cap over time, the EIR takes the position that "downstream" emissions from mobile sources and electricity use associated with the Project are "capped," are already "mitigated" by the program, and need not be considered by the lead agency when assessing significance. (Resp. Br. at 35-36.) Asking the Project to address these emissions itself, according to the Respondents, would be "double counting," (Resp. Br. at 57) because state-level regulation already takes care of them in the most efficacious way. (Resp. Br. at 35.)

But that is not the case. California has never adopted a one-and-done approach to controlling capped emissions; in fact, the opposite is true. The state has ***not*** determined that the cap-and-trade program alone "is the most effective, efficient way to

reduce GHG emissions." (Resp. Br. at 35.) Instead, the program is designed to work together with other, coordinating and overlapping state-level emission reduction regulations and policies—including, *inter alia,* land use policies, transportation fuel policies, and CEQA. Cap and trade was never intended to be the sole, or even the main, driver of California's GHG reductions. Given its design, it cannot bear that load alone, for reasons discussed in this brief. The Project actually burdens the cap-and-trade program, and failing to reduce that burden using the robust tools that CEQA provides would create significant difficulties for California in controlling emissions, especially from the critically important transportation sector.

CEQA does not permit this result. While the CEQA Guidelines allow lead agencies to consider a project's compliance with a GHG-reducing regulation when assessing significance of project emissions, that consideration marks the beginning of the inquiry, not a *de facto* conclusion that emissions are not significant. For "capped" emissions, however, the EIR simply identifies the cap-and-trade program and ends its assessment there. It provides no analysis showing that the Project's own emissions will be reduced or mitigated by cap and trade. (In fact, it could not make that showing; the cap-and-trade program does not mitigate project-specific emissions, particularly at the Project's scale.) It does not explain how the Project would

guarantee compliance with cap and trade, given that it is unregulated by the law. And it fails to assess whether Project GHG emissions are significant even in light of compliance with the cap-and-trade regulation. In other words, the EIR assumes that the existence of a state-level regulation relieves the lead agency of the requirement to assess the significance of an individual project's impacts. This misapprehends the CEQA Guideline, which allows consideration of the state-level regulation, but does not make it dispositive. It is also wholly inconsistent with CEQA's focus on project-level impacts, and its requirement to demonstrate, both from a significance and a mitigation standpoint, that impacts are addressed. Approving such an approach would undermine the objectives of CEQA, not just in this case, but in any case where a state-level regulatory regime intersects with project impacts.

CEQA is, at its core, a public disclosure and mitigation statute. It is designed to ensure that decisionmakers and community members fully understand the significance of a project's environmental impacts in time to reduce those impacts through, among other tools, changes in project design and adoption of project-specific mitigation measures. Instead, the EIR here obscures the Project's GHG impacts by representing that most of the Project's emissions need not even be considered in weighing significance, claiming that they are "mitigated" by a

state-level program without providing any analysis or evidence showing that to be true.

The on-the-ground consequences of the EIR's misguided approach are real and illustrative. If this Project's mobile source emissions were identified as significant, Project proponents and the lead agency would be obligated to consider and adopt Project-specific mitigation measures to reduce mobile source emissions. Local decisionmakers might even decide to reject the proposal altogether once its full significance is understood. These decisions would be made before Project approval, when design changes can be most effectively implemented. By contrast, cap and trade alone cannot effectively mitigate the Project's mobile source emissions. The entities with fuel-related compliance obligations under cap and trade are third-party, distant-in-time fuel suppliers who cannot exercise control over Project design or operations. In other words, the EIR's analysis lays the burden for reducing the Project's mobile source emissions solely at the feet of a program that has very limited tools for carrying it. Writ large, this approach would undercut California's ability to meet its climate targets.

Because cap and trade does not apply to most of the Project's GHG emissions, and because the EIR's assessment of the significance of the Project's GHG emissions contradicts settled CEQA principles and misrepresents the function of the

cap-and-trade program, *amici* urge the Court of Appeal to reverse the trial court's decision.

II. Discussion

At the heart of the EIR's GHG analysis lies Respondents' argument that the cap-and-trade program "mitigates" a majority of the Project's emissions and that, accordingly, those emissions should not be considered against the GHG emission significance threshold. (See Resp. Br. at 35 ["Far from 'brushing aside' or 'ignoring' the emissions…the City accounted for them and mitigated them…"].) Respondents go so far as to suggest that assessing these emissions at the project level would be "double counting." (Resp. Br. at 57). In fact, the cap-and-trade program does not cover the time frame of the vast majority of Project GHG emissions and does not apply to warehouse projects at all. Respondents' characterization additionally misstates the CEQA Guidelines, misapprehends the nature of the cap-and-trade program, and is inconsistent with CEQA's purposes.

A. The EIR's GHG Impact Analysis Fails Because The Project Cannot Demonstrate "Compl[iance] With Regulations Or Requirements Adopted To Implement A Statewide, Regional, Or Local Plan For The Reduction or Mitigation Of Greenhouse Gas Emissions."

The CEQA Guidelines explain that, when determining the significance of a project's GHG emissions impacts, a lead agency may consider:

> The ***extent to which*** the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. (CEQA Guidelines, § 15064.4, subd. (b)(3) [emphasis added].)

However, the EIR simply concludes that the Project complies with cap and trade—assuming that is sufficient to mitigate the majority of the Project's emissions for the purposes of assessing the significance of the Project's GHG impacts—without ever evaluating "the extent to which the [P]roject complies" with the program. If the extent of the Project's compliance had been analyzed, it would necessarily have been found wanting. First, the cap-and-trade regulation will sunset long before the bulk of Project emissions occur. Second, cap and

trade does not cover emissions from out-of-state fuels, which may be burned by Project traffic.

1. The cap-and-trade program will expire by operation of statute before most Project emissions occur.

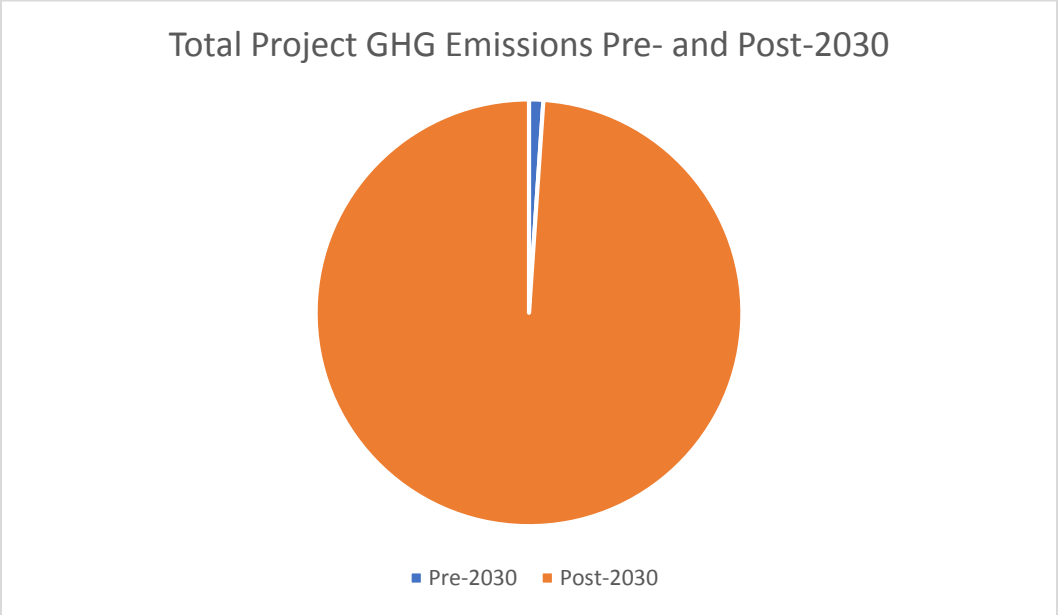
Critically, the cap-and-trade program is set to expire well before the Project is fully built out, and thus before most Project emissions occur. The EIR is clear that the Project will not be operational until 2035, ***five years after*** the cap-and-trade regulation sunsets by automatic operation of statute. (Cal. Health & Safety Code, § 38562, subd. (h).) This means that the majority of the Project's lifetime GHG emissions are not, in fact, capped at all. The cap-and-trade program therefore cannot be used as a reason to disregard those emissions.

In 2017, the California Legislature passed Assembly Bill 398, which reauthorized the cap-and-trade program, initially set to expire in 2020, for an additional decade. (Cal. Health & Safety Code § 38562; see California Legislative Analyst's Office, Cap-and-Trade Extension: Issues for Legislative Oversight ("LAO Cap-and-Trade Extension Report") (Dec. 2017) at 1.) This legislation specifically provides that the law authorizing the cap-and-trade program "shall remain in effect only until January 1, 2031, and as of that date is repealed, unless a later enacted statute which is enacted before that date, deletes or extends that

date." (Cal. Health & Safety Code § 38562, subd. (h).) Thus, unless the Legislature again affirmatively acts to extend the cap-and-trade program, it cannot continue beyond 2030. If the Legislature does nothing, cap and trade will no longer exist in ten years.

The vast majority of the Project's emissions, including nearly all of the emissions that the EIR labels as "capped," will occur after the expiration of cap and trade. Prior to 2035, the EIR estimates that the Project will emit a total of about 222,000 MT CO_2e of construction-related GHGs. Nearly 40 percent of those emissions, or about 86,000 MT CO_2e, will occur after cap and trade expires in 2030. But even total construction emissions are dwarfed by the approximately 412,000 MT CO_2e of ***annual*** emissions the Project will produce at full buildout. As demonstrated by the chart below, pre-2030 emissions represent only about 1 percent of total Project GHG emissions assuming a

30-year life for the Project at buildout.



In fact, just one year of Project GHG emissions after 2035 will exceed all Project GHG emissions before that date—and is more than triple the amount of pre-2030 construction emissions. None of the post-2030 emissions will be covered by the cap-and-trade program, unless the California Legislature enacts a change in state statute.

Respondents have tried to deflect from this fact, arguing that it would be "wrong…not to apply current law because it might change sometime in the future." (Resp. Br. at 68.) But it is Respondents who are asking this Court to assume the law might change. With no change at all, it is clear that cap and trade expires and will not apply to the gross majority of Project GHG emissions. And the Court should be wary of Respondents'

speculative approach: cap and trade reauthorization is by no means a certainty. The process to extend cap and trade beyond 2020 was politically fraught, requiring a two-thirds majority vote of the Legislature for reauthorization and inciting battles over the program's efficacy and role in addressing local sources of pollution. Just as it was prior to the original 2020 sunset date, cap and trade reauthorization to extend the program beyond 2030 may be an arduous political process, with no guarantee that the program will continue at all, or in its current form. (See, e.g., Georgina Gustin, INSIDE CLIMATE NEWS, California's New Cap-and-Trade Plan Heads for a Vote—With Tradeoffs (Jul. 15, 2017); Christopher Cadelago and Taryn Luna, SACRAMENTO BEE, California's climate change vote delayed until Monday (Jul. 12, 2017) [noting that then-Governor Jerry Brown expressed concern that a two-thirds majority would be needed to pass extension legislation and that such a threshold could not be met].)

Simply put, the Project cannot "comply" with cap and trade when cap and trade no longer exists. The EIR contains no analysis to explain why these emissions should not be considered significant in light of cap and trade's expiration, and the Court should reject Respondents' arguments and overturn the District Court's decision for this reason alone.

2. Cap and trade does not cover emissions from out-of-state fuels.

The EIR also fails to assess the extent to which mobile source emissions will necessarily be covered by the cap-and-trade program, instead assuming that all mobile source emissions are "capped". However, the cap-and-trade program is not designed to cover all mobile source emissions in California. Instead, the program requires fuel suppliers to surrender compliance mechanisms equivalent to the amount of CO_2e released from the burning of the fuels they sell ***in California***. (17 Cal. Code Regs. § 95811.) In other words, if a mobile source enters California from another state or country—Nevada, Arizona, New Mexico, Utah, or even Mexico—to travel to the Project, burning fuel that it purchased outside of California, cap and trade does not cover those emissions. A typical 18-wheel diesel truck can travel between 1260 to 2250 miles on a tank of gas, so the Project may very well attract traffic from mobile sources that purchase fuel outside California's borders.

But the EIR does not include these emissions among its assessment of "uncapped" emissions, or make any attempt to quantify the amount of mobile source emissions that will result from the burning of out-of-state fuels. Accordingly, the EIR fails to assess the extent of the Project's compliance with cap and trade and fails to meet its burden to demonstrate that these emissions should be considered insignificant. This lack of

analysis is further evidence of the EIR's misapprehension of the cap-and-trade program. All mobile source emissions are not equal under cap and trade; the EIR improperly failed to take this distinction into account.

B. The EIR's Approach Cannot Satisfy The Purpose Of A GHG Impact Analysis Under CEQA.

Even if cap and trade were not set to expire in 2030, and even if all mobile source emissions caused by the Project were the result of burning fuels purchased in California, the EIR's analysis would still be invalid under CEQA. The EIR is premised on a fundamental mischaracterization of the cap-and-trade program, one that is reiterated numerous times in Respondents' brief. (See, e.g., Resp. Br. at 35 ["The State has made the policy determination that Cap-and-Trade is the most effective, efficient way to reduce GHG emissions…the City accounted for [GHG emissions] and mitigated them in precisely the way that the authoritative California agency has determined to be the optimal way to achieve the State's emission-reduction goals."], 36 ["CARB…made it clear that it intended to have greenhouse gas emissions accounted for, and mitigated, at the producer level…"], 48 ["CARB made perfectly clear its decision that the mitigation of certain greenhouse gas emissions statewide at the production level was the most efficient, cost-effective way to implement AB 32's mandate."], 57 ["Appellants' preferred approach…would

result in double counting and double mitigating emissions that are already mitigated through cap-and-trade."].)

The EIR's misrepresentation of cap and trade is twofold. First, at the core of the analysis is the erroneous assertion that under California law, cap and trade is the primary (even sole) regulation responsible for reducing or avoiding GHG emissions from mobile sources and electricity generation, eliminating the need for overlapping regulation of projects that induce emissions from those sectors. Second, the EIR incorrectly presumes that the cap-and-trade program will mitigate ***project-level*** emissions, without any analysis to support that conclusion. These two missteps result in a GHG analysis that improperly suggests to decisionmakers and the public that the great majority of the Project's GHG emissions—including ***all*** of the mobile source emissions generated by the Project—do not need to be addressed at the project level because they are already reduced or avoided by operation of a state regulation. This is misinformation with serious consequences: it undermines CEQA's role as a transparency and public disclosure tool, and it opens the floodgates for lead agencies to make future land use decisions that will severely compromise California's ability to meet its GHG reduction targets.

1. How cap and trade works: The basics.

To assist the Court in its review of this case, we offer here a brief history of the implementation of the legislation that authorized the California Air Resources Board ("CARB") to create the cap-and-trade program, AB 32, as well as an explanation of how the cap-and-trade program works in practice.

AB 32, passed by the Legislature in 2006, was a broad piece of legislation that codified an ambitious GHG emission reduction mandate: It requires California to reduce its statewide GHG emissions back to 1990 levels by the year 2020. (Cal. Health & Safety Code § 38550.) The legislation directed CARB to develop a scoping plan of state-level policies that would lead to the achievement of that goal, and authorized CARB to enact regulations that would implement the policies set forth in the scoping plan. (Cal. Health & Safety Code § 38561, subd. (a).) CARB's first Scoping Plan set forth "a comprehensive array of emissions reduction approaches and tools" to meet the 2020 goal, which included a number of overlapping, complementary policies such as the state's Renewable Portfolio Standard (aimed at increasing generation of electricity from renewable sources), the Low Carbon Fuel Standard (aimed at reducing greenhouse gas emissions from transportation fuels), land use and transportation policies (aimed at reducing emissions from transportation), the expansion of energy efficiency programs (aimed at reducing

emissions from electricity usage), and cap and trade (aimed at pricing greenhouse gas emissions from certain sectors, ultimately to include both electricity generation and transportation fuels). (California Air Resources Board, Climate Change Scoping Plan: A Framework for Change (Dec. 2008) at ES-3-ES-4.) Notably, many of these policies targeted emissions from the same sectors. No single one of these policies was intended to meet the 2020 goal itself, but, working in concert, they were designed to achieve the target.

Since the adoption of the original Scoping Plan, the Legislature has codified additional GHG reduction mandates, including reaching at least 40 percent below 1990 levels by 2030 and net zero emissions from electricity generation by 2045. (Cal. Health & Safety Code § 38566; Cal. Pub. Util. Code § 454.53, subd. (a).) Before leaving office, Governor Brown signed an executive order directing the state to achieve a carbon neutral economy by 2045. (Executive Order B-55-18 to Achieve Carbon Neutrality [establishing a goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter."].) These new targets are designed to make California's emission reduction progress more consistent with evolving science demonstrating that the most severe impacts of climate change could be somewhat alleviated if global temperature rise is contained to

less than 1.5 degrees Celsius. (California Air Resources Board, California's 2017 Climate Change Scoping Plan ("2017 Scoping Plan Update") (Nov. 2017) at ES3; Intergovernmental Panel on Climate Change, Global Warming of 1.5ºC: Summary for Policymakers (Oct. 2018) at 7, 9-12.) The Scoping Plan has been updated as well, and continues to rely on a broad range of policies, including land use and transportation policies, fuels-related policies, energy efficiency policies, and renewable energy policies, to achieve newer targets. (See 2017 Scoping Plan Update at ES4, 1.) CARB has consistently indicated in the Scoping Plan and otherwise that achievement of the state's emission reduction goals is not possible without a commitment to this wide range of policies; no one policy or regulation will be enough to achieve the statewide goals. (See, e.g., 2008 Scoping Plan at 15 ["Reducing greenhouse gas emissions from the wide variety of sources can best be accomplished through a cap-and-trade program along with a mix of complementary strategies that combine market-based regulatory approaches, other regulations, voluntary measures, fees, policies, and programs."]; 2017 Scoping Plan Update at ES4 ["The Plan underscores that there is no single solution but rather a balanced mix of strategies to achieve the GHG target."].)

As part of AB 32, CARB was given the authority—but not, as Respondents suggest, the mandate—to establish a market-

based emission credit trading mechanism. (Cal. Health & Safety Code § 38570, subd. (a) ["The state board ***may*** include in the regulations adopted pursuant to Section 38562 the use of market-based compliance mechanisms to comply with the regulations."] [emphasis added].) CARB elected to create the cap-and-trade system alongside the other emission reduction policies set forth in the Scoping Plan. (California Air Resources Board, California's Cap-and-Trade Program Final Statement of Reasons ("2011 FSOR") (Oct. 2011) at 156 ["This market-based program is… designed to work in concert with…standards for cleaner vehicles, low-carbon fuels, renewable electricity, and energy efficiency."].) From the outset, CARB viewed the cap-and-trade program as just one of multiple regulatory efforts aimed at achieving GHG emission reductions from covered sectors. Indeed, other state-level policies—not cap and trade—were intended to do the bulk of heavy lifting on GHG reductions. (See 2008 Scoping Plan at 22.)

The cap-and-trade program was initially set to expire by operation of statute in 2020. As discussed above, extension legislation passed and the program now sunsets in 2030, five years before the Project will reach full buildout. (Cal. Health & Safety Code § 38562, subd. (h).) Under the cap-and-trade program, covered entities, such as electricity generators, industrial sources, and fuel suppliers, are required to surrender

compliance mechanisms to CARB equal to the amount of their in-state emissions in a given compliance period. (See 17 Cal. Code Regs. §§ 95850, 95855, 95856.) Warehouses are not among the covered entities. Covered entities can comply with the program's requirements in three ways: (1) by reducing their emissions; (2) by obtaining allowances, with each allowance essentially serving as a permit to emit one ton of CO_2e; and/or (3) by obtaining offsets, which are generated by certified emission reduction projects from sources that aren't covered by cap and trade, like forestry projects. (See, e.g., 17 Cal. Code Regs. §§ 95820, 95970, 95990, 95991.)

In the context of fuel emissions and electricity generation emissions, as Respondents concede, compliance obligations rest with the fuel supplier or the electricity generator, rather than with the end user of the fuel or electricity. (17 Cal. Code Regs. § 95811.) Where, as here, a project results in increased mobile source emissions, the project itself doesn't bear compliance responsibility when drivers burn fuel to get to the project. Instead, compliance mechanisms for the portion of the fuel that is supplied in-state—as discussed above, out-of-state supply is not covered by the cap—would be surrendered by the suppliers of the fuels those drivers have put in their cars or trucks.

Under the program, the number of total allowances available is capped, and the aggregate statewide cap declines

over time. Emissions from any given project or any covered sector, however, need not decline—and may even rise year over year. This is in part because entities that hold excess allowances may sell those allowances to entities that need them to come into compliance. (See 17 Cal. Code Regs. §§ 95920, 95921.) A significant portion of allowances are allocated for free to certain entities, and CARB holds quarterly allowance auctions of most of the remaining allowances, subject to a price floor. (17 Cal. Code Regs. §§ 95910-95915.)

The higher the demand for allowances, the higher allowance prices climb, creating a price signal that should reduce statewide emissions and help keep emissions below the cap. However, there is a limit to how high allowance prices can rise—and this limit, if reached, can function to create a "hole" in the cap. A small portion of allowances is allocated to a special reserve, the APCR, and those allowances are made available at higher prices once certain trigger levels are hit, creating a "soft" price ceiling that is intended to create market stability rather than accurately price GHG emissions commensurate with the harms they cause. (California Air Resources Board, Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Final Statement of Reasons ("2017 FSOR") (Aug. 2017) at 504 [explaining that the APCR price was designed "looking at the cost of abatement; as opposed

to the Social Cost of Carbon, which looks instead at a cost range related to damages caused by emissions."].) As part of the cap-and-trade extension legislation, CARB was directed to set a "hard" price ceiling, which will allow ***unlimited*** new allowances to be sold at the ceiling price. (Cal. Health & Safety Code § 38562, subd. (c)(2).)

This is a key point: If capped emissions don't decline sufficiently quickly, allowance prices may rise and hit CARB's "hard" price ceiling, triggering the sale of unlimited new allowances. (See Severin Borenstein et al., Expecting the Unexpected: Emissions Uncertainty and Environmental Market Design ("Borenstein Cap and Trade Report") (Aug. 2019) at 2-3 [explaining that the combination of uncertainty surrounding "business as usual" emissions and price-inelastic emissions abatement supply make prices at the ceiling one of the most likely cap and trade outcomes].) Depending on how long allowance prices sit at the ceiling and how many allowances are sold at that price, this could undermine or even negate the statewide cap on emissions. Thus, each of CARB's overlapping and complementary programs that reduces emissions from capped sectors plays an important role in keeping allowance prices down, emissions below the cap, and the cap-and-trade program functioning well. If left to bend California's emissions trajectory downward to the 2030 statewide limit through

allowance prices alone, cap and trade would likely not succeed. And because the existence of the "hard" price ceiling effectively removes the program's cap for emissions between years 2021 and 2030, Respondents' fundamental premise—that the existence of the cap means the Project's mobile source emissions must necessarily be mitigated—also fails.

Another important feature of the cap-and-trade program is the ability to bank allowances. While the cap represents the maximum number of emissions from allowances that are issued in any given year, emissions can, and do, sometimes fall below that maximum, and unused emissions allowances may be carried forward to a subsequent year when they can be used for compliance. (17 Cal. Code Regs. § 95922.) Conversely, real world emissions can exceed the number of emissions allowances issued in a given year, if unused allowances from a previous year are available to meet compliance obligations. (See LAO Cap-and-Trade Extension Report at 9.) In other words, while CARB plans to make fewer allowances available on the market each year, that does not necessarily mean that capped emissions will decrease year to year, because of banking of older allowances (and because of the price ceiling mechanisms described above). Allowance banking is, again, a price stabilizing mechanism for the cap-and-trade market—but it also creates the possibility that annual emissions targets, like California's 2030 target, may not be met

because compliance with the cap-and-trade program will be achieved through the use of banked allowances. (See LAO Cap-and-Trade Extension Report at 9 [explaining that due to banked credits, the Legislative Analyst's Office "found this general result—2030 emissions significantly higher than the annual target—under a couple different scenarios we analyzed."]; 2011 FSOR at 165.)

Lastly, it is important to note that CARB can adjust the annual statewide cap either upward or downward. (See Cal. Health & Safety Code § 38562, subd. (c)(2); LAO Cap-and-Trade Extension Report at 9, 14 [identifying cap adjustment as an area for legislative oversight].) This means, for example, that if complementary policies are doing an especially good job of controlling capped emissions and the state's emissions trajectory is declining faster than anticipated, the state can "capture" those gains. There is no sense in which the state's current cap is its emissions destiny.

2. Cap and trade was designed to work together with other laws, like CEQA, that reduce emissions from transportation—and it would be overburdened to the breaking point if asked to work alone.

Respondents argue that "the EIR and the City Council reasonably concluded that the impacts of the capped emissions have already been addressed by the cap-and-trade program, which ensures consistency with statewide greenhouse gas emissions reduction goals." (Resp. Br. at 56.) But this misapprehends the nature of the cap-and-trade program and its place among a large stable of state-level GHG regulations that are collectively intended to push California toward its ambitious GHG reduction targets. Cap and trade is not, and was never intended to be, the one regulation that guarantees compliance with statewide GHG emission reduction goals, and accordingly, even compliance with the program cannot *de facto* lead to a conclusion that a project's GHG impacts have been adequately mitigated.

If this Court were to adopt the EIR's approach, effectively releasing lead agencies from the requirement to mitigate transportation emissions at the project level and at the stage of project design and approval, emissions from developments like the Project would rise significantly as compared with the contrary case. The cap-and-trade market would have to absorb

that additional pressure. Respondents are, in essence, asking the Court to force other market sectors—heavy industry, fuel suppliers, electricity generators, and the like—to bear the weight of reducing emissions created by the development sector. That is not cap and trade's purpose or design.

Indeed, the cap-and-trade program is a minority contributor to GHG emissions reductions, and California cannot reach its looming GHG reduction mandates with cap and trade alone. Both the original Scoping Plan and the two subsequent Scoping Plan updates, as well as CARB's Final Statements of Reasons for the cap-and-trade and cap-and-trade extension regulations, are clear that CARB has never intended the program to be the sole mechanism through which statewide GHG reduction goals are met, even as to capped emissions. (See, e.g., 2011 FSOR at 138 [CARB "is pursuing both direct command-and-control regulations, such as, but not limited to, the low carbon fuel standard, advanced clean car regulation, stationary refrigeration regulation, and a market-based cap-and-trade regulation to reduce GHG emissions."]; 2017 FSOR at 1022 [explaining that in certain sectors, pressure from other programs causes GHG emissions reductions, meaning "the cap decline factor is not needed as an incentive to reduce GHG emissions."].) CARB has explained that cap and trade "is used to supplement, rather than replace, direct regulation approaches. It is also

designed to work in concert with other measures…" (2011 FSOR at 156.)

This fact is widely recognized even beyond CARB, especially in the context of land use decisions and transportation emissions. (See, e.g., California Air Resources Board, First Scoping Plan Update, Appendix D1 [California Air Pollution Control Officers Association's and Other Regional Efforts to Implement Climate Protection Strategies] (Feb. 10, 2014) at D1-2.) For example, the California Air Pollution Control Officers Association ("CAPCOA") explains "it is clear that state actions alone won't be sufficient [to meet coming statewide reduction goals]. State policy is most effective with the support, engagement, and complementary actions of regional and local efforts." (*Id.*) CAPCOA specifically points to mobile source emissions reductions as an area where state-level action must be supplemented by regional and local governments "through land use planning, both on a project-level basis and in integrated, long term blueprints…" and explains that state-level efforts to reduce mobile source emissions are undercut by regional and local decisions that do not prioritize GHG emissions reductions. (*Id.*) Indeed, the California Legislature re-authorized cap and trade in 2017 knowing that the program would continue to work alongside other complementary statutes and regulations designed to reduce transportation sector GHG emissions, such as SB 375—

comprehensive legislation designed to achieve emissions reductions from mobile sources using local land use and transportation planning tools—and the Low Carbon Fuel Standard. (See, e.g., Cal. Gov. Code §§ 14522.1, 14522.2, 65080.) The Legislature did not consider such overlapping measures to constitute "double counting" of mobile source emissions, but instead concluded that they were necessary to provide needed redundancy in light of the complex problem presented by transportation emissions.

CARB has consistently analyzed the percentage of necessary reductions it expects to be achieved by the cap and by other complementary measures, including the Low Carbon Fuel Standard, the Renewable Portfolio Standard, and regional land use and transportation measures; cap-and-trade does not account for even a majority of the needed GHG emissions reductions in those assessments. (See, e.g., 2017 Scoping Plan Update at 28.) CARB expects cap and trade to account for less than a third of the emissions reductions needed to meet California's 2020 target, and less than 40 percent of the emissions reductions needed to meet the 2030 target. (2008 Scoping Plan at 22; 2017 Scoping Plan Update at 26, 28.) Because other state-level, regional, and local policies are themselves effective at reducing GHG emissions, cap and trade allowance prices have historically remained low, auctioning for less than half of Social Cost of

Carbon estimates that many states use. (Borenstein Cap and Trade Report at 3, 23-24; see 2017 FSOR at 504 [allowance prices are not intended to reflect the Social Cost of Carbon].)] This means that, far from accurately reflecting the price to reduce or avoid the full amount of GHG emissions from covered sectors needed to meet statewide goals, as Respondents suggest (Resp. Br. at 57), cap-and-trade allowance prices understate those costs and the program itself simply serves as one program among many. In short, whatever the merits of cap and trade as a partial driver for GHG emissions reductions, it cannot be considered full mitigation for the cumulative impacts of carbon emissions, which is what the EIR proposes.

And because of the "hard" price ceiling the Legislature has directed CARB to create, it is critical that other emission reduction programs continue to take a laboring oar in reducing emissions from capped sectors. Otherwise, allowance prices could skyrocket as the system bears a burden it was never designed to hold. (Borenstein Cap-and-Trade Report at 23-24 [explaining that without complementary policies, the probability of very high allowance prices "more than triples" and could result in price ranges "likely to be politically unacceptable."].) As discussed *supra*, a result of skyrocketing allowance prices could be to undermine the cap, with unlimited allowances available for sale at the ceiling price.

In sum, the existence of the cap-and-trade program does not displace the need to use other state-level, regional, and local policies—including thoughtful land use decisionmaking through the CEQA process—to control emissions from capped sectors. To the contrary, cap and trade works well only if complementary policies are employed, too. Because it acts in concert with other policies to meet statewide goals, cap and trade cannot be relied upon alone as evidence that project-level emissions have been "mitigated" and are not significant. In fact, such an approach would overburden the cap-and-trade market and make it challenging for California to meet its emissions reduction targets. And for those same reasons, the EIR's approach is inadequate for CEQA purposes: The mere existence of the program cannot guarantee that the Project's emissions are addressed, and the EIR's lack of analysis to show that they are renders the document insufficient under CEQA.

3. Cap and trade will not ensure that Project-level emissions are reduced.

Cap and trade sets an economy-wide emissions cap that is not project- or sector-specific. This means that while the overall cap declines over time, emissions from an individual project need not, and often do not, decline. Even emissions from an entire sector may not decline in any given compliance period, as long as there are adequate allowances on the market to allow all covered

entities to meet their compliance obligations. Respondents say this doesn't matter; because the overall cap declines over time, this must mean that somewhere, someone is "mitigating" mobile source emissions in a way that allows California to achieve its climate targets. Their view is that because the statewide cap exists, it doesn't matter whether there are project-level efforts to reduce emissions; in aggregate, emissions will be reduced enough by operation of the cap.

In reality, though, the need for simultaneous project-level efforts to reduce emissions remains strong, for all of the reasons discussed *supra*. This is especially true with respect to the Project's transportation emissions, which make up the bulk of the emissions at issue in this case. Transportation emissions from the Project, and from similar development proposals around the state, will not be adequately controlled by cap and trade alone because significant mechanisms for reducing transportation sector emissions, like changing local land use patterns and making mass transit improvements, are out of the hands of fuel suppliers—who are the only covered entities with compliance obligations for transportation fuels under the cap. The success of California's climate policies depends, in part, on local and regional land use authorities and project developers working to reduce project-level GHG emissions throughout the design, approval, and operational phases of proposed projects.

Traditional CEQA mitigation tools, as applied to GHG impacts, are critical in these efforts, especially for a project that results in the creation of 70,000 truck trips per day that would otherwise not occur. The upshot of the EIR's approach is to leave meaningful, project-specific mitigation measures that would reduce transportation emissions on the table.

This is particularly troubling because accelerating reductions in transportation sector emissions is critical to achieving the statewide climate goals. In the worst-case scenario, overburdening the cap-and-trade system in this way could destabilize the market entirely, reducing even cap and trade's economy-wide efficacy as mobile source emissions associated with the development sector continue to rise.

4. The EIR's GHG analysis undermines CEQA's purpose and role.

Because it misrepresents the nature of the cap-and-trade program, the ability of the Project to ensure compliance with cap and trade, and the potential for mitigation of Project GHG emissions through cap and trade, the EIR's GHG analysis is inconsistent with CEQA's "fundamental goal": to ensure the public and decisionmakers are fully informed about a project's possible significant environmental impacts. (See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447.) The Project's EIR cannot serve its

proper purpose as an "environmental 'alarm bell'" when it dramatically understates the extent of the Project's GHG impacts, and, in turn, the amount and type of mitigation that would be required to address them. (See *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; see also Cal. Pub. Res. Code § 21061 [the purpose of an EIR is to provide "detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."].)

The EIR's analysis is misleading in two significant ways. First, the EIR improperly concludes, without any supporting analysis, that the existence of the cap-and-trade program means Project emissions are necessarily less than significant. Second, the EIR plays fast and loose with the term "mitigation," suggesting that Project emissions are "mitigated" for CEQA purposes when they are not, with serious adverse consequences for both this case and the ability of California to meet its GHG reduction targets.

a. The existence of state-level regulation does not obviate the need for a robust significance analysis under CEQA.

Respondents contend that the mere existence of the cap-and-trade program is enough to conclude that GHG impacts from

"capped" sources associated with the Project are not significant. But the EIR contains no analysis to support this conclusion. CEQA does not permit such a logical leap.

CEQA is designed to assess the significance of project-level impacts and ensure mitigation of those impacts. (See Cal. Pub. Res. Code §§ 21002; 21081.) Even though the cap-and-trade program may reduce economy-wide GHG emissions, it has no nexus to the Project's impacts: GHG emissions from the Project will not necessarily decline as a result of the operation of cap and trade and may even increase despite the existence of the program. Equally as important from a CEQA perspective, the Project has no control over whether the entities responsible for the "capped" emissions associated with the Project will actually meet the requirements of the law. The cap-and-trade program applies to a variety of covered entities in the industrial, electricity generation, and fuel production sectors. (17 Cal. Code Regs. § 95811.) Those entities are subject to compliance obligations under the law and must accordingly surrender compliance instruments to the state. (*Id*. at §§ 95811, 95850-95859.) But the Project is not among them: warehouses are not covered entities under cap and trade. (*Id*. at § 95811.) Respondents attempt to downplay the significance of this fact in their brief, calling the line between projects directly covered by cap and trade and those not covered at all, but which may draw

"downstream" emissions, "a distinction without a difference." (Resp. Br. at 63.) To the contrary, the distinction is key, not just for this case but for its CEQA implications more generally. Unlike a refinery, which itself must submit compliance mechanisms under cap and trade and can therefore guarantee that its emissions are being mitigated through the program, the Project has no compliance obligation, and no way to ensure that those who do have such obligations meet them. Without any way to ensure or demonstrate compliance—and without any attempt to explain how it ***could*** demonstrate compliance—the Project cannot fairly be said to meet its CEQA obligations. (See Cal. Nat. Res. Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12 (Nov. 2018) ("Nov. 2018 Guidelines FSOR") at 95 ["…it is only those plans and regulations that are enforceable against a particular project that a lead agency should consider."][discussing a lead agency's assessment of consistency with a plan or regulation for purposes of a GHG impact significance analysis].)

Setting aside the fact that the Project cannot itself ensure compliance with cap and trade, the EIR is required to present evidence demonstrating that compliance with an existing regulation or plan will, in fact, render emissions less than significant, and is also required to consider evidence that, despite

compliance with the regulation or plan, emissions will still rise to the level of significance. (See CEQA Guidelines §§ 15064, 15604.4; Cal. Nat. Res. Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 ["SB 97 FSOR"] (Dec. 2009) at 27, 98.) The Project's EIR did neither here.

"Compliance with the law is not enough to support a finding of no significant impact under the CEQA." (*Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 17 [citing *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881-882.].) Courts have consistently found that EIRs must do more than simply recite the existence of a state-level regulation or program when considering the significance of environmental impacts. (*Id.*; see also *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715 ("*SCOPE*").)

For example, in *Californians for Alternatives to Toxics v. Department of Food & Agriculture*, the State Department of Food and Agriculture ("DFA") developed a plan to address diseased grapes in vineyards, including vegetation removal and the use of pesticides. (*Californians for Alternatives to Toxics*, 136 Cal.App.4th 1, 9.) In concluding that the application of pesticides

would not cause an environmental impact, DFA relied on the existence of state and federal pesticide regulations and licensing and worker safety regulations. (*Id*. at 10.) The agency concluded that consistency with these regulatory schemes was sufficient to determine that impacts would be reduced to less than significant. (*Id*. at 17.) The court disagreed, finding that "DFA repeatedly deferred to the [state] regulatory scheme instead of analyzing environmental consequences of pesticide use and therefore fell short of its duty under CEQA to meaningfully consider the issues raised by the proposed project." (*Id*. at 16.) The EIR contained no analysis of the risks of utilizing particular pesticides or of their possible environmental or human health impacts. (*Id*. at 18.) While the existing state law was designed to regulate pesticide administration, the EIR contained no evidence to demonstrate that compliance with the program would not result in adverse environmental effects, and accordingly, the EIR's "conclusory statements [did] not fit the CEQA bill." (*Id*. at 17.)

Similarly, in *SCOPE*, an EIR improperly relied on the State Water Project's allocation of water deliveries to conclude that the project in question would not create significant water supply impacts, without analyzing the state program's application to the project in practice. (*SCOPE*, 106 Cal.App.4th 715, 720-721.) The EIR instead made "no attempt to calculate or even discuss the differences between entitlement and actual supply." (*Id*. at 722.)

Nor did the EIR give any suggestion that the operation of the program could not "be taken at face value," even though in reality, it was unclear whether the project's water supply impacts would truly be ameliorated by the program. (*Id*. at 723.) The end result, concluded the court, was that decisionmakers and the public could not arrive at a meaningful understanding of the project's impacts. (*Id*. at 722.)

And specifically in the context of GHG impacts analysis, the California Supreme Court has explained that mere reliance on and extrapolation from a state-level plan to project impacts is not enough; substantial evidence must support a conclusion that GHG impacts are not significant. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204 ("*Newhall Ranch*").) In *Newhall Ranch*, the project's EIR referred to CARB's statewide Scoping Plan and its determination that statewide emissions would need to drop roughly 29 percent below "business as usual" levels in order to achieve California's GHG reduction targets. (*Newhall Ranch*, 62 Cal.4th at 218.) Finding that the project's own emissions would fall 31 percent below a hypothetical "business as usual" scenario, the EIR concluded that the project would not impede progress towards California's climate goals and that its impacts were accordingly less than significant. (*Id*.) The Supreme Court rejected this analysis, explaining that even though the EIR could look to consistency

with the Scoping Plan as a measure for determining the significance of project emissions, it did not contain adequate analysis explaining how the project's own GHG emissions reductions would be consistent with meeting the statewide reduction goal. (*Id*. at 225.) In other words, the EIR could not just conclude that a reduction in project emissions consistent with the state-level plan would necessarily result in less than significant GHG impacts; it had to support that conclusion with substantial evidence in the record. (*Id*. at 226-227.)

So too in this case. Just as in *Californians for Alternatives to Toxics* and *SCOPE* the EIR simply points to the existence of a state scheme—in this case, cap and trade—and declares the Project's GHG impacts insignificant. But the existence of, and potential compliance with, a regulation is "a starting point for a lead agency's analysis," not an automatic pass to skip a meaningful significance analysis. (Nov. 2018 Guidelines FSOR at 95.) Critically, the lead agency must consider whether "a project may still have a significant impact despite compliance with the regulation." (SB 97 FSOR at 98.) Thus, the EIR was required to demonstrate, first, that the Project would comply with the regulation, and next, that compliance with the regulation would, in actuality, render Project impacts less than significant. The EIR never explains how "capped" Project emissions could or would be reduced to less than significant. It offers no suggestion

for how the Project would ensure that fuel suppliers or electricity generators actually comply with the cap-and-trade regulation. Nor does it acknowledge the additional stress on the cap-and-trade system of declining to minimize the great majority of the Project's emissions, instead laying responsibility for reductions at the feet of fuel suppliers, who have no ability to control project design or operations. And it never explains that cap and trade does not require reduction or avoidance of the Project's specific emissions at all. "In the absence of substantial evidence to support the EIR's no-significance finding…the EIR's readers have no way of knowing whether the project's likely greenhouse gas impacts will indeed be significant, and, if so, what mitigation measures will be required to reduce them." (*Newhall Ranch*, 62 Cal.4th at 227.)

Respondents argue that the holding in *Association of Irritated Residents v. Kern County Board of Supervisors* (2017) 17 Cal.App.5th 708 ("*AIR*") is an endorsement of the EIR's approach. But *AIR* did not hold "that a threshold of significance for CEQA purposes could consider only greenhouse gas emissions not covered by the cap-and-trade program." (Resp. Br. at 37.) Instead, in *AIR*, the Fifth District Court of Appeal concluded that the project, a refinery that itself was subject to compliance obligations under the cap-and-trade program, could rely on its compliance with the program to demonstrate that certain of its

GHG emissions—notably, ***not*** its mobile source emissions—would be less than significant. (*AIR*, 17 Cal.App.5th at 742-744.) The fact that the *AIR* project had compliance obligations and could, in practice, ensure its own compliance with the cap-and-trade regulation is a critical distinction.

But to the extent that *AIR* held emissions for which the *AIR* project itself held no compliance obligation, like electricity generation emissions, could be treated as less than significant under cap and trade because other "upstream" entities have compliance obligations under cap and trade, that conclusion was incorrect, and this Court should decline to adopt that approach. As explained above, treating such emissions as necessarily less than significant, without more analysis, ignores the realities of the cap-and-trade program and understates the Project's GHG impacts. It also incorrectly places the burden of mitigating the Project's GHG emissions on entities that cannot control them and have no real obligation to reduce or avoid them.

Allowing the EIR to declare "capped" GHG emissions less than significant under these circumstances would have serious implications for California climate policy and for the administration of CEQA. It would lead to ill-informed land use decisions that overburden our state-level regulatory programs and make compliance with our upcoming GHG reduction targets all the more challenging. It would also undercut CEQA's

fundamental role as a public disclosure and transparency statute by allowing lead agencies to rely on the existence of a state-level regulation, without more, to justify a conclusion that project-level impacts are less than significant. A holding of that nature would have consequences not just in the realm of climate policy, but any time a state-level regulatory program intersects with project-level impacts. It would also be inconsistent with past precedent explaining the role state-level regulation should play to inform significance determinations. (See, e.g., *Californians for Alternatives to Toxics*, 136 Cal.App.4th at 17; *SCOPE*, 106 Cal.App.4th at 720-722.)

The CEQA Guidelines only allow that a lead agency may consider ***the extent of a project's compliance*** with an applicable GHG mitigation regulation when assessing significance of project emissions, but the mere existence of the regulation alone is not enough to remove project emissions from a significance calculus. Because the Project cannot ensure compliance with cap and trade, and because even if it could, compliance with the program is not conclusive evidence that the Project's GHG impacts are less than significant, the EIR was required to analyze the significance of the so-called "capped" emissions it discounted. (CEQA Guidelines, § 15064.4, subd. (b)(3); SB 97 FSOR at 98.) Its failure to do so renders the EIR

inadequate. (*Newhall Ranch*, 62 Cal.4th at 226-227; *Californians for Alternatives to Toxics*, 136 Cal.App.4th at 17.)

b. Project emissions are not "mitigated" as required by CEQA.

Respondents' brief repeatedly states that cap and trade will "mitigate" the Project's GHG emissions. (See, e.g., Resp. Br. at 35, 49, 57.) This terminology conflates the concept of mitigation of GHG emissions—meaning the reduction or avoidance of GHG emissions—with the concept of mitigation under CEQA, which requires that steps be taken to reduce project-specific environmental impacts. Eliding the two concepts, Respondents suggest that "the source of mitigation for greenhouse gases from fuel combustion—whether at the project level or the fuel supplier level—is irrelevant…" (Resp. Br. at 49.) But from a CEQA perspective, that statement is untrue.

As the California Natural Resources Agency, one of the state agencies responsible for updating the CEQA Guidelines, has explained, "to demonstrate consistency with an existing GHG reduction plan, a lead agency would have to show that the plan actually addresses the emissions that would result from the project." (SB 97 FSOR at 27.) This is consistent with the well-settled CEQA principle that mitigation of project impacts must be fully enforceable and implemented as a condition of project development. (See, e.g., Cal. Pub. Res. Code § 21081.6, subd. (b);

CEQA Guidelines § 15126.4, subd. (a)(1)(D); *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1035; *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1261.) Even Respondents acknowledge that mitigation of Project emissions has to be "enforceable and verifiable." (Resp. Br. at 49.)

Where mitigation is speculative and vague, it is inadequate under CEQA. (See *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 197-198; *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445 [mitigation must be feasible and enforceable].) Traditionally, CEQA mitigation occurs at the project level, and the adequacy of mitigation is subject to a project-by-project analysis. (See *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1053; *Environmental Council of Sacramento*, 142 Cal.App.4th at 1024-1028.) Where mitigation is untethered to project-specific mitigation measures themselves, like in the case of in-lieu fee programs that allow a developer to pay into a fund to mitigate project impacts, CEQA still requires the proposed mitigation to be "sufficiently tied to the actual mitigation of the impacts." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140-141 [specific traffic improvement projects funded by

mitigation fees were in place and would actually reduce traffic impacts caused by the project]; see also *California Clean Energy Committee*, 225 Cal.App.4th at 197-199 [fee program to support fair share plans was impermissibly speculative mitigation and EIR did not adequately explain how it would address project impacts]; *California Native Plant Society*, 170 Cal.App.4th at 1056 [payment of a mitigation fee alone was not enough to ensure that project-level impacts would be mitigated to insignificance]; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188.)

Here, the EIR makes no attempt to tie the supposed cap-and-trade "mitigation" to mitigation of Project-specific GHG emissions—because it cannot. As discussed *supra* in Section II.B.3, the cap-and-trade program imposes an economy-wide cap, and as such provides no way to track or account for how the Project's own emissions would be reduced or avoided, if at all. And there is no way for the lead agency or the Project to enforce cap and trade against the fuel suppliers or electricity generators that hold compliance obligations under the regulation, or for them to verify that an adequate number of compliance mechanisms have been surrendered to cover the Project's emissions. This feature makes the cap-and-trade "mitigation" Respondents propose even more speculative than in-lieu fee programs: in the case of in-lieu fees, projects at least pay into fee

programs, but in this case, the Project has no relation to or involvement with the cap-and-trade program at all.

It also exemplifies the misleading nature of the EIR's GHG impacts analysis. The EIR suggests that the Project's own emissions will be reduced or avoided by operation of the cap-and-trade program such that decisionmakers and the public need not be concerned about the hundreds of thousands of metric tons of new GHG emissions the Project will produce ***every single year*** after it is built out. In reality, the Project will severely compromise Moreno Valley's ability to meet long-term climate goals. To illustrate, the City of Moreno Valley's own Energy Efficiency and Climate Action Strategy explains that to meet AB 32 targets, the City will have to implement local emission reduction policies. (City of Moreno Valley, Energy Efficiency and Climate Action Strategy ("Climate Action Strategy") (Oct. 2012) at 4 ["For California to reach its greenhouse gas reduction goals, communities must address how they grow."], 6 ["the City would still need to supplement the statewide measures with the implementation of local reduction policies" to meet its 2020 target].) To achieve compliance with AB 32, the City set a 2020 target of about 779,790 metric tons of CO_2e. (Climate Action Strategy at 6 [stating an emissions reduction target of 15 percent below 2010 emissions to meet 2020 mandate].) Assuming the City is able to meet its target and hold steady to that reduction

through Project buildout, the first year of Project emissions after buildout would result in total City emissions of 171,003 metric tons CO_2e ***above*** 2010 levels—rather than the 15 percent ***below*** 2010 levels that the City has committed to—totally erasing the City's progress toward its climate goal. All told, the Project alone would cause a nearly 40 percent jump in the City's emissions over and above its 2020 target. What's more, this analysis understates the Project's emissions impact relative to the City's climate goals because the City has not yet revised its Climate Action Strategy to meet 2030 reduction targets, which are even more ambitious. In other words, to stay on track to meet statewide climate mandates, the City would have to find some way to reduce ***more than one-third*** of its total annual emissions to accommodate the Project's emissions. Fuel suppliers cannot guarantee these reductions; it is the City and the Project that are "uniquely capable of addressing [these] emissions…" (Climate Action Strategy at 4.)

But the EIR does not contemplate Project-specific mitigation measures, having written off the bulk of those emissions before even comparing Project emissions to the Air District significance threshold. The EIR suggests that over 90 percent of the Project's GHG emissions will be mitigated by somebody else, but that is not, and in practicality cannot be, the case. Without properly acknowledging and attempting to

mitigate these emissions, the EIR cannot serve its proper purpose as an "informational document." (See Cal. Pub. Res. Code § 21061; Cal. Pub. Res. Code §§ 21002, 21081 [requiring mitigation of a project's significant environmental impacts].)

III. Conclusion

The EIR's analysis of the Project's GHG impacts misapprehends the cap-and-trade program and misinforms the public and decisionmakers about the true significance of the Project's emissions. The case for reversing the lower court decision on these facts strikes us as particularly strong, given the post-2030 timing of Project's emissions and the flimsy relationship of the Project to cap-and-trade compliance obligations. But beyond that, the cap-and-trade program was never intended to be California's sole mechanism for reducing emissions from capped sectors and should not be forced to bear that weight. The EIR's analysis, if endorsed, would have dire consequences for California's ability to meet its climate goals and would upend settled CEQA precedent about the role state-level regulation should play in assessing the significance of project impacts. We respectfully urge the Court to reject the EIR's approach and find the GHG impacts analysis inadequate.

Dated: December 26, 2019

By:_____

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CERTIFICATE OF COMPLIANCE

(California Rules of Court 8.204(c)(1))

Counsel of Record hereby certifies that pursuant to Rule 8.204(c)(1) of the California Rules of Court, the enclosed brief of a*mici curiae* California CEQA and Climate Policy Experts is produced using 13-point Roman type including footnotes and contains approximately 9,945 words, which is less than the total words permitted by the rules of court. Counsel relies on the word count of the Microsoft Word computer program used to prepare this brief.

Dated: December 26, 2019

By:_____

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Julia E. Stein

Counsel for *Amici*
California CEQA and
Climate Policy Experts

PROOF OF SERVICE

ALBERT THOMAS PAULEK, et al.,
Plaintiffs and Respondents,

vs.

MORENO VALLEY COMMUNITY SERVICES DISTRICT, et al.;
Defendants and Appellants;

LABORERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 1184, et al.,
Plaintiffs and Appellants,

vs.

MORENO VALLEY COMMUNITY SERVICES DISTRICT, et al.;
Defendants and Appellants;

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and am not a party to the within action; my business address is 385 Charles E. Young Drive, Los Angeles, California 90095. On December 26, 2019, I served true copies of the following document(s) described as:

PROPOSED AMICI CURIAE BRIEF OF CALIFORNIA CEQA AND CLIMATE POLICY EXPERTS

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE: I caused a copy of the document described above to be sent via TrueFiling's electronic service system to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY U.S. MAIL: I caused a copy of the document described above to be mailed via U.S. postal service to the Superior Court in this case, at the following address: Riverside County Superior Court, 4050 Main Street, Riverside, California 92501.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 26, 2019, at Miami, Florida.

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO

ALBERT THOMAS PAULEK, et al., Plaintiffs and Respondents, **v.** **MORENO VALLEY COMMUNITY SERVICES DISTRICT,** et al.**,** Defendants and Appellants. **HF PROPERTIES, et al.,** Real Parties in Interest and Appellants.	Case No. E071184 (Riverside Cty. Super. Ct. No. RIC1510967 MF, RIC1511279, RIC1511327, RIC1511421, & RIC1511195)
LABORERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 1184, et al., Plaintiffs and Appellants, **v.** **MORENO VALLEY COMMUNITY SERVICES DISTRICT, et al.**, Defendants and Respondents. **HF PROPERTIES, et al.,** Real Parties in Interest and Respondents.	(Riverside Cty. Super. Ct. No. RIC 1511279 & RIC1511327)

Riverside County Superior Court
The Honorable Sharon J. Waters, Judge

BRIEF OF AMICI CURIAE THE ATTORNEY GENERAL AND THE CALIFORNIA AIR RESOURCES BOARD IN SUPPORT OF PLAINTIFFS AND RESPONDENTS ALBERT THOMAS PAULEK, ET AL. AND PLAINTIFFS AND APPELLANTS LABORERS INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 1184, ET AL.

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INTRODUCTION

The massive World Logistics Center (Project) will cause approximately 70,000 daily truck trips transporting goods from the ports of Long Beach and Los Angeles to Moreno Valley. (AR 003039, 058605–06.) These vehicle trips will emit hundreds of thousands of metric tons of greenhouse gas (GHG) emissions every year over the life of the Project. (AR 002729.) These GHG emissions, along with emissions from electricity needed to power the more than 40-million-square-foot project, will add to the existing climate pollutant problem, accumulating in the atmosphere and persisting for decades or longer.

Rather than analyzing and mitigating the Project's emissions, lead agency Respondents Moreno Valley Community Services District, *et al.* (Respondents) shirk their responsibility as a local government to address climate change. They improperly rely on CARB's statewide Cap-and-Trade climate program (Cap-and-Trade Program), which does not impose any regulatory requirements on this Project, as an excuse not to analyze and mitigate the Project's climate change impacts. Respondents improperly ignore roughly 95% of the GHG emissions from the Project (AR 002718–19), disregarding the significance of those emissions, avoiding their duty to adopt all feasible mitigation measures, and failing to properly disclose their responsibility for this pollution to the public.

Respondents' approach mischaracterizes the way state climate policies work and violates the California Environmental Quality Act (CEQA). CEQA directs that Respondents take "all action necessary" to protect the environment, recognizing the importance of local action driven through "meaningful" consideration of environmental impacts. (See Pub. Resources Code, §§ 21000, 21001, 21002, 21002.1.) CEQA does not allow Respondents to waive their CEQA obligations by pointing to a regulation that does not bind them (Cal. Code Regs., tit. 14, § 15000 et seq. (CEQA

Guidelines), § 15064.4), and Respondents wholly misconstrue the regulatory scheme they seek to use.

Although Respondents claim their approach is consistent with state climate policy, it is not. (See Plaintiffs/Appellants' Supplemental Request Regarding Judicial Notice, Exhibit 1, California Air Resources Board, California's 2017 Climate Change Scoping Plan (Nov. 2017) (2017 Scoping Plan) at pp. 19 ["Local actions are critical for implementation of California's ambitious climate agenda"], 97–99 [more extensive discussion about the need for local action to achieve California's climate goals]; see also Health & Saf. Code, §§ 38502, subd. (h) [identifying competing priorities to balance in emissions reductions], 38592 [nothing in this division relieves any person, entity, or agency of compliance with other law], 38690 [identifying overlapping automobile emissions policy].) Respondents' approach has been repudiated by CARB, the Attorney General's Office, and the Natural Resources Agency, as contrary to critical state climate goals. The state has long—and expressly—relied on a portfolio of climate change measures, including significant efforts by local governments, to address emissions that result from their land use decisions.

Respondents rely on the Cap-and-Trade Program to excuse their obligation to make better land use decisions. Cap-and-Trade is not intended as a stand-alone climate policy; instead, it assumes steady efforts to reduce emissions across the state. While Cap-and-Trade has an important role to play in limiting emissions from entities like power plants and refineries, the Program does not cover a host of other sources, including warehouses. Although the Program creates financial and legal obligations on fuel suppliers and electricity generators that may ultimately supply this Project, the Project experiences neither the direct legal requirements of the Program nor the full economic costs associated with its additional emissions. If projects were allowed to evade responsibility in

this way, they would steadily increase Cap-and-Trade Program costs upstream, while locking the state into ever-more expensive and inappropriate high-emitting development patterns. This is a recipe for failure in achieving the state's climate goals. To avoid this scenario, the state relies on local governments to limit emissions from new development projects. Emissions from such projects are the responsibility of local governments and should be mitigated through the proper application of CEQA. Eliminating this crucial piece of the state's portfolio approach undermines the state's climate goals.

We have arrived at a crossroads for the future of GHG analysis under CEQA. If Respondents prevail, this case could singlehandedly undo the will of the Legislature by excusing essentially all projects from the obligation to consider GHG impacts from vehicle trips and energy use. This Court should reject Respondents' argument and confirm that all lead agencies must do their part if we are to meet the state's long-term climate stabilization objective.

STATEMENT OF INTERESTS

I. INTEREST OF THE ATTORNEY GENERAL

California has already begun to experience significant adverse impacts from climate change such as "more frequent, more catastrophic and more costly" wildfires, drought, "coastal erosion, disruption of water supply, threats to agriculture, spread of insect-borne diseases, and continuing health threats from air pollution." (2017 Scoping Plan at p. ES2.) As California's chief law enforcement officer, the Attorney General has the independent power and duty to protect the interest of all of California's current and future residents in a clean, health, and safe environment. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600–12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 15.)

Upholding this duty, the Attorney General has actively encouraged lead agencies to fulfill their CEQA responsibilities as they relate to climate change for well over a decade. (See, e.g., *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (*SANDAG*) at p. 519 ["nothing we say today invites regional planners to 'shirk their responsibilities' under CEQA"]; *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465; *People v. County of San Bernardino* (San Bernardino County 2007) No. CIVSS0700329.)

The World Logistics Center, like every large development project, has the potential to either facilitate or hinder the state's achievement of its climate goals. Here, Respondents' unsupported approach to analyzing the Project's GHG emissions has the potential to seriously undermine the overall effort to meet the state's science-based GHG reduction goals for the transportation and land use sectors and to disproportionately affect environmental justice communities.[1] Given these significant interests, the Attorney General submits this amicus brief in support of Appellants,[2] in compliance with rule 8.200(c)(7) of the California Rules of Court in his independent capacity and on behalf of the California Air Resources Board (CARB).

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[1] The Attorney General opposed this methodology in a comment letter it submitted on the revised sections of the Final EIR for this Project (Revised Final EIR or RFEIR). (Letter re: Revised Sections of the Final Environmental Impact Report for the World Logistics Center Project, Sept. 7, 2018, at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments-revised-sections-feir.pdf?>.) The Revised Final EIR is not at issue in this litigation, but it includes the original EIR's same flawed GHG analysis.

[2] This brief is submitted in support of Plaintiffs and Respondents Albert Thomas Paulek, et al. and Plaintiffs and Appellants Laborers International Union of North America, Local 1184, et al.

II. INTEREST OF THE CALIFORNIA AIR RESOURCES BOARD

CARB has a strong interest in participating in this case as amicus curiae. CARB is charged with protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change. As creator and administrator of the Cap-and-Trade Program, and as the lead agency on the Scoping Plan setting out many of the state's climate policies, CARB is an expert on how the Cap-and-Trade Program was designed to function and interact with other state laws and programs as part of California's portfolio approach to addressing GHG emissions. In their briefing, Respondents misrepresent CARB as effectively endorsing the EIR's approach to GHG analysis. (Combined Respondents' and Cross-Appellants' Opening Brief at pp. 17, 36–38, 47–48, 56, 63.) But CARB has repeatedly made clear it does *not* support Respondents' approach.[3] As explained more fully below, Respondents' arguments regarding GHG analysis are contrary to the construction given to applicable regulations by CARB, and by the Natural Resources Agency, agencies charged with interpreting and enforcing the programs at issue.

BACKGROUND

I. LEGAL BACKGROUND REGARDING CALIFORNIA'S EFFORTS TO COMBAT CLIMATE CHANGE

In 2006, recognizing the importance of combatting climate change and furthering the objectives of Executive Order S-3-05, the Legislature enacted the Global Warming Solutions Act of 2006, commonly known as

[3] CARB also explained this approach when it formally opposed the GHG analysis Respondents rely on here through its comments on the RFEIR for this Project. (Letter re: World Logistics Center Revised Final Environmental Impact Report, Sept. 7, 2018, at: <https://ww3.arb.ca.gov/toxics/ttdceqalist/logisticsfeir.pdf?_ga=2.236813640.855160185.1575908432-1460774677.1564163003>.)

AB 32. (Health & Saf. Code, § 38500, et seq.) AB 32 mandates that, by 2020, California must reduce its total statewide annual GHG emissions to the level they were in 1990, and to 40 percent below that level by 2030. (Health & Saf. Code, §§ 38550, 38566.) This mandate putts the state on a trajectory of significant and continuous GHG emissions reductions through 2050, in order to stabilize the atmospheric levels of GHGs and reduce the risk of dangerous climate change.

Under AB 32, the Legislature tasked CARB with preparing a guidance planning document, known as the Scoping Plan that, while not binding, set out the state's views based on extensive environmental and economic analyses on how policies may be effectively implemented so that California will meet the its ambitious GHG reduction goals. (See Health & Saf. Code, §§ 38561 et seq.) The Scoping Plan emphasizes the need for a multi-pronged emissions reduction approach that can be carried out by many entities and reflects the state's position that it is necessary to reduce emissions at the source and through reductions in demand for energy. (2017 Scoping Plan, pp. 12, 19, 28).

The Scoping Plan includes a suite of regulations, measures, and policies designed to operate together to reduce GHG emissions. The Cap-and-Trade Program is one such policy. Entities that are directly subject to the Cap-and-Trade Program—like power plants, factories, refineries, and electricity generators and importers—must purchase and surrender compliance instruments (e.g., allowances) for their emissions. (See Cal. Code Regs., tit. 17, § 95812.) Downstream emitters such as cars and trucks, much less warehouses that such cars and trucks drive to, are not covered entities under Cap-and-Trade and have no such obligation to purchase or surrender allowances. The existence of the Program, in other words, does not obviate the need for action at other levels of the economy. On the contrary: If sources like the long-lasting development project in this

case build without regard to their emissions, they will increase overall state emissions and hence increase pressure and costs within the Cap-and-Trade Program.

To address the wide range of GHG emissions sources that are not directly controlled through the Cap-and-Trade Program, the state relies on other policies[4]—many of which require collaboration between the state and local governments. Agencies large and small across the state (including, crucially, cities and counties) are responsible for ensuring that proposed new land use plans, transportation projects, and development projects are consistent with evolving scientific knowledge and state regulatory schemes; CEQA is a critical tool for implementing these obligations.[5] (See *SANDAG*, *supra*, 3 Cal.5th at p. 519; see also CEQA Guidelines, § 15064.4, subd. (b).)

The Scoping Plan makes clear that the Cap-and-Trade Program was *not* designed to replace local governments' long-term planning obligations, but rather designed to work in concert with those policies to achieve the

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[4] See, e.g., Health & Saf. Code, §§ 38561, subd. (e) (requiring CARB to consider "the relative contribution of each source or source category to statewide greenhouse gas emissions"), 43018.5, subd. (a) (requiring CARB to "adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles").

[5] For example, CARB provides regional emission reduction targets for local jurisdictions' land use and transportation planning obligations under Senate Bill (SB) 375. (See Health & Saf. Code, § 65080, subd. (b)(2)(A) [known as "The Sustainable Communities and Climate Protection Act"].) CARB also works with regional air pollution control districts and air quality management districts to address emission sources that have both local and global effect, including methane from landfills and hydrofluorocarbons (HFCs), as well as to support state- and federally-mandated permitting of certain industrial sources of GHG emissions. (See California Air Resources Board, California's 2017 Climate Change Scoping Plan (Nov. 2017) pp. 3, 104 <https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf >.)

state's goals. (2017 Scoping Plan at p. 102 ["California's future climate strategy will require increased focus on integrated land use planning"].)

Recent state reports have shown that California's vehicular GHG emissions continue to increase year after year, and CARB has emphasized the need for local action. (See California Air Resources Board, 2018 Progress Report: California's Sustainable Communities and Climate Protection Act (November 2018) at 4.) These increasing emissions demonstrate the crucial need for *more* complementary local action—not less—to ensure the state meets its GHG targets in cost-effective ways.

In light of the state's GHG reduction policies, and CEQA's focus on embedding environmental considerations in local decision-making, the Supreme Court has emphasized that careful CEQA analysis of GHG impacts will be required going forward, as lead agencies must "stay in step" with the evolving science and law related to the state's long-term climate objectives in order to carry out their duties under CEQA. (*SANDAG*, *supra*, 3 Cal.5th at p. 519.)

II. OVERVIEW OF THE GHG ANALYSIS IN RESPONDENTS' EIR

Mischaracterizing the collaborative efforts required to combat climate change and the role of the Cap-and-Trade Program, Respondents' EIR takes a very unusual and troubling approach to addressing the Project's GHG-related impacts.[6] Respondents divide the Project's GHG emissions into two categories, which the EIR terms "capped" and "uncapped." (AR 002719.) What the EIR deems "uncapped" emissions constitute only about 4.6% of the Project's emissions. (*Ibid*.) The "uncapped" category includes comparatively minor landfill emissions caused by waste generated at the

[6] The Attorney General and CARB only address Respondents' inappropriate use of the Cap-and-Trade Program in the GHG analysis of the EIR. This amicus brief is not intended to and should not be construed as an exhaustive discussion of the EIR's compliance with CEQA.

Project and the use of refrigerants at the Project. (*Ibid.*) For these emissions, the EIR follows the approach that would be expected under CEQA: the City of Moreno Valley, in its discretion, designated a significance threshold (in this case, 10,000 metric tons of GHG emissions as recommended by the South Coast Air Quality Management District), compared the "uncapped" emissions to that threshold, and required feasible mitigation measures to ensure those emissions fall below that threshold. (AR 002719, AR 002729.)

What the EIR terms "capped" emissions, however, constitute the remaining 95.4% of the Project's predicted emissions. (AR 002719.) Those include emissions caused by mobile sources (namely, diesel trucks), as well as natural gas and electricity use at the Project. (*Ibid.*) For these emissions, the EIR deviates dramatically from standard CEQA methodology. The EIR asserts these emissions are "covered" by Cap-and-Trade and therefore wholly exempt from any further CEQA analysis or mitigation. (AR 002723.) The EIR does *not* compare the Project's "capped" emissions to the 10,000 metric ton threshold. (AR 002725.) Indeed, after mitigation measures are applied to the Project, the "capped" emissions remain nearly 40 times greater than the significance threshold. (AR 002729.) In forgoing any attempt to decrease the Project's true total emissions to a less-than-significant level, Respondents fail to consider further mitigation measures that could have made this Project more compatible with the state's climate goals. As described below, this approach is unlawful.

ARGUMENT

Respondents avoid disclosing and addressing mitigation for thousands of tons of GHG emissions each year pursuant to the misguided theory that those emissions are addressed by Cap-and-Trade. This argument is founded on misunderstandings of both the Cap-and-Trade Program and

CEQA—both of which require different industries and projects to take responsibility for their own impacts, rather than rely on others for mitigation. Most fundamentally, warehouse projects like the Project are not subject to Cap-and-Trade. Respondents therefore cannot accurately assert that "compliance" with Cap-and-Trade provides any legal basis to avoid analyzing and adequately mitigating the majority of the Project's emissions.

The CEQA Guidelines allow projects to consider regulations "[with] which the project complies" for purposes of considering significance of GHG emissions. (See CEQA Guidelines, § 15064.4, subd. (b)(3).) However, that consideration does not apply here and Respondents' approach, which in effect relies on other entities to undertake Respondents' CEQA mitigation, not only violates both CEQA's legal requirements and public disclosure and mitigation purposes, but also undermines the state climate objectives Cap-and-Trade is intended to further. Cap-and-Trade is designed to act in tandem with—not in spite of—critical tools like local land use planning to reduce GHG emissions. If allowed for Respondents and adopted by other local jurisdictions, such abdication by local governments would dramatically hinder the state's ability to achieve its legislatively mandated long-term climate stabilization objectives and forgo pollution reduction co-benefits from GHG mitigation measures that are vital for environmental justice communities.

The Resources Agency agrees with CARB that "to demonstrate consistency with an existing GHG reduction plan, a lead agency would have to show that the plan actually addresses the emissions that would result from the project." (See California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 (2009),

<http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf>, at p. 27.)

I. WAREHOUSE AND LOGISTICS PROJECTS ARE NOT REGULATED BY CAP-AND-TRADE AND THEIR EMISSIONS MUST STILL BE MITIGATED BY LOCAL GOVERNMENTS

Warehouse and logistics complexes are not regulated by Cap-and-Trade. The Cap-and-Trade Program thus provides no legal or policy basis for Respondents to avoid their obligation to evaluate and mitigate GHG emissions. Cap-and-Trade applies "an aggregate greenhouse gas allowance budget [to] *covered entities* and provides a trading mechanism for" such allowances. (Cal. Code Regs., tit. 17, § 95801 (emphasis added).) Respondents seek to use Cap-and-Trade to zero-out and excuse the application of feasible mitigation measures to over 95% of all GHG emissions from the Project. Cap-and-Trade applies only to expressly identified entities ("covered entities") such as cement producers, petroleum refiners, electricity generators, natural gas suppliers, fuel importers, and liquid petroleum gas suppliers. (Cal. Code Regs., tit. 17, § 95811.) Warehouse and logistics complexes are *not* covered entities. Cap-and-Trade compliance instruments do not factor in *whatsoever* because this Project is not covered by Cap-and-Trade.

The mere fact that warehouse and logistics complexes are in the chain of commerce with covered entities does not transform them into covered entities themselves. As an example, although the operator of a refinery that produces gasoline in California is subject to Cap-and-Trade, (Cal. Code Regs., tit. 17, § 95811, subd. (e)(1)), entities downstream from that refinery in the chain of commerce are not. The refinery itself may have compliance obligations under the Cap-and-Trade Program, which can be met by reducing the refinery's own GHG emissions or surrendering allowances, but the gas station that resells the gas, the truck drivers who purchase it, and

the warehouses to which the trucks drive do not have compliance obligations. Under the state's portfolio approach, while the refinery may have met some or all of its climate obligations via Cap-and-Trade, the downstream entities have not. Because warehouses receive no set price or regulatory signals from Cap-and-Trade, they are not being directly incentivized to reduce emissions. Instead, other components of the state's portfolio address those emissions. Nothing in Cap-and-Trade explicitly or impliedly repealed the use of other measures to address climate change; they were designed to work together. (See, e.g., 2017 Scoping Plan at p. 28.) Local governments must responsibly plan new development to further the state's climate goals.

II. ALLOWING RESPONDENTS' UNTENABLE APPROACH TO GHG ANALYSIS WOULD HAVE SIGNIFICANT, NEGATIVE STATEWIDE CONSEQUENCES

If Respondents' approach to GHG analysis is endorsed, other lead agencies will undoubtedly follow this approach, and emissions from the transportation and land use sectors will be largely omitted from analysis and mitigation under CEQA. Widespread adoption of this approach would: (1) place the entire burden of California's well-established, long-term land-use related GHG reduction goals on Cap-and-Trade, thereby straining the program beyond its intended purpose and (2) expose already burdened communities in the state to greater amounts of GHG emissions and co-pollutants that accompany GHG emissions, such as diesel particulate matter and nitrogen oxides.

A. Respondents' GHG analysis undermines California's GHG reduction goals

As explained above, the Cap-and-Trade Program is just one part of a suite of complementary measures designed to achieve California's ambitious GHG reduction and climate stabilization objectives. Cap-and-

Trade provides no legal basis for Respondents to avoid local governments' obligations as lead agencies under CEQA to evaluate and mitigate GHG emissions from a project that the Cap-and-Trade Program does not even cover.

While any one policy may be insufficient or at risk of circumvention, the suite of policies work in concert toward the state's goals.[7,8] This overlap is by design, and makes the suite of policies more resilient to changed circumstances, enforcement problems, and legal challenges. The upstream Cap-and-Trade Program thus works in tandem with downstream choices, including planning choices, to ensure both that total emissions decline and that projects throughout the state are designed to avoid putting undue upstream pressure on emissions or control costs. Weakening one policy because another policy might address it runs contrary to this approach.

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[7] See 2017 Scoping Plan, *supra*, pp. ES7–8, 10, 22, 97; cf. Elinor Ostrom, A Polycentric Approach for Coping with Climate Change (2014) 15 Annals Econ. & Fin. 97, 123 <https://perma.cc/YSF4-B7N8> (Nobel laureate describing an ideal policy approach to climate change as "Complex, Multi-Level Systems to Cope with a Complex, Multi-Level Problem"); Amir Bazaz, et al., Global Covenant of Mayors, Summary for Urban Policymakers: What the IPCC Special Report on Global Warming of 1.5.°C Means for Cities (Dec. 2018) pp. 22–23 <https://perma.cc/R37B-3WDD> (identifying interaction between sources of governance and importance of incentives beyond financial consequences at the community level).

[8] Complementary measures are also important in light of the risk to any one measure posed by litigation. Private parties and the federal government have challenged California's GHG reduction policies, including aspects of the Cap-and-Trade Program. California's GHG vehicle emissions regulatory authority is currently also under challenge. The wisdom of the portfolio approach endorsed by the Scoping Plan is to ensure that the state's efforts continue via many channels, rather than relying on any one potentially challenged measure.

If other lead agencies adopt Respondents' approach to GHG analysis under CEQA, their development projects would produce millions of metric tons of GHG emissions that would go unmitigated through what amounts to an unauthorized categorical exemption from CEQA. The economic analyses and feasibility of achieving the state's legislatively mandated goals in the Scoping Plan account for all policies working in tandem. If any one policy fails to deliver reductions, this would put strain on the Cap-and-Trade Program to deliver more reductions than anticipated and at higher costs.

Respondents' failure to account for the significance of the Project's GHG emissions from transportation is particularly troubling in light of the fact that the transportation sector accounts for over 35% of the state's total GHG emissions and these emissions continue to rise. (2017 Scoping Plan, *supra*, pp. ES1, 11 [charts of emissions by source]; see also California Air Resources Board, 2018 Progress Report: California's Sustainable Communities and Climate Protection Act (November 2018) at 4.) As the California Supreme Court noted, "transportation emissions are affected by the location and density of residential and commercial development, the Scoping Plan does not propose statewide regulation of land use planning but *relies instead on local governments*." (*Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 230; emphasis added.) Local governments thus play a unique role in decreasing GHG emissions from the transportation sector.

Respondents contend that because statewide emissions are capped under the Cap-and-Trade Program, the amount of emissions from "capped" sources will be the same with or without their Project, but this claim ignores both their obligations under CEQA to disclose and mitigate their emissions and the intended design of the Cap-and-Trade Program. (See

Combined Respondents' and Cross-Appellants' Opening Brief at pp. 48–49.)

Cap-and-Trade is not a program designed to reduce emissions from local government actions, or land use; instead, it was designed on the assumption that local actors would simultaneously work to reduce emissions within their spheres. Cap-and-Trade alone was designed to account for less than 40% of the total emissions reductions needed to achieve California's 2030 climate goals, and on the explicit assumption that local design choices would continue to reduce overall emissions (and hence economy-wide costs in the Cap-and-Trade Program). (2017 Scoping Plan at p. 28.) Indeed, relying entirely on the Cap-and-Trade Program to address land use would produce a mismatch that would strain the Program by functionally increasing demand for emissions reductions as unregulated entities displace their obligations onto the Program rather than taking action themselves, raising compliance costs for covered entities across all sectors and all consumers across the state at all income levels. California's portfolio approach was designed to meet AB 32's requirement that "greenhouse gas emissions reduction activities . . . adopted and implemented by [CARB] are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner." (Cal. Health & Saf. Code, § 38561.) By taking a portfolio approach, the state has recognized that taking GHG action in specific sectors ensures that we achieve our broader climate and energy demand reduction goals. (See 2017 Scoping Plan at pp. 2, 24, 100 [describing Governor Brown's five key climate change strategy "pillars"].) Ultimately, cost increases could make the Cap-and-Trade Program less effective as a key part of the suite of California's climate policies.

In sum, Respondents' position is fundamentally inconsistent with the state's approach to climate change, and so disregards significant emissions

that should properly be addressed under CEQA, not an unrelated emissions program like Cap-and-Trade. Moreover, Respondents' approach would allow similar emissions from other projects that would follow its lead. (See Part III(A), *infra*.) The majority of land use projects are, like this Project, not covered by the Cap-and-Trade Program. Freight alone is an enormous industry; over 1.5 billion tons of freight were moved in California during 2015. (*Id*. at p. 73.) And other types of projects such as residential developments or agricultural enterprises may seek to invoke precedent created by this case. Thus, even if the Project standing alone does not excessively strain the Cap-and-Trade system, the collective weight of new projects failing to address GHG emissions in the CEQA process would.

B. Respondents' GHG analysis prevents co-pollutant reduction measures necessary to protect California's environmental justice communities

Permitting massive land development projects without requiring the necessary mitigation measures to decrease project emissions will also harm California's environmental justice communities—those already suffering from the worst environmental pollution in the state. The census tract the Project will be built in is ranked in the 75th to 80th percentile of census tracts in California in terms of greatest pollution burden indicators and health and vulnerability factors for population characteristic indicators. (CalEnviroScreen 3.0 for Census Tract 6065042624, Office of Environmental Health Hazard Assessment, last visited November 27, 2019 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.) Even without the Project, residents of this census tract already experience ozone, the main ingredient of smog, at a rate higher than 98% of the rest of California. (*Ibid.*) Relatedly, these residents also experience cardiovascular disease, which can result from exposure to air pollution, at a rate higher than 95% of the state. (*Ibid.*)

Considering additional mitigation properly may have resulted in additional zero-emissions technologies used for the Project, including, perhaps, from its trucks, as many commenters recommended. If such measures are not considered from this Project and other future projects like it are not mitigated, Moreno Valley and communities throughout the state will likely continue to suffer from worse air pollution. (See Nicky Sheats, *Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy* (2017) 41 WM. & MARY ENVTL. L. & POL'Y REV. 377, 387 ["[E]ven without the intentional maximization of co-pollutant reduction, there should be incidental co-pollutant reductions as GHGs are being reduced [which] should improve the health of local communities."]; see also Scoping Plan at p. 74 ["Air pollution from tailpipe emissions contributes to respiratory ailments, cardiovascular disease, and early death, with disproportionate impacts on vulnerable populations such as children, the elderly, those with existing health conditions . . . , low income communities, and communities of color."].)

III. RESPONDENTS' EIR VIOLATES CEQA

As explained above, the EIR's approach to GHG analysis misrepresents the Cap-and-Trade Program and the Project's place in that scheme. As a result, the EIR takes an unsupportable approach to evaluating the significance of GHG emissions from the Project. Contrary to CEQA's focus on information disclosure and local responsibility for mitigation, the EIR ignores the vast majority of the Project's emissions, and, in a misleading analysis, compares only a small fraction of the Project's emissions to the applicable significance threshold. This flawed analysis leads the EIR to conclude that the impact from GHG emissions would be mitigated to a less-than-significant level, misleading the public and shirking mitigation responsibilities. Even if the Cap-and-Trade Program directly

applied to the Project's emissions (it does not since, as explained above, this Project is not a covered entity under the Program), this method of evaluating a project's significance *after* taking into account purported "mitigation" or impact-reducing components is not allowed by CEQA. As a result of its flawed analysis, the EIR fails to adopt all feasible mitigation measures and subverts CEQA's important political function of ensuring informed decision making and informed public participation.

The EIR's approach to GHG analysis fails on multiple levels. Perhaps most critically, in addition to pointing to "compliance" with a regulation that simply does not cover the Project to excuse mitigation, the EIR focuses on a single significance consideration while ignoring other evidence showing potentially significant impacts. CEQA does not allow clearly significant GHG impacts to be overlooked, even if a lead agency believes those impacts are considered less than significant under one particular metric. (See, e.g., *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 274 [citizens' personal observations about the significance of noise impacts on their community constituted substantial evidence that the impact may be significant and should be assessed in an EIR, even though the noise levels did not exceed general planning standards]; accord *SANDAG*, *supra*, 3 Cal.5th at p. 515 ["An adequate description of adverse environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR"].) This failure to address potentially significant impacts not only minimizes the Project's significant impacts, but also warps the evaluation of whether the Project's contribution to GHG emissions is a cumulatively considerable impact. (CEQA Guidelines, § 15064.) The cumulative effect of dozens of similar warehouse projects in the Moreno Valley area could—and almost certainly will—be significant.

A. The EIR improperly applies CEQA Guidelines Section 15064.4 to determine the significance of the Project's GHG emissions.

The Resources Agency, the state's expert on CEQA, has rejected the approach of using purported "compliance" with an inapplicable program to mitigate emissions. (Final Statement of Reasons for the CEQA Guidelines Amendments (2018) at p. 27 ["a subdivision project could not demonstrate 'consistency' with [CARB's] Early Action Measures because those measures do not address emissions resulting from a typical housing subdivision"].)

The EIR misapplies CEQA Guidelines section 15064.4, which offers multiple factors a lead agency should consider in assessing the significance of impacts from GHG emissions. That Guideline provides, in pertinent part:

> (b) A lead agency should consider the following factors, *among others,* when assessing the significance of impacts from greenhouse gas emissions on the environment:
>
> (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
>
> (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
>
> (3) The extent to which *the project complies* with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a *particular project* are still cumulatively considerable notwithstanding compliance with the adopted

> regulations or requirements, an EIR must be prepared for the project.[9]

(CEQA Guidelines, § 15064.4, subd. (b), italics added.)

As reflected in subdivision (b)(3), compliance with "regulations or requirements adopted to implement a statewide, regional, or local plan" can factor into the assessment of GHG significance, but only when *the project complies* with those regulations or requirements. Yet, the EIR relies upon subsection (b)(3) to claim that emissions for which upstream suppliers surrendered allowances need not be analyzed and mitigated under CEQA. This approach excuses all of the Project's transportation- and electricity-related emissions, thus requiring analysis and mitigation of only a tiny fraction of the Project's emissions.

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[9] The 2018 update to the CEQA Guidelines added the following language:

(b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.

(b)(3) . . . In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change.

(c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

Respondents' application of subdivision (b)(3) to this Project is wrong. Because the Project is not a covered entity under the Cap-and-Trade Program, subsection (b)(3) is inapplicable, as the project cannot "comply" with Cap-and-Trade at all. Moreover, as discussed above, such "compliance" would undermine Cap-and-Trade's purposes if adopted as a CEQA approach, not serve the environmental goals both AB 32 and CEQA set out to deliver.

B. The EIR failed to apply the SCAQMD's GHG emissions threshold to *all* of the Projects' GHG emissions.

The EIR takes an impermissible approach of applying the Cap-and-Trade Program to ostensibly reduce the Project's emissions significantly, then comparing only that reduced quantity to the bright-line significance threshold. This approach is not supported in law.[10]

CEQA requires lead agencies to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." (CEQA Guidelines, § 15064.4.) CEQA then provides that the lead agency must consider "whether *the project emissions* exceed a threshold of significance the lead agency determines applies to the project." (*Id.* at subd. (b)(2).) As explained in the EIR, a potentially appropriate

[10] The EIR also attempts to justify excluding "capped emissions" from its significance analysis by referencing two seemingly cherry-picked 2013 mitigated negative declarations from other lead agencies, and one 2014 guidance document from the San Joaquin Valley Air Pollution Control District (SJVAPCD). (EIR 4.7-33.) The EIR does not explain why it chose to follow the methodology allegedly used in two obscure mitigated negative declarations and in a policy document from an air district in a different air basin, rather than following traditional CEQA GHG analysis and mitigation principles. These irrelevant, project-specific documents do not constitute substantial evidence supporting Respondents' argument.

significance threshold in this case is the South Coast Air Quality Management District's (SCAQMD) SCAQMD's 10,000 metric ton limit.[11] (EIR at p. 4.7-32.)

The problem here is that the EIR does not compare the Project's total GHG emissions against this 10,000 metric ton threshold, and then mitigate those emissions to below that threshold to the extent feasible. Instead, the EIR simply subtracts from the total any GHG emissions it deems to be "capped," and compares only the few "non-capped" emissions to the bright-line threshold. Because the EIR only compares a small fraction of the Project's GHG emissions to the applicable bright-line significance threshold, it only requires relatively minor mitigation measures to reduce the Project's emissions to what the EIR considers "less than significant." (EIR at pp. 1-55–57.)

Respondents' approach improperly applies so-called "mitigation" (the Cap-and-Trade Program) *before* comparing GHG emissions to the significance threshold. By combining impacts and mitigation analyses, it is unclear how the purported mitigation reduces impacts. This approach was rejected in *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, where the court stated:

> The failure of the EIR to separately identify and analyze the significance of the impacts . . . before proposing mitigation measures is not merely a harmless procedural failing. . . . [T]his shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. It precludes both identification of potential

[11] It is worth noting that the Scoping Plans are not binding as to any particular CEQA methodology, or as to land use planning generally, and do not require use of any particular significance threshold. They are guidance documents; individual land use authorities can and do depart from particular suggestions in them if they have appropriate reasons to do so. The issue in this case, however, is that the Cap-and-Trade program does *not* provide such an appropriate reason.

> environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless.

(*Id.* at p. 658.)

Furthermore, if the full scope of the GHG emissions attributable to the Project were compared to the applicable bright line threshold, the emissions, as mitigated, would still be substantially over the threshold—and would therefore require consideration of additional mitigation measures. (See EIR, pp. 4.7-35–36.)

Applying appropriate mitigation measures to reduce the so-called "capped" emissions would not "result in double counting and double mitigating emissions that are already mitigated through cap-and-trade" as Respondents assert. (Combined Respondents' and Cross-Appellants' Opening Brief at p. 57.) Gesturing towards Cap-and-Trade regulated entities is not proper mitigation because Cap-and-Trade does not apply to this Project in any way, and the Project itself has ample mitigation opportunities onsite. To mitigate this Project's GHG emissions, Respondents would have to address emissions from mobile sources, which account for over 70% of the Project's total emissions (which again are nearly 40 times greater than the significance threshold). (AR002729.) To reduce these emissions, fewer trucks could drive from the Project to the Ports of Long Beach and Los Angeles every day, the Project could be built closer to the ports, the Project could require more zero emission vehicles be used or provide charging equipment or incentives to encourage their use, or any number of other meaningful mitigation measures. But Cap-and-Trade does not require any of this. Such measures are instead included by local governments in local land use projects to ensure approved project impacts fall below significance thresholds. By never counting the "capped" emissions toward the significance threshold, there is *no* counting and *no*

project-level mitigation of hundreds of thousands of tons of yearly GHG emissions from this Project.

C. Respondents fail to consider the long-term GHG impacts of the Project.

The Supreme Court has made clear that an EIR should consider a project's long-term GHG impacts, and should address whether the project as a whole is in accord with the state's climate goals. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (*SANDAG*) at p. 515.)[12] The state's climate change goals extend beyond 2030. (See, e.g., Executive Order S-03-05 [established a statewide target of reducing GHG emissions to 80 percent below 1990 levels by 2050].) Because the Project is expected to operate for decades into the future, Respondents must account for emissions beyond 2030. But Respondents fail to account for emissions beyond that point—despite the fact that the Project's full operation will not start until *five years later*, in 2035. (EIR at p. 4.3-61.) Respondents present no substantial evidence that any of the Project's post-buildout operational emissions are mitigated by the Cap-and-Trade Program. (See, e.g., EIR, pp. 4.7-36–37 [stating, without citation, that "[s]ome of the project's GHG emissions are subject to the requirements of the AB 32 Cap and Trade Program and will have a GHG allocation based on current GHG emissions levels"].) This is not an adequate CEQA analysis. (See *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 904 [EIR must contain substantial evidence that mitigation measures will reduce associated impacts to less-

[12] The parties in *AIR v. Kern* did not have the opportunity to brief the significance of *SANDAG* because the California Supreme Court filed its opinion in *SANDAG* over a month after the close of briefing in *AIR v. Kern*. It appears to amici that this is the first case at the California Court of Appeal where parties have had the opportunity to address both *SANDAG* and *AIR v. Kern* in their briefs.

than-significant-levels, such as by requiring compliance with applicable regulatory standards and preparation of site-specific studies]; Cal. Code Regs. tit. 14, § 15370, subd. (d) ["mitigation" includes "[r]educing or eliminating the impact over time by preservation and maintenance operations during the life of the action"].)

D. Reliance on *AIR v. Kern County* is improper.

Respondents incorrectly claim the Fifth Appellate District's decision in *Association of Irritated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708 (*AIR*) upheld the use of the same GHG methodology as Respondents attempt to use here. (Combined Respondents' and Cross-Appellants' Opening Brief at p. 53.) Respondents' use of the Cap-and-Trade Program here goes far beyond what was sanctioned in *AIR.* In *AIR*, the project being evaluated under CEQA was a refinery, a *covered entity* under Cap-and-Trade. The court held a lead agency was authorized "to determine that a project's greenhouse gas emissions will have a less than significant effect on the environment based on *the project's* compliance with the cap-and-trade program." (*Id.* at p. 718; italics added.) Regardless of whether or not *AIR* was rightly decided, *here*, the question is much simpler and different from the question before the court in *AIR*. Here, it is undisputed that the Project is *not* a covered entity required to comply with the Cap-and-Trade Program. (Cal. Code Regs., tit. 17, § 95811.) Accordingly, this Court need only decide if projects that are *not* covered entities under Cap-and-Trade are nonetheless allowed to use the program to ignore significant GHG emissions they cause. The answer to that question is no.

Respondents argue the distinction between covered and non-covered entities is "a distinction without a difference." (Combined Respondents' and Cross-Appellants' Opening Brief at p. 63.) Respondents are incorrect.

This distinction is crucial under CEQA and vital to the success of California's ambitious climate policies.

From a CEQA perspective, the distinction is important because CEQA Guidelines section 15064.4, subdivision (b)(3) instructs lead agencies to consider the extent to which *a project* complies with GHG regulations or requirements. It is thus inappropriate for entities downstream in the chain of commerce from a covered entity to rely upon compliance with the Cap-and-Trade Program as a basis for avoiding analysis of project-related emissions.

From a policy perspective, as described above, the distinction is crucial because projects that are not subject to the Cap-and-Trade Program do not have the same direct incentives to reduce their GHG emissions as covered facilities, and Cap-and-Trade alone is not designed to achieve California's ambitious climate goals. The distinction between covered and not-covered entities is thus crucial to the portfolio of climate change measures the state is relying on to protect our citizens going forward.

E. Respondents' GHG analysis obfuscates the climate change impacts of this Project, undermining CEQA's public disclosure purpose.

By failing to comply with CEQA Guidelines Section 15064.4, failing to compare all of the Project's emissions to the GHG emissions threshold, and failing to consider the long-term GHG impacts of the Project, Respondents' analysis undermines the informational purpose of CEQA. The purpose of an EIR "is to inform the public generally of the environmental impact of a proposed project." (Cal. Code Regs. tit. 14, § 15003, subd. (c).)

CEQA prohibits public agencies from approving or carrying out a project that will have significant effects on the environment unless the agency makes "findings" demonstrating either that it made changes to the

project to avoid or mitigate those significant impacts, or that certain overriding considerations outweigh the impact. (Pub. Resources Code, § 21081.) Without a full and accurate disclosure of the Project's impacts, Respondents erroneously concluded that the GHG impact would be less-than-significant, and thereby avoided making the subsequent findings that would inform the public whether the Project's significant impacts are unavoidable and/or justified. Additionally, Respondents' approach hinders the public's ability to submit informed comments during the EIR's public comment period—aside from addressing the *lack* of analysis—because the public is not provided with, and thus cannot evaluate, complete information or proper CEQA analysis.

CONCLUSION

California is striving on all fronts to meet its ambitious, long-term GHG reduction objectives; the health of its citizens and the environment depend on it. But this Court's approval of Respondents' approach to GHG analysis and mitigation would treat the Cap-and-Trade Program as the sole remedy to limit GHG emissions from land-use projects, placing unnecessary strain on Cap-and-Trade's cost-effectiveness and seriously undermining the state's critical climate change efforts. Amici respectfully request this Court reject the trial court's holding and find in favor of Appellants as to GHG analysis.

Dated: January 10, 2020

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the attached Brief of Amici Curiae the Attorney General and the California Air Resources Board in Support of Plaintiffs and Respondents Albert Thomas Paulek, *et al*. and Plaintiffs and Appellants Laborers International Union of North America, Local 1184, *et al*. uses a 13 point Times New Roman font and contains 7,647 words.

Dated: January 10, 2020

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DECLARATION OF ELECTRONIC SERVICE VIA TRUEFILING

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No.: **E071184**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically.

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 10, 2020, at Sacramento, California.

PAULA CORRAL	/s/ Paula Corral
Declarant	Signature

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SoCalGas
A Sempra Energy utility

January 24, 2020

Draft 2020 RTP/SCS Comments
Attn: Connect SoCal Team
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Dear Kome Ajise,

SoCalGas welcomes the opportunity to comment on the Southern California Association of Government's ("SCAG") Draft 2020 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). We appreciate the time and effort SCAG staff has spent working with various stakeholders and subject matter experts in developing this plan.

As a preliminary matter, SoCalGas appreciates SCAG's focus on leveraging both innovative technologies and sustainable growth strategies to help reduce regional greenhouse gas (GHG) emissions, especially from the transportation sector. We agree with and support the goal to combine sustainable land use planning with use of both zero and near-zero emission transportation technologies to achieve significant emissions reductions from transportation, which ultimately contributes not only to local public health benefits, but also benefits global health. To this end, we believe SCAG should take advantage of the best of what innovation can deliver, and welcome technology advancements that move us toward our collective goals.

Natural Gas/Renewable Natural Gas Fuel and Technology

SoCalGas greatly appreciates that the Draft RTP/SCS includes a clear, recognized role for near-zero energy technologies like natural gas vehicles in the near term, especially in the goods movement sector. The Draft RTP/SCS currently allocates $65.7 billion in goods movement strategies, which include "**improv[ing] its operations in a way that provides for a healthy environment and livable communities" by "development, deployment, and commercialization of zero and near-zero emission technology" (pg. 7)**. Supporting the deployment of commercially ready technologies that significantly reduce criteria pollutants and greenhouse gas emissions is critical to meet SCAG's regional goals. That said, discussion of the benefits from use of natural gas and RNG as transportation fuels is considerably limited. Not only are the air quality benefits from use of low-emission CNG trucks not evaluated, but the report also makes several misstatements regarding the technical capacities of natural gas heavy-duty trucks and their current levels of market penetration. Further, while the Draft RTP/SCS makes an honorable mention of RNG as an alternative fuel source, it does not discuss the magnitude of RNG use and fueling infrastructure or the potential emission reduction benefits from this low carbon transportation fuel.

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percentage of RNG-fueled vehicles in their fleet. SoCalGas wants to emphasize that RNG has the lowest carbon intensity of any of the carbon pathways under CARB's Low Carbon Fuel Standard (LCFS) program, and therefore qualifies for greater amounts of LCFS credits. Further, it is the only fuel that can be **carbon negative**, an important feature not included in the current draft report. AMP Americas, an RNG producer, marketer, and CNG fuel provider for the heavy-duty trucking industry was issued a carbon CI score of -254.94 g CO2e/MJ for its dairy waste-to-vehicle fuel pathway.[4] This is the lowest CI score ever issued by CARB for any fuel or technology. For comparison, heavy-duty vehicles that are fueled or charged via California's electric grid do not have the same carbon benefits. California grid electricity used as a transportation fuel has a CI of 91.49 g CO2e/MJ whereas diesel has a CI of 100.45 g CO2e/MJ.[5] In the first quarter of 2019, the average RNG CI was 44.26 g CO2e/MJ[6], providing a 51% decrease in GHG emissions compared to diesel. Inclusion of a graph that illustrates the relative carbon intensities of these fuels, including the carbon negative impact of RNG, in the Draft RTP/SCS would help provide clarity to the reader about the current "cleanness" of all available transportation fuels.

In addition, RNG is rapidly gaining market share as a transportation fuel. Based on data from the CARB Low Carbon Fuel Standard (LCFS) Program, over 78% of the fuel used at CNG stations is RNG.[7] At public fueling stations, most major RNG suppliers, including SoCalGas, have committed to providing 100% RNG at public stations. For example, Clean Energy Fuels is a fueling infrastructure company currently offering RNG fueling at a majority of its California stations through the "Redeem" program.[8] LA Metro is using RNG to fuel low-NOx heavy duty truck engines to meet its carbon reduction requirements to achieve carbon neutrality.[9] Further, some companies are using their own operations to produce RNG fuel and use it onsite. Waste collector CR&R recently built a waste processing facility in Perris, CA that uses an anaerobic digester to collect methane emissions from waste and uses it as renewable natural gas to fuel their 900-vehicle truck fleet.[10]

Lastly, as stated in our prior comment letters, renewable natural gas creates jobs. The Renewable Natural Gas Coalition estimates that biomethane projects in California have resulted in the creation of more jobs per year average (11.5) than any other renewable energy technology. According to *Renewable Natural Gas Coalition's California Biofuels Cap and Trade Initiative,* developing biomethane projects at 200 candidate sites throughout the state (located at landfills, waste water recovery facilities, and agricultural sites) would create more than 20,000 direct and indirect jobs in 42 California counties.

With this, the Draft RTP/SCS should include greater focus on RNG as both a near-term and long-term alternative transportation fuel. Not only can RNG achieve a substantially lower CI score than battery-electric vehicles, but they also are outperforming battery-electric truck technologies in terms of operational capabilities (i.e. range, fueling times, fuel storage), cost, and market penetration. These factors warrant greater, more detailed discussion of near-zero natural gas trucks as near-term alternative

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[4] CARB. LCFS Pathway Certified Carbon Intensities. Available at: https://ww3.arb.ca.gov/fuels/lcfs/fuelpathways/pathwaytable.htm

[5] Ibid.

[6] Ibid.

[7] California Air Resources Board, LCFS Quarterly Data Spreadsheet (October 31, 2019), Q2 2019 fuel dispensed figures, https://ww3.arb.ca.gov/fuels/lcfs/lrtqsummaries.htm

[8] Clean Energy. Redeem Fact Sheet. Available at: https://redeem.cleanenergyfuels.com/images/Redeem-Fact-Sheet-10.12.16.pdf

[9] LA Metro. 2019 Climate Action and Adaptation Plan. Available at: https://media.metro.net/projects_studies/sustainability/images/Climate_Action_Plan.pdf

[10] CR&R Incorporated. Anaerobic Digestion. Available at: http://crrwasteservices.com/sustainability/anaerobic-digestion/

transportation technologies, as well as use of RNG for transportation fueling as a long-term transportation solution.

Hydrogen Fuel Cell Technology

SoCalGas also appreciates that the Draft RTP/SCS highlights the important role of hydrogen fuel cell technology both in the near- and long-term in the goods movement sector. Like RNG, hydrogen technologies have a key role to play in helping meet both air quality and climate change policy goals for California. However, like the current discussion of RNG discussed above, the Draft RTP/SCS gives short analysis of hydrogen fuel cells as a zero-emission transportation technology and the potential environmental benefits that can be achieved from its proliferation in the goods movement sector. Hydrogen, because of its fast fuel time and high pressure storage, provides a long-range zero emission solution for heavy-duty trucking that cannot currently be matched by battery-electric trucks. This is particularly important for the region because long range trucking makes up a significant portion of emissions in the region and battery-electric trucks will not be able to serve these applications unless there is a significant technological breakthrough on range. The report provides little information on the emission reductions possible from hydrogen fuel and overlooks how hydrogen helps support integration of electric power sources. In addition, SoCalGas would like to provide clarification on several statements within the report regarding the state of the technology in comparison to battery-electric trucks, fuel cell lifecycle efficiency, and infrastructure costs.

To start, the Draft RTP/SCS states that electric batteries for heavy duty trucks are more efficient than fuel cells from a "well-to-wheels" perspective given the method of hydrogen production and the energy demand to produce and dispense it. Further, it classifies hydrogen fuel cell vehicles as near-zero emission vehicles (pg. 125, 126). Here, these statements inaccurately conflate referencing hydrogen fuel cells as a technology and use of hydrogen as a fuel. Like batteries, fuel cell-operated vehicles are also electric. A hydrogen fuel cell uses the chemical energy of hydrogen to cleanly and efficiently produce electricity, with water and heat being simultaneous products.[11] Both battery electric and fuel cell electric vehicles do not produce emissions at the tailpipe and therefore are considered zero-emission technologies, and can help support both regional air quality goals as well as the State's climate change goals. That said, it is true that the method in which the hydrogen is produced may not be zero-emission from a lifecycle perspective. If the hydrogen is produced from fossil natural gas, carbon emissions are produced, but if the hydrogen is produced from carbon neutral or negative renewable natural gas, no carbon emissions are produced. Like electricity, hydrogen can also be produced from multiple renewable energy resources from multiple production pathways, including wind and solar through electrolysis or through biomass/biomethane reformation. Therefore, if the Draft RTP/SCS includes discussion of lifecycle emissions of hydrogen as a fuel and fuel cells as a transportation technology, it should include similar discussion of the lifecycle emissions of electricity as an energy resource and batteries as a transportation technology. From a fuel perspective, neither electricity nor hydrogen is 100% renewable today. Because the State grid mix is not 100% renewable, the electricity to power a battery-electric truck would be generated by non-renewable resources, and therefore would have associated lifecycle emissions. Here, using the reasoning on page 126, battery-electric trucks should also be considered as near-zero emission vehicles. With this, SoCalGas suggests revising the discussion on pages 125 and 126 of the Goods Movement chapter to better distinguish between the environmental impacts of transportation *fuels* and transportation *technologies* so that the comparison between hydrogen fuel cell trucks and battery-electric trucks is better clarified.

[11] U.S. Department of Energy. Fuel Cells. Available at: https://www.energy.gov/eere/fuelcells/fuel-cells

The Draft RTP/SCS also states that hydrogen fuel cells require a unique, more complicated refueling infrastructure and would add infrastructure costs due to hydrogen fueling and charging equipment (pg. 125, 126). Further, it states that fuel cell trucks are at a lower "Technology Readiness level" than battery electric trucks. Again, both statements require clarification. First, they overlook the reality that battery electric Class 7 and 8 trucks have significant operating limitations, including but not limited to range, cost, charging time, and infrastructure availability. In comparison, fuel cell trucks do not face range or fueling time issues and are also currently in use. Therefore, although battery electric trucks may be farther along in deployment, they are not at the level of market-readiness needed for wider penetration of goods movement operations. Further, the costs of fuel and fueling infrastructure to truck operators should be distinguished. For hydrogen fuel cell trucks, the truck operator only pays for the hydrogen fuel, whereas the jurisdiction would incur costs for the infrastructure. Further, no charging equipment is needed for hydrogen fuel cells, as hydrogen is the fuel used to generate electricity. However, for battery-electric trucks, truck operators cover the costs for both the electricity as well as the charging infrastructure, yet this is not discussed in this section of the report. If the Draft RTP/SCS discusses costs associated with hydrogen infrastructure, it should also include discussion of costs associated with charging infrastructure.

However, most prominently, the Draft RTP/SCS overlooks the critical role hydrogen fuel cells have to play in reducing transportation emissions from goods movement operations. As we know, transportation counts for 41% of the state's total emissions.[12] Further, State goods movement operations account for 52% of NO_x emissions and 10.7% of $PM_{2.5}$ emissions in the South Coast Air Basin, with trucks responsible for most of the emissions. As stated previously, because hydrogen is an energy carrier like electricity, it can be produced from numerous resources including biomass, wind, and solar energy (e.g. Power-to-gas, electrolysis)—where emissions are avoided at the point of fuel production. As discussed above, when used to power a fuel cell, emissions are also avoided at the point of power generation, thereby making hydrogen truly zero-emission from a lifecycle perspective. Further, although, fuel cell electric vehicles and battery-electric vehicles are the only zero-emissions vehicle solutions for heavy-duty and material-handling vehicles, only fuel cell vehicles have fueling times similar to conventional gasoline or diesel vehicles,[13] and with larger onboard energy storage capacity than battery-electric vehicles. Therefore, they are a natural complementary zero-emission technology for the transport sector to transition to zero carbon and a competitive mobility solution for customers who want to retain the ability to refuel quickly and drive for longer distances carrying heavier loads. Fuel cells are also scalable in being able to power multiple vehicle sizes from heavy-duty trucks to buses, ships, and planes. These factors give hydrogen fuel cells great potential to help drastically reduce emissions from goods movement operations. Further, hydrogen as a transportation fuel can better enable integration of low-carbon electric power sources. Grid-connected electrolyzers that produce hydrogen could provide a significant source of flexibility for intermittent renewables, thereby providing long-duration storage solutions that are complementary to short-duration battery solutions.

Many automakers are quickly recognizing the need develop their own fuel cell platform and are forming collaborations with other automakers to reduce development time and cost to bring these vehicles to market as quickly as possible, for both heavy and light duty vehicles. As part of CARB's awarded $41 million grant to the Port of Los Angeles for the Zero-and-Near-Zero Emission Freight Facilities Project (ZANZEFF), Toyota has teamed up with the Port of Los Angeles on a shore-to-shore fuel cell truck

[12] California Air Resources Board. 2019 GHG Inventory. Available at: https://ww2.arb.ca.gov/ghg-inventory-data
[13] California Hydrogen Business Council. Hydrogen FAQs. Available at: https://www.californiahydrogen.org/resources/hydrogen-faq/#S23

project aimed to demonstrate zero- and low-emission goods movement operations between the ports at the coast and distribution centers in the Inland Empire.[14] The project features a tri-gen fuel production process at the ports that fuels hydrogen fuel cell trucks before they travel inland, along with a second fueling station at the distribution centers. The project demonstrates the great potential of hydrogen fuel cell technology to contribute to emission reductions from intra- and interstate goods movement operations. Further, Anheuser-Busch has contracted with hydrogen-powered semi-truck startup Nikola Motor Company to purchase 800 zero-emission hydrogen fuel cell big rigs for their truck fleet. To support this and future orders, Nikola has committed to building over 700 hydrogen stations in the US and Canada by 2028.[15] This project confirms that hydrogen fuel cell technology is not just a California-centric trend, but rather a nationwide goods movement trend, with significant promise to achieve widespread emissions reductions from the goods movement sector.

Given the evident environmental benefits and economic effectiveness of hydrogen fuel cell applications in the goods movement sector, the Draft RTP/SCS should include greater illustration and discussion of the scope of hydrogen fueling technology and infrastructure, first by adding hydrogen fuel cell companies to the emerging technologies map in Exhibit 1 of the Emerging Technologies chapter and then revising the discussion in the Emerging Technologies and Goods Movement chapters to include the comments stated above. Going forward, hydrogen will continue to play an increasing role in zero and near-zero transportation technologies that will help address goods movement operations that are difficult to decarbonize, and therefore contribute to higher proportions of zero-emission vehicles on the road. As we discuss below, promoting a wide range of diverse clean energy technology pathways is critical to ensuring attainment of California's environmental goals.

Diverse Pathways Help Ensure Plan Resilience and Success

The natural gas system has proven to positively contribute to achievement of California's aggressive environmental goals as well as to local economic health. Through close collaboration with our customers and technology developers, SoCalGas is committed to continually identifying and advancing clean energy technology solutions through our energy efficiency programs, customer education and outreach initiatives, and by supporting both near- and long-term technology solutions that effectively reduce local air quality pollutants while evolving to meet our customers' changing energy needs. Further, as discussed in the Draft RTP/SCS, SoCalGas has committed to decarbonizing our system by **injecting carbon neutral/negative renewable natural gas (RNG) into our system to replace traditional fossil gas**, with the goals of having five percent RNG by 2022, and 20% by 2030.

Diversity of technology and strategies for transportation and emission reductions will be critical to achieve the goals of the Draft RTP/SCS, especially given the current rapid pace of technological innovation that can positively or negatively affect attainment of regional transportation and environmental goals. Even during just the past decade, Southern California experienced a new wave of transportation technology platforms that SCAG could not have predicted. For example, the 2012 RTP/SCS did not anticipate the quick-proliferation of transportation network companies like Uber and Lyft, which have increased regional vehicle miles traveled (VMT), contrary to SCAG's strategies and goals to decrease VMT. Further, the 2016 RTP/SCS did not foresee the speedy growth of micro-mobility services like shared scooters and bicycles (e.g. Bird, Lime, Metro Bike Share, etc.) that proved

[14] Toyota. The Future of Zero-Emission Trucking Takes Another Leap Forward. Available at: https://pressroom.toyota.com/the-future-of-zero-emission-trucking-takes-another-leap-forward/

[15] The Verge. Anheuser-Busch orders hundreds of hydrogen trucks from zero-emission startup Nikola. Available at: https://www.theverge.com/2018/5/3/17314606/anheuser-busch-budweiser-hydrogen-trucks-zero-emission-startup-nikola

to be effective zero-emission active transportation solutions for reducing vehicle use for short-distance, local trips. These examples demonstrate the difficulty of predicting future transportation conditions and technologies, especially given the diversity of transportation needs across the Southern California region. Therefore, active inclusion of a multitude of diverse pathways for transportation technologies and alternative energy sources into regional transportation strategies provides the best chance to ensure attainment of goals within the Draft RTP/SCS, despite future uncertainties.

Further, as expressed in our comments on the previous 2016 RTP/SCS, diversity of the state's energy portfolio is also important for supporting resiliency of energy infrastructure as a climate adaptation strategy and should be a key consideration in the overall analysis of future technology pathways. As we've seen from recent extreme droughts, wildfires, hurricanes, and El Nino events over the past decade, increasing weather extremes can exploit the vulnerability of local energy systems to damage from climate impacts—and overreliance on only one energy source can significantly escalate this risk. For example, during the recent wildfires and mudslides, as the electric system is almost entirely aboveground, it proved to be significantly more exposed to climate threats and, when impacted, can not only leave hundreds to thousands of residents without power at their homes, but also affect operation of critical facilities. In 2017 the Thomas Fire damaged electric power lines throughout the City of Ventura. Because the City's water pumps to supply water to firefighters ran on electricity without any other form of backup power, firefighters were unable to get water from the pumps to put out burning residences.[16] If all vehicles within the City had been only electric-powered, thousands of residents would have been left stranded without a way to evacuate.

In contrast, there are inherent climate adaptation and local resilience benefits through use of gas infrastructure. As the natural gas system is mostly underground, it is inherently resilient to extreme weather events. For example, in 2012, after Superstorm Sandy, the entire natural gas system in the Northeast was essentially intact, allowing residents to support back-up generators, cook, and keep warm. Businesses with natural gas-powered fuel cells were able to operate and compressed natural gas (CNG) buses in New Jersey were used to shuttle residents to safety.[17] Further, when Hurricane Harvey temporarily disabled almost 30% of the nation's refining capacity, CNG shuttles were able to continue operating, and hospitals that had on-site combined heat and power systems were able to provide urgently needed medical attention, despite flooding. These examples demonstrate the critical role natural gas infrastructure can play in supporting local and regional energy supply resilience in the face of extreme climate events and use of renewable natural gas can achieve additional co-benefits in reducing GHG emissions. With these case studies, SoCalGas wants to emphasize the importance of energy supply diversification as a climate change adaptation strategy, especially in regard to the regional transportation system, as maintaining and promoting a variety of low- and no-carbon energy sources across the economy is a prudent measure to ensure resiliency without compromising environmental goals.

Conclusion

We applaud SCAG's effort in creating a technology neutral, performance-based RTP/SCS that looks to take advantage of the best that technology can offer. SoCalGas looks forward to working with SCAG and membership communities over the coming years to develop clear and actionable strategies to take

[16] ICF. Case Studies of Natural Gas Sector Resilience Following Four Climate-Related Disasters in 2017. https://www.socalgas.com/1443742022576/SoCalGas-Case-Studies.pdf

[17] https://www.energy.gov/eere/articles/5-ways-alternative-fuels-aid-response-hurricanes-and-natural-disasters?utm_source=EERE+Weekly+Digest+of+Clean+Energy+News&utm_campaign=f048cbec65-EMAIL_CAMPAIGN_2017_09_25&utm_medium=email&utm_term=0_96dffafa2f-f048cbec65-34678197

advantage of and invest in opportunities to utilize renewable natural gas' and hydrogen's potential as clean energy solutions. Decisions today are defining the course of our clean energy future in all sectors of our economy. Simply put, Southern California has the unique challenges and opportunities presented by its comprehensive environmental targets that cannot be met by staying on the current course. There will always be ongoing regulatory initiatives that are being undertaken by various agencies in the state, but this should not deter SCAG from taking the lead in affirming natural gas', RNG's, and hydrogen's roles in the long-term energy mix as clean and affordable ways to reduce smog and greenhouse gas emissions and improve the health of all Californians.

SoCalGas supports expanded research, development and deployment agendas for natural gas, renewable natural gas and hydrogen technologies—we believe the next step will be to prioritize these research opportunities and identify specific action plans to advance strategies for realizing the benefits of all as transportation fuels. We appreciate the opportunity to provide comments and input on the 2020 Regional Transportation Plan/Sustainable Communities Strategy. Southern California is our home and we share SCAG's goals to strive at the highest levels to preserve and take care of it. We embrace a big picture view and shall continue to work diligently to provide safe, clean, reliable and affordable service to 21 million people. We believe natural gas, RNG, and hydrogen offer affordable, clean and practical ways to meet California's goals and look forward to continuing to work together to develop action plans to align state and regional policies and identify funding resources to advance cleaner fuel technologies to meet the state's environmental goals, improve the health of our local communities through NOx, particulate matter and ozone emissions reductions, as well as global health through GHG reductions.

Sincerely,

Deanna Haines
Director of Policy & Environmental Strategy

SoCalGas
A Sempra Energy utility

January 24, 2020

Draft 2020 RTP/SCS Comments
Attn: Connect SoCal Team
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Dear Kome Ajise,

SoCalGas welcomes the opportunity to comment on the Southern California Association of Government's ("SCAG") Draft 2020 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). We appreciate the time and effort SCAG staff has spent working with various stakeholders and subject matter experts in developing this plan.

As a preliminary matter, SoCalGas appreciates SCAG's focus on leveraging both innovative technologies and sustainable growth strategies to help reduce regional greenhouse gas (GHG) emissions, especially from the transportation sector. We agree with and support the goal to combine sustainable land use planning with use of both zero and near-zero emission transportation technologies to achieve significant emissions reductions from transportation, which ultimately contributes not only to local public health benefits, but also benefits global health. To this end, we believe SCAG should take advantage of the best of what innovation can deliver, and welcome technology advancements that move us toward our collective goals.

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percentage of RNG-fueled vehicles in their fleet. SoCalGas wants to emphasize that RNG has the lowest carbon intensity of any of the carbon pathways under CARB's Low Carbon Fuel Standard (LCFS) program, and therefore qualifies for greater amounts of LCFS credits. Further, it is the only fuel that can be **carbon negative**, an important feature not included in the current draft report. AMP Americas, an RNG producer, marketer, and CNG fuel provider for the heavy-duty trucking industry was issued a carbon CI score of -254.94 g CO2e/MJ for its dairy waste-to-vehicle fuel pathway.[4] This is the lowest CI score ever issued by CARB for any fuel or technology. For comparison, heavy-duty vehicles that are fueled or charged via California's electric grid do not have the same carbon benefits. California grid electricity used as a transportation fuel has a CI of 91.49 g CO2e/MJ whereas diesel has a CI of 100.45 g CO2e/MJ.[5] In the first quarter of 2019, the average RNG CI was 44.26 g CO2e/MJ[6], providing a 51% decrease in GHG emissions compared to diesel. Inclusion of a graph that illustrates the relative carbon intensities of these fuels, including the carbon negative impact of RNG, in the Draft RTP/SCS would help provide clarity to the reader about the current "cleanness" of all available transportation fuels.

In addition, RNG is rapidly gaining market share as a transportation fuel. Based on data from the CARB Low Carbon Fuel Standard (LCFS) Program, over 78% of the fuel used at CNG stations is RNG.[7] At public fueling stations, most major RNG suppliers, including SoCalGas, have committed to providing 100% RNG at public stations. For example, Clean Energy Fuels is a fueling infrastructure company currently offering RNG fueling at a majority of its California stations through the "Redeem" program.[8] LA Metro is using RNG to fuel low-NOx heavy duty truck engines to meet its carbon reduction requirements to achieve carbon neutrality.[9] Further, some companies are using their own operations to produce RNG fuel and use it onsite. Waste collector CR&R recently built a waste processing facility in Perris, CA that uses an anaerobic digester to collect methane emissions from waste and uses it as renewable natural gas to fuel their 900-vehicle truck fleet.[10]

Lastly, as stated in our prior comment letters, renewable natural gas creates jobs. The Renewable Natural Gas Coalition estimates that biomethane projects in California have resulted in the creation of more jobs per year average (11.5) than any other renewable energy technology. According to *Renewable Natural Gas Coalition's California Biofuels Cap and Trade Initiative,* developing biomethane projects at 200 candidate sites throughout the state (located at landfills, waste water recovery facilities, and agricultural sites) would create more than 20,000 direct and indirect jobs in 42 California counties.

With this, the Draft RTP/SCS should include greater focus on RNG as both a near-term and long-term alternative transportation fuel. Not only can RNG achieve a substantially lower CI score than battery-electric vehicles, but they also are outperforming battery-electric truck technologies in terms of operational capabilities (i.e. range, fueling times, fuel storage), cost, and market penetration. These factors warrant greater, more detailed discussion of near-zero natural gas trucks as near-term alternative

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[4] CARB. LCFS Pathway Certified Carbon Intensities. Available at: https://ww3.arb.ca.gov/fuels/lcfs/fuelpathways/pathwaytable.htm

[5] Ibid.

[6] Ibid.

[7] California Air Resources Board, LCFS Quarterly Data Spreadsheet (October 31, 2019), Q2 2019 fuel dispensed figures, https://ww3.arb.ca.gov/fuels/lcfs/lrtqsummaries.htm

[8] Clean Energy. Redeem Fact Sheet. Available at: https://redeem.cleanenergyfuels.com/images/Redeem-Fact-Sheet-10.12.16.pdf

[9] LA Metro. 2019 Climate Action and Adaptation Plan. Available at: https://media.metro.net/projects_studies/sustainability/images/Climate_Action_Plan.pdf

[10] CR&R Incorporated. Anaerobic Digestion. Available at: http://crrwasteservices.com/sustainability/anaerobic-digestion/

transportation technologies, as well as use of RNG for transportation fueling as a long-term transportation solution.

Hydrogen Fuel Cell Technology

SoCalGas also appreciates that the Draft RTP/SCS highlights the important role of hydrogen fuel cell technology both in the near- and long-term in the goods movement sector. Like RNG, hydrogen technologies have a key role to play in helping meet both air quality and climate change policy goals for California. However, like the current discussion of RNG discussed above, the Draft RTP/SCS gives short analysis of hydrogen fuel cells as a zero-emission transportation technology and the potential environmental benefits that can be achieved from its proliferation in the goods movement sector. Hydrogen, because of its fast fuel time and high pressure storage, provides a long-range zero emission solution for heavy-duty trucking that cannot currently be matched by battery-electric trucks. This is particularly important for the region because long range trucking makes up a significant portion of emissions in the region and battery-electric trucks will not be able to serve these applications unless there is a significant technological breakthrough on range. The report provides little information on the emission reductions possible from hydrogen fuel and overlooks how hydrogen helps support integration of electric power sources. In addition, SoCalGas would like to provide clarification on several statements within the report regarding the state of the technology in comparison to battery-electric trucks, fuel cell lifecycle efficiency, and infrastructure costs.

To start, the Draft RTP/SCS states that electric batteries for heavy duty trucks are more efficient than fuel cells from a "well-to-wheels" perspective given the method of hydrogen production and the energy demand to produce and dispense it. Further, it classifies hydrogen fuel cell vehicles as near-zero emission vehicles (pg. 125, 126). Here, these statements inaccurately conflate referencing hydrogen fuel cells as a technology and use of hydrogen as a fuel. Like batteries, fuel cell-operated vehicles are also electric. A hydrogen fuel cell uses the chemical energy of hydrogen to cleanly and efficiently produce electricity, with water and heat being simultaneous products.[11] Both battery electric and fuel cell electric vehicles do not produce emissions at the tailpipe and therefore are considered zero-emission technologies, and can help support both regional air quality goals as well as the State's climate change goals. That said, it is true that the method in which the hydrogen is produced may not be zero-emission from a lifecycle perspective. If the hydrogen is produced from fossil natural gas, carbon emissions are produced, but if the hydrogen is produced from carbon neutral or negative renewable natural gas, no carbon emissions are produced. Like electricity, hydrogen can also be produced from multiple renewable energy resources from multiple production pathways, including wind and solar through electrolysis or through biomass/biomethane reformation. Therefore, if the Draft RTP/SCS includes discussion of lifecycle emissions of hydrogen as a fuel and fuel cells as a transportation technology, it should include similar discussion of the lifecycle emissions of electricity as an energy resource and batteries as a transportation technology. From a fuel perspective, neither electricity nor hydrogen is 100% renewable today. Because the State grid mix is not 100% renewable, the electricity to power a battery-electric truck would be generated by non-renewable resources, and therefore would have associated lifecycle emissions. Here, using the reasoning on page 126, battery-electric trucks should also be considered as near-zero emission vehicles. With this, SoCalGas suggests revising the discussion on pages 125 and 126 of the Goods Movement chapter to better distinguish between the environmental impacts of transportation *fuels* and transportation *technologies* so that the comparison between hydrogen fuel cell trucks and battery-electric trucks is better clarified.

[11] U.S. Department of Energy. Fuel Cells. Available at: https://www.energy.gov/eere/fuelcells/fuel-cells

The Draft RTP/SCS also states that hydrogen fuel cells require a unique, more complicated refueling infrastructure and would add infrastructure costs due to hydrogen fueling and charging equipment (pg. 125, 126). Further, it states that fuel cell trucks are at a lower "Technology Readiness level" than battery electric trucks. Again, both statements require clarification. First, they overlook the reality that battery electric Class 7 and 8 trucks have significant operating limitations, including but not limited to range, cost, charging time, and infrastructure availability. In comparison, fuel cell trucks do not face range or fueling time issues and are also currently in use. Therefore, although battery electric trucks may be farther along in deployment, they are not at the level of market-readiness needed for wider penetration of goods movement operations. Further, the costs of fuel and fueling infrastructure to truck operators should be distinguished. For hydrogen fuel cell trucks, the truck operator only pays for the hydrogen fuel, whereas the jurisdiction would incur costs for the infrastructure. Further, no charging equipment is needed for hydrogen fuel cells, as hydrogen is the fuel used to generate electricity. However, for battery-electric trucks, truck operators cover the costs for both the electricity as well as the charging infrastructure, yet this is not discussed in this section of the report. If the Draft RTP/SCS discusses costs associated with hydrogen infrastructure, it should also include discussion of costs associated with charging infrastructure.

However, most prominently, the Draft RTP/SCS overlooks the critical role hydrogen fuel cells have to play in reducing transportation emissions from goods movement operations. As we know, transportation counts for 41% of the state's total emissions.[12] Further, State goods movement operations account for 52% of NO_x emissions and 10.7% of $PM_{2.5}$ emissions in the South Coast Air Basin, with trucks responsible for most of the emissions. As stated previously, because hydrogen is an energy carrier like electricity, it can be produced from numerous resources including biomass, wind, and solar energy (e.g. Power-to-gas, electrolysis)—where emissions are avoided at the point of fuel production. As discussed above, when used to power a fuel cell, emissions are also avoided at the point of power generation, thereby making hydrogen truly zero-emission from a lifecycle perspective. Further, although, fuel cell electric vehicles and battery-electric vehicles are the only zero-emissions vehicle solutions for heavy-duty and material-handling vehicles, only fuel cell vehicles have fueling times similar to conventional gasoline or diesel vehicles,[13] and with larger onboard energy storage capacity than battery-electric vehicles. Therefore, they are a natural complementary zero-emission technology for the transport sector to transition to zero carbon and a competitive mobility solution for customers who want to retain the ability to refuel quickly and drive for longer distances carrying heavier loads. Fuel cells are also scalable in being able to power multiple vehicle sizes from heavy-duty trucks to buses, ships, and planes. These factors give hydrogen fuel cells great potential to help drastically reduce emissions from goods movement operations. Further, hydrogen as a transportation fuel can better enable integration of low-carbon electric power sources. Grid-connected electrolyzers that produce hydrogen could provide a significant source of flexibility for intermittent renewables, thereby providing long-duration storage solutions that are complementary to short-duration battery solutions.

Many automakers are quickly recognizing the need develop their own fuel cell platform and are forming collaborations with other automakers to reduce development time and cost to bring these vehicles to market as quickly as possible, for both heavy and light duty vehicles. As part of CARB's awarded $41 million grant to the Port of Los Angeles for the Zero-and-Near-Zero Emission Freight Facilities Project (ZANZEFF), Toyota has teamed up with the Port of Los Angeles on a shore-to-shore fuel cell truck

[12] California Air Resources Board. 2019 GHG Inventory. Available at: https://ww2.arb.ca.gov/ghg-inventory-data
[13] California Hydrogen Business Council. Hydrogen FAQs. Available at: https://www.californiahydrogen.org/resources/hydrogen-faq/#S23

project aimed to demonstrate zero- and low-emission goods movement operations between the ports at the coast and distribution centers in the Inland Empire.[14] The project features a tri-gen fuel production process at the ports that fuels hydrogen fuel cell trucks before they travel inland, along with a second fueling station at the distribution centers. The project demonstrates the great potential of hydrogen fuel cell technology to contribute to emission reductions from intra- and interstate goods movement operations. Further, Anheuser-Busch has contracted with hydrogen-powered semi-truck startup Nikola Motor Company to purchase 800 zero-emission hydrogen fuel cell big rigs for their truck fleet. To support this and future orders, Nikola has committed to building over 700 hydrogen stations in the US and Canada by 2028.[15] This project confirms that hydrogen fuel cell technology is not just a California-centric trend, but rather a nationwide goods movement trend, with significant promise to achieve widespread emissions reductions from the goods movement sector.

Given the evident environmental benefits and economic effectiveness of hydrogen fuel cell applications in the goods movement sector, the Draft RTP/SCS should include greater illustration and discussion of the scope of hydrogen fueling technology and infrastructure, first by adding hydrogen fuel cell companies to the emerging technologies map in Exhibit 1 of the Emerging Technologies chapter and then revising the discussion in the Emerging Technologies and Goods Movement chapters to include the comments stated above. Going forward, hydrogen will continue to play an increasing role in zero and near-zero transportation technologies that will help address goods movement operations that are difficult to decarbonize, and therefore contribute to higher proportions of zero-emission vehicles on the road. As we discuss below, promoting a wide range of diverse clean energy technology pathways is critical to ensuring attainment of California's environmental goals.

Diverse Pathways Help Ensure Plan Resilience and Success

The natural gas system has proven to positively contribute to achievement of California's aggressive environmental goals as well as to local economic health. Through close collaboration with our customers and technology developers, SoCalGas is committed to continually identifying and advancing clean energy technology solutions through our energy efficiency programs, customer education and outreach initiatives, and by supporting both near- and long-term technology solutions that effectively reduce local air quality pollutants while evolving to meet our customers' changing energy needs. Further, as discussed in the Draft RTP/SCS, SoCalGas has committed to decarbonizing our system by **injecting carbon neutral/negative renewable natural gas (RNG) into our system to replace traditional fossil gas**, with the goals of having five percent RNG by 2022, and 20% by 2030.

Diversity of technology and strategies for transportation and emission reductions will be critical to achieve the goals of the Draft RTP/SCS, especially given the current rapid pace of technological innovation that can positively or negatively affect attainment of regional transportation and environmental goals. Even during just the past decade, Southern California experienced a new wave of transportation technology platforms that SCAG could not have predicted. For example, the 2012 RTP/SCS did not anticipate the quick-proliferation of transportation network companies like Uber and Lyft, which have increased regional vehicle miles traveled (VMT), contrary to SCAG's strategies and goals to decrease VMT. Further, the 2016 RTP/SCS did not foresee the speedy growth of micro-mobility services like shared scooters and bicycles (e.g. Bird, Lime, Metro Bike Share, etc.) that proved

[14] Toyota. The Future of Zero-Emission Trucking Takes Another Leap Forward. Available at: https://pressroom.toyota.com/the-future-of-zero-emission-trucking-takes-another-leap-forward/

[15] The Verge. Anheuser-Busch orders hundreds of hydrogen trucks from zero-emission startup Nikola. Available at: https://www.theverge.com/2018/5/3/17314606/anheuser-busch-budweiser-hydrogen-trucks-zero-emission-startup-nikola

to be effective zero-emission active transportation solutions for reducing vehicle use for short-distance, local trips. These examples demonstrate the difficulty of predicting future transportation conditions and technologies, especially given the diversity of transportation needs across the Southern California region. Therefore, active inclusion of a multitude of diverse pathways for transportation technologies and alternative energy sources into regional transportation strategies provides the best chance to ensure attainment of goals within the Draft RTP/SCS, despite future uncertainties.

Further, as expressed in our comments on the previous 2016 RTP/SCS, diversity of the state's energy portfolio is also important for supporting resiliency of energy infrastructure as a climate adaptation strategy and should be a key consideration in the overall analysis of future technology pathways. As we've seen from recent extreme droughts, wildfires, hurricanes, and El Nino events over the past decade, increasing weather extremes can exploit the vulnerability of local energy systems to damage from climate impacts—and overreliance on only one energy source can significantly escalate this risk. For example, during the recent wildfires and mudslides, as the electric system is almost entirely aboveground, it proved to be significantly more exposed to climate threats and, when impacted, can not only leave hundreds to thousands of residents without power at their homes, but also affect operation of critical facilities. In 2017 the Thomas Fire damaged electric power lines throughout the City of Ventura. Because the City's water pumps to supply water to firefighters ran on electricity without any other form of backup power, firefighters were unable to get water from the pumps to put out burning residences.[16] If all vehicles within the City had been only electric-powered, thousands of residents would have been left stranded without a way to evacuate.

In contrast, there are inherent climate adaptation and local resilience benefits through use of gas infrastructure. As the natural gas system is mostly underground, it is inherently resilient to extreme weather events. For example, in 2012, after Superstorm Sandy, the entire natural gas system in the Northeast was essentially intact, allowing residents to support back-up generators, cook, and keep warm. Businesses with natural gas-powered fuel cells were able to operate and compressed natural gas (CNG) buses in New Jersey were used to shuttle residents to safety.[17] Further, when Hurricane Harvey temporarily disabled almost 30% of the nation's refining capacity, CNG shuttles were able to continue operating, and hospitals that had on-site combined heat and power systems were able to provide urgently needed medical attention, despite flooding. These examples demonstrate the critical role natural gas infrastructure can play in supporting local and regional energy supply resilience in the face of extreme climate events and use of renewable natural gas can achieve additional co-benefits in reducing GHG emissions. With these case studies, SoCalGas wants to emphasize the importance of energy supply diversification as a climate change adaptation strategy, especially in regard to the regional transportation system, as maintaining and promoting a variety of low- and no-carbon energy sources across the economy is a prudent measure to ensure resiliency without compromising environmental goals.

Conclusion

We applaud SCAG's effort in creating a technology neutral, performance-based RTP/SCS that looks to take advantage of the best that technology can offer. SoCalGas looks forward to working with SCAG and membership communities over the coming years to develop clear and actionable strategies to take

[16] ICF. Case Studies of Natural Gas Sector Resilience Following Four Climate-Related Disasters in 2017. https://www.socalgas.com/1443742022576/SoCalGas-Case-Studies.pdf

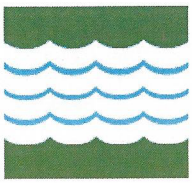
[17] https://www.energy.gov/eere/articles/5-ways-alternative-fuels-aid-response-hurricanes-and-natural-disasters?utm_source=EERE+Weekly+Digest+of+Clean+Energy+News&utm_campaign=f048cbec65-EMAIL_CAMPAIGN_2017_09_25&utm_medium=email&utm_term=0_96dffafa2f-f048cbec65-34678197

advantage of and invest in opportunities to utilize renewable natural gas' and hydrogen's potential as clean energy solutions. Decisions today are defining the course of our clean energy future in all sectors of our economy. Simply put, Southern California has the unique challenges and opportunities presented by its comprehensive environmental targets that cannot be met by staying on the current course. There will always be ongoing regulatory initiatives that are being undertaken by various agencies in the state, but this should not deter SCAG from taking the lead in affirming natural gas', RNG's, and hydrogen's roles in the long-term energy mix as clean and affordable ways to reduce smog and greenhouse gas emissions and improve the health of all Californians.

SoCalGas supports expanded research, development and deployment agendas for natural gas, renewable natural gas and hydrogen technologies—we believe the next step will be to prioritize these research opportunities and identify specific action plans to advance strategies for realizing the benefits of all as transportation fuels. We appreciate the opportunity to provide comments and input on the 2020 Regional Transportation Plan/Sustainable Communities Strategy. Southern California is our home and we share SCAG's goals to strive at the highest levels to preserve and take care of it. We embrace a big picture view and shall continue to work diligently to provide safe, clean, reliable and affordable service to 21 million people. We believe natural gas, RNG, and hydrogen offer affordable, clean and practical ways to meet California's goals and look forward to continuing to work together to develop action plans to align state and regional policies and identify funding resources to advance cleaner fuel technologies to meet the state's environmental goals, improve the health of our local communities through NOx, particulate matter and ozone emissions reductions, as well as global health through GHG reductions.

Sincerely,

Deanna Haines
Director of Policy & Environmental Strategy



SOUTH BAY CITIES
COUNCIL OF GOVERNMENTS

[redacted]
www.southbaycities.org

January 24, 2020

Draft Connect SoCal Plan Comments
Attn: Connect SoCal Team
Southern California Association of Governments
900 Wilshire Blvd., Suite 1700
Los Angeles, California 90017

The South Bay Cities Council of Governments (SBCCOG) appreciates the extensive work that went into producing the draft Connect SoCal Plan and technical papers. We were very happy to see SCAG's acknowledgement of the importance of neighborhood mobility areas and the positive role that neighborhood electric vehicles can make to address growth and sustainable mobility.

The SBCCOG has five primary comments:

1. The Plan refers to TNC fees in several locations. The SBCCOG strongly believes that TNC fees should be collected at the local level. They are analogous to taxi franchise fees which are collected locally and the burden identified on the infrastructure is primarily local. Regional entities should not be levying those fees and making it difficult for local governments to use this revenue source.
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The SBCCOG Board also reviewed the following more specific comments and typo and timeline issues are as follows:

- Page 38 – Acknowledges that a growing number of adults are choosing to age in place and want to remain in their community. However, it also states that we need to plan for a walkable, compact environment to avoid unsustainable urban sprawl. While true, densifying the community is why we are seeing NIMBYs who prefer the community that they know without the traffic and parking impacts attendant to densification.

- Page 49 – Acknowledges promoting neighborhood electric vehicles and access to services through technology such as telework, telemedicine and other incentives to reduce single-occupant vehicle miles travelled.
- Page 51 – Transit Priority Areas (TPAs) are defined as intersections of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. While the Plan discusses safe and convenient transportation alternatives, it appears that TPAs are justified solely by the frequency of service without a priority placed on personal safety and security and other perceptions that are keeping people from riding transit. Also, the performance measures and results of the plan project that in 2045, the transit mode share will be 12.5% of work trips and 7.7% of all trips if we adopt the policies and programs in the plan. The table which shows the county breakdown is missing so it is not clear how much, if at all, TODs will contribute to congestion reduction.
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- Page 96 – typos – the Figures are numbered differently in the text than they are on the charts and the numbers don't match the text on Figure 4.1
- Page 97 – states that it assumes mitigation measures such as the establishment of a mobility equity fund to provide resources that can increase access for environmental justice communities. Would this be county by county or regionwide? Additionally, "Environmental Justice Communities" need much more definition.
- How do these anticipated costs pencil out to create more funds and make the Plan achievable?
    - Page 96 – 22% new revenue needed to implement the programs and policies in the Plan

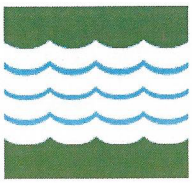
  - Page 97 – Construction cost increases will be projected at a 4.5% annual inflation factor increase.
  - Page 99 – Retail Sales tax growth is from 1.1% to 3.7% (Page 96 – core sources - 61% local)
  - Page 100 – Transit O & M costs grew 5% with the regional average being 3.3%

  In light of the foregoing stats, how does SCAG project a balanced budget or what are its prioritized strategies if additional revenue is not forthcoming?
- Page 101 – Reasonably available new revenues include a per-mile charge of ca. $.05 (2019 dollars) for Transportation Network Companies (ex. Uber and Lyft). While cities are losing their franchise revenues from taxi companies, the region wants to take this funding source away from cities. We have objected to this at Metro and should comment here.
- Page 102 – colors on the chart are so similar it's impossible to understand.
- Page 106 – relies on Congress for significant amount of funds – almost $50 billion over the period of the Plan – to 2045. Is this a realistic assumption based on historical investment trends?
- Page 108 – Relies on $27.3 billion in farebox revenues – most from Metro and Metro is possibly considering free fares. Also, what level of transit service would $23.7 billion in fare revenue support? Is there a target for how much the farebox should be providing in revenues for the service delivered?
- Page 108 – Highway Tolls are described as including revenues generated from I-10 and I-110 Express Lanes. It appears that the net proceeds are not expected to come back to the corridors which is a violation of current state law.
- Page 111 – Value Capture Strategies are defined as EIFDs and tax increment financing for transit supportive housing related infrastructure such as improved water and sewer infrastructure in Transit Priority Areas. How does this create transportation dollars?
- Page 122 – Performance Results of the Plan appear to be rather slight benefits for all of these funds expended – in Los Angeles County, less than 2 minutes per capita improvement in daily delay and 3 miles less in daily VMT per capita.
- Page 127 & 133 – missing information. The numbering of the tables goes from Table 1 to Table 5.7. Where are the missing tables – 5.2 through 5.6? The text states that Table 5.2 shows transit mode share by county which would be important to see.

Thank you for your consideration of our comments.

With gratitude,

Christian Horvath, SBCCOG Chair
Councilman, Redondo Beach



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- Page 77 – typos and timeline issues. 3rd one on the chart should be I-105 and we understand it to be LA County's first priority so why would it be completed in 2029? Has Metro changed the sequencing? Also, can the Sepulveda Corridor Express Lanes be completed by 2026?
- Page 96 – typos – the Figures are numbered differently in the text than they are on the charts and the numbers don't match the text on Figure 4.1
- Page 97 – states that it assumes mitigation measures such as the establishment of a mobility equity fund to provide resources that can increase access for environmental justice communities. Would this be county by county or regionwide? Additionally, "Environmental Justice Communities" need much more definition.
- How do these anticipated costs pencil out to create more funds and make the Plan achievable?
    - Page 96 – 22% new revenue needed to implement the programs and policies in the Plan

  - Page 97 – Construction cost increases will be projected at a 4.5% annual inflation factor increase.
  - Page 99 – Retail Sales tax growth is from 1.1% to 3.7% (Page 96 – core sources - 61% local)
  - Page 100 – Transit O & M costs grew 5% with the regional average being 3.3%

  In light of the foregoing stats, how does SCAG project a balanced budget or what are its prioritized strategies if additional revenue is not forthcoming?
- Page 101 – Reasonably available new revenues include a per-mile charge of ca. $.05 (2019 dollars) for Transportation Network Companies (ex. Uber and Lyft). While cities are losing their franchise revenues from taxi companies, the region wants to take this funding source away from cities. We have objected to this at Metro and should comment here.
- Page 102 – colors on the chart are so similar it's impossible to understand.
- Page 106 – relies on Congress for significant amount of funds – almost $50 billion over the period of the Plan – to 2045. Is this a realistic assumption based on historical investment trends?
- Page 108 – Relies on $27.3 billion in farebox revenues – most from Metro and Metro is possibly considering free fares. Also, what level of transit service would $23.7 billion in fare revenue support? Is there a target for how much the farebox should be providing in revenues for the service delivered?
- Page 108 – Highway Tolls are described as including revenues generated from I-10 and I-110 Express Lanes. It appears that the net proceeds are not expected to come back to the corridors which is a violation of current state law.
- Page 111 – Value Capture Strategies are defined as EIFDs and tax increment financing for transit supportive housing related infrastructure such as improved water and sewer infrastructure in Transit Priority Areas. How does this create transportation dollars?
- Page 122 – Performance Results of the Plan appear to be rather slight benefits for all of these funds expended – in Los Angeles County, less than 2 minutes per capita improvement in daily delay and 3 miles less in daily VMT per capita.
- Page 127 & 133 – missing information. The numbering of the tables goes from Table 1 to Table 5.7. Where are the missing tables – 5.2 through 5.6? The text states that Table 5.2 shows transit mode share by county which would be important to see.

Thank you for your consideration of our comments.

With gratitude,

Christian Horvath, SBCCOG Chair
Councilman, Redondo Beach

ITEM VI.A

SOUTH BAY CITIES COUNCIL OF GOVERNMENTS
THURSDAY, NOVEMBER 21, 2019
KATY GEISSERT CIVIC CENTER LIBRARY
3301 TORRANCE BLVD, TORRANCE, CA 90503

I. CALL TO ORDER

Chair Horvath called the SBCCOG Board of Directors meeting to order at 6:00pm.

II. INTRODUCTIONS

In attendance were the following voting elected officials:

Drew Boyles, El Segundo
Dan Medina, Gardena
Alex Monteiro, Hawthorne
Ralph Franklin, Inglewood
Bernadette Suarez, Lawndale
Jim Gazeley, Lomita
Hildy Stern, Manhattan Beach
Eric Alegria, Rancho Palos Verdes
Christian Horvath, Redondo Beach
Bea Dieringer, Rolling Hills
Britt Huff, Rolling Hills Estates
Geoff Rizzo, Torrance
Lacey Johnson, SD-2 (6:44 arrival)
Jennifer LaMarque, SD-4 (7:22 arrival)

The following non-voting elected officials were in attendance"

James Butts, Inglewood (7:12 arrival)
Maria Del Carmen, Ecuador City Councilmember
Jim Osborne, Lawndale

Also, in attendance were the following persons:

Scott Mitnick, El Segundo
Ken Berkman, El Segundo
Michael Ervin, SD-4
Tunisia Johnson, Inglewood
Emory Ward, Inglewood
Lisa Trifiletti, Inglewood
Omar Pulido, Inglewood
Mike Bohlke, Metro
Mark Dierking, Metro
Ernie Crespo, GTrans
Kim Turner, Torrance Transit
James Lee, Torrance Transit
Dean Logan, LA County Reg. Recorder
Aaron Nevarez, LA County Reg. Recorder
Natalie Champion, SBCCOG
Rosemary Lackow, SBCCOG
Kim Fuentes, SBCCOG
Steve Lantz, SBCCOG
Jacki Bacharach, SBCCOG
David Leger, SBCCOG
Grace Farwell, SBCCOG
Jon Rodman, SBESC Volunteer
Holly Osborne, Public

III. CONFIRM POSTING OF THE AGENDA BY THE CITY OF TORRANCE

Jacki Bacharach confirmed that the agenda was properly posted in the City of Torrance.

IV. ANNOUNCEMENTS OF ANY CHANGES TO THE AGENDA

No changes to the agenda.

V. PUBLIC COMMENT

Holly Osborne, a Redondo Beach resident and retired engineer, addressed the Board to make them aware of data errors in SCAG's RHNA calculations and to request assistance where possible to get in contact with SCAG to remedy the error. Ms. Osborne explained that SCAG calculated RHNA figures using two Metro stops that no longer exist (190th/Hawthorne and Inglewood/Manhattan Beach Blvd). She also noted that parks are exempt from calculations and suggested cemeteries be treated similarly.

Ms. Bacharach took this time to introduce Ms. Del Carmen, an elected official from Ecuador visiting the area.

VI. CONSENT CALENDAR

A. **October Board Meeting Minutes** *(attachment)* **– Approved**
B. **Chamber of Commerce Memberships** *(attachment)* **– Approved**
C. **I.T. Management Services** *(attachment)* – **Approved**
D. **Website Services** *(attachment)* – **Approved**

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Office of the Executive Officer
Wayne Nastri

January 24, 2020

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Re: Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and Draft Program Environmental Impact Report

Dear Mr. Ajise:

Thank you for the opportunity to comment on SCAG's Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and the Draft Program Environmental Impact Report (PEIR). Attached are comments from the South Coast AQMD staff on the Connect SoCal Plan (Attachment 1) and the Draft PEIR for the Connect SoCal Plan (Attachment 2).

The 2023 attainment date for the 1997 federal 8-hour ozone standard represents a significant challenge to the South Coast Air Basin (Basin). This attainment challenge (including potential sanctions on highway funding) should be highlighted in the Plan as a regional priority. With goods movement accounting for a significant portion of the mobile source emissions in the Basin, there is a critical need for a new and innovative regional goods movement system that needs to be pursued and developed through a collaborative process. More detailed comments on goods movement are included in Attachment 1.

After a review of the Draft PEIR's air quality and health risk analyses and supporting technical documents, the Draft PEIR likely under-estimated the air quality impacts of the Plan. The Draft PEIR improperly credits the Plan with emission reductions in air quality and health risks that will occur independent of the Plan due to adopted state and federal rules and regulations. Second, SCAG did not utilize South Coast AQMD's CEQA significance threshold of for health risk impacts. More detailed comments on the Draft PEIR are included in Attachment 2.

We are fully committed to continuing to work collaboratively with SCAG and other stakeholders to achieve the vision outlined in this Plan.

Sincerely,

Wayne Nastri
Executive Officer

CC: Mr. Ping Chang, Southern California Association of Governments
Mr. Roland Ok, Southern California Association of Governments
Ms. Karen Calderon, Southern California Association of Governments

Attachments
Attachment 1 – Comments on Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan)

Attachment 2 – Comments on Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

Attachment 1 - Comments on SCAG's Draft 2020-2045 Regional Transportation Plan /Sustainable Communities Strategy (Connect SoCal Plan).

Attainment of federal air quality standards, a regional priority - The South Coast Air Basin (Basin) is facing a daunting challenge to meet the upcoming deadlines for attaining the health-based federal ozone standards. NOx is the key pollutant causing high ozone levels in our region and must be reduced by 45% and 55% beyond all existing regulations by 2023 and 2031, respectively, to meet federal standards and achieve healthy air for the region. Because over 80% of the NOx in our region is from mobile sources, significant reductions have to come from goods movement sectors (i.e., trucks, cargo handling equipment, rail and ocean-going vessels). Aggressive regulations, advancements in technologies, innovative solutions and integrated land-use and transportation planning as well as coordinated efforts among all stakeholders, at local, state and federal levels are essential to achieve the needed reductions from goods movement activities. We strongly recommend that the challenge of attaining the federal air quality standards be presented in the Connect SoCal Plan as a regional priority calling for a regional solution.

Potential sanctions on transportation funding - On December 31, 2019, South Coast AQMD and California Air Resources Board submitted a jointly-developed Contingency Measure Plan (Plan) to the U.S. EPA to address the required NOx reductions for attaining the 1997 8-hour ozone standard in 2023. The Plan describes additional regulatory actions, programs, and incentive funding South Coast AQMD and CARB have developed to achieve additional emission reductions, and it highlights the critical need for federal regulatory actions and/or funding to address sources under federal jurisdiction (i.e., aircraft, ships, trains, out-of-state trucks), in order to achieve this standard. If U.S. EPA disapproves the Plan, a federal sanctions clock will be triggered, culminating in highway sanctions if the underlying deficiency cannot be corrected. The imposition of highway sanctions results in the loss of federal funds for transportation projects except for certain safety, transit, and air quality beneficial projects. It should be noted that the U.S. EPA does have the option, under the Clean Air Act section 110(m), to apply discretionary sanctions at any time after a disapproval is made. Given the detrimental impact of sanctions to regional transportation planning, we recommend that SCAG highlight the potential sanctions on transportation funding in the Connect SoCal Plan and provide an estimate of the potential impacts.

Need for new innovative regional freight transportation systems - Although goods movement in the SCAG region provides significant positive local, regional and even national economic benefits, it also brings major challenges, including adverse impacts on local and regional air quality, congestion, safety, and roadways. The projected growth in goods movement activity in the SCAG region will further exacerbate the existing conditions. Given the complex nature of the existing transportation networks used for moving import and export cargo, a comprehensive regional solution is needed to address these challenges while improving overall system efficiency. We believe that fundamental changes to the existing networks used for moving cargo need to be earnestly explored and considered.

To signal these needed changes, we recommend that the goods movement project list include at least a $10 billion funding allocation to identify and deploy innovative zero-emission cargo movement system(s) through a collaborative stakeholder process. The proposed project in the

Connect SoCal Plan will highlight the critical need for a new and innovative goods movement system for the region and will facilitate solicitation of federal funding. South Coast AQMD is fully committed to participate in this process and provide technical assistance.

Ports container forecast – The Ports of Los Angeles and Long Beach handled 17.5 million twenty-foot equivalent unit (TEU) containers in 2018, which represents a 49% increase since the last recession in 2009. The 2016 Mercator Report has provided different container growth forecasts under high growth, expected, and low-growth scenarios. Although the projected growth is expected to continue until at least 2040, the Ports are projected to reach capacity before then. We recommend that the Connect SoCal Plan reflect the latest container forecast as well as identify a potential range of uncertainties based on different forecast scenarios which would also affect the port truck vehicle miles traveled (VMT) and associated emissions.

Goods Movement Environmental Strategy and Technology Advancement Plan – Although we fully support the proposed action plan for zero-emission (ZE) technologies, we recommend that the action plan be expanded to include near-zero (NZE) emission technologies with the acknowledgement that these technologies for medium-duty and heavy-duty trucks are currently in the commercial deployment phase, as discussed in the next section.

Near-term technologies commercially available now to be readily deployed within the next few years - Near-zero natural gas engine technologies are classified as one of the near-term truck technologies in the draft Goods Movement Technical Report (Appendix 1). However, natural gas engine models offered by Cummins Westport Inc. (CWI) are commercially available today and are certified to meet the optional low NOx standard of 0.02 g/bhp-hr. CWI offers the smaller L9N engine that is well suited for transit buses and refuse trucks as well as the larger 12L engine with up to 400 hp to support the demanding drayage duty cycles. In addition, CWI has recently received a CARB certification for their 6.7L engine to support the medium-duty vehicles segment which includes school buses, shuttles and medium-duty trucks. Additional fueling stations will be needed to support the expected increase in deployment of CNG trucks in the near term.

Battery electric trucks have also made significant progress in recent years, especially for the medium-duty vehicles sector. Captive fleets such as shuttles and delivery vans with fixed routes are a good match for this technology as their daily operations can be sufficiently supported by currently available products with 100 to 150 miles in operating range. In addition, because these vehicles are generally recharged overnight at their facilities, charging infrastructure needed to support these vehicles can be tailored based on the anticipated demand and provided in centralized locations. Based on the latest eligible vehicles list for the Hybrid and Zero Emission Truck and Bus Voucher Incentive Project (HVIP), there are several medium-duty trucks and vans that are commercially available for some applications and more products are expected to follow in the near future to support a wider range of vehicle types and vocations. As such, medium-duty battery electric trucks should be classified under the near-term technologies, bifurcating them from heavy-duty battery electric trucks which may require a longer timeline for commercialization. We recommend that these updates for be reflected in the Goods Movement Technical Report.

Encouraging and incentivizing deployment of NZE and ZE technologies - In addition to incentive funding offered by the California Air Resources Board and South Coast AQMD to help offset the higher purchase price of NZE and ZE trucks, a dedicated lane for these trucks on highways and surface streets as well as at port terminals and railyards can provide an effective non-monetary incentive measure to promote and accelerate deployment of NZE and ZE technologies. We recommend that these types of incentive measures (e.g., dedicated lanes, parking spots/curb areas for deliveries) be considered and incorporated into the proposed goods movement projects, where appropriate.

Zero-Emission Infrastructure Study - We appreciate SCAG's proposed study on charging infrastructure needed for electric trucks. This effort is timely and can work well in partnership with other efforts currently underway with the Public Utilities Commission[1] (PUC) and the California Energy Commission[2] (CEC). While those two efforts are focused on the needs and limitations of the electric grid, SCAG can provide a critical perspective and bring unique expertise as a regional transportation planning agency. We encourage SCAG to coordinate with PUC, CEC, and other key stakeholders including local utilities as this proposed study proceeds. We look forward to continuing to engage with SCAG on this effort.

[1] Proceeding R1812006 (Transportation Electrification Framework): https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO:RP,57,RIR:P5_PROCEEDING_SELECT:R1812006

[2] CEC is conducting multiple efforts to evaluate transportation electrification needs, including through its current Integrated Energy Policy Report work, and through work to implement AB 2127.

Attachment 2 - Comments on SCAG's Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for SCAG and should be incorporated into the Final PEIR.

South Coast AQMD Staff's Summary of Project Description

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is a long-range transportation and land use plan for six counties and 191 cities in Southern California (Proposed Project). It takes into account the changing socioeconomic, transportation, financial, technological, and environmental conditions, and serves as a blueprint to guide the region's future transportation and land use development for more than 20 years. It includes a plan of transportation investments and strategies to enhance the performance and safety of the region's transportation network that comprises of highways, arterials, roadways, transit systems, rail, seaports, and airports. It integrates technologies for the transportation and movement of people and goods, including zero and near-zero emissions technologies and infrastructure. The Proposed Project also includes land use strategies that are coordinated with transportation strategies to accommodate a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[1] around job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. It balances transportation and land use strategies to meet the region's needs in improving air quality and public health, reducing greenhouse gas emissions, and building a more sustainable, equitable, and economically vibrant future.

Summary of South Coast AQMD Staff's Comments on the Air Quality and Health Risk Assessment Analyses in the Draft PEIR

Based on reviews of the Draft PEIR and supporting technical documents, South Coast AQMD staff has ten comments on the air quality and health risk analyses. A summary of these comments is provided as follows with additional details provided later in this attachment.

1. CEQA Baseline: SCAG quantified on-road mobile source emissions for the existing conditions without the Proposed Project (year 2019) and the future conditions with the Proposed Project (year 2045) and compared those emissions to determine the level of significance. Based on this analysis, the Proposed Project would mostly reduce emissions, except for PM2.5 and PM10 emissions in some parts of the region due to increases in vehicle miles travel (VMT) between 2019 and 2045 in all counties[2]. This analysis approach improperly credits the Proposed Project with emission reductions in air quality and health risks that will occur independent of the Proposed Project due to adopted state and federal rules and regulations. SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

[1] Draft PEIR. Page 2.0-14.
[2] *Ibid*. Pages 3.3-57 to 61.

2. Air Quality CEQA Thresholds of Significance: SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. SCAG should identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance.

3. Interim Analysis Years: The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. With only two analysis years for air quality, the Draft PEIR did not fully and adequately disclose the peak daily emissions from on-road mobile sources. SCAG should include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that were used to quantify the Proposed Project's greenhouse gas emissions.

4. Air Quality Impact Analysis: The Draft PEIR discussed the existing air quality conditions based on the South Coast AQMD's 2016 AQMP forecasts, but did not quantify emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[3]) or land use strategies. However, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions but did not quantify emissions from criteria pollutants for these sources Therefore, the analysis approach for air quality is not consistent with the GHG emissions analysis which included both on-road and off-road mobile sources, and should be revised in the Final EIR.

5. Air Quality Impacts from Overlapping Construction and Operational Activities: The Draft PEIR did not analyze a scenario where construction activities overlap with operational activities. Since the Proposed Project will be implemented over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable and should be analyzed in the Final PEIR.

6. Health Risk Assessment (HRA) Analysis: SCAG did not utilize South Coast AQMD's CEQA significance threshold of 10 in a million to determine the level of significance for the Proposed Project's health risk impacts. Even though some of the transportation segments that were selected for the HRA analysis show cancer risk that would substantially exceed the significance threshold (e.g., 41.3 in a million), SCAG found that the Proposed Project's

[3] *Ibid*. Page 3.2-6.

health risk impacts would be less than significant[4] because cancer risk for each transportation segment in 2045 is significantly reduced when it is compared to that in 2019. This is an improper comparison to determine the level of significance for cancer risk and should be revised in the Final EIR. (See also Comment No. 1).

7. Project-level Air Quality Mitigation Measure: SCAG recommended the use of Tier 4 construction equipment by projects within 500 feet of residences, hospitals, or schools. To encourage the use of Tier 4 Final construction equipment by all types of transportation and land use projects, South Coast AQMD staff recommends the use of Tier 4 Final construction equipment and more information on the implementation and monitoring of this mitigation measure be provided in the Final EIR.

8. Additional Project-Level Air Quality Mitigation Measures for On-Road Mobile Sources: The Draft PEIR serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. To facilitate this, South Coast AQMD staff recommends that SCAG include additional project-level mitigation measures for on-road mobile sources in the Final EIR. SCAG should also review the Community Emission Reduction Plans that are prepared pursuant to Assembly Bill 617 to explore whether additional mitigation measures can be identified and included in the Final EIR.

9. Additional Project-Level Air Quality Mitigation Measures for Off-Road Mobile Sources: The Draft PEIR did not include project-level air quality mitigation measures for off-road mobile sources (e.g., aircraft and ground service equipment, cargo handling equipment, locomotives, shore power and infrastructure, and ocean-going vessels). Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures or performance standards for off-road mobile sources as part of PMM-AQ-1 in the Final EIR.

10. Health Risk Reduction Strategies: Although the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects, the Draft PEIR did not include a discussion on how to disclose health risks and reduce exposures when new sensitive land uses are sited within 500 feet of freeways or other sources of air pollution. To provide guidance for subsequent, project-level environmental analyses, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis and health risk reduction strategies in the Final PEIR.

South Coast AQMD staff's detailed comments on the Draft EIR's air quality analysis and health risk assessment are provided as follows.

1. CEQA Baseline
   Under CEQA, baseline conditions exist at the time of the environmental review is initiated or as they exist at the time the Notice of Preparation (NOP) is published, if there is a published NOP. Notwithstanding this general rule, the use of future baseline is proper in some cases, when supported by substantial evidence in the record. Consideration of future conditions in

[4] *Ibid*. Page 77.

determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term implementation schedule such as the Proposed Project. "[N]othing in CEQA law precludes an agency … from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.). "Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. … [¶] … The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (See also *Communities for a Better Environment v. South Coast Air Quality Management Dist*. (2010) 48 Cal.4th 310).

SCAG quantified the Proposed Project's on-road mobile source emissions for the 2019 baseline year and the 2045 future year. The 2019 existing conditions were held constant (i.e. using emission rates from year 2019) and compared to the 2045 future year (i.e. using emission rates from the future year). SCAG found that ROG and NOx emissions with the Proposed Project in 2045 would be lower than the existing conditions in 2019, but PM2.5 and PM10 emissions would increase due to VMT increases across the region[5]. This approach using a comparison between the Proposed Project's impacts in the future year (using emission rates from year 2045) and the 2019 baseline (using emission rates from year 2019) improperly credits the Proposed Project with emission reductions that will occur independent of the Proposed Project due to adopted federal and state rules and regulations, and clean vehicle and fuel technologies, since these rules, regulations, and technologies are expected to improve air quality over time, even in the absence of the Proposed Project, which SCAG has acknowledged in the Draft PEIR[6]. For example, the California Air Resources Board's (CARB) current regulation for trucks and buses will provide significant near-term and long-term reductions in NOx emissions from trucks and buses, at 98 tons per day for 2023[7]. Since the Proposed Project anticipates that VMT will increase between 2019 and 2045 in all counties[8], NOx emission reductions in year 2045 are likely due to implementation of CARB's regulation and other efforts at promoting zero and near-zero emissions vehicles and cleaner fuel standards. Therefore, the baseline used to analyze the Proposed Project's long-term air quality impacts from on-road mobile sources in the Draft PEIR likely led to an under-estimation of ***actual*** emission increases, and is misleading and uninformative.

The purpose of CEQA is to disclose environmental impacts from the Proposed Project to the public and decision makers to provide the public and decision makers with the actual changes to the environment from the activities involved in the Proposed Project. By taking credit for future emission reductions from existing air quality rules, regulations, and technologies that are not contributed by the Proposed Project, the Proposed Project's air quality impacts are

[5] *Ibid*. Pages 3.3-57 to 61.
[6] *Ibid.*
[7] California Air Resources Board. July 14, 2017. Trucks and Bus Regulation: On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Accessed at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm, and https://www.arb.ca.gov/msprog/onrdiesel/documents/truckrulehealth.pdf.
[8] Draft PEIR. Pages 3.3-57 to 61.

likely underestimated. Therefore, South Coast AQMD staff recommends that SCAG revise the air quality analysis to calculate emissions in year 2019, year 2020, year 2030, year 2035, and year 2045 with the Proposed Project and emissions in those same years without the Proposed Project. These interim analysis years correspond to the same interim analysis years that SCAG used to quantify the Proposed Project's greenhouse gas (GHG) emissions[9]. (See also Comment No. 3). SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

2. Air Quality CEQA Thresholds of Significance

While CEQA allows that a Lead Agency may select a threshold to determine the level of significance, SCAG may not apply a threshold of significance in a manner that precludes consideration of substantial evidence demonstrating that there may be a significant effect on the environment. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. South Coast AQMD's CEQA thresholds of significance for air quality provide a clear quantitative benchmark to determine the level of significance for a project's air quality impacts. Therefore, for most projects within the South Coast AQMD's jurisdiction, South Coast AQMD's air quality CEQA significance thresholds for construction and operation[10] are used to determine the level of significance of a project's air quality impacts.

SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Since the South Coast AQMD relies on SCAG's air quality analysis for on-road mobile sources, South Coast AQMD staff recommends that SCAG identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance. Using South Coast AQMD's CEQA significance thresholds would clearly disclose the magnitude of air quality impacts from on-road mobile sources, facilitate the identification of feasible mitigation measures, strengthen the evaluation of the level of impacts before and after mitigation measures, and contribute to the selection of a range of reasonable alternatives to the Proposed Project based on the air quality impacts.

3. Air Quality Interim Analysis Years

The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). (See also Comment No.1). Although the Proposed Project may not be at the peak development capacity in earlier years, it is possible that due to higher

[9] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.

[10] South Coast Air Quality Management District. March 2015. *South Coast AQMD Air Quality Significance Thresholds*. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

emission rates of vehicles and trucks in earlier years, peak daily emissions from on-road mobile sources may occur early and gradually decrease over time. The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. Air quality is improving over time with substantial emission reductions occurring in later years. Therefore, South Coast AQMD staff recommends that SCAG include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that SCAG used to quantify the Proposed Project's GHG emissions[11], to ensure the peak daily emissions are identified and adequately disclosed in the Final PEIR. The interim analysis years will also demonstrate progress in emission reductions over time from implementing the Proposed Project's strategies and the air quality mitigation measures included in the PEIR.

4. Air Quality Impact Analysis Based on the South Coast AQMD's 2016 AQMP Forecasts

As stated above, the Proposed Project includes transportation strategies and investments for the region's transportation network of roads, highway, arterials, transit, rail, seaports, and airports. It also includes land use strategies to promote a more compact form of development. To analyze the air quality impacts, SCAG used the South Coast AQMD's 2016 AQMP forecasts of annual average off-road mobile emissions and stationary source emissions for years 2019, 2022, 2023, 2025, and 2031 in the Basin as a proxy for these emissions throughout the SCAG region[12].

This analysis approach is not appropriate for three reasons. First, the 2016 AQMP forecasts are emission inventories and projections, using 2012 as the base year and air quality measures implemented since adopting the 2012 AQMP[13]. They provide the historic (since 2012) and existing air quality conditions in 2019 at the time the Draft PEIR was prepared. Therefore, SCAG discussed the existing air quality conditions, but did not properly assess the incremental air quality impacts of direct emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[14]) or land use strategies. Second, the 2016 AQMP forecasts include emission projections until year 2031. Since the Proposed Project has a planning horizon until year 2045, it is not appropriate to use the 2016 AQMP forecasts, which are baseline conditions, to analyze the air quality impacts from the Proposed Project, which will be implemented beyond year 2031. Third, the Proposed Project covers a six-county region and includes five air quality and air pollution control districts, including the South Coast AQMD. In the Draft PEIR, SCAG used the 2016 AQMP forecasts for the South Coast AQMD as a proxy for emissions throughout the entire region but did not provide emissions from other air districts or explain why it was appropriate to use the South Coast AQMD's forecasts as a proxy for the SCAG region. Even if using the 2016 AQMP forecasts is found to be an adequate analysis methodology, SCAG only analyzed a portion of the region within the South Coast AQMD. Therefore, South Coast

[11] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.
[12] *Ibid*. Page 3.3-55.
[13] South Coast AQMD. Final Program EIR for the 2016 AQMP. Page 2-13. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf.
[14] *Ibid*. Page 3.2-6.

AQMD staff recommends that SCAG revise the air quality analysis in the Final PEIR based on the following recommendations.

Air Quality Analysis for Construction and Operational Air Quality Impacts

When specific development is reasonably foreseeable as a result of the goals, policies, and strategies in the Proposed Project, SCAG should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the PEIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Preparing the CEQA analysis "necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can" (CEQA Guideline Section 15144).

When the precise construction and operational scenarios are unknown, SCAG should use its best efforts to identify and quantify a worst-case construction and operational air quality impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared. While this comment may not change SCAG's findings that the Proposed Project's construction and operational air quality impacts would be significant and unavoidable[15], a quantitative analysis will facilitate the goal and purpose of CEQA on public disclosure with useful information on the magnitude of air quality impacts that could occur from implementing the Proposed Project and foster meaningful public participation and informed decision making.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). As discussed in Section 2.0, *Project Description*, in the Draft PEIR, the Proposed Project anticipates an annual growth rate of 0.6 percent, resulting in a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[16]. To accommodate growth, SCAG has identified development potential around the region's job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. Therefore, SCAG can and should use this information to develop a construction scenario for land use development. One way to calculate the Proposed Project's construction emissions would be based on an estimated average annual level of development. SCAG should use the most current version of California Emission Estimator Model (CalEEMod)[17] to quantify construction emissions and compare the emissions to air districts' regional air quality CEQA significance thresholds to determine the level of significance.

Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular

[15] *Ibid*. Pages 3.3-60 and 61.
[16] Draft PEIR. Page 2.0-14.
[17] South Coast AQMD. CalEEMod Version 2016.3.2. Accessed at: http://www.aqmd.gov/caleemod/download-model.

trips (e.g., on- and off-road tailpipe emissions and entrained dust). In Section 3.8, *Greenhouse Gases*, in the Draft PEIR, in addition to quantifying GHG emissions for on-road mobile sources, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions in year 2019 (baseline year), year 2020 (with and without the Proposed Project), year 2030 (with the Proposed Project), year 2035 (with the Proposed Project), and year 2045 (with and without the Proposed Project)[18]. To be consistent with the GHG emissions analysis which included both on-road and off-road vehicles, and to provide a better and more complete understanding of the Proposed Project's operational air quality impacts, South Coast AQMD staff recommends that SCAG quantify the Proposed Project's operational emissions for off-road vehicles and add those emissions to on-road mobile source emissions to determine the level of significance in the Final PEIR. (See also Comment Nos 1 and 3). If emissions from off-road vehicles are not included in the Final PEIR, SCAG should provide reasons for not including them supported by substantial evidence in the record.

5. Air Quality Analysis – Overlapping Construction and Operational Activities
   Based on a review of the air quality analysis, South Coast AQMD staff found that SCAG did not analyze a scenario where construction activities overlap with operational activities. Since implementation of the Proposed Project is expected to occur over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable. Therefore, South Coast AQMD staff recommends that SCAG discuss an air quality impact scenario where construction and operational activities overlap and make a significance determination in the Final PEIR; otherwise, SCAG has not discussed the Proposed Project's air quality impacts from overlapping construction and operational activities that will likely take place during the implementation of the Proposed Project in the PEIR.

6. Health Risk Assessment (HRA) Analysis
   Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[19]. SCAG conducted a mobile source HRA analysis to evaluate the cancer risk for residents from exposures to DPM emissions from 16 transportation segments throughout the SCAG region. As shown in Table 3.3-16 in the Draft PEIR, the highest cancer risk would be 41.3 in a million along Interstate 15 in the Victorville area in San Bernardino County (Segment 13: SB I-15 VIC), followed by 30.9 in a million along Interstate 710 in the Compton area in Los Angeles County (Segment 4: LA I-710)[20]. Because cancer risk for each of transportation segment in 2045 is significantly reduced when it is compared to that in 2019, SCAG determined that the Proposed Project's health risk impacts would be less than significant.

   South Coast AQMD staff does not agree with SCAG's significance determination. It is not appropriate to determine the level of significance for cancer risk based on a comparison between the existing condition (year 2019) and the future condition (year 2045). (See also

[18] Draft PEIR. Pages 3.8-62 to 66.
[19] *Ibid*. Page 3.3-76.
[20] *Ibid*. Table 3.3-16.

Comment No. 1 on CEQA Baseline). To determine the level of significance for cancer risk, South Coast AQMD staff recommends that SCAG compare the maximum exposed individual residential cancer risk for each of the transportation segments in 2045 to South Coast AQMD's CEQA significance threshold of 10 in a million for cancer risk in the Final PEIR. As shown in Table 3.3-16, 12 of 16 transportation segments would exceed the CEQA significance threshold of 10 in a million for cancer risk.

7. Recommended Revisions Existing Project-Level Mitigation Measure (PMM-AQ-1 q))
SCAG included a project-level air quality mitigation measure (PMM-AQ-1 a) through q) for consideration by lead agencies that implement individual transportation and land use projects. South Coast AQMD staff recommends that SCAG incorporate the following revisions to PMM-AQ-1 q) in the Final PEIR. The recommended revisions will provide more details on the requirement for Tier 4 construction equipment, provide guidance on project-level implementation and monitoring, and facilitate CEQA streamlining and tiering as an option from the PEIR by subsequent, project-level environmental analyses, where appropriate.

   a) **PMM-AQ-1 q)** Require projects ~~within 500 feet of residences, hospitals, or schools~~ to use Tier 4 Final equipment or better for all engines above 50 horsepower (hp). Include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by SCAG before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction, unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.

8. Additional Recommended Project-Level Mitigation Measures
CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the region's future development. The Draft PEIR for the Proposed Project serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. Therefore, it

is the intent of SCAG that lead agencies for individual transportation and land use projects that may be eligible for CEQA streamlining incorporate project-level mitigation measures as feasible and appropriate to tier from the PEIR[21].

On February 19, 2019, South Coast AQMD staff provided comments on the Notice of Preparation (NOP) for the Proposed Project, available at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf, and recommended specific air quality mitigation measures for SCAG to include in the Draft PEIR. South Coast AQMD staff incorporates by reference those recommended mitigation measures and requests that SCAG include them in the Final PEIR. Specifically, SCAG should include the following mitigation measures to reduce and accelerate the reduction of on-road mobile source emissions. The recommended mitigation measures are consistent with the Proposed Project's goal of improving air quality and public health (Goal No. 5)[22], provide guidance on the feasibility of mitigation measures with specific performance standards, and support the Draft PEIR's intended use as the first-tier, programmatic environmental analysis to facilitate CEQA streamlining and tiering by subsequent, project-level environmental analyses.

- Require zero-emissions (ZE) or near-zero emissions (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks[23]. When requiring ZE or NZE on-road haul trucks, SCAG should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used, require that operators maintain records of all trucks associated with the operation, and make these records available to SCAG upon request. The records will serve as evidence to prove that each truck called met the minimum 2010 model year engine emission standards. Alternatively, require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable.

- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.

[21] *Ibid*. Page 2.0-40
[22] *Ibid.* Page 2.0-21.
[23] Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: http://www.truckload.org/tca/files/ccLibraryFiles/Filename/000000003422/California-Clean-Truck-and-Trailer-Update.pdf (See slide #23).

- Enter into applicable bid documents, purchase orders, and contracts to notify all construction vendors, contractors, and/or haul truck operators that vehicle and construction equipment idling time will be limited to no longer than five minutes, consistent with the CARB's policy[24]. For any idling that is expected to take longer than five minutes, the engine should be shut off. Notify construction vendors, contractors, and/or haul truck operators of these idling requirements at the time that the purchase order is issued and again when vehicles enter the site. To further ensure that drivers understand the vehicle idling requirement, post signs at the site, where appropriate, stating that idling longer than five minutes is not permitted.

- Require at least five percent of all vehicle parking spaces include electric vehicle (EV) charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. Electrical hookups should be provided at the onsite vehicle stop for to plug in any onboard auxiliary equipment. Electrical panels should be appropriately sized to allow for future expanded use. Include analyses to evaluate and identify sufficient power available for zero emissions trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate.

- The Proposed Project includes areas that are heavily impacted by air pollution. Assembly Bill (AB) 617, which was signed into law in 2017, requires South Coast AQMD to work with community and other stakeholders to identify and address community concerns in disadvantaged communities suffering from disproportionate air pollution impacts generated from sources, such as marine ports, warehouses, railyard facilities, heavy-duty diesel trucks, and oil drilling and production facilities. Through the AB 617 program, each of the designated AB 617 communities and South Coast AQMD staff develop a Community Emissions Reduction Plan (CERP) that identifies air quality priorities and actions to reduce air pollution in the community. In September 2019, the South Coast AQMD's Governing Board approved three CERPs for the AB 617 communities of Wilmington, Carson, and West Long Beach; East Los Angeles, Boyle Heights, and West Commerce; and San Bernardino and Muscoy that were designated in 2018[25]. In December 2019, two new AB 617 communities in the Southeast Los Angeles and the Eastern Coachella Valley were designated for inclusion in South Coast AQMD's AB 617 Program[26]. South Coast AQMD staff recommends that SCAG review the CERPs[27] to explore whether additional mitigation measures can and should be included as part of PMM-AQ-1 in the Final PEIR for transportation and land use projects that may use the PEIR for CEQA streaming and tiering.

[24]California Air Resources Board. June 2009. *Written Idling Policy Guidelines*. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf.
[25] South Coast AQMD. AB 617 Community Air Initiatives. Accessed at: http://www.aqmd.gov/nav/about/initiatives/community-efforts/environmental-justice/ab617-134.
[26] *Ibid*.
[27] South Coast AQMD. Accessed at: http://www.aqmd.gov/home/news-events/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-september-6-2019.

9. Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures for off-road mobile sources as part of PMM-AQ-1 in the Final EIR. If the specific details are impractical or infeasible to include, SCAG should develop and include performance standards that the off-road mobile source mitigation measures will achieve (CEQA Guidelines Section 15126.4(a)). Including the mitigation measures and performance standards for off-road mobile sources fulfills SCAG's legal obligation as SCAG for the Proposed Project to comply with CEQA's requirements for mitigation measures, serves as a guidance on the feasibility of mitigation measures that can and should be implemented by transportation and land use projects at the region's seaports and airports, and supports tiering by subsequent, project-level environmental analyses. Specifically, South Coast AQMD staff recommends that the Final PEIR includes the following project-level mitigation measures or other comparable mitigation measures for aircrafts, ground service equipment, cargo handling equipment, locomotives, and ocean-going vessels in PMM-AQ-1.

Aircraft and Ground Service Equipment (GSE)

- Encourage and incentivize aircraft operators to route the cleanest aircraft engines to serve the South Coast Air Basin.
- Consider operational improvements to reduce taxi time and auxiliary power unit usage, where feasible. Additionally, consider single engine taxing, if feasible and as allowed per Federal Aviation Administration guidelines.
- Set goals to achieve a reduction in emissions from aircraft operations over the lifetime of the proposed project.
- Require the use of GSE that can operate on electric battery-power. If electric equipment cannot be obtained, require the use of alternative fuel, the cleanest gasoline equipment, or Tier 4, at a minimum.

Cargo Handling Equipment (CHE)

- Develop specific timelines for transitioning to zero emissions CHE. For example, South Coast AQMD staff recommends a step-down program to require any off-road equipment to be zero emissions first, followed by near-zero emissions, then Tier 4 alternative fuels, and then Tier 4 engine as a floor. The criteria for a step-down program can be based on availability of equipment at the time of purchase and cost of equipment compared to the Tier 4 floor after considering available incentive funds.
- Develop interim performance standards with a minimum amount of CHE replacement each year to ensure adequate progress.

Rail and Locomotives

- Offer incentives to encourage the use of on-dock rail.
- Provide the highest incentives for electric locomotives and then locomotives that meet Tier 5 emission standards with a floor on the incentives for locomotives that meet Tier 4 emission standards.

Shore Power and Infrastructure

- Use shore side electric power for ships, which may include tugboats and other ocean-going-vessels or develop incentives to gradually ramp up the usage of shore power.

Install the appropriate infrastructure to provide shore power to operate the ships. Electrical hookups should be appropriately sized.

Ocean-Going Vessels

- Maximize participation in the Vessel Speed Reduction Program for all vessels transiting within 40 nautical miles of Point Fermin in the region.
- Encourage the participation in the Green Ship Incentives.

10. Health Risk Assessment for New Sensitive Land Uses Near Freeways and Other Sources of Air Pollution and Health Risk Reduction Strategies

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the lead agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways or other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, lead agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[28]. To disclose the potential health risks for new sensitive land uses that will be sited within 500 feet of freeways or other sources of air pollution, South Coast AQMD staff recommends a mobile source HRA analysis be performed[29]. Since the PEIR is intended to serve as the first-tier, programmatic analysis for projects in the region, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis in the Final PEIR[30] to provide guidance for subsequent, project-level environmental analyses that will tier from the PEIR. Additionally, South Coast AQMD staff recommends that SCAG include the following health risk reduction strategies in the Final PEIR as guidance for future sensitive land use projects that will be sited in close proximity to freeways or other sources of air pollution. These strategies were included in the South Coast AQMD staff's comment letter on the NOP for the Proposed Project[31].

- Consider high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better for sensitive land use projects that are located within 500 feet of freeways and other sources of air pollution. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

[28] Draft PEIR. Page 3.3-76.

[29] South Coast AQMD. "*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*." Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis.

[30] South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as SCAG, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

[31] South Coast AQMD staff. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf.

- Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters[32], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residents prior to assuming that they will sufficiently alleviate health risk exposures to toxic air emissions.

- Because of the limitations, South Coast AQMD staff recommends additional details regarding the ongoing, regular monitoring, inspection, and maintenance of filters be provided. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways or other sources of air pollution, the following information should be included, at a minimum, as guidance to future sensitive land use projects in the subsequent, project-level environmental analyses:

  a) Disclose potential health impacts to prospective sensitive receptors from living in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);

  b) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are installed on-site before a permit of occupancy is issued;

  c) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are inspected and maintained regularly;

  d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;

  e) Provide information to residents on where MERV filters can be purchased;

  f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;

[32] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf.

g) Identify the responsible entity such as future residents themselves, Homeowner's Association (HOA), or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the individual project's lead agency should include this information in the disclosure form);

h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;

i) Set criteria for assessing progress in installing and replacing the enhanced filtration units; and

j) Develop a process for evaluating the effectiveness of the enhanced filtration units.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that SCAG provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. Issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when SCAG makes the finding that the recommended revisions to existing air quality mitigation measures and additional new air quality mitigation measures are not feasible, SCAG should describe the specific reasons supported by substantial evidence for rejecting them in the Final PEIR (CEQA Guidelines Section 15091).

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ALL191210-01
Control Number

South Coast
Air Quality Management District
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Office of the Executive Officer
Wayne Nastri

January 24, 2020

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Re: Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and Draft Program Environmental Impact Report

Dear Mr. Ajise:

Thank you for the opportunity to comment on SCAG's Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and the Draft Program Environmental Impact Report (PEIR). Attached are comments from the South Coast AQMD staff on the Connect SoCal Plan (Attachment 1) and the Draft PEIR for the Connect SoCal Plan (Attachment 2).

The 2023 attainment date for the 1997 federal 8-hour ozone standard represents a significant challenge to the South Coast Air Basin (Basin). This attainment challenge (including potential sanctions on highway funding) should be highlighted in the Plan as a regional priority. With goods movement accounting for a significant portion of the mobile source emissions in the Basin, there is a critical need for a new and innovative regional goods movement system that needs to be pursued and developed through a collaborative process. More detailed comments on goods movement are included in Attachment 1.

After a review of the Draft PEIR's air quality and health risk analyses and supporting technical documents, the Draft PEIR likely under-estimated the air quality impacts of the Plan. The Draft PEIR improperly credits the Plan with emission reductions in air quality and health risks that will occur independent of the Plan due to adopted state and federal rules and regulations. Second, SCAG did not utilize South Coast AQMD's CEQA significance threshold of for health risk impacts. More detailed comments on the Draft PEIR are included in Attachment 2.

We are fully committed to continuing to work collaboratively with SCAG and other stakeholders to achieve the vision outlined in this Plan.

Sincerely,

Wayne Nastri
Executive Officer

CC: Mr. Ping Chang, Southern California Association of Governments
Mr. Roland Ok, Southern California Association of Governments
Ms. Karen Calderon, Southern California Association of Governments

Attachments
Attachment 1 – Comments on Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan)

Attachment 2 – Comments on Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

Attachment 1 - Comments on SCAG's Draft 2020-2045 Regional Transportation Plan /Sustainable Communities Strategy (Connect SoCal Plan).

Attainment of federal air quality standards, a regional priority - The South Coast Air Basin (Basin) is facing a daunting challenge to meet the upcoming deadlines for attaining the health-based federal ozone standards. NOx is the key pollutant causing high ozone levels in our region and must be reduced by 45% and 55% beyond all existing regulations by 2023 and 2031, respectively, to meet federal standards and achieve healthy air for the region. Because over 80% of the NOx in our region is from mobile sources, significant reductions have to come from goods movement sectors (i.e., trucks, cargo handling equipment, rail and ocean-going vessels). Aggressive regulations, advancements in technologies, innovative solutions and integrated land-use and transportation planning as well as coordinated efforts among all stakeholders, at local, state and federal levels are essential to achieve the needed reductions from goods movement activities. We strongly recommend that the challenge of attaining the federal air quality standards be presented in the Connect SoCal Plan as a regional priority calling for a regional solution.

Potential sanctions on transportation funding - On December 31, 2019, South Coast AQMD and California Air Resources Board submitted a jointly-developed Contingency Measure Plan (Plan) to the U.S. EPA to address the required NOx reductions for attaining the 1997 8-hour ozone standard in 2023. The Plan describes additional regulatory actions, programs, and incentive funding South Coast AQMD and CARB have developed to achieve additional emission reductions, and it highlights the critical need for federal regulatory actions and/or funding to address sources under federal jurisdiction (i.e., aircraft, ships, trains, out-of-state trucks), in order to achieve this standard. If U.S. EPA disapproves the Plan, a federal sanctions clock will be triggered, culminating in highway sanctions if the underlying deficiency cannot be corrected. The imposition of highway sanctions results in the loss of federal funds for transportation projects except for certain safety, transit, and air quality beneficial projects. It should be noted that the U.S. EPA does have the option, under the Clean Air Act section 110(m), to apply discretionary sanctions at any time after a disapproval is made. Given the detrimental impact of sanctions to regional transportation planning, we recommend that SCAG highlight the potential sanctions on transportation funding in the Connect SoCal Plan and provide an estimate of the potential impacts.

Need for new innovative regional freight transportation systems - Although goods movement in the SCAG region provides significant positive local, regional and even national economic benefits, it also brings major challenges, including adverse impacts on local and regional air quality, congestion, safety, and roadways. The projected growth in goods movement activity in the SCAG region will further exacerbate the existing conditions. Given the complex nature of the existing transportation networks used for moving import and export cargo, a comprehensive regional solution is needed to address these challenges while improving overall system efficiency. We believe that fundamental changes to the existing networks used for moving cargo need to be earnestly explored and considered.

To signal these needed changes, we recommend that the goods movement project list include at least a $10 billion funding allocation to identify and deploy innovative zero-emission cargo movement system(s) through a collaborative stakeholder process. The proposed project in the

Connect SoCal Plan will highlight the critical need for a new and innovative goods movement system for the region and will facilitate solicitation of federal funding. South Coast AQMD is fully committed to participate in this process and provide technical assistance.

Ports container forecast – The Ports of Los Angeles and Long Beach handled 17.5 million twenty-foot equivalent unit (TEU) containers in 2018, which represents a 49% increase since the last recession in 2009. The 2016 Mercator Report has provided different container growth forecasts under high growth, expected, and low-growth scenarios. Although the projected growth is expected to continue until at least 2040, the Ports are projected to reach capacity before then. We recommend that the Connect SoCal Plan reflect the latest container forecast as well as identify a potential range of uncertainties based on different forecast scenarios which would also affect the port truck vehicle miles traveled (VMT) and associated emissions.

Goods Movement Environmental Strategy and Technology Advancement Plan – Although we fully support the proposed action plan for zero-emission (ZE) technologies, we recommend that the action plan be expanded to include near-zero (NZE) emission technologies with the acknowledgement that these technologies for medium-duty and heavy-duty trucks are currently in the commercial deployment phase, as discussed in the next section.

Near-term technologies commercially available now to be readily deployed within the next few years - Near-zero natural gas engine technologies are classified as one of the near-term truck technologies in the draft Goods Movement Technical Report (Appendix 1). However, natural gas engine models offered by Cummins Westport Inc. (CWI) are commercially available today and are certified to meet the optional low NOx standard of 0.02 g/bhp-hr. CWI offers the smaller L9N engine that is well suited for transit buses and refuse trucks as well as the larger 12L engine with up to 400 hp to support the demanding drayage duty cycles. In addition, CWI has recently received a CARB certification for their 6.7L engine to support the medium-duty vehicles segment which includes school buses, shuttles and medium-duty trucks. Additional fueling stations will be needed to support the expected increase in deployment of CNG trucks in the near term.

Battery electric trucks have also made significant progress in recent years, especially for the medium-duty vehicles sector. Captive fleets such as shuttles and delivery vans with fixed routes are a good match for this technology as their daily operations can be sufficiently supported by currently available products with 100 to 150 miles in operating range. In addition, because these vehicles are generally recharged overnight at their facilities, charging infrastructure needed to support these vehicles can be tailored based on the anticipated demand and provided in centralized locations. Based on the latest eligible vehicles list for the Hybrid and Zero Emission Truck and Bus Voucher Incentive Project (HVIP), there are several medium-duty trucks and vans that are commercially available for some applications and more products are expected to follow in the near future to support a wider range of vehicle types and vocations. As such, medium-duty battery electric trucks should be classified under the near-term technologies, bifurcating them from heavy-duty battery electric trucks which may require a longer timeline for commercialization. We recommend that these updates for be reflected in the Goods Movement Technical Report.

Encouraging and incentivizing deployment of NZE and ZE technologies - In addition to incentive funding offered by the California Air Resources Board and South Coast AQMD to help offset the higher purchase price of NZE and ZE trucks, a dedicated lane for these trucks on highways and surface streets as well as at port terminals and railyards can provide an effective non-monetary incentive measure to promote and accelerate deployment of NZE and ZE technologies. We recommend that these types of incentive measures (e.g., dedicated lanes, parking spots/curb areas for deliveries) be considered and incorporated into the proposed goods movement projects, where appropriate.

Zero-Emission Infrastructure Study - We appreciate SCAG's proposed study on charging infrastructure needed for electric trucks. This effort is timely and can work well in partnership with other efforts currently underway with the Public Utilities Commission[1] (PUC) and the California Energy Commission[2] (CEC). While those two efforts are focused on the needs and limitations of the electric grid, SCAG can provide a critical perspective and bring unique expertise as a regional transportation planning agency. We encourage SCAG to coordinate with PUC, CEC, and other key stakeholders including local utilities as this proposed study proceeds. We look forward to continuing to engage with SCAG on this effort.

[1] Proceeding R1812006 (Transportation Electrification Framework): https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO:RP,57,RIR:P5_PROCEEDING_SELECT:R1812006

[2] CEC is conducting multiple efforts to evaluate transportation electrification needs, including through its current Integrated Energy Policy Report work, and through work to implement AB 2127.

Attachment 2 - Comments on SCAG's Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for SCAG and should be incorporated into the Final PEIR.

South Coast AQMD Staff's Summary of Project Description

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is a long-range transportation and land use plan for six counties and 191 cities in Southern California (Proposed Project). It takes into account the changing socioeconomic, transportation, financial, technological, and environmental conditions, and serves as a blueprint to guide the region's future transportation and land use development for more than 20 years. It includes a plan of transportation investments and strategies to enhance the performance and safety of the region's transportation network that comprises of highways, arterials, roadways, transit systems, rail, seaports, and airports. It integrates technologies for the transportation and movement of people and goods, including zero and near-zero emissions technologies and infrastructure. The Proposed Project also includes land use strategies that are coordinated with transportation strategies to accommodate a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[1] around job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. It balances transportation and land use strategies to meet the region's needs in improving air quality and public health, reducing greenhouse gas emissions, and building a more sustainable, equitable, and economically vibrant future.

Summary of South Coast AQMD Staff's Comments on the Air Quality and Health Risk Assessment Analyses in the Draft PEIR

Based on reviews of the Draft PEIR and supporting technical documents, South Coast AQMD staff has ten comments on the air quality and health risk analyses. A summary of these comments is provided as follows with additional details provided later in this attachment.

1. CEQA Baseline: SCAG quantified on-road mobile source emissions for the existing conditions without the Proposed Project (year 2019) and the future conditions with the Proposed Project (year 2045) and compared those emissions to determine the level of significance. Based on this analysis, the Proposed Project would mostly reduce emissions, except for PM2.5 and PM10 emissions in some parts of the region due to increases in vehicle miles travel (VMT) between 2019 and 2045 in all counties[2]. This analysis approach improperly credits the Proposed Project with emission reductions in air quality and health risks that will occur independent of the Proposed Project due to adopted state and federal rules and regulations. SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

[1] Draft PEIR. Page 2.0-14.
[2] *Ibid*. Pages 3.3-57 to 61.

2. Air Quality CEQA Thresholds of Significance: SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. SCAG should identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance.

3. Interim Analysis Years: The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. With only two analysis years for air quality, the Draft PEIR did not fully and adequately disclose the peak daily emissions from on-road mobile sources. SCAG should include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that were used to quantify the Proposed Project's greenhouse gas emissions.

4. Air Quality Impact Analysis: The Draft PEIR discussed the existing air quality conditions based on the South Coast AQMD's 2016 AQMP forecasts, but did not quantify emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[3]) or land use strategies. However, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions but did not quantify emissions from criteria pollutants for these sources Therefore, the analysis approach for air quality is not consistent with the GHG emissions analysis which included both on-road and off-road mobile sources, and should be revised in the Final EIR.

5. Air Quality Impacts from Overlapping Construction and Operational Activities: The Draft PEIR did not analyze a scenario where construction activities overlap with operational activities. Since the Proposed Project will be implemented over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable and should be analyzed in the Final PEIR.

6. Health Risk Assessment (HRA) Analysis: SCAG did not utilize South Coast AQMD's CEQA significance threshold of 10 in a million to determine the level of significance for the Proposed Project's health risk impacts. Even though some of the transportation segments that were selected for the HRA analysis show cancer risk that would substantially exceed the significance threshold (e.g., 41.3 in a million), SCAG found that the Proposed Project's

[3] *Ibid*. Page 3.2-6.

health risk impacts would be less than significant[4] because cancer risk for each transportation segment in 2045 is significantly reduced when it is compared to that in 2019. This is an improper comparison to determine the level of significance for cancer risk and should be revised in the Final EIR. (See also Comment No. 1).

7. Project-level Air Quality Mitigation Measure: SCAG recommended the use of Tier 4 construction equipment by projects within 500 feet of residences, hospitals, or schools. To encourage the use of Tier 4 Final construction equipment by all types of transportation and land use projects, South Coast AQMD staff recommends the use of Tier 4 Final construction equipment and more information on the implementation and monitoring of this mitigation measure be provided in the Final EIR.

8. Additional Project-Level Air Quality Mitigation Measures for On-Road Mobile Sources: The Draft PEIR serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. To facilitate this, South Coast AQMD staff recommends that SCAG include additional project-level mitigation measures for on-road mobile sources in the Final EIR. SCAG should also review the Community Emission Reduction Plans that are prepared pursuant to Assembly Bill 617 to explore whether additional mitigation measures can be identified and included in the Final EIR.

9. Additional Project-Level Air Quality Mitigation Measures for Off-Road Mobile Sources: The Draft PEIR did not include project-level air quality mitigation measures for off-road mobile sources (e.g., aircraft and ground service equipment, cargo handling equipment, locomotives, shore power and infrastructure, and ocean-going vessels). Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures or performance standards for off-road mobile sources as part of PMM-AQ-1 in the Final EIR.

10. Health Risk Reduction Strategies: Although the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects, the Draft PEIR did not include a discussion on how to disclose health risks and reduce exposures when new sensitive land uses are sited within 500 feet of freeways or other sources of air pollution. To provide guidance for subsequent, project-level environmental analyses, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis and health risk reduction strategies in the Final PEIR.

South Coast AQMD staff's detailed comments on the Draft EIR's air quality analysis and health risk assessment are provided as follows.

1. CEQA Baseline
   Under CEQA, baseline conditions exist at the time of the environmental review is initiated or as they exist at the time the Notice of Preparation (NOP) is published, if there is a published NOP. Notwithstanding this general rule, the use of future baseline is proper in some cases, when supported by substantial evidence in the record. Consideration of future conditions in

[4] *Ibid*. Page 77.

determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term implementation schedule such as the Proposed Project. "[N]othing in CEQA law precludes an agency … from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.). "Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. … [¶] … The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (See also *Communities for a Better Environment v. South Coast Air Quality Management Dist*. (2010) 48 Cal.4th 310).

SCAG quantified the Proposed Project's on-road mobile source emissions for the 2019 baseline year and the 2045 future year. The 2019 existing conditions were held constant (i.e. using emission rates from year 2019) and compared to the 2045 future year (i.e. using emission rates from the future year). SCAG found that ROG and NOx emissions with the Proposed Project in 2045 would be lower than the existing conditions in 2019, but PM2.5 and PM10 emissions would increase due to VMT increases across the region[5]. This approach using a comparison between the Proposed Project's impacts in the future year (using emission rates from year 2045) and the 2019 baseline (using emission rates from year 2019) improperly credits the Proposed Project with emission reductions that will occur independent of the Proposed Project due to adopted federal and state rules and regulations, and clean vehicle and fuel technologies, since these rules, regulations, and technologies are expected to improve air quality over time, even in the absence of the Proposed Project, which SCAG has acknowledged in the Draft PEIR[6]. For example, the California Air Resources Board's (CARB) current regulation for trucks and buses will provide significant near-term and long-term reductions in NOx emissions from trucks and buses, at 98 tons per day for 2023[7]. Since the Proposed Project anticipates that VMT will increase between 2019 and 2045 in all counties[8], NOx emission reductions in year 2045 are likely due to implementation of CARB's regulation and other efforts at promoting zero and near-zero emissions vehicles and cleaner fuel standards. Therefore, the baseline used to analyze the Proposed Project's long-term air quality impacts from on-road mobile sources in the Draft PEIR likely led to an under-estimation of ***actual*** emission increases, and is misleading and uninformative.

The purpose of CEQA is to disclose environmental impacts from the Proposed Project to the public and decision makers to provide the public and decision makers with the actual changes to the environment from the activities involved in the Proposed Project. By taking credit for future emission reductions from existing air quality rules, regulations, and technologies that are not contributed by the Proposed Project, the Proposed Project's air quality impacts are

[5] *Ibid*. Pages 3.3-57 to 61.
[6] *Ibid.*
[7] California Air Resources Board. July 14, 2017. Trucks and Bus Regulation: On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Accessed at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm, and https://www.arb.ca.gov/msprog/onrdiesel/documents/truckrulehealth.pdf.
[8] Draft PEIR. Pages 3.3-57 to 61.

likely underestimated. Therefore, South Coast AQMD staff recommends that SCAG revise the air quality analysis to calculate emissions in year 2019, year 2020, year 2030, year 2035, and year 2045 with the Proposed Project and emissions in those same years without the Proposed Project. These interim analysis years correspond to the same interim analysis years that SCAG used to quantify the Proposed Project's greenhouse gas (GHG) emissions[9]. (See also Comment No. 3). SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

2. Air Quality CEQA Thresholds of Significance

While CEQA allows that a Lead Agency may select a threshold to determine the level of significance, SCAG may not apply a threshold of significance in a manner that precludes consideration of substantial evidence demonstrating that there may be a significant effect on the environment. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. South Coast AQMD's CEQA thresholds of significance for air quality provide a clear quantitative benchmark to determine the level of significance for a project's air quality impacts. Therefore, for most projects within the South Coast AQMD's jurisdiction, South Coast AQMD's air quality CEQA significance thresholds for construction and operation[10] are used to determine the level of significance of a project's air quality impacts.

SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Since the South Coast AQMD relies on SCAG's air quality analysis for on-road mobile sources, South Coast AQMD staff recommends that SCAG identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance. Using South Coast AQMD's CEQA significance thresholds would clearly disclose the magnitude of air quality impacts from on-road mobile sources, facilitate the identification of feasible mitigation measures, strengthen the evaluation of the level of impacts before and after mitigation measures, and contribute to the selection of a range of reasonable alternatives to the Proposed Project based on the air quality impacts.

3. Air Quality Interim Analysis Years

The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). (See also Comment No.1). Although the Proposed Project may not be at the peak development capacity in earlier years, it is possible that due to higher

[9] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.

[10] South Coast Air Quality Management District. March 2015. *South Coast AQMD Air Quality Significance Thresholds*. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

emission rates of vehicles and trucks in earlier years, peak daily emissions from on-road mobile sources may occur early and gradually decrease over time. The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. Air quality is improving over time with substantial emission reductions occurring in later years. Therefore, South Coast AQMD staff recommends that SCAG include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that SCAG used to quantify the Proposed Project's GHG emissions[11], to ensure the peak daily emissions are identified and adequately disclosed in the Final PEIR. The interim analysis years will also demonstrate progress in emission reductions over time from implementing the Proposed Project's strategies and the air quality mitigation measures included in the PEIR.

4. Air Quality Impact Analysis Based on the South Coast AQMD's 2016 AQMP Forecasts

As stated above, the Proposed Project includes transportation strategies and investments for the region's transportation network of roads, highway, arterials, transit, rail, seaports, and airports. It also includes land use strategies to promote a more compact form of development. To analyze the air quality impacts, SCAG used the South Coast AQMD's 2016 AQMP forecasts of annual average off-road mobile emissions and stationary source emissions for years 2019, 2022, 2023, 2025, and 2031 in the Basin as a proxy for these emissions throughout the SCAG region[12].

This analysis approach is not appropriate for three reasons. First, the 2016 AQMP forecasts are emission inventories and projections, using 2012 as the base year and air quality measures implemented since adopting the 2012 AQMP[13]. They provide the historic (since 2012) and existing air quality conditions in 2019 at the time the Draft PEIR was prepared. Therefore, SCAG discussed the existing air quality conditions, but did not properly assess the incremental air quality impacts of direct emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[14]) or land use strategies. Second, the 2016 AQMP forecasts include emission projections until year 2031. Since the Proposed Project has a planning horizon until year 2045, it is not appropriate to use the 2016 AQMP forecasts, which are baseline conditions, to analyze the air quality impacts from the Proposed Project, which will be implemented beyond year 2031. Third, the Proposed Project covers a six-county region and includes five air quality and air pollution control districts, including the South Coast AQMD. In the Draft PEIR, SCAG used the 2016 AQMP forecasts for the South Coast AQMD as a proxy for emissions throughout the entire region but did not provide emissions from other air districts or explain why it was appropriate to use the South Coast AQMD's forecasts as a proxy for the SCAG region. Even if using the 2016 AQMP forecasts is found to be an adequate analysis methodology, SCAG only analyzed a portion of the region within the South Coast AQMD. Therefore, South Coast

[11] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.
[12] *Ibid*. Page 3.3-55.
[13] South Coast AQMD. Final Program EIR for the 2016 AQMP. Page 2-13. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf.
[14] *Ibid*. Page 3.2-6.

AQMD staff recommends that SCAG revise the air quality analysis in the Final PEIR based on the following recommendations.

Air Quality Analysis for Construction and Operational Air Quality Impacts

When specific development is reasonably foreseeable as a result of the goals, policies, and strategies in the Proposed Project, SCAG should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the PEIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Preparing the CEQA analysis "necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can" (CEQA Guideline Section 15144).

When the precise construction and operational scenarios are unknown, SCAG should use its best efforts to identify and quantify a worst-case construction and operational air quality impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared. While this comment may not change SCAG's findings that the Proposed Project's construction and operational air quality impacts would be significant and unavoidable[15], a quantitative analysis will facilitate the goal and purpose of CEQA on public disclosure with useful information on the magnitude of air quality impacts that could occur from implementing the Proposed Project and foster meaningful public participation and informed decision making.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). As discussed in Section 2.0, *Project Description*, in the Draft PEIR, the Proposed Project anticipates an annual growth rate of 0.6 percent, resulting in a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[16]. To accommodate growth, SCAG has identified development potential around the region's job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. Therefore, SCAG can and should use this information to develop a construction scenario for land use development. One way to calculate the Proposed Project's construction emissions would be based on an estimated average annual level of development. SCAG should use the most current version of California Emission Estimator Model (CalEEMod)[17] to quantify construction emissions and compare the emissions to air districts' regional air quality CEQA significance thresholds to determine the level of significance.

Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular

[15] *Ibid*. Pages 3.3-60 and 61.
[16] Draft PEIR. Page 2.0-14.
[17] South Coast AQMD. CalEEMod Version 2016.3.2. Accessed at: http://www.aqmd.gov/caleemod/download-model.

trips (e.g., on- and off-road tailpipe emissions and entrained dust). In Section 3.8, *Greenhouse Gases*, in the Draft PEIR, in addition to quantifying GHG emissions for on-road mobile sources, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions in year 2019 (baseline year), year 2020 (with and without the Proposed Project), year 2030 (with the Proposed Project), year 2035 (with the Proposed Project), and year 2045 (with and without the Proposed Project)[18]. To be consistent with the GHG emissions analysis which included both on-road and off-road vehicles, and to provide a better and more complete understanding of the Proposed Project's operational air quality impacts, South Coast AQMD staff recommends that SCAG quantify the Proposed Project's operational emissions for off-road vehicles and add those emissions to on-road mobile source emissions to determine the level of significance in the Final PEIR. (See also Comment Nos 1 and 3). If emissions from off-road vehicles are not included in the Final PEIR, SCAG should provide reasons for not including them supported by substantial evidence in the record.

5. Air Quality Analysis – Overlapping Construction and Operational Activities

   Based on a review of the air quality analysis, South Coast AQMD staff found that SCAG did not analyze a scenario where construction activities overlap with operational activities. Since implementation of the Proposed Project is expected to occur over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable. Therefore, South Coast AQMD staff recommends that SCAG discuss an air quality impact scenario where construction and operational activities overlap and make a significance determination in the Final PEIR; otherwise, SCAG has not discussed the Proposed Project's air quality impacts from overlapping construction and operational activities that will likely take place during the implementation of the Proposed Project in the PEIR.

6. Health Risk Assessment (HRA) Analysis

   Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[19]. SCAG conducted a mobile source HRA analysis to evaluate the cancer risk for residents from exposures to DPM emissions from 16 transportation segments throughout the SCAG region. As shown in Table 3.3-16 in the Draft PEIR, the highest cancer risk would be 41.3 in a million along Interstate 15 in the Victorville area in San Bernardino County (Segment 13: SB I-15 VIC), followed by 30.9 in a million along Interstate 710 in the Compton area in Los Angeles County (Segment 4: LA I-710)[20]. Because cancer risk for each of transportation segment in 2045 is significantly reduced when it is compared to that in 2019, SCAG determined that the Proposed Project's health risk impacts would be less than significant.

   South Coast AQMD staff does not agree with SCAG's significance determination. It is not appropriate to determine the level of significance for cancer risk based on a comparison between the existing condition (year 2019) and the future condition (year 2045). (See also

[18] Draft PEIR. Pages 3.8-62 to 66.
[19] *Ibid*. Page 3.3-76.
[20] *Ibid*. Table 3.3-16.

Comment No. 1 on CEQA Baseline). To determine the level of significance for cancer risk, South Coast AQMD staff recommends that SCAG compare the maximum exposed individual residential cancer risk for each of the transportation segments in 2045 to South Coast AQMD's CEQA significance threshold of 10 in a million for cancer risk in the Final PEIR. As shown in Table 3.3-16, 12 of 16 transportation segments would exceed the CEQA significance threshold of 10 in a million for cancer risk.

7. Recommended Revisions Existing Project-Level Mitigation Measure (PMM-AQ-1 q))
SCAG included a project-level air quality mitigation measure (PMM-AQ-1 a) through q) for consideration by lead agencies that implement individual transportation and land use projects. South Coast AQMD staff recommends that SCAG incorporate the following revisions to PMM-AQ-1 q) in the Final PEIR. The recommended revisions will provide more details on the requirement for Tier 4 construction equipment, provide guidance on project-level implementation and monitoring, and facilitate CEQA streamlining and tiering as an option from the PEIR by subsequent, project-level environmental analyses, where appropriate.

   a) **PMM-AQ-1 q)** Require projects ~~within 500 feet of residences, hospitals, or schools~~ to use Tier 4 Final equipment or better for all engines above 50 horsepower (hp). Include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by SCAG before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction, unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.

8. Additional Recommended Project-Level Mitigation Measures
CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the region's future development. The Draft PEIR for the Proposed Project serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. Therefore, it

is the intent of SCAG that lead agencies for individual transportation and land use projects that may be eligible for CEQA streamlining incorporate project-level mitigation measures as feasible and appropriate to tier from the PEIR[21].

On February 19, 2019, South Coast AQMD staff provided comments on the Notice of Preparation (NOP) for the Proposed Project, available at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf, and recommended specific air quality mitigation measures for SCAG to include in the Draft PEIR. South Coast AQMD staff incorporates by reference those recommended mitigation measures and requests that SCAG include them in the Final PEIR. Specifically, SCAG should include the following mitigation measures to reduce and accelerate the reduction of on-road mobile source emissions. The recommended mitigation measures are consistent with the Proposed Project's goal of improving air quality and public health (Goal No. 5)[22], provide guidance on the feasibility of mitigation measures with specific performance standards, and support the Draft PEIR's intended use as the first-tier, programmatic environmental analysis to facilitate CEQA streamlining and tiering by subsequent, project-level environmental analyses.

- Require zero-emissions (ZE) or near-zero emissions (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks[23]. When requiring ZE or NZE on-road haul trucks, SCAG should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used, require that operators maintain records of all trucks associated with the operation, and make these records available to SCAG upon request. The records will serve as evidence to prove that each truck called met the minimum 2010 model year engine emission standards. Alternatively, require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable.

- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.

[21] *Ibid*. Page 2.0-40
[22] *Ibid.* Page 2.0-21.
[23] Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: http://www.truckload.org/tca/files/ccLibraryFiles/Filename/000000003422/California-Clean-Truck-and-Trailer-Update.pdf (See slide #23).

- Enter into applicable bid documents, purchase orders, and contracts to notify all construction vendors, contractors, and/or haul truck operators that vehicle and construction equipment idling time will be limited to no longer than five minutes, consistent with the CARB's policy[24]. For any idling that is expected to take longer than five minutes, the engine should be shut off. Notify construction vendors, contractors, and/or haul truck operators of these idling requirements at the time that the purchase order is issued and again when vehicles enter the site. To further ensure that drivers understand the vehicle idling requirement, post signs at the site, where appropriate, stating that idling longer than five minutes is not permitted.

- Require at least five percent of all vehicle parking spaces include electric vehicle (EV) charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. Electrical hookups should be provided at the onsite vehicle stop for to plug in any onboard auxiliary equipment. Electrical panels should be appropriately sized to allow for future expanded use. Include analyses to evaluate and identify sufficient power available for zero emissions trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate.

- The Proposed Project includes areas that are heavily impacted by air pollution. Assembly Bill (AB) 617, which was signed into law in 2017, requires South Coast AQMD to work with community and other stakeholders to identify and address community concerns in disadvantaged communities suffering from disproportionate air pollution impacts generated from sources, such as marine ports, warehouses, railyard facilities, heavy-duty diesel trucks, and oil drilling and production facilities. Through the AB 617 program, each of the designated AB 617 communities and South Coast AQMD staff develop a Community Emissions Reduction Plan (CERP) that identifies air quality priorities and actions to reduce air pollution in the community. In September 2019, the South Coast AQMD's Governing Board approved three CERPs for the AB 617 communities of Wilmington, Carson, and West Long Beach; East Los Angeles, Boyle Heights, and West Commerce; and San Bernardino and Muscoy that were designated in 2018[25]. In December 2019, two new AB 617 communities in the Southeast Los Angeles and the Eastern Coachella Valley were designated for inclusion in South Coast AQMD's AB 617 Program[26]. South Coast AQMD staff recommends that SCAG review the CERPs[27] to explore whether additional mitigation measures can and should be included as part of PMM-AQ-1 in the Final PEIR for transportation and land use projects that may use the PEIR for CEQA streaming and tiering.

[24]California Air Resources Board. June 2009. *Written Idling Policy Guidelines*. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf.
[25] South Coast AQMD. AB 617 Community Air Initiatives. Accessed at: http://www.aqmd.gov/nav/about/initiatives/community-efforts/environmental-justice/ab617-134.
[26] *Ibid*.
[27] South Coast AQMD. Accessed at: http://www.aqmd.gov/home/news-events/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-september-6-2019.

9. Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures for off-road mobile sources as part of PMM-AQ-1 in the Final EIR. If the specific details are impractical or infeasible to include, SCAG should develop and include performance standards that the off-road mobile source mitigation measures will achieve (CEQA Guidelines Section 15126.4(a)). Including the mitigation measures and performance standards for off-road mobile sources fulfills SCAG's legal obligation as SCAG for the Proposed Project to comply with CEQA's requirements for mitigation measures, serves as a guidance on the feasibility of mitigation measures that can and should be implemented by transportation and land use projects at the region's seaports and airports, and supports tiering by subsequent, project-level environmental analyses. Specifically, South Coast AQMD staff recommends that the Final PEIR includes the following project-level mitigation measures or other comparable mitigation measures for aircrafts, ground service equipment, cargo handling equipment, locomotives, and ocean-going vessels in PMM-AQ-1.

Aircraft and Ground Service Equipment (GSE)

- Encourage and incentivize aircraft operators to route the cleanest aircraft engines to serve the South Coast Air Basin.
- Consider operational improvements to reduce taxi time and auxiliary power unit usage, where feasible. Additionally, consider single engine taxing, if feasible and as allowed per Federal Aviation Administration guidelines.
- Set goals to achieve a reduction in emissions from aircraft operations over the lifetime of the proposed project.
- Require the use of GSE that can operate on electric battery-power. If electric equipment cannot be obtained, require the use of alternative fuel, the cleanest gasoline equipment, or Tier 4, at a minimum.

Cargo Handling Equipment (CHE)

- Develop specific timelines for transitioning to zero emissions CHE. For example, South Coast AQMD staff recommends a step-down program to require any off-road equipment to be zero emissions first, followed by near-zero emissions, then Tier 4 alternative fuels, and then Tier 4 engine as a floor. The criteria for a step-down program can be based on availability of equipment at the time of purchase and cost of equipment compared to the Tier 4 floor after considering available incentive funds.
- Develop interim performance standards with a minimum amount of CHE replacement each year to ensure adequate progress.

Rail and Locomotives

- Offer incentives to encourage the use of on-dock rail.
- Provide the highest incentives for electric locomotives and then locomotives that meet Tier 5 emission standards with a floor on the incentives for locomotives that meet Tier 4 emission standards.

Shore Power and Infrastructure

- Use shore side electric power for ships, which may include tugboats and other ocean-going-vessels or develop incentives to gradually ramp up the usage of shore power.

Install the appropriate infrastructure to provide shore power to operate the ships. Electrical hookups should be appropriately sized.

Ocean-Going Vessels

- Maximize participation in the Vessel Speed Reduction Program for all vessels transiting within 40 nautical miles of Point Fermin in the region.
- Encourage the participation in the Green Ship Incentives.

10. Health Risk Assessment for New Sensitive Land Uses Near Freeways and Other Sources of Air Pollution and Health Risk Reduction Strategies

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the lead agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways or other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, lead agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[28]. To disclose the potential health risks for new sensitive land uses that will be sited within 500 feet of freeways or other sources of air pollution, South Coast AQMD staff recommends a mobile source HRA analysis be performed[29]. Since the PEIR is intended to serve as the first-tier, programmatic analysis for projects in the region, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis in the Final PEIR[30] to provide guidance for subsequent, project-level environmental analyses that will tier from the PEIR. Additionally, South Coast AQMD staff recommends that SCAG include the following health risk reduction strategies in the Final PEIR as guidance for future sensitive land use projects that will be sited in close proximity to freeways or other sources of air pollution. These strategies were included in the South Coast AQMD staff's comment letter on the NOP for the Proposed Project[31].

- Consider high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better for sensitive land use projects that are located within 500 feet of freeways and other sources of air pollution. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

[28] Draft PEIR. Page 3.3-76.

[29] South Coast AQMD. "*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*." Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis.

[30] South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as SCAG, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

[31] South Coast AQMD staff. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf.

- Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters[32], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residents prior to assuming that they will sufficiently alleviate health risk exposures to toxic air emissions.

- Because of the limitations, South Coast AQMD staff recommends additional details regarding the ongoing, regular monitoring, inspection, and maintenance of filters be provided. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways or other sources of air pollution, the following information should be included, at a minimum, as guidance to future sensitive land use projects in the subsequent, project-level environmental analyses:

  a) Disclose potential health impacts to prospective sensitive receptors from living in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);

  b) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are installed on-site before a permit of occupancy is issued;

  c) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are inspected and maintained regularly;

  d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;

  e) Provide information to residents on where MERV filters can be purchased;

  f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;

[32] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf.

g) Identify the responsible entity such as future residents themselves, Homeowner's Association (HOA), or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the individual project's lead agency should include this information in the disclosure form);

h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;

i) Set criteria for assessing progress in installing and replacing the enhanced filtration units; and

j) Develop a process for evaluating the effectiveness of the enhanced filtration units.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that SCAG provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. Issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when SCAG makes the finding that the recommended revisions to existing air quality mitigation measures and additional new air quality mitigation measures are not feasible, SCAG should describe the specific reasons supported by substantial evidence for rejecting them in the Final PEIR (CEQA Guidelines Section 15091).

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Control Number

South Coast
Air Quality Management District
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Office of the Executive Officer
Wayne Nastri

January 24, 2020

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Re: Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and Draft Program Environmental Impact Report

Dear Mr. Ajise:

Thank you for the opportunity to comment on SCAG's Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan) and the Draft Program Environmental Impact Report (PEIR). Attached are comments from the South Coast AQMD staff on the Connect SoCal Plan (Attachment 1) and the Draft PEIR for the Connect SoCal Plan (Attachment 2).

The 2023 attainment date for the 1997 federal 8-hour ozone standard represents a significant challenge to the South Coast Air Basin (Basin). This attainment challenge (including potential sanctions on highway funding) should be highlighted in the Plan as a regional priority. With goods movement accounting for a significant portion of the mobile source emissions in the Basin, there is a critical need for a new and innovative regional goods movement system that needs to be pursued and developed through a collaborative process. More detailed comments on goods movement are included in Attachment 1.

After a review of the Draft PEIR's air quality and health risk analyses and supporting technical documents, the Draft PEIR likely under-estimated the air quality impacts of the Plan. The Draft PEIR improperly credits the Plan with emission reductions in air quality and health risks that will occur independent of the Plan due to adopted state and federal rules and regulations. Second, SCAG did not utilize South Coast AQMD's CEQA significance threshold of for health risk impacts. More detailed comments on the Draft PEIR are included in Attachment 2.

We are fully committed to continuing to work collaboratively with SCAG and other stakeholders to achieve the vision outlined in this Plan.

Sincerely,

Wayne Nastri
Executive Officer

CC: Mr. Ping Chang, Southern California Association of Governments
Mr. Roland Ok, Southern California Association of Governments
Ms. Karen Calderon, Southern California Association of Governments

Attachments
Attachment 1 – Comments on Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal Plan)

Attachment 2 – Comments on Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

Attachment 1 - Comments on SCAG's Draft 2020-2045 Regional Transportation Plan /Sustainable Communities Strategy (Connect SoCal Plan).

Attainment of federal air quality standards, a regional priority - The South Coast Air Basin (Basin) is facing a daunting challenge to meet the upcoming deadlines for attaining the health-based federal ozone standards. NOx is the key pollutant causing high ozone levels in our region and must be reduced by 45% and 55% beyond all existing regulations by 2023 and 2031, respectively, to meet federal standards and achieve healthy air for the region. Because over 80% of the NOx in our region is from mobile sources, significant reductions have to come from goods movement sectors (i.e., trucks, cargo handling equipment, rail and ocean-going vessels). Aggressive regulations, advancements in technologies, innovative solutions and integrated land-use and transportation planning as well as coordinated efforts among all stakeholders, at local, state and federal levels are essential to achieve the needed reductions from goods movement activities. We strongly recommend that the challenge of attaining the federal air quality standards be presented in the Connect SoCal Plan as a regional priority calling for a regional solution.

Potential sanctions on transportation funding - On December 31, 2019, South Coast AQMD and California Air Resources Board submitted a jointly-developed Contingency Measure Plan (Plan) to the U.S. EPA to address the required NOx reductions for attaining the 1997 8-hour ozone standard in 2023. The Plan describes additional regulatory actions, programs, and incentive funding South Coast AQMD and CARB have developed to achieve additional emission reductions, and it highlights the critical need for federal regulatory actions and/or funding to address sources under federal jurisdiction (i.e., aircraft, ships, trains, out-of-state trucks), in order to achieve this standard. If U.S. EPA disapproves the Plan, a federal sanctions clock will be triggered, culminating in highway sanctions if the underlying deficiency cannot be corrected. The imposition of highway sanctions results in the loss of federal funds for transportation projects except for certain safety, transit, and air quality beneficial projects. It should be noted that the U.S. EPA does have the option, under the Clean Air Act section 110(m), to apply discretionary sanctions at any time after a disapproval is made. Given the detrimental impact of sanctions to regional transportation planning, we recommend that SCAG highlight the potential sanctions on transportation funding in the Connect SoCal Plan and provide an estimate of the potential impacts.

Need for new innovative regional freight transportation systems - Although goods movement in the SCAG region provides significant positive local, regional and even national economic benefits, it also brings major challenges, including adverse impacts on local and regional air quality, congestion, safety, and roadways. The projected growth in goods movement activity in the SCAG region will further exacerbate the existing conditions. Given the complex nature of the existing transportation networks used for moving import and export cargo, a comprehensive regional solution is needed to address these challenges while improving overall system efficiency. We believe that fundamental changes to the existing networks used for moving cargo need to be earnestly explored and considered.

To signal these needed changes, we recommend that the goods movement project list include at least a $10 billion funding allocation to identify and deploy innovative zero-emission cargo movement system(s) through a collaborative stakeholder process. The proposed project in the

Connect SoCal Plan will highlight the critical need for a new and innovative goods movement system for the region and will facilitate solicitation of federal funding. South Coast AQMD is fully committed to participate in this process and provide technical assistance.

Ports container forecast – The Ports of Los Angeles and Long Beach handled 17.5 million twenty-foot equivalent unit (TEU) containers in 2018, which represents a 49% increase since the last recession in 2009. The 2016 Mercator Report has provided different container growth forecasts under high growth, expected, and low-growth scenarios. Although the projected growth is expected to continue until at least 2040, the Ports are projected to reach capacity before then. We recommend that the Connect SoCal Plan reflect the latest container forecast as well as identify a potential range of uncertainties based on different forecast scenarios which would also affect the port truck vehicle miles traveled (VMT) and associated emissions.

Goods Movement Environmental Strategy and Technology Advancement Plan – Although we fully support the proposed action plan for zero-emission (ZE) technologies, we recommend that the action plan be expanded to include near-zero (NZE) emission technologies with the acknowledgement that these technologies for medium-duty and heavy-duty trucks are currently in the commercial deployment phase, as discussed in the next section.

Near-term technologies commercially available now to be readily deployed within the next few years - Near-zero natural gas engine technologies are classified as one of the near-term truck technologies in the draft Goods Movement Technical Report (Appendix 1). However, natural gas engine models offered by Cummins Westport Inc. (CWI) are commercially available today and are certified to meet the optional low NOx standard of 0.02 g/bhp-hr. CWI offers the smaller L9N engine that is well suited for transit buses and refuse trucks as well as the larger 12L engine with up to 400 hp to support the demanding drayage duty cycles. In addition, CWI has recently received a CARB certification for their 6.7L engine to support the medium-duty vehicles segment which includes school buses, shuttles and medium-duty trucks. Additional fueling stations will be needed to support the expected increase in deployment of CNG trucks in the near term.

Battery electric trucks have also made significant progress in recent years, especially for the medium-duty vehicles sector. Captive fleets such as shuttles and delivery vans with fixed routes are a good match for this technology as their daily operations can be sufficiently supported by currently available products with 100 to 150 miles in operating range. In addition, because these vehicles are generally recharged overnight at their facilities, charging infrastructure needed to support these vehicles can be tailored based on the anticipated demand and provided in centralized locations. Based on the latest eligible vehicles list for the Hybrid and Zero Emission Truck and Bus Voucher Incentive Project (HVIP), there are several medium-duty trucks and vans that are commercially available for some applications and more products are expected to follow in the near future to support a wider range of vehicle types and vocations. As such, medium-duty battery electric trucks should be classified under the near-term technologies, bifurcating them from heavy-duty battery electric trucks which may require a longer timeline for commercialization. We recommend that these updates for be reflected in the Goods Movement Technical Report.

Encouraging and incentivizing deployment of NZE and ZE technologies - In addition to incentive funding offered by the California Air Resources Board and South Coast AQMD to help offset the higher purchase price of NZE and ZE trucks, a dedicated lane for these trucks on highways and surface streets as well as at port terminals and railyards can provide an effective non-monetary incentive measure to promote and accelerate deployment of NZE and ZE technologies. We recommend that these types of incentive measures (e.g., dedicated lanes, parking spots/curb areas for deliveries) be considered and incorporated into the proposed goods movement projects, where appropriate.

Zero-Emission Infrastructure Study - We appreciate SCAG's proposed study on charging infrastructure needed for electric trucks. This effort is timely and can work well in partnership with other efforts currently underway with the Public Utilities Commission[1] (PUC) and the California Energy Commission[2] (CEC). While those two efforts are focused on the needs and limitations of the electric grid, SCAG can provide a critical perspective and bring unique expertise as a regional transportation planning agency. We encourage SCAG to coordinate with PUC, CEC, and other key stakeholders including local utilities as this proposed study proceeds. We look forward to continuing to engage with SCAG on this effort.

[1] Proceeding R1812006 (Transportation Electrification Framework): https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO:RP,57,RIR:P5_PROCEEDING_SELECT:R1812006

[2] CEC is conducting multiple efforts to evaluate transportation electrification needs, including through its current Integrated Energy Policy Report work, and through work to implement AB 2127.

Attachment 2 - Comments on SCAG's Draft Program Environmental Impact Report for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for SCAG and should be incorporated into the Final PEIR.

South Coast AQMD Staff's Summary of Project Description

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is a long-range transportation and land use plan for six counties and 191 cities in Southern California (Proposed Project). It takes into account the changing socioeconomic, transportation, financial, technological, and environmental conditions, and serves as a blueprint to guide the region's future transportation and land use development for more than 20 years. It includes a plan of transportation investments and strategies to enhance the performance and safety of the region's transportation network that comprises of highways, arterials, roadways, transit systems, rail, seaports, and airports. It integrates technologies for the transportation and movement of people and goods, including zero and near-zero emissions technologies and infrastructure. The Proposed Project also includes land use strategies that are coordinated with transportation strategies to accommodate a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[1] around job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. It balances transportation and land use strategies to meet the region's needs in improving air quality and public health, reducing greenhouse gas emissions, and building a more sustainable, equitable, and economically vibrant future.

Summary of South Coast AQMD Staff's Comments on the Air Quality and Health Risk Assessment Analyses in the Draft PEIR

Based on reviews of the Draft PEIR and supporting technical documents, South Coast AQMD staff has ten comments on the air quality and health risk analyses. A summary of these comments is provided as follows with additional details provided later in this attachment.

1. CEQA Baseline: SCAG quantified on-road mobile source emissions for the existing conditions without the Proposed Project (year 2019) and the future conditions with the Proposed Project (year 2045) and compared those emissions to determine the level of significance. Based on this analysis, the Proposed Project would mostly reduce emissions, except for PM2.5 and PM10 emissions in some parts of the region due to increases in vehicle miles travel (VMT) between 2019 and 2045 in all counties[2]. This analysis approach improperly credits the Proposed Project with emission reductions in air quality and health risks that will occur independent of the Proposed Project due to adopted state and federal rules and regulations. SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

[1] Draft PEIR. Page 2.0-14.
[2] *Ibid*. Pages 3.3-57 to 61.

2. Air Quality CEQA Thresholds of Significance: SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. SCAG should identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance.

3. Interim Analysis Years: The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. With only two analysis years for air quality, the Draft PEIR did not fully and adequately disclose the peak daily emissions from on-road mobile sources. SCAG should include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that were used to quantify the Proposed Project's greenhouse gas emissions.

4. Air Quality Impact Analysis: The Draft PEIR discussed the existing air quality conditions based on the South Coast AQMD's 2016 AQMP forecasts, but did not quantify emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[3]) or land use strategies. However, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions but did not quantify emissions from criteria pollutants for these sources Therefore, the analysis approach for air quality is not consistent with the GHG emissions analysis which included both on-road and off-road mobile sources, and should be revised in the Final EIR.

5. Air Quality Impacts from Overlapping Construction and Operational Activities: The Draft PEIR did not analyze a scenario where construction activities overlap with operational activities. Since the Proposed Project will be implemented over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable and should be analyzed in the Final PEIR.

6. Health Risk Assessment (HRA) Analysis: SCAG did not utilize South Coast AQMD's CEQA significance threshold of 10 in a million to determine the level of significance for the Proposed Project's health risk impacts. Even though some of the transportation segments that were selected for the HRA analysis show cancer risk that would substantially exceed the significance threshold (e.g., 41.3 in a million), SCAG found that the Proposed Project's

[3] *Ibid*. Page 3.2-6.

health risk impacts would be less than significant[4] because cancer risk for each transportation segment in 2045 is significantly reduced when it is compared to that in 2019. This is an improper comparison to determine the level of significance for cancer risk and should be revised in the Final EIR. (See also Comment No. 1).

7. Project-level Air Quality Mitigation Measure: SCAG recommended the use of Tier 4 construction equipment by projects within 500 feet of residences, hospitals, or schools. To encourage the use of Tier 4 Final construction equipment by all types of transportation and land use projects, South Coast AQMD staff recommends the use of Tier 4 Final construction equipment and more information on the implementation and monitoring of this mitigation measure be provided in the Final EIR.

8. Additional Project-Level Air Quality Mitigation Measures for On-Road Mobile Sources: The Draft PEIR serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. To facilitate this, South Coast AQMD staff recommends that SCAG include additional project-level mitigation measures for on-road mobile sources in the Final EIR. SCAG should also review the Community Emission Reduction Plans that are prepared pursuant to Assembly Bill 617 to explore whether additional mitigation measures can be identified and included in the Final EIR.

9. Additional Project-Level Air Quality Mitigation Measures for Off-Road Mobile Sources: The Draft PEIR did not include project-level air quality mitigation measures for off-road mobile sources (e.g., aircraft and ground service equipment, cargo handling equipment, locomotives, shore power and infrastructure, and ocean-going vessels). Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures or performance standards for off-road mobile sources as part of PMM-AQ-1 in the Final EIR.

10. Health Risk Reduction Strategies: Although the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects, the Draft PEIR did not include a discussion on how to disclose health risks and reduce exposures when new sensitive land uses are sited within 500 feet of freeways or other sources of air pollution. To provide guidance for subsequent, project-level environmental analyses, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis and health risk reduction strategies in the Final PEIR.

South Coast AQMD staff's detailed comments on the Draft EIR's air quality analysis and health risk assessment are provided as follows.

1. CEQA Baseline
   Under CEQA, baseline conditions exist at the time of the environmental review is initiated or as they exist at the time the Notice of Preparation (NOP) is published, if there is a published NOP. Notwithstanding this general rule, the use of future baseline is proper in some cases, when supported by substantial evidence in the record. Consideration of future conditions in

[4] *Ibid*. Page 77.

determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term implementation schedule such as the Proposed Project. "[N]othing in CEQA law precludes an agency … from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.). "Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. … [¶] … The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (See also *Communities for a Better Environment v. South Coast Air Quality Management Dist*. (2010) 48 Cal.4th 310).

SCAG quantified the Proposed Project's on-road mobile source emissions for the 2019 baseline year and the 2045 future year. The 2019 existing conditions were held constant (i.e. using emission rates from year 2019) and compared to the 2045 future year (i.e. using emission rates from the future year). SCAG found that ROG and NOx emissions with the Proposed Project in 2045 would be lower than the existing conditions in 2019, but PM2.5 and PM10 emissions would increase due to VMT increases across the region[5]. This approach using a comparison between the Proposed Project's impacts in the future year (using emission rates from year 2045) and the 2019 baseline (using emission rates from year 2019) improperly credits the Proposed Project with emission reductions that will occur independent of the Proposed Project due to adopted federal and state rules and regulations, and clean vehicle and fuel technologies, since these rules, regulations, and technologies are expected to improve air quality over time, even in the absence of the Proposed Project, which SCAG has acknowledged in the Draft PEIR[6]. For example, the California Air Resources Board's (CARB) current regulation for trucks and buses will provide significant near-term and long-term reductions in NOx emissions from trucks and buses, at 98 tons per day for 2023[7]. Since the Proposed Project anticipates that VMT will increase between 2019 and 2045 in all counties[8], NOx emission reductions in year 2045 are likely due to implementation of CARB's regulation and other efforts at promoting zero and near-zero emissions vehicles and cleaner fuel standards. Therefore, the baseline used to analyze the Proposed Project's long-term air quality impacts from on-road mobile sources in the Draft PEIR likely led to an under-estimation of ***actual*** emission increases, and is misleading and uninformative.

The purpose of CEQA is to disclose environmental impacts from the Proposed Project to the public and decision makers to provide the public and decision makers with the actual changes to the environment from the activities involved in the Proposed Project. By taking credit for future emission reductions from existing air quality rules, regulations, and technologies that are not contributed by the Proposed Project, the Proposed Project's air quality impacts are

[5] *Ibid*. Pages 3.3-57 to 61.
[6] *Ibid*.
[7] California Air Resources Board. July 14, 2017. Trucks and Bus Regulation: On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Accessed at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm, and https://www.arb.ca.gov/msprog/onrdiesel/documents/truckrulehealth.pdf.
[8] Draft PEIR. Pages 3.3-57 to 61.

likely underestimated. Therefore, South Coast AQMD staff recommends that SCAG revise the air quality analysis to calculate emissions in year 2019, year 2020, year 2030, year 2035, and year 2045 with the Proposed Project and emissions in those same years without the Proposed Project. These interim analysis years correspond to the same interim analysis years that SCAG used to quantify the Proposed Project's greenhouse gas (GHG) emissions[9]. (See also Comment No. 3). SCAG should compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts from on-road mobile sources.

2. Air Quality CEQA Thresholds of Significance

While CEQA allows that a Lead Agency may select a threshold to determine the level of significance, SCAG may not apply a threshold of significance in a manner that precludes consideration of substantial evidence demonstrating that there may be a significant effect on the environment. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. South Coast AQMD's CEQA thresholds of significance for air quality provide a clear quantitative benchmark to determine the level of significance for a project's air quality impacts. Therefore, for most projects within the South Coast AQMD's jurisdiction, South Coast AQMD's air quality CEQA significance thresholds for construction and operation[10] are used to determine the level of significance of a project's air quality impacts.

SCAG quantified the Proposed Project's on-road mobile source emissions of criteria pollutants for the region but did not compare the South Coast AQMD's portion of the emissions to South Coast AQMD's regional air quality CEQA significance thresholds to determine the level of significance. Since the South Coast AQMD relies on SCAG's air quality analysis for on-road mobile sources, South Coast AQMD staff recommends that SCAG identify the South Coast AQMD's portion of the on-road mobile source emissions and compare those emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final PEIR to determine the level of significance. Using South Coast AQMD's CEQA significance thresholds would clearly disclose the magnitude of air quality impacts from on-road mobile sources, facilitate the identification of feasible mitigation measures, strengthen the evaluation of the level of impacts before and after mitigation measures, and contribute to the selection of a range of reasonable alternatives to the Proposed Project based on the air quality impacts.

3. Air Quality Interim Analysis Years

The air quality analysis in the Draft PEIR included only two analysis years: baseline year (2019) and buildout year (2045). (See also Comment No.1). Although the Proposed Project may not be at the peak development capacity in earlier years, it is possible that due to higher

[9] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.

[10] South Coast Air Quality Management District. March 2015. *South Coast AQMD Air Quality Significance Thresholds*. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

emission rates of vehicles and trucks in earlier years, peak daily emissions from on-road mobile sources may occur early and gradually decrease over time. The overall emission rates of vehicles and trucks are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented, and fleets have not fully turned over. Air quality is improving over time with substantial emission reductions occurring in later years. Therefore, South Coast AQMD staff recommends that SCAG include interim analysis years for the air quality analysis, corresponding to the same interim analysis years (i.e., year 2020, year 2030, and year 2035) that SCAG used to quantify the Proposed Project's GHG emissions[11], to ensure the peak daily emissions are identified and adequately disclosed in the Final PEIR. The interim analysis years will also demonstrate progress in emission reductions over time from implementing the Proposed Project's strategies and the air quality mitigation measures included in the PEIR.

4. Air Quality Impact Analysis Based on the South Coast AQMD's 2016 AQMP Forecasts

As stated above, the Proposed Project includes transportation strategies and investments for the region's transportation network of roads, highway, arterials, transit, rail, seaports, and airports. It also includes land use strategies to promote a more compact form of development. To analyze the air quality impacts, SCAG used the South Coast AQMD's 2016 AQMP forecasts of annual average off-road mobile emissions and stationary source emissions for years 2019, 2022, 2023, 2025, and 2031 in the Basin as a proxy for these emissions throughout the SCAG region[12].

This analysis approach is not appropriate for three reasons. First, the 2016 AQMP forecasts are emission inventories and projections, using 2012 as the base year and air quality measures implemented since adopting the 2012 AQMP[13]. They provide the historic (since 2012) and existing air quality conditions in 2019 at the time the Draft PEIR was prepared. Therefore, SCAG discussed the existing air quality conditions, but did not properly assess the incremental air quality impacts of direct emissions from implementing the Proposed Project's transportation strategies for off-road mobile sources (e.g., locomotives, ocean-going vessels, commercial harbor craft, cargo handling equipment, farm equipment, and aircraft[14]) or land use strategies. Second, the 2016 AQMP forecasts include emission projections until year 2031. Since the Proposed Project has a planning horizon until year 2045, it is not appropriate to use the 2016 AQMP forecasts, which are baseline conditions, to analyze the air quality impacts from the Proposed Project, which will be implemented beyond year 2031. Third, the Proposed Project covers a six-county region and includes five air quality and air pollution control districts, including the South Coast AQMD. In the Draft PEIR, SCAG used the 2016 AQMP forecasts for the South Coast AQMD as a proxy for emissions throughout the entire region but did not provide emissions from other air districts or explain why it was appropriate to use the South Coast AQMD's forecasts as a proxy for the SCAG region. Even if using the 2016 AQMP forecasts is found to be an adequate analysis methodology, SCAG only analyzed a portion of the region within the South Coast AQMD. Therefore, South Coast

[11] Draft PEIR. Section 3.8. Table 3.8-8. Page 3.8-64.
[12] *Ibid*. Page 3.3-55.
[13] South Coast AQMD. Final Program EIR for the 2016 AQMP. Page 2-13. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf.
[14] *Ibid*. Page 3.2-6.

AQMD staff recommends that SCAG revise the air quality analysis in the Final PEIR based on the following recommendations.

Air Quality Analysis for Construction and Operational Air Quality Impacts

When specific development is reasonably foreseeable as a result of the goals, policies, and strategies in the Proposed Project, SCAG should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the PEIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Preparing the CEQA analysis "necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can" (CEQA Guideline Section 15144).

When the precise construction and operational scenarios are unknown, SCAG should use its best efforts to identify and quantify a worst-case construction and operational air quality impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared. While this comment may not change SCAG's findings that the Proposed Project's construction and operational air quality impacts would be significant and unavoidable[15], a quantitative analysis will facilitate the goal and purpose of CEQA on public disclosure with useful information on the magnitude of air quality impacts that could occur from implementing the Proposed Project and foster meaningful public participation and informed decision making.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). As discussed in Section 2.0, *Project Description*, in the Draft PEIR, the Proposed Project anticipates an annual growth rate of 0.6 percent, resulting in a net growth of 3.2 million people, 1.4 million households, and 1.4 million jobs between 2019 and 2045[16]. To accommodate growth, SCAG has identified development potential around the region's job centers, transit priority areas, high quality transit areas, neighborhood mobility areas, and livable corridors. Therefore, SCAG can and should use this information to develop a construction scenario for land use development. One way to calculate the Proposed Project's construction emissions would be based on an estimated average annual level of development. SCAG should use the most current version of California Emission Estimator Model (CalEEMod)[17] to quantify construction emissions and compare the emissions to air districts' regional air quality CEQA significance thresholds to determine the level of significance.

Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular

[15] *Ibid*. Pages 3.3-60 and 61.
[16] Draft PEIR. Page 2.0-14.
[17] South Coast AQMD. CalEEMod Version 2016.3.2. Accessed at: http://www.aqmd.gov/caleemod/download-model.

trips (e.g., on- and off-road tailpipe emissions and entrained dust). In Section 3.8, *Greenhouse Gases*, in the Draft PEIR, in addition to quantifying GHG emissions for on-road mobile sources, SCAG quantified GHG emissions for off-road vehicles (rail, aviation, and ocean-going vessels), building energy, and water-related energy consumptions in year 2019 (baseline year), year 2020 (with and without the Proposed Project), year 2030 (with the Proposed Project), year 2035 (with the Proposed Project), and year 2045 (with and without the Proposed Project)[18]. To be consistent with the GHG emissions analysis which included both on-road and off-road vehicles, and to provide a better and more complete understanding of the Proposed Project's operational air quality impacts, South Coast AQMD staff recommends that SCAG quantify the Proposed Project's operational emissions for off-road vehicles and add those emissions to on-road mobile source emissions to determine the level of significance in the Final PEIR. (See also Comment Nos 1 and 3). If emissions from off-road vehicles are not included in the Final PEIR, SCAG should provide reasons for not including them supported by substantial evidence in the record.

5. Air Quality Analysis – Overlapping Construction and Operational Activities

   Based on a review of the air quality analysis, South Coast AQMD staff found that SCAG did not analyze a scenario where construction activities overlap with operational activities. Since implementation of the Proposed Project is expected to occur over a period of 20 years, an overlapping construction and operation scenario from transportation and land use projects is reasonably foreseeable. Therefore, South Coast AQMD staff recommends that SCAG discuss an air quality impact scenario where construction and operational activities overlap and make a significance determination in the Final PEIR; otherwise, SCAG has not discussed the Proposed Project's air quality impacts from overlapping construction and operational activities that will likely take place during the implementation of the Proposed Project in the PEIR.

6. Health Risk Assessment (HRA) Analysis

   Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[19]. SCAG conducted a mobile source HRA analysis to evaluate the cancer risk for residents from exposures to DPM emissions from 16 transportation segments throughout the SCAG region. As shown in Table 3.3-16 in the Draft PEIR, the highest cancer risk would be 41.3 in a million along Interstate 15 in the Victorville area in San Bernardino County (Segment 13: SB I-15 VIC), followed by 30.9 in a million along Interstate 710 in the Compton area in Los Angeles County (Segment 4: LA I-710)[20]. Because cancer risk for each of transportation segment in 2045 is significantly reduced when it is compared to that in 2019, SCAG determined that the Proposed Project's health risk impacts would be less than significant.

   South Coast AQMD staff does not agree with SCAG's significance determination. It is not appropriate to determine the level of significance for cancer risk based on a comparison between the existing condition (year 2019) and the future condition (year 2045). (See also

[18] Draft PEIR. Pages 3.8-62 to 66.
[19] *Ibid*. Page 3.3-76.
[20] *Ibid*. Table 3.3-16.

Comment No. 1 on CEQA Baseline). To determine the level of significance for cancer risk, South Coast AQMD staff recommends that SCAG compare the maximum exposed individual residential cancer risk for each of the transportation segments in 2045 to South Coast AQMD's CEQA significance threshold of 10 in a million for cancer risk in the Final PEIR. As shown in Table 3.3-16, 12 of 16 transportation segments would exceed the CEQA significance threshold of 10 in a million for cancer risk.

7. Recommended Revisions Existing Project-Level Mitigation Measure (PMM-AQ-1 q))
SCAG included a project-level air quality mitigation measure (PMM-AQ-1 a) through q) for consideration by lead agencies that implement individual transportation and land use projects. South Coast AQMD staff recommends that SCAG incorporate the following revisions to PMM-AQ-1 q) in the Final PEIR. The recommended revisions will provide more details on the requirement for Tier 4 construction equipment, provide guidance on project-level implementation and monitoring, and facilitate CEQA streamlining and tiering as an option from the PEIR by subsequent, project-level environmental analyses, where appropriate.

   a) **PMM-AQ-1 q)** Require projects ~~within 500 feet of residences, hospitals, or schools~~ to use Tier 4 Final equipment or better for all engines above 50 horsepower (hp). Include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by SCAG before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction, unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.

8. Additional Recommended Project-Level Mitigation Measures
CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the region's future development. The Draft PEIR for the Proposed Project serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. Therefore, it

is the intent of SCAG that lead agencies for individual transportation and land use projects that may be eligible for CEQA streamlining incorporate project-level mitigation measures as feasible and appropriate to tier from the PEIR[21].

On February 19, 2019, South Coast AQMD staff provided comments on the Notice of Preparation (NOP) for the Proposed Project, available at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf, and recommended specific air quality mitigation measures for SCAG to include in the Draft PEIR. South Coast AQMD staff incorporates by reference those recommended mitigation measures and requests that SCAG include them in the Final PEIR. Specifically, SCAG should include the following mitigation measures to reduce and accelerate the reduction of on-road mobile source emissions. The recommended mitigation measures are consistent with the Proposed Project's goal of improving air quality and public health (Goal No. 5)[22], provide guidance on the feasibility of mitigation measures with specific performance standards, and support the Draft PEIR's intended use as the first-tier, programmatic environmental analysis to facilitate CEQA streamlining and tiering by subsequent, project-level environmental analyses.

- Require zero-emissions (ZE) or near-zero emissions (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks[23]. When requiring ZE or NZE on-road haul trucks, SCAG should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used, require that operators maintain records of all trucks associated with the operation, and make these records available to SCAG upon request. The records will serve as evidence to prove that each truck called met the minimum 2010 model year engine emission standards. Alternatively, require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable.

- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.

[21] *Ibid*. Page 2.0-40
[22] *Ibid.* Page 2.0-21.
[23] Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: http://www.truckload.org/tca/files/ccLibraryFiles/Filename/000000003422/California-Clean-Truck-and-Trailer-Update.pdf (See slide #23).

- Enter into applicable bid documents, purchase orders, and contracts to notify all construction vendors, contractors, and/or haul truck operators that vehicle and construction equipment idling time will be limited to no longer than five minutes, consistent with the CARB's policy[24]. For any idling that is expected to take longer than five minutes, the engine should be shut off. Notify construction vendors, contractors, and/or haul truck operators of these idling requirements at the time that the purchase order is issued and again when vehicles enter the site. To further ensure that drivers understand the vehicle idling requirement, post signs at the site, where appropriate, stating that idling longer than five minutes is not permitted.

- Require at least five percent of all vehicle parking spaces include electric vehicle (EV) charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. Electrical hookups should be provided at the onsite vehicle stop for to plug in any onboard auxiliary equipment. Electrical panels should be appropriately sized to allow for future expanded use. Include analyses to evaluate and identify sufficient power available for zero emissions trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate.

- The Proposed Project includes areas that are heavily impacted by air pollution. Assembly Bill (AB) 617, which was signed into law in 2017, requires South Coast AQMD to work with community and other stakeholders to identify and address community concerns in disadvantaged communities suffering from disproportionate air pollution impacts generated from sources, such as marine ports, warehouses, railyard facilities, heavy-duty diesel trucks, and oil drilling and production facilities. Through the AB 617 program, each of the designated AB 617 communities and South Coast AQMD staff develop a Community Emissions Reduction Plan (CERP) that identifies air quality priorities and actions to reduce air pollution in the community. In September 2019, the South Coast AQMD's Governing Board approved three CERPs for the AB 617 communities of Wilmington, Carson, and West Long Beach; East Los Angeles, Boyle Heights, and West Commerce; and San Bernardino and Muscoy that were designated in 2018[25]. In December 2019, two new AB 617 communities in the Southeast Los Angeles and the Eastern Coachella Valley were designated for inclusion in South Coast AQMD's AB 617 Program[26]. South Coast AQMD staff recommends that SCAG review the CERPs[27] to explore whether additional mitigation measures can and should be included as part of PMM-AQ-1 in the Final PEIR for transportation and land use projects that may use the PEIR for CEQA streaming and tiering.

[24]California Air Resources Board. June 2009. *Written Idling Policy Guidelines*. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf.
[25] South Coast AQMD. AB 617 Community Air Initiatives. Accessed at: http://www.aqmd.gov/nav/about/initiatives/community-efforts/environmental-justice/ab617-134.
[26] *Ibid*.
[27] South Coast AQMD. Accessed at: http://www.aqmd.gov/home/news-events/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-september-6-2019.

9. Since the Proposed Project includes transportation strategies for rail, seaports, and airports, SCAG should develop and include project-level mitigation measures for off-road mobile sources as part of PMM-AQ-1 in the Final EIR. If the specific details are impractical or infeasible to include, SCAG should develop and include performance standards that the off-road mobile source mitigation measures will achieve (CEQA Guidelines Section 15126.4(a)). Including the mitigation measures and performance standards for off-road mobile sources fulfills SCAG's legal obligation as SCAG for the Proposed Project to comply with CEQA's requirements for mitigation measures, serves as a guidance on the feasibility of mitigation measures that can and should be implemented by transportation and land use projects at the region's seaports and airports, and supports tiering by subsequent, project-level environmental analyses. Specifically, South Coast AQMD staff recommends that the Final PEIR includes the following project-level mitigation measures or other comparable mitigation measures for aircrafts, ground service equipment, cargo handling equipment, locomotives, and ocean-going vessels in PMM-AQ-1.

Aircraft and Ground Service Equipment (GSE)

- Encourage and incentivize aircraft operators to route the cleanest aircraft engines to serve the South Coast Air Basin.
- Consider operational improvements to reduce taxi time and auxiliary power unit usage, where feasible. Additionally, consider single engine taxing, if feasible and as allowed per Federal Aviation Administration guidelines.
- Set goals to achieve a reduction in emissions from aircraft operations over the lifetime of the proposed project.
- Require the use of GSE that can operate on electric battery-power. If electric equipment cannot be obtained, require the use of alternative fuel, the cleanest gasoline equipment, or Tier 4, at a minimum.

Cargo Handling Equipment (CHE)

- Develop specific timelines for transitioning to zero emissions CHE. For example, South Coast AQMD staff recommends a step-down program to require any off-road equipment to be zero emissions first, followed by near-zero emissions, then Tier 4 alternative fuels, and then Tier 4 engine as a floor. The criteria for a step-down program can be based on availability of equipment at the time of purchase and cost of equipment compared to the Tier 4 floor after considering available incentive funds.
- Develop interim performance standards with a minimum amount of CHE replacement each year to ensure adequate progress.

Rail and Locomotives

- Offer incentives to encourage the use of on-dock rail.
- Provide the highest incentives for electric locomotives and then locomotives that meet Tier 5 emission standards with a floor on the incentives for locomotives that meet Tier 4 emission standards.

Shore Power and Infrastructure

- Use shore side electric power for ships, which may include tugboats and other ocean-going-vessels or develop incentives to gradually ramp up the usage of shore power.

Install the appropriate infrastructure to provide shore power to operate the ships. Electrical hookups should be appropriately sized.

Ocean-Going Vessels

- Maximize participation in the Vessel Speed Reduction Program for all vessels transiting within 40 nautical miles of Point Fermin in the region.
- Encourage the participation in the Green Ship Incentives.

10. Health Risk Assessment for New Sensitive Land Uses Near Freeways and Other Sources of Air Pollution and Health Risk Reduction Strategies

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the lead agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways or other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, lead agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

Implementation of the Proposed Project would result in development of new transportation projects near existing sensitive receptors or locating new receptors near transportation projects[28]. To disclose the potential health risks for new sensitive land uses that will be sited within 500 feet of freeways or other sources of air pollution, South Coast AQMD staff recommends a mobile source HRA analysis be performed[29]. Since the PEIR is intended to serve as the first-tier, programmatic analysis for projects in the region, South Coast AQMD staff recommends that SCAG include a discussion on the mobile source HRA analysis in the Final PEIR[30] to provide guidance for subsequent, project-level environmental analyses that will tier from the PEIR. Additionally, South Coast AQMD staff recommends that SCAG include the following health risk reduction strategies in the Final PEIR as guidance for future sensitive land use projects that will be sited in close proximity to freeways or other sources of air pollution. These strategies were included in the South Coast AQMD staff's comment letter on the NOP for the Proposed Project[31].

- Consider high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better for sensitive land use projects that are located within 500 feet of freeways and other sources of air pollution. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

[28] Draft PEIR. Page 3.3-76.

[29] South Coast AQMD. "*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*." Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis.

[30] South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as SCAG, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

[31] South Coast AQMD staff. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/february/ALL190123-01.pdf.

- Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters[32], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residents prior to assuming that they will sufficiently alleviate health risk exposures to toxic air emissions.

- Because of the limitations, South Coast AQMD staff recommends additional details regarding the ongoing, regular monitoring, inspection, and maintenance of filters be provided. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways or other sources of air pollution, the following information should be included, at a minimum, as guidance to future sensitive land use projects in the subsequent, project-level environmental analyses:

  a) Disclose potential health impacts to prospective sensitive receptors from living in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);

  b) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are installed on-site before a permit of occupancy is issued;

  c) Identify the responsible implementing and enforcement agency to ensure that enhanced filtration units are inspected and maintained regularly;

  d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;

  e) Provide information to residents on where MERV filters can be purchased;

  f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;

[32] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf.

g) Identify the responsible entity such as future residents themselves, Homeowner's Association (HOA), or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the individual project's lead agency should include this information in the disclosure form);

h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;

i) Set criteria for assessing progress in installing and replacing the enhanced filtration units; and

j) Develop a process for evaluating the effectiveness of the enhanced filtration units.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that SCAG provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. Issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when SCAG makes the finding that the recommended revisions to existing air quality mitigation measures and additional new air quality mitigation measures are not feasible, SCAG should describe the specific reasons supported by substantial evidence for rejecting them in the Final PEIR (CEQA Guidelines Section 15091).

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Control Number

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January 24, 2020

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Submitted online via ConnectSoCal.org

RE: Comments on Draft Connect SoCal Plan

Dear Mr. Ajise,

Southern California Edison (SCE) appreciates the opportunity to comment on the SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy. SCE commends SCAG for its development of the comprehensive future-looking mobility planning document. SCE is proud to be a partner with its communities and customers in our service territory to transition to clean energy, improve air quality, and help meet California's climate change goals. Consequently, SCE supports the objective of this report and believes that SCAG has focused on the correct components to achieve our common climate goals.

SCE believes that we need to make purposeful investments in zero emission solutions now. Based on the Draft List of Priorities, SCE has identified the following areas and regional actions that should be prioritized to help move Southern California and the state toward the goal of carbon neutrality by 2045.

TRANSITION TOWARD DECARBONIZATION

In November 2019, SCE released its *Pathway 2045* white paper[1], which promotes an electric-led pathway that examines the implications of California's long-term decarbonization goals on the electric sector and across the economy. The analysis provides a feasible blueprint for reaching California's ambitious goals to achieve carbon neutrality by 2045, by using 100% clean electricity, electrifying 75% of transportation and 70% of buildings, and using low-carbon fuels for technologies not yet viable for electrification. *Pathway 2045* builds on *The Clean Power and Electrification Pathway*[2], SCE's 2017 analysis of what will be required to meet 2030 interim goals. To meet California's climate goal of reducing greenhouse gas emissions (GHG) by 40% from 1990 levels by 2030, SCE's near-term 2030 plan calls for 80% carbon-free electricity supported by energy storage, electrifying at least 24% of light-duty

[1] SCE's *Pathway 2045* white paper is available at www.edison.com/pathway2045.
[2] SCE's *The Clean Power and Electrification Pathway* is available at https://www.edison.com/content/dam/eix/documents/our-perspective/g17-pathway-to-2030-white-paper.pdf

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vehicles (7.5 million), and also electrifying 30% of space and water heating. Achieving or exceeding these 2030 goals is required to set up California to meet 2045 goals which are even more ambitious.[3]

California has an urgent need for immediate action to mitigate climate change impacts. Given that 2030 is only a decade away, the SCAG region should prioritize actions focused on significantly reducing local pollution and GHG emissions by accelerating the transition toward zero-emission energy, buildings, and transportation.

FOCUS ON TRANSPORTATION

As it relates to transportation, near-term action supporting and accelerating zero-emission vehicles and infrastructure draws a more certain path to achieving the state's GHG targets. Near-zero technologies, such as natural gas combustion truck engines, are important tools for near-term reductions of GHGs and other air pollutants, but investments in these technologies – at the expense of zero-emissions options – present significant risks in reaching GHG targets. A recent study by the climate policy think tank Energy Innovation found that existing policies place California out of reach of GHG goals and that strengthening current actions, such as increasing the goal of adoption of zero-emission vehicles to 7.5 million vehicles from the current goal of 5 million, is key to putting the state on the trajectory to meet the necessary reductions.[4]

Near-term, meaningful and significant investment in zero-emission vehicles and infrastructure deployment is necessary now in order to set the region and state on a path to ultimately reaching climate goals. Given the expected lifetime of 18 years for a heavy-duty truck, every new internal combustion engine purchase means a truck on the road for almost two decades.

In order to reach long-term climate goals and local air quality requirements, we need to think about our actions today. The benefits of early incremental actions that create a "soft-landing" approach as opposed to a delayed and sweeping "hard-landing" have been discussed extensively in the literature of technology turnover in decarbonizing economies.[5] This means that every truck electrified in the near-term reduces the overall cost of decarbonization and mitigates the risk of making up for years of delay by softening the steep future adoption trajectory needed to reach our targets.

Not every truck will be ready to electrify in the near-term, but cases where specific duty cycles or uses present near-term appropriate opportunities to electrify should be sought and taken in early years. The California Air Resources Board cites more than 70 different models of commercially available zero-

[3] SCE's *Pathway 2045* calls for 100% decarbonized electricity, 75% of transportation electrified (26 million light-duty vehicles), 1 million medium- and heavy-duty electric vehicles, and 70% of building with electrified space and water heaters.

[4] Energy Innovation's recent study *Insights from the California Energy Policy Simulator: On the state's current greenhouse gas emission trajectory and six policy opportunities for deepening emission reductions* is available at https://energyinnovation.org/wp-content/uploads/2020/01/Insights-from-the-California-Energy-Policy-Simulator.pdf.

[5] The European Systemic Risk Board's *Too late, too sudden: Transition to a low-carbon economy and systemic risk* is available at https://www.esrb.europa.eu/pub/pdf/asc/Reports_ASC_6_1602.pdf.

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emission vans, trucks, and buses.[6] As technology advances and economics grow increasingly favorable, the number of vehicles suitable for electrification across segments will increase. Even vehicles in the heavier class segments are evolving faster than expected. The UCLA Luskin Center for Innovation cites drayage trucks in the early commercialization phase with one existing market-ready model and all six major heavy-duty truck manufacturers planning product offerings for Class 8 battery electric trucks in the 2020s, with at least one manufacturer planning a market-ready release as early as next year.[7]

TECHNOLOGY CHANGE, ECONOMICS AND POLICY WILL MAKE ELECTRIFICATION VIABLE IN THE NEAR-TERM

The next three years will be watershed in the availability of electric truck models on the market. These new models may challenge prior technology and performance assumptions, with unexpected progressions, presenting compelling technological and economic cases for accelerating adoption in the marketplace across all segments – including the heavier classes. It is important to take stock of these developments to adequately inform transportation planning and decision-making as the region prepares to reach the state's GHG targets.

The California Air Resources Board estimates a range of battery electric medium- and heavy-duty vehicles achieving a total cost of ownership parity with diesel by 2024.[8] The UCLA Luskin Center for Innovation in their study of drayage trucks also found that with current incentives, utility programs for electrical infrastructure needs and favorable utility EV rates such as those offered by SCE, and additional revenues from Low Carbon Fuel Standard (LCFS) credits, battery electric trucks serving drayage operations can prove economical by the early 2020s, with costs lower than natural gas trucks and even lower than used diesel trucks.[9] Another report by ICF evaluating medium- and heavy-duty vehicles in California found that by 2030, even without incentives, battery electric trucks and buses are forecast to reach overall favorable economics on a total cost of ownership basis across nearly all medium- and heavy-duty classes.[10] What is worth noting is that two of the largest electric bus manufacturers have established manufacturing facilities in the SCAG region.

In 2018, the California Public Utilities Commission approved the investment of over $700 million by the three largest investor owned utilities for electric infrastructure to support expanding charging networks for electric vehicles. SCE was approved for $356 million over five years (2019-2024) to support

[6] See CARB's *Advanced Clean Trucks (ACT) Fact Sheet* at https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-act-fact-sheet.
[7] See UCLA Luskin Center for Innovation's recent study *Zero-Emission Drayage Trucks Challenges and Opportunities for the San Pedro Bay Ports* available at https://innovation.luskin.ucla.edu/wp-content/uploads/2019/10/Zero_Emission_Drayage_Trucks.pdf.
[8] See CARB's *Draft Advanced Clean Trucks Total Cost of Ownership Discussion Document* available at https://ww3.arb.ca.gov/regact/2019/act2019apph.pdf.
[9] See UCLA Luskin Center for Innovation's recent study *Zero-Emission Drayage Trucks Challenges and Opportunities for the San Pedro Bay Ports* available at https://innovation.luskin.ucla.edu/wp-content/uploads/2019/10/Zero_Emission_Drayage_Trucks.pdf.
[10] See ICF's *Comparison of Medium- and Heavy-Duty Technologies in California* available at https://caletc.com/comparison-of-medium-and-heavy-duty-technologies-in-california/.

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infrastructure investments at 870 sites to support the electrification of 8,500 medium- and heavy-duty vehicles. Expanding electric vehicle charging networks connected to an electrical grid that grows cleaner every year promotes the accelerated adoption of technologies that will continue to improve air quality and supports the Southern California region on the path to decarbonizing the region's economy.

For passenger vehicles, SCE supports SCAG's proposal to develop a regional vehicle incentive programs that can complement existing state incentives. The upfront cost of these technologies is still a key barrier to adoption for low- and moderate-income customers. SCE also applauds the support for installing charging stations at workplaces and other away-from-home locations.

SCE has been a partner with SCAG members in installing EV chargers through SCE's Charge Ready Pilot program[11], which will install more than 2,700 EV charging ports at nearly 150 sites in SCE's service area, including workplaces, public parking lots, hospitals, destination centers and apartment and condominium complexes. SCE is also awaiting approval from the California Public Utilities Commission (CPUC) for the second phase of the program known as Charge Ready 2. In this phase, SCE is proposing to install infrastructure and provide rebates to support 48,000 new EV charging ports across its service territory. Charge Ready 2 will also address key barriers that are slowing EV adoption — charging availability and a lack of awareness. This includes new solutions to address the unique challenges faced by multi-unit dwellings such as the addition of a rebate program to support the installation of approximately 16,000 EV charging ports in new multi-unit dwellings that are under construction. In the proposal we call for at least 30 percent of the charging infrastructure to be deployed in disadvantaged communities.

In addition to increasing access to charging infrastructure, SCE commends SCAG for identifying that speed and ease of installation are key variables. By reducing permitting discrepancies across local authorities and focusing on simplifying the steps to approve and install charging infrastructure, local jurisdictions will accelerate deployment and use of charging stations.

Thank you for considering our comments. We would like to also thank SCAG staff for the ongoing partnership with SCE. We look forward to continuing to partner with you to achieve the goal for a carbon-neutral future, which will benefit all California residents from greatly reduced greenhouse gas emissions, improved air quality, and new economic opportunities.

Sincerely,

Zanku Armenian
Director, Local Public Affairs

[11] Additional information on SCE's Charge Ready program is available at https://www.sce.com/business/electric-cars/Charge-Ready

SOUTHERN CALIFORNIA LEADERSHIP COUNCIL

January 24, 2020

via U.S. Mail to:

Draft Connect SoCal Plan & PEIR Comments
Attn: Connect SoCal Team
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

and by electronic mail to: 2020PEIR@scag.ca.gov

Re: Comments on the the Draft "Connect SoCal" (SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy) and the Related Draft Program Environmental Impact Report (PEIR).

Ladies and Gentlemen:

On behalf of the Southern California Leadership Council (SCLC), the Building Industry Association of Southern California (BIASC) and the other business/industry associations subscribing to this letter, we appreciate this opportunity to comment on the Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy ("Connect SoCal") and its associated Program Environmental Impact Report (draft "PEIR"). Our comments set forth below relate to both the draft policy document (i.e., the draft Connect SoCal) and the related

draft PEIR because our concerns about each are inextricably related. We therefore respectfully ask SCAG to consider our comments below in the context of both SCAG's policy determinations and its compliance with the California Environmental Quality Act ("CEQA"), the discussion of which begins on page 12 hereof.

Our organizations, and the members and industries that they represent, have been involved with the implementation of Senate Bill 375 (2008) (hereinafter "SB 375") ever since its original introduction. As Southern California stakeholders, we were also highly attentive to and involved in the formulation and adoption by the Southern California Association of Governments ("SCAG") of its inaugural, 2012 regional transportation plan/sustainable communities strategy ("RTP/SCS") and its more recent 2016 RTP/SCS. Indeed, we have been heavily involved with SCAG's activities for the entire last decade.

The companies and individuals comprising our collective memberships care very deeply about economic development, job creation and the quality of life in Southern California. Many of our members engage in developing the housing, business properties and infrastructure (i.e. transportation, water, utilities, etc.) that are and will be needed to make the region the best possible place to live and work. Collectively, our organizations also include some of Southern California's largest private employers. With that in mind, the comments set forth below about SCAG's draft Connect SoCal and the related draft PEIR are based on our concern for the overall betterment of the SCAG region, its economy, its communities, and its citizens.

When we weighed in concerning SCAG's 2012 RTP/SCS, its 2016 RTP/SCS, and recently in February 2019 concerning the scoping of the PEIR Connect SoCal, our group has consistently espoused principles concerning SCAG's regional planning efforts; and we've always championed consistent policy outcomes. Even more recently, in September 2019, our coalition commented to SCAG concerning its then-proposed allocation of a preliminary sixth-cycle Regional Housing Needs Assessment (RHNA) for the SCAG region. When we did so, we recounted both the principles that we espouse and the societal and economic outcomes that we champion. We will also set them forth again below as they relate to the present context.

But before getting into such details, we will state here briefly our overall view of the draft Connect SoCal and its draft PEIR:

Insofar as the draft Connect SoCal relates to the distribution of new housing and purports to accommodate housing production, we believe that it takes large steps leading in the wrong direction. Our region is suffering from an urgent and worsening housing crisis, one which can be solved only through extraordinary increases in housing production and consequent improvements in housing affordability. Yet, if adopted as it is drafted, Connect SoCal will foreseeably combine with SCAG's most recently vetted sixth-cycle RNHA allocation to channel the majority of the region's future homebuilding overwhelmingly into already developed, densely urbanized areas. When combined, they largely aim for the near-total preclusion of other types of reasonable and appropriate community development (specifically surburban, annexed edge, greenfield and new town development). This is a dangerous policy prescription for any region that is suffering from a critical housing crisis, because it depends almost entirely on realizing – without precedent –

massive production of the type of new housing that both is the hardest to produce and costs the most.

We recognize that SCAG's rationale for its heavy emphasis on infill is caused by increasingly imposing state mandates to reduce per capita VMT. However, we believe SCAG, when planning our region's future, must address and confront the need to balance VMT impacts against housing impacts both wisely and realistically. We believe that, unfortunately, SCAG's most recent proposals do not strike a wise and realistic balance of the kind that is needed now. Instead, if both the draft Connect SoCal and SCAG's recently-vetted RHNA distribution methodology were to be adopted as they are now proposed, they would combine to propel our region in the wrong direction vis-à-vis housing production and affordability. Given the severity of our region's housing crisis and the urgency of this moment, when SCAG's RTP/SCS and RHNA will converge to set a new course for land use throughout Southern California well into the future, it is imperative that we pause and get it right.

Therefore, we respectfully urge SCAG to do what its southern brethren, the San Diego Association of Governments (SANDAG), did recently: seek and obtain permission to take an additional year in which to study and correct its overall regional planning. Our group would like to work with SCAG over the course of 2020 to fashion a much more realistic final Connect SoCal – one that will accommodate the entitlement of new housing units in such quantities, at such locations, and at such levels of affordability as will permit the housing of the SCAG region's population.

Lastly, we strongly urge SCAG to undertake preparation of an alternative planning scenario (APS) alongside a substantially revised and realistic sustainable communities strategy (SCS). As long as the California Air Resources Board (CARB) continues to impose unrealistically high targets for greenhouse gases (GHG) reductions which can be demonstrated only through radical cuts in per capita VMT, consequently worsening of our housing supply and affordability crises, SCAG should recognize and admit that such targets cannot possibly be met consistent with adopting a more realistic and appropriately accommodating SCS. The preparation of a complementary APS, therefore, one that reflects radical VMT reductions that CARB wants to see – however illusory they may ultimately prove to be, would allow SCAG to comply with its statutory requirements while simultaneously putting in place a much more realistic and beneficial RTP/SCS.

As the draft Connect SoCal reads now, poised for its potential final adoption if not changed substantially, it will constitute a harmful policy document vis-à-vis housing supply and affordability at a time when the housing crisis indicates the need for a major course correction in policy. Consistent with this need, SCAG should recognize, grasp, and begin to champion urgently the need for changes in our state government's planning policies. Specifically, the current policies should be corrected so that SCAG's still-pending sixth-cycle RHNA allocation and its transportation planning do not continue driving the SCAG region down the road toward unduly centripetal development and re-development, with negative ramifications for housing supply and unaffordability. Accordingly, SCAG should lead regional planning toward a more balanced mix of both urban and peripheral development.

DISCUSSION:

A. Our Group's Consistent Principles and Warnings Concerning SCAG's SCS Planning.

As is noted above, as our coalition has worked with SCAG's staff over the last decade, we have consistently espoused certain principles that we believe are essential to the effective and successful growth and development of the SCAG region. Last September, in connection with our comments concerning the then-proposed sixth-cycle RHNA allocation, we restated our support for sound regional planning that does all the following:

- Provides positive economic impacts and is a plan that is conducive to economic growth and job creation – Our organizations and our members are extremely aware of the economic implications of the spatial dispersion of homebuilding. When viewed at all scales (at the regional, the local, and the neighborhood levels), missteps and mistakes concerning how best to distribute land uses can profoundly impact economic vibrancy and stability. Specifically, the RTP/SCS must undergo a true economic cost/benefit analysis so that economic impacts are understood and known by SCAG Regional Council members (and stakeholders) before making a final decision on the RTP/SCS.

- Reasonably respects local governments' perogatives – Policymakers need to respect the essential role of local government in sound land use decision-making, because local governments (much more than relatively central governments) have the best understanding of local needs, pressures, and aspirations of their growing and evolving communities. Maintaining local control of land use is essential to maintaining so-called "small d" democracy.

- Appreciates the organic nature of land use and development – Policymakers must appreciate the organic and dynamic nature of land development over time. Given this reality, land use planning must reflect continuous balancing and rebalancing of possible growth alternatives such as urban redevelopment and densification, and new town or greenfield development.

- Does not impose unrealistic, inflexible land use prescriptions on diverse jurisdictions – Our respective members constitute the businesses and individuals who know how to actually build new homes and communities. Accordingly, we see the many varying opportunities and challenges that are inherent in providing necessary housing throughout the SCAG region. Because of the widespread work that our members regularly undertake, we see the need for local governments to continue to entitle for new housing development or redevelopment on many diverse sites. Local governments must retain and exercise the necessary flexibility to take into account diverse local conditions of all types when making sound land use and entitlement decisions.

- Assures that new revenue sources are put in place to allow local governments to plan for achievable densification, while appreciating the beneficial primacy of market forces – Our

group has noted in other contexts (such as pertaining to SCAG's RTP/SCS development) that many of the desired changes in existing land uses are unlikely to occur unless there are put in place new and sufficient financial tools benefiting local government and public infrastructure. For example, in recent years, California dispensed with its erstwhile favorable urban redevelopment agency policies. Such helpful policies and tools must be restored and improved upon if local governments are required to spur positive community development and, especially, redevelopment.

- Anticipates and, where possible, overcomes legal and procedural roadblocks to housing construction – For years, our group has been calling for meaningful CEQA reform and other changes which would allow homebuilding to proceed more quickly when faced with NIMBYism and community resistance against change. In this environment, CEQA can be misused to halt progress toward housing goals. Sound regional planning, therefore, should meet all CEQA requirements and, more importantly, facilitate all related streamlining. Additionally, the state should adopt measures necessary to prevent the ongoing abuse of CEQA as a means to stop or significantly delay much needed and worthwhile housing projects.

Whereas the principles set forth above are stated as positive characteristics, we have also shared our continuing views about the negative effects of some of the unhelpful policy directives that have been applied in California and the SCAG region. To a large extent, we remain sorely disappointed by the fact that there remain far too many regulatory and legal impediments to homebuilding. Several persistent regulatory trends are actually working against meaningful increases in housing production, and especially production at the scale needed to alleviate our state's housing crisis.

First, there is a strong, growing and thus ever-worsening regulatory preference for fostering transit-oriented, urban infill, and increasingly dense, multi-family development and redevelopment. While we certainly support reasonable efforts to increased production of higher density housing within the urban core, this particular housing type should be deployed in reasonable relative volume, in appropriate locations, and with a clear understanding and appreciation of the heightened costs that are associated with an excessive reliance on such dense, urban-infill housing types.

With that in mind, we do not support an over-reliance on increased urban densification to the exclusion of more affordable, common and readily-available community types. The regulatory trend toward an over-emphasis on urban renewal and densification is particularly problematic from an affordability standpoint because the costs of building urban housing is often several times higher (on a square foot basis) than are the costs of other available and potential housing types – particularly less dense, suburban, and peripheral types of development, which are variously called relative "greenfield," "new town," "edge," or "fringe" development.

Because the costs of developing and constructing dense urban housing is much higher than other types of homebuilding, fewer households can afford to buy or even to rent such new urban housing, at least not without significant government subsidies or housing assistance

programs. As a consequence, the still-growing regulatory preference for more intense urbanization, and the broad disfavoring of any and all greenfield development, are leading to sharp housing cost and price increases. These in turn exacerbate the under-supply of housing, and decrease both home ownership and regional living standards. These harmful trends should be especially alarming to those who are concerned about social equity and economic mobility – because home ownership has long provided a critical pathway for working class households to both secure housing and to accumulate family wealth and financial security.

As noted, the excessive regulatory preference for urban densification and redevelopment has been accompanied by complementary regulations aimed at curbing homebuilding activities of all types that do not constitute high-density, urban, "transit-oriented" or so-called "centripital" (i.e., moving toward the center) development. The best example of this is the recently-imposed requirement to apply the California Environmental Quality Act ("CEQA") to effectively tax and disincentivize vehicle miles traveled ("VMT") – which is a costly attack on individual mobility alone, with profound implications for millions of prospective households. At a minimum, these new CEQA requirements related to VMT add further disincentives, costs, and hurdles to greenfield and new town development.

Concerning these new VMT mandates, everyone can agree on the need for efficient, smart, safe and well-functioning regional transportation solutions. Rather than focusing excessively on reducing VMT and individual vehicular mobility, however, new housing opportunities should be promoted, considered and pursued with proper attention to all of the following:

(i) the relative costs of construction and infrastructure,

(ii) the public demand for different housing types and at different prices (to accommodate social equity for working households),

(iii) the relative costs of providing different housing types in different areas (e.g., urban versus greenfield or edge), and

(iv) the complicated relationships among housing and job locations (e.g., achieving a jobs-housing balance sometimes requires putting more housing where jobs are, even when jobs are located outside of the urban core).

Regrettably, the draft Connect SoCal very much perpetuates, incorporates and reflects the harmful policy push toward radical per capita VMT reductions. Again, we appreciate that SCAG feels compelled to do so in light of a state agency's (CARB's) mandate forcing SCAG to focus on VMT reductions as the primary means to demonstrate GHG reductions. In our view, however, the time has come for SCAG to take the lead in pushing back strongly against such state mandates, so that more realistic and ameliorative regional planning can then unfold. In doing so, SCAG should point out to state regulators that its decisions concerning the dispersion of new housing opportunities must take into account not only VMT, but also the real-life, existing, affordable, and dominant housing choices that are made by today's regional workforce.

SCAG's ongoing failure to do so will have negative implications for social equity – especially for vulnerable communities. The lack of affordable and available housing in the Southern California region has played a role in exacerbating a number of serious problems such as homelessness, the disappearing middle class and the increasing outward migration from our region.

Lastly, we have seen continuing increases in the costs of entitlement and construction. New and increasing fees and exactions continue to place a disproportionately large fiscal burden on homebuilding activities. Growing mandates for project developers and homebuilders to provide rental or ownership subsidies for the less advantaged, and/or homeless housing funding, will not achieve promised levels of housing production unless such mandates are accompanied by a suite of policies that will expedite entitlement approvals, reduce construction costs, and reduce other fees and exactions. Achieving the level of homebuilding activity necessary to address the current housing crisis will require the circumspect review of and substantial relief from the fiscal and regulatory cost burdens that impede the production of new housing.

In short, unless and until SCAG realizes that our region is mired in a worsening crisis concerning both the supply and affordability of new housing opportunities, SCAG will continue to pursue and implement unwise regional planning policies at the insistence of CARB. A substantial course correction is needed; and it should begin now. SCAG needs to take the lead in creating and pursuing such a course correction. If it were to fail to do so, our region will continue to be directed indefinitely toward a bleaker future and unnecessary, worsening crises in terms of both housing supply shortages and housing unaffordability.

In light of these concerns, we must note here and express our very strong disappointment concerning the SCAG Regional Council's decision to ignore and reject entirely our September 2019 comments concerning the then-proposed sixth-cycle RHNA allocation for the SCAG region. We set forth in those comments the need for SCAG to expand the areas over which new housing can and should be built to include more vacant land (for surburban, annexed edge, greenfield and new town development). Notably, as we stated in our September comments, we were not opposed to the overall large size of the proposed sixth-cycle RHNA, we were instead concerned about the allocations and ultimately the indicated locations of more than 1.34 million new housing units envisioned within the SCAG region.

Specifically, our RNHA concern was and remains about where new housing units can best and most affordably be located and distributed amongst the nearly 200 local jurisdictions within the SCAG region. Housing has a higher likelihood of actually being built if the obligations to provide sufficient building sites for new housing are spread out in a more realistic, balanced and achievable manner. Because of this, we continue to urge SCAG to endeavor to allocate relatively more housing units toward the local jurisdictions that have a relatively meaningful supply of vacant land available.

Unfortunately, after we lodged our September 2019 comments concerning the RHNA allocation, SCAG chose to redirect the sixth-cycle RHNA allocation in the opposite direction from that which we advocated. Specifically, SCAG has since voted to squeeze even more of the

envisioned homesite allocations into the already urbanized, densely populated, and – importantly – least affordable relatively coastal communities. SCAG should not finalize the currently pending RHNA allocation without improvement; and SCAG most certainly should not hold the course that it is currently on for the entire sixth-cycle RHNA process (which is prescribed to last eight years).

Similarly, SCAG should be aiming now to adopt a 2020 RTP/SCS that reflects much more realistic assumptions about (i) where within the SCAG region there can be constructed nearly 1.5 million new housing units in the decade of the 2020's, and especially (ii) what will be the affordability of those units. Obviously, a substantial amount – but not all – of the needed additional housing stock can and should be provided as urban infill and through more urban densification. On the other hand, a very substantial portion of the needed additional housing stock will need to be instead in the form of so-called "new towns" and "edge" or "greenfield" development. **In short, a meaningful and significant portion of new housing units will need to be planned and built where there is now vacant land**. **Doing so will undoubtedly conflict with both (i) CARB's ideal of significantly reducing per capita VMT in the region to unrealistically low levels, and (ii) the Connect SoCal plan as it is now proposed.**

This is not to say that SCAG's staff and CARB should abandon their goal of planning for a sustainable region in which per capita *GHG-emissions reductions* can be realized. Moderate growth (i.e., relatively tempered growth) in per capita VMT is consistent with achieving the kinds of GHG-emissions reduction goals that climate-change scientists argue must be pursued – provided our society makes meaningful, steady improvements in our fleets and fuels over time. Steady improvements in both the efficiency of our transportation fleet and/or fuel options seem increasingly likely to unfold in the years ahead. Importantly, foreseeable improvements in our transportation fleet and fuel options will <u>decrease</u> the GHG-emissions reduction benefit that can be realized through any given decrease in per capita VMT – so much so that if we were to pursue enough of the former (fleet and/or fuel changes) and other technological advances, we would need none of the latter (per capita VMT reductions) to meet our GHG reduction goals.[1]

B. <u>The Draft Connect SoCal is Fundamentally Contrary to Our Group's Longstanding Principles and Goals.</u>

[1] See K. Leotta & C. Burbank, *One Percent [Annual] VMT Growth or Less to Meet Greenhouse Gas Emissions Reduction Goals* (2009). Their study concludes that ambitious 2050 GHG emissions reduction goals can be achieve consistent with a moderated one percent annual increase in aggregate VMT – specifically if *emissions per VMT* can be decreased on average by roughly 72 percent over the 45-year projection period (2005-2050). Importantly, the combination of California's standards requiring aggressive improvements in automobile emissions and the accelerating adoption of electric vehicles, natural gas, plug-in electric hybrid and even hydrogen vehicles suggests that California is well on its way to achieving greatly reduced GHG emissions per vehicle mile traveled. This foreseeable achievement will also predictably lessen over time the marginal benefit that will flow from any marginal reduction or constriction of per capita VMT.

In light of the above-stated principles and prior consistent urgings, we now encourage SCAG's staff to re-address and substantially correct the draft Connect SoCal and the related draft PEIR. Rather than adopt these drafts as they are, SCAG should refashion and adopt a 2020-2045 RTP/SCS that will allow for a realistic degree of ongoing per capita VMT growth in and about the SCAG region. To be sure, per capita VMT growth should be ***tempered*** and ***moderated*** as much as possible. It should even potentially be decreased slightly, but only if such a result can be achieved consistent with the ability to reasonably employ, mobilize and house our region's growing and partially-homeless population.

To do so, SCAG needs to study and promote more new housing opportunities within a more relaxed span of potential locations. Such a direction is desperately needed if our SCAG region is to have any realistic hope of fairly and affordably housing its population. Local governments, in turn, must explore, condition and approve many different kinds of new housing opportunities in the most relatively sensible locations. The new kinds of housing opportunities that should be pursued and their specific siting must take into account and include the following: (1) new urban development and redevelopment opportunities at varying densities, (2) the ongoing growth and expansion of budding and still-growing communities, and (3) well-planned, entirely new communities.

To its detriment, the draft Connect SoCal does not appreciably reflect either the ongoing expansion of budding and growing communities, or the future entitlement of any new, well-planned communities. Instead, the draft Connect SoCal largely comports with the same policy direction that underpins its recent RHNA allocation decision.

Even worse, the draft Connect SoCal literally boasts of its policy aim of curtailing any and all such organic development. For example, on page 36 of the draft Connect SoCal, the text reads:

> *The conservation of natural area and farmlands on the edges of urban and suburban development is an integral aspect of Connect SoCal as it incentivizes infill development and the concentration of different land uses.* This makes it easier to travel shorter distances which reduces greenhouse gas emissions. Many counties and cities in Southern California have excelled in their work to protect these vulnerable lands, but few plans or policies have been enacted to preserve habitat and farmlands on a regional scale. With regional population increases, conservation decisions made now can safeguard the endurance of these lands, protecting threatened wildlife and the local agricultural economy, and reducing carbon emissions, while also contributing to a high quality of life for future generations.

Similarly, the draft Connect SoCal describes all land on the edge of existing development to be regrettably "vulnerable" to development, expressly stating on page 32 of the draft Connect SoCal the following (emphasis added):

> A range of local conservation plans, habitat conservation agencies and state/federal park designated areas provide protection for a significant amount of natural and farmland in

> the SCAG region. However, most of these protected lands are in remote desert areas far from incorporated areas …. Therefore, *a substantial amount of land on the urban and suburban fringe is vulnerable to development.*

Rather than lament the fact that peripheral, vacant land is "vulnerable to" development, SCAG should instead be encouraging local jurisdictions to ascertain which such land "on the urban and suburban fringe" is the most suitable for development. In particular, SCAG should be encouraging the counties' supervisors, who respectively govern the use of nearly all of the vacant land suitable for smart development, to identity and make available for housing products the "land on the urban and suburban fringe" which is most suitable for smart development.

Importantly, the draft Connect SoCal also boasts of the fact that new single family residential construction has been falling as a *percentage* of total new residential construction in the SCAG region, while multi-family housing (apartments and attached condominiums) have conversely been gaining in terms of its relative share of all new residential construction. For example, concerning the typology or mix of new housing units in the SCAG region between 2006 and 2016, page 20 of the draft Connect SoCal reads in part:

> In meeting … new residents' demand for housing, the [SCAG] region also added about 400,000 units from 2006 to 2016 – 54 percent of which were multi-family units. Comparing to current conditions in 2016, 39 percent of the region's housing units are multi-family and 61 percent are single-family units. …. Riverside County and Los Angeles County again took the highest shares, … and Los Angeles County added an additional 164,000 housing units - with 90 percent representing multi-family developments, largely occurring in denser areas that are well served by transit.

While the draft Connect SoCal thus boasts that new multi-family housing units have been gaining in the *relative share* of new housing units, the change in relative share has come at the expense of total number of all new housing units (as is shown by Figure 2.4 on page 21 of the draft Connect SoCal). In fact, the data shows that overall new housing production has fallen along with – and most likely primarily due to – a corresponding decrease in single family residential construction.

It must be understood and appreciated as well that the new, relatively-increasingly multi-family housing production about which the draft Connect SoCal boasts (such as Los Angeles County's additions of mainly "multi-family developments, largely occurring in denser areas that are well served by transit") tends to be the most expensive type of new residential housing. Indeed, highly urban, dense, new housing is relatively and increasingly unaffordable to most renters – let alone to most would-be homebuyers. To achieve some levels of affordability on this type of housing product often requires government funding, in part or in whole, through various "affordable housing" programs. While we have consistently supported the more reasonable types and levels of these programs and recognize their benefit, we have great concern that these programs are becoming increasingly necessary in order to make this type of housing project affordable. It must be the goal of the RTP/SCS, RHNA and any good housing plan to assure that it accommodates "market rate" affordable housing, which is housing that is built and funded by

the private sector and sold or rented at market rates affordable to Southern Californians. Given the size and scope of the region's housing shortage and the tremendous affordability gap, we must maintain and increase strong private sector participation in new housing production because there is simply not enough government funding to solve this massive problem through the public sector alone. Therefore, we must be wary of plans that are heavily dependent on government subsidies to achieve housing affordability.

These facts have led our group to conclude that SCAG needs to reconsider and reverse its policy of championing almost exclusively dense infill redevelopment to the exclusion of all new town, urban edge and greenfield development. Only by reversing such an institutional policy can SCAG play its proper role in solving the housing supply and related housing affordability crises that currently grip the SCAG region and California as a whole.

C. The Draft PEIR is Inadequate as a CEQA Disclosure Document.

As we discussed above, there is no evidence that the policy prescriptions reflected in the draft Connect SoCal will meet either the realistically regarded housing and transportation needs of the region, or provide for sustainability as required by SB 375. We believe that the draft Connect SoCal, if it were to be adopted as proposed, would instead negatively impact many elements of the human environment throughout the SCAG region, such as by greatly worsening vehicular congestion and homelessness, certainly displacing the poor, and the like. The draft PEIR purports to discuss the environmental impacts of the draft Connect SoCal. We believe that the draft PEIR fails to do so adequately.

The draft Connect SoCal would implement a variety of policy choices aimed at fostering more high density infill housing. The higher density housing typologies that the draft Connect SoCal aims to foster are frequently five to seven times more expensive to build than are one and two-story detached or attached structures in less dense and relatively peripheral communities. The latter communities more typically provide home rental and ownership options at prices that are relatively attainable to the region's workforce.

Similarly, the draft Connect SoCal would reject a more diverse range of transportation options (including voter-approved and funded transportation improvements) of types that would increase transportation efficiencies in the region. Instead, the draft Connect SoCal would singularly favor bus, electric scooter, and other transit modes which are either increasingly ineffective (e.g., fixed route bus transit) or infeasible in relation to the needs of many commuters within the region's workforce (e.g., electric scooter programs, which are no help to our region's construction workers, who must carry or move tools and material to jobsites).

As a disclosure document, the draft PEIR fails to identify, analyze, impose legally-mandated, feasible mitigation measures for the reasonably foreseeable consequence of the draft Connect SoCal's proposed implementation. It fails to disclose the scale and significance of unavoidable adverse impacts for impacts that cannot be mitigated through measures enforced by SCAG. The impacts which were unlawfully omitted from the analysis provided in the draft PEIR include:

- The reasonably foreseeable demolition and displacement of existing uses in and near transit stations and corridors. Such demolition and displacement will cause significant localized noise and air emission impacts, significant new burdens on local infrastructure and public service, the significant or potentially significant displacement of local businesses (which will result in the absence of such businesses or greater travel distances to such local business services), and the significant or potentially significant displacement of existing residents who will most likely be forced to relocate to less costly residential locations farther away from their present workplaces, all with attendant increases in travel-related impacts such as the explosive growth of "supercommuters" with higher commute-related air emissions, health and safety hazards, traffic congestion, and noise impacts.

- The reasonably foreseeable ongoing increase in "supercommuters" – even for populations that are not physically displaced by urban, transit-oriented development. As was examined in a recent Chapman University study completed by economist John Husing, even households headed by union construction workers cannot afford a median priced home in any county that touches the ocean in Southern California.[2] The disconnect between the draft Connect SoCal's high-cost, high-density, disproportionately infill housing vision assures that the pattern that Dr. Husing identified will continue and get worse.

- The draft PEIR fails to discuss the fact that there are and will remain no practical, fixed-route public transit options to serve the distantly-residing construction workers and other middle class households who need their mobility. The draft Connect SoCal's prioritization of mass transit over roadway expansions would therefore worsen the growing tendency toward gridlocked conditions. Consequently, work force commutes will lengthen – thereby increasing air emissions and causing other adverse impacts. These are not speculative impacts: both the housing shortage and affordability crises and the performance of the SCAG region's transportation network worsened after the first two rounds of RTP/SCS plans were adopted; and the draft Connect SoCal, especially when viewed in light of SCAG's recent actions involving the sixth-cycle RHNA allocation, would effectively double down on the unsuccessful over-dependency and over-emphasis on fixed-route, public transit. SCAG's own transit studies demonstrate that housing density does not result in increased transit ridership because, in the real world, jobs are widely distributed throughout the region and workers (including low income hourly wage workers) often can practically commute only by using cars.[3]

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[2] John E. Husing, "Impact of California's Housing Prices on Construction Workers," March 3, 2019, available at: https://www.newgeography.com/content/006254-impact-californias-housing-prices-construction-workers

[3] *See, e.g.*, UCLA "Falling Transit Ridership: California and Southern California," available at: https://www.its.ucla.edu/2018/01/31/new-report-its-scholars-on-the-cause-of-californias-falling-transit-ridership/

- There is clearly not enough public funding to bridge the massive gap between (i) the costs of constructing high-density, infill-only housing, and (ii) the lower cost of the housing that is actually needed by affordable to middle class households in the region. Relatively affordable housing is widely available outside the SCAG region. Because of California's stringent building and efficiency codes, and its commitments to renewable energy and electric and other alternative energy vehicles and modes of transit, California's future residents are projected to have the lowest per capita GHG footprint in the nation. By failing to solve the housing shortage and affordability crises, our society will worsens GHG emissions globally by forcing an increasing number of Californians to relocate to other regions, states or nations where housing is more affordable. Presently, the top three out-migration destinations for departing Californians are Texas, Nevada and Arizona; and they all have far higher per capita GHG emissions. The draft PEIR discusses and analyses no impacts related to such out-migration caused by the draft Connect SoCal's foreseeable worsening of the housing supply and affordability crises.

The Program EIR also fails to identify all feasible mitigation measures for the scores of significant unavoidable adverse impacts it identifies. Even though SCAG cannot itself implement or enforce some potential mitigation measures, CEQA requires that the final EIR must identify feasible measures to avoid or reduce impacts and note, where applicable, that such measures can and should be implemented by other agencies. Measures such as reducing housing costs through accelerated and by-right entitlement approvals, reducing fees and other regulatory costs, and enhancing local government revenues with tax-increment financing to pay for the community infrastructure and public service improvements needed to accommodate new housing, are omitted from the PEIR. The omission must be corrected.

The draft PEIR does and analyze the foreseeable failure of VMT reduction policies, taking into account the region's plummeting transit ridership and the evidence that any growing population which enjoys strong employment typically has increased or barely reduced per capita VMT; but has never significantly reduced it. The draft PEIR fails to identify and alternate GHG reduction strategies (other than VMT reduction) which could more feasibly and beneficially reduce regional GHG. Moreover, even if CARB continues to dictate that SCAG must envision and plan for large per capita VMT reductions, the draft PEIR should have analyzed and discussed the broader environmental impacts and potential mitigation of such a policy.

In addition, the draft PEIR also omits any discussion of the reasonably foreseeable cumulative impacts that will flow from the 2019 determination that SCAG must allocate more than 1.34 new housing units through the RHNA process for the sixth cycle of RHNA, and that SCAG has already decided to disproportionately allocate that large number of housing units to the more expensive, relatively near-coastal areas and communities. Although the localities' respective general plans have not yet been amended to make sites available for these housing unit allocations, CEQA does not allow for the deferral of consideration of cumulative impacts analyses for reasonably foreseeable new projects and activities simply because they have not yet been fully or finally approved. The draft PEIR must be reworked to include discussion of the consequences of tripling the availability of housing unit sites and SCAG's decision to largely

focus this large quantity of new potential housing units in the already dense, expensive near-coastal communities.

Finally, because of all of the concerns which are stated above in this comment letter, the draft Connect SoCal policy document and the related draft PEIR should each be revised to include an alternative – one that will actually result in more ameliorative housing and transportation solutions for the region.

The draft PEIR's fails to adequately identify, analyze and/or discuss the mitigation of environmental impacts. It fails to identify the reasonably foreseeable consequences of the cumulative housing increase prescribed by the RHNA process. Both it and the draft Connect SoCal fail to identify and analyze an alternative that would actually result in housing and transportation solutions needed by this region. These are all flaws that can be remedied only if SCAG were to recirculate a revised draft PEIR which corrects its deficiencies. This is all the more reason for SCAG to seek and obtain a one-year extension in additional time to revise and ultimately adopt a better Connect SoCal.

D. Conclusion.

To summarize our conclusions:

- We believe that the draft Connect SoCal compounds the policy mistakes that were latent in SCAG's prior two RTP/SCSs but are now recognizable in light of the housing crisis; and it is, therefore, not a sound plan for the region. Whereas a major policy course correction is needed to best address the region's housing supply dearth and housing affordability crisis, the draft Connect SoCal would combine with SCAG presently-proceeding RHNA allocation to worsen these crises.

- SCAG should therefore request a one-year extension of time during which to entirely revisit the draft Connect SoCal, and substantively re-make it with a view toward better balancing the environmental and transportation goals of the RTP/SCS with approaches that will address more urgently and deliberately the region's housing supply and affordability crises.

- The draft PEIR is legally infirm as it now reads, and should be redone when analyzing a substantially new, more realistic and more achievable regional plan.

- If we are correct in assuming that a resulting, newly-drafted, more realistic and more achievable regional plan will conflict with CARB's overly-ambitious per capita VMT reduction, then we urge SCAG to prepare and adopt both a SCS and a complementary APS for presentation to CARB.

We have always recognized the daunting regulatory and administrative challenges that are inherent in SB 375 and the federal requirements with which SCAG must comply. We

recognize that it will be a major challenge for SCAG's staff to re-evaluate all of the VMT implications of envisioning a more circumspect regional land use plan than those which underpinned SCAG's last two RTP/SCSs and now underpin the draft Connect SoCal and its draft PEIR. It is especially challenging to do so in a way that better accommodates the large housing needs assessment that must be allocated regionally via the sixth-cycle RHNA process. We remain, however, confident in SCAG and both its Regional Council and professional staff to lead the way on smart, innovative approaches for solving our region's most daunting problems. Likewise, given our longstanding involvement with the SB 375 process and the depth of our concerns, we look forward to continuing to work with SCAG and participating in ongoing discussions about Connect SoCal. With such collaboration in mind, we respectfully ask for your meaningful consideration of these comments.

Sincerely,

Richard Lambros
Managing Director
Southern California Leadership Council

Jeff Montejano
Chief Executive Officer
Building Industry Association of Southern California (BIASC)

Ray Baca
Executive Director
Engineering Contractors' Association

Mike Gunning
Senior Vice President, Legislative Affairs
California Building Industry

Michael W. Lewis
Senior Vice President,
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Paul Granillo
President & CEO
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John Hakel
Executive Director
Southern California Partnership for Jobs

Peter Herzog
Assistant Director of Legislative Affairs
NAIOP SoCal

Denise Cooper
Denise Cooper
President
Southern California Contractors Association

January 24, 2020

via U.S. Mail to:

Draft Connect SoCal Plan & PEIR Comments
Attn: Connect SoCal Team
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

and by electronic mail to: 2020PEIR@scag.ca.gov

Re: Comments on the the Draft "Connect SoCal" (SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy) and the Related Draft Program Environmental Impact Report (PEIR).

Ladies and Gentlemen:

On behalf of the Southern California Leadership Council (SCLC), the Building Industry Association of Southern California (BIASC) and the other business/industry associations subscribing to this letter, we appreciate this opportunity to comment on the Draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy ("Connect SoCal") and its associated Program Environmental Impact Report (draft "PEIR"). Our comments set forth below relate to both the draft policy document (i.e., the draft Connect SoCal) and the related

draft PEIR because our concerns about each are inextricably related. We therefore respectfully ask SCAG to consider our comments below in the context of both SCAG's policy determinations and its compliance with the California Environmental Quality Act ("CEQA"), the discussion of which begins on page 12 hereof.

Our organizations, and the members and industries that they represent, have been involved with the implementation of Senate Bill 375 (2008) (hereinafter "SB 375") ever since its original introduction. As Southern California stakeholders, we were also highly attentive to and involved in the formulation and adoption by the Southern California Association of Governments ("SCAG") of its inaugural, 2012 regional transportation plan/sustainable communities strategy ("RTP/SCS") and its more recent 2016 RTP/SCS. Indeed, we have been heavily involved with SCAG's activities for the entire last decade.

The companies and individuals comprising our collective memberships care very deeply about economic development, job creation and the quality of life in Southern California. Many of our members engage in developing the housing, business properties and infrastructure (i.e. transportation, water, utilities, etc.) that are and will be needed to make the region the best possible place to live and work. Collectively, our organizations also include some of Southern California's largest private employers. With that in mind, the comments set forth below about SCAG's draft Connect SoCal and the related draft PEIR are based on our concern for the overall betterment of the SCAG region, its economy, its communities, and its citizens.

When we weighed in concerning SCAG's 2012 RTP/SCS, its 2016 RTP/SCS, and recently in February 2019 concerning the scoping of the PEIR Connect SoCal, our group has consistently espoused principles concerning SCAG's regional planning efforts; and we've always championed consistent policy outcomes. Even more recently, in September 2019, our coalition commented to SCAG concerning its then-proposed allocation of a preliminary sixth-cycle Regional Housing Needs Assessment (RHNA) for the SCAG region. When we did so, we recounted both the principles that we espouse and the societal and economic outcomes that we champion. We will also set them forth again below as they relate to the present context.

But before getting into such details, we will state here briefly our overall view of the draft Connect SoCal and its draft PEIR:

Insofar as the draft Connect SoCal relates to the distribution of new housing and purports to accommodate housing production, we believe that it takes large steps leading in the wrong direction. Our region is suffering from an urgent and worsening housing crisis, one which can be solved only through extraordinary increases in housing production and consequent improvements in housing affordability. Yet, if adopted as it is drafted, Connect SoCal will foreseeably combine with SCAG's most recently vetted sixth-cycle RNHA allocation to channel the majority of the region's future homebuilding overwhelmingly into already developed, densely urbanized areas. When combined, they largely aim for the near-total preclusion of other types of reasonable and appropriate community development (specifically surburban, annexed edge, greenfield and new town development). This is a dangerous policy prescription for any region that is suffering from a critical housing crisis, because it depends almost entirely on realizing – without precedent –

massive production of the type of new housing that both is the hardest to produce and costs the most.

We recognize that SCAG's rationale for its heavy emphasis on infill is caused by increasingly imposing state mandates to reduce per capita VMT. However, we believe SCAG, when planning our region's future, must address and confront the need to balance VMT impacts against housing impacts both wisely and realistically. We believe that, unfortunately, SCAG's most recent proposals do not strike a wise and realistic balance of the kind that is needed now. Instead, if both the draft Connect SoCal and SCAG's recently-vetted RHNA distribution methodology were to be adopted as they are now proposed, they would combine to propel our region in the wrong direction vis-à-vis housing production and affordability. Given the severity of our region's housing crisis and the urgency of this moment, when SCAG's RTP/SCS and RHNA will converge to set a new course for land use throughout Southern California well into the future, it is imperative that we pause and get it right.

Therefore, we respectfully urge SCAG to do what its southern brethren, the San Diego Association of Governments (SANDAG), did recently: seek and obtain permission to take an additional year in which to study and correct its overall regional planning. Our group would like to work with SCAG over the course of 2020 to fashion a much more realistic final Connect SoCal – one that will accommodate the entitlement of new housing units in such quantities, at such locations, and at such levels of affordability as will permit the housing of the SCAG region's population.

Lastly, we strongly urge SCAG to undertake preparation of an alternative planning scenario (APS) alongside a substantially revised and realistic sustainable communities strategy (SCS). As long as the California Air Resources Board (CARB) continues to impose unrealistically high targets for greenhouse gases (GHG) reductions which can be demonstrated only through radical cuts in per capita VMT, consequently worsening of our housing supply and affordability crises, SCAG should recognize and admit that such targets cannot possibly be met consistent with adopting a more realistic and appropriately accommodating SCS. The preparation of a complementary APS, therefore, one that reflects radical VMT reductions that CARB wants to see – however illusory they may ultimately prove to be, would allow SCAG to comply with its statutory requirements while simultaneously putting in place a much more realistic and beneficial RTP/SCS.

As the draft Connect SoCal reads now, poised for its potential final adoption if not changed substantially, it will constitute a harmful policy document vis-à-vis housing supply and affordability at a time when the housing crisis indicates the need for a major course correction in policy. Consistent with this need, SCAG should recognize, grasp, and begin to champion urgently the need for changes in our state government's planning policies. Specifically, the current policies should be corrected so that SCAG's still-pending sixth-cycle RHNA allocation and its transportation planning do not continue driving the SCAG region down the road toward unduly centripetal development and re-development, with negative ramifications for housing supply and unaffordability. Accordingly, SCAG should lead regional planning toward a more balanced mix of both urban and peripheral development.

DISCUSSION:

A. Our Group's Consistent Principles and Warnings Concerning SCAG's SCS Planning.

As is noted above, as our coalition has worked with SCAG's staff over the last decade, we have consistently espoused certain principles that we believe are essential to the effective and successful growth and development of the SCAG region. Last September, in connection with our comments concerning the then-proposed sixth-cycle RHNA allocation, we restated our support for sound regional planning that does all the following:

- Provides positive economic impacts and is a plan that is conducive to economic growth and job creation – Our organizations and our members are extremely aware of the economic implications of the spatial dispersion of homebuilding. When viewed at all scales (at the regional, the local, and the neighborhood levels), missteps and mistakes concerning how best to distribute land uses can profoundly impact economic vibrancy and stability. Specifically, the RTP/SCS must undergo a true economic cost/benefit analysis so that economic impacts are understood and known by SCAG Regional Council members (and stakeholders) before making a final decision on the RTP/SCS.

- Reasonably respects local governments' perogatives – Policymakers need to respect the essential role of local government in sound land use decision-making, because local governments (much more than relatively central governments) have the best understanding of local needs, pressures, and aspirations of their growing and evolving communities. Maintaining local control of land use is essential to maintaining so-called "small d" democracy.

- Appreciates the organic nature of land use and development – Policymakers must appreciate the organic and dynamic nature of land development over time. Given this reality, land use planning must reflect continuous balancing and rebalancing of possible growth alternatives such as urban redevelopment and densification, and new town or greenfield development.

- Does not impose unrealistic, inflexible land use prescriptions on diverse jurisdictions – Our respective members constitute the businesses and individuals who know how to actually build new homes and communities. Accordingly, we see the many varying opportunities and challenges that are inherent in providing necessary housing throughout the SCAG region. Because of the widespread work that our members regularly undertake, we see the need for local governments to continue to entitle for new housing development or redevelopment on many diverse sites. Local governments must retain and exercise the necessary flexibility to take into account diverse local conditions of all types when making sound land use and entitlement decisions.

- Assures that new revenue sources are put in place to allow local governments to plan for achievable densification, while appreciating the beneficial primacy of market forces – Our

group has noted in other contexts (such as pertaining to SCAG's RTP/SCS development) that many of the desired changes in existing land uses are unlikely to occur unless there are put in place new and sufficient financial tools benefiting local government and public infrastructure. For example, in recent years, California dispensed with its erstwhile favorable urban redevelopment agency policies. Such helpful policies and tools must be restored and improved upon if local governments are required to spur positive community development and, especially, redevelopment.

- Anticipates and, where possible, overcomes legal and procedural roadblocks to housing construction – For years, our group has been calling for meaningful CEQA reform and other changes which would allow homebuilding to proceed more quickly when faced with NIMBYism and community resistance against change. In this environment, CEQA can be misused to halt progress toward housing goals. Sound regional planning, therefore, should meet all CEQA requirements and, more importantly, facilitate all related streamlining. Additionally, the state should adopt measures necessary to prevent the ongoing abuse of CEQA as a means to stop or significantly delay much needed and worthwhile housing projects.

Whereas the principles set forth above are stated as positive characteristics, we have also shared our continuing views about the negative effects of some of the unhelpful policy directives that have been applied in California and the SCAG region. To a large extent, we remain sorely disappointed by the fact that there remain far too many regulatory and legal impediments to homebuilding. Several persistent regulatory trends are actually working against meaningful increases in housing production, and especially production at the scale needed to alleviate our state's housing crisis.

First, there is a strong, growing and thus ever-worsening regulatory preference for fostering transit-oriented, urban infill, and increasingly dense, multi-family development and redevelopment. While we certainly support reasonable efforts to increased production of higher density housing within the urban core, this particular housing type should be deployed in reasonable relative volume, in appropriate locations, and with a clear understanding and appreciation of the heightened costs that are associated with an excessive reliance on such dense, urban-infill housing types.

With that in mind, we do not support an over-reliance on increased urban densification to the exclusion of more affordable, common and readily-available community types. The regulatory trend toward an over-emphasis on urban renewal and densification is particularly problematic from an affordability standpoint because the costs of building urban housing is often several times higher (on a square foot basis) than are the costs of other available and potential housing types – particularly less dense, suburban, and peripheral types of development, which are variously called relative "greenfield," "new town," "edge," or "fringe" development.

Because the costs of developing and constructing dense urban housing is much higher than other types of homebuilding, fewer households can afford to buy or even to rent such new urban housing, at least not without significant government subsidies or housing assistance

programs. As a consequence, the still-growing regulatory preference for more intense urbanization, and the broad disfavoring of any and all greenfield development, are leading to sharp housing cost and price increases. These in turn exacerbate the under-supply of housing, and decrease both home ownership and regional living standards. These harmful trends should be especially alarming to those who are concerned about social equity and economic mobility – because home ownership has long provided a critical pathway for working class households to both secure housing and to accumulate family wealth and financial security.

As noted, the excessive regulatory preference for urban densification and redevelopment has been accompanied by complementary regulations aimed at curbing homebuilding activities of all types that do not constitute high-density, urban, "transit-oriented" or so-called "centripital" (i.e., moving toward the center) development. The best example of this is the recently-imposed requirement to apply the California Environmental Quality Act ("CEQA") to effectively tax and disincentivize vehicle miles traveled ("VMT") – which is a costly attack on individual mobility alone, with profound implications for millions of prospective households. At a minimum, these new CEQA requirements related to VMT add further disincentives, costs, and hurdles to greenfield and new town development.

Concerning these new VMT mandates, everyone can agree on the need for efficient, smart, safe and well-functioning regional transportation solutions. Rather than focusing excessively on reducing VMT and individual vehicular mobility, however, new housing opportunities should be promoted, considered and pursued with proper attention to all of the following:

(i) the relative costs of construction and infrastructure,

(ii) the public demand for different housing types and at different prices (to accommodate social equity for working households),

(iii) the relative costs of providing different housing types in different areas (e.g., urban versus greenfield or edge), and

(iv) the complicated relationships among housing and job locations (e.g., achieving a jobs-housing balance sometimes requires putting more housing where jobs are, even when jobs are located outside of the urban core).

Regrettably, the draft Connect SoCal very much perpetuates, incorporates and reflects the harmful policy push toward radical per capita VMT reductions. Again, we appreciate that SCAG feels compelled to do so in light of a state agency's (CARB's) mandate forcing SCAG to focus on VMT reductions as the primary means to demonstrate GHG reductions. In our view, however, the time has come for SCAG to take the lead in pushing back strongly against such state mandates, so that more realistic and ameliorative regional planning can then unfold. In doing so, SCAG should point out to state regulators that its decisions concerning the dispersion of new housing opportunities must take into account not only VMT, but also the real-life, existing, affordable, and dominant housing choices that are made by today's regional workforce.

SCAG's ongoing failure to do so will have negative implications for social equity – especially for vulnerable communities. The lack of affordable and available housing in the Southern California region has played a role in exacerbating a number of serious problems such as homelessness, the disappearing middle class and the increasing outward migration from our region.

Lastly, we have seen continuing increases in the costs of entitlement and construction. New and increasing fees and exactions continue to place a disproportionately large fiscal burden on homebuilding activities. Growing mandates for project developers and homebuilders to provide rental or ownership subsidies for the less advantaged, and/or homeless housing funding, will not achieve promised levels of housing production unless such mandates are accompanied by a suite of policies that will expedite entitlement approvals, reduce construction costs, and reduce other fees and exactions. Achieving the level of homebuilding activity necessary to address the current housing crisis will require the circumspect review of and substantial relief from the fiscal and regulatory cost burdens that impede the production of new housing.

In short, unless and until SCAG realizes that our region is mired in a worsening crisis concerning both the supply and affordability of new housing opportunities, SCAG will continue to pursue and implement unwise regional planning policies at the insistence of CARB. A substantial course correction is needed; and it should begin now. SCAG needs to take the lead in creating and pursuing such a course correction. If it were to fail to do so, our region will continue to be directed indefinitely toward a bleaker future and unnecessary, worsening crises in terms of both housing supply shortages and housing unaffordability.

In light of these concerns, we must note here and express our very strong disappointment concerning the SCAG Regional Council's decision to ignore and reject entirely our September 2019 comments concerning the then-proposed sixth-cycle RHNA allocation for the SCAG region. We set forth in those comments the need for SCAG to expand the areas over which new housing can and should be built to include more vacant land (for surburban, annexed edge, greenfield and new town development). Notably, as we stated in our September comments, we were not opposed to the overall large size of the proposed sixth-cycle RHNA, we were instead concerned about the allocations and ultimately the indicated locations of more than 1.34 million new housing units envisioned within the SCAG region.

Specifically, our RNHA concern was and remains about where new housing units can best and most affordably be located and distributed amongst the nearly 200 local jurisdictions within the SCAG region. Housing has a higher likelihood of actually being built if the obligations to provide sufficient building sites for new housing are spread out in a more realistic, balanced and achievable manner. Because of this, we continue to urge SCAG to endeavor to allocate relatively more housing units toward the local jurisdictions that have a relatively meaningful supply of vacant land available.

Unfortunately, after we lodged our September 2019 comments concerning the RHNA allocation, SCAG chose to redirect the sixth-cycle RHNA allocation in the opposite direction from that which we advocated. Specifically, SCAG has since voted to squeeze even more of the

envisioned homesite allocations into the already urbanized, densely populated, and – importantly – least affordable relatively coastal communities. SCAG should not finalize the currently pending RHNA allocation without improvement; and SCAG most certainly should not hold the course that it is currently on for the entire sixth-cycle RHNA process (which is prescribed to last eight years).

Similarly, SCAG should be aiming now to adopt a 2020 RTP/SCS that reflects much more realistic assumptions about (i) where within the SCAG region there can be constructed nearly 1.5 million new housing units in the decade of the 2020's, and especially (ii) what will be the affordability of those units. Obviously, a substantial amount – but not all – of the needed additional housing stock can and should be provided as urban infill and through more urban densification. On the other hand, a very substantial portion of the needed additional housing stock will need to be instead in the form of so-called "new towns" and "edge" or "greenfield" development. **In short, a meaningful and significant portion of new housing units will need to be planned and built where there is now vacant land**. **Doing so will undoubtedly conflict with both (i) CARB's ideal of significantly reducing per capita VMT in the region to unrealistically low levels, and (ii) the Connect SoCal plan as it is now proposed.**

This is not to say that SCAG's staff and CARB should abandon their goal of planning for a sustainable region in which per capita *GHG-emissions reductions* can be realized. Moderate growth (i.e., relatively tempered growth) in per capita VMT is consistent with achieving the kinds of GHG-emissions reduction goals that climate-change scientists argue must be pursued – provided our society makes meaningful, steady improvements in our fleets and fuels over time. Steady improvements in both the efficiency of our transportation fleet and/or fuel options seem increasingly likely to unfold in the years ahead. Importantly, foreseeable improvements in our transportation fleet and fuel options will <u>decrease</u> the GHG-emissions reduction benefit that can be realized through any given decrease in per capita VMT – so much so that if we were to pursue enough of the former (fleet and/or fuel changes) and other technological advances, we would need none of the latter (per capita VMT reductions) to meet our GHG reduction goals.[1]

B. <u>The Draft Connect SoCal is Fundamentally Contrary to Our Group's Longstanding Principles and Goals.</u>

[1] See K. Leotta & C. Burbank, *One Percent [Annual] VMT Growth or Less to Meet Greenhouse Gas Emissions Reduction Goals* (2009). Their study concludes that ambitious 2050 GHG emissions reduction goals can be achieve consistent with a moderated one percent annual increase in aggregate VMT – specifically if *emissions per VMT* can be decreased on average by roughly 72 percent over the 45-year projection period (2005-2050). Importantly, the combination of California's standards requiring aggressive improvements in automobile emissions and the accelerating adoption of electric vehicles, natural gas, plug-in electric hybrid and even hydrogen vehicles suggests that California is well on its way to achieving greatly reduced GHG emissions per vehicle mile traveled. This foreseeable achievement will also predictably lessen over time the marginal benefit that will flow from any marginal reduction or constriction of per capita VMT.

In light of the above-stated principles and prior consistent urgings, we now encourage SCAG's staff to re-address and substantially correct the draft Connect SoCal and the related draft PEIR. Rather than adopt these drafts as they are, SCAG should refashion and adopt a 2020-2045 RTP/SCS that will allow for a realistic degree of ongoing per capita VMT growth in and about the SCAG region. To be sure, per capita VMT growth should be ***tempered*** and ***moderated*** as much as possible. It should even potentially be decreased slightly, but only if such a result can be achieved consistent with the ability to reasonably employ, mobilize and house our region's growing and partially-homeless population.

To do so, SCAG needs to study and promote more new housing opportunities within a more relaxed span of potential locations. Such a direction is desperately needed if our SCAG region is to have any realistic hope of fairly and affordably housing its population. Local governments, in turn, must explore, condition and approve many different kinds of new housing opportunities in the most relatively sensible locations. The new kinds of housing opportunities that should be pursued and their specific siting must take into account and include the following: (1) new urban development and redevelopment opportunities at varying densities, (2) the ongoing growth and expansion of budding and still-growing communities, and (3) well-planned, entirely new communities.

To its detriment, the draft Connect SoCal does not appreciably reflect either the ongoing expansion of budding and growing communities, or the future entitlement of any new, well-planned communities. Instead, the draft Connect SoCal largely comports with the same policy direction that underpins its recent RHNA allocation decision.

Even worse, the draft Connect SoCal literally boasts of its policy aim of curtailing any and all such organic development. For example, on page 36 of the draft Connect SoCal, the text reads:

> *The conservation of natural area and farmlands on the edges of urban and suburban development is an integral aspect of Connect SoCal as it incentivizes infill development and the concentration of different land uses.* This makes it easier to travel shorter distances which reduces greenhouse gas emissions. Many counties and cities in Southern California have excelled in their work to protect these vulnerable lands, but few plans or policies have been enacted to preserve habitat and farmlands on a regional scale. With regional population increases, conservation decisions made now can safeguard the endurance of these lands, protecting threatened wildlife and the local agricultural economy, and reducing carbon emissions, while also contributing to a high quality of life for future generations.

Similarly, the draft Connect SoCal describes all land on the edge of existing development to be regrettably "vulnerable" to development, expressly stating on page 32 of the draft Connect SoCal the following (emphasis added):

> A range of local conservation plans, habitat conservation agencies and state/federal park designated areas provide protection for a significant amount of natural and farmland in

> the SCAG region. However, most of these protected lands are in remote desert areas far from incorporated areas …. Therefore, *a substantial amount of land on the urban and suburban fringe is vulnerable to development.*

Rather than lament the fact that peripheral, vacant land is "vulnerable to" development, SCAG should instead be encouraging local jurisdictions to ascertain which such land "on the urban and suburban fringe" is the most suitable for development. In particular, SCAG should be encouraging the counties' supervisors, who respectively govern the use of nearly all of the vacant land suitable for smart development, to identity and make available for housing products the "land on the urban and suburban fringe" which is most suitable for smart development.

Importantly, the draft Connect SoCal also boasts of the fact that new single family residential construction has been falling as a *percentage* of total new residential construction in the SCAG region, while multi-family housing (apartments and attached condominiums) have conversely been gaining in terms of its relative share of all new residential construction. For example, concerning the typology or mix of new housing units in the SCAG region between 2006 and 2016, page 20 of the draft Connect SoCal reads in part:

> In meeting … new residents' demand for housing, the [SCAG] region also added about 400,000 units from 2006 to 2016 – 54 percent of which were multi-family units. Comparing to current conditions in 2016, 39 percent of the region's housing units are multi-family and 61 percent are single-family units. …. Riverside County and Los Angeles County again took the highest shares, … and Los Angeles County added an additional 164,000 housing units - with 90 percent representing multi-family developments, largely occurring in denser areas that are well served by transit.

While the draft Connect SoCal thus boasts that new multi-family housing units have been gaining in the *relative share* of new housing units, the change in relative share has come at the expense of total number of all new housing units (as is shown by Figure 2.4 on page 21 of the draft Connect SoCal). In fact, the data shows that overall new housing production has fallen along with – and most likely primarily due to – a corresponding decrease in single family residential construction.

It must be understood and appreciated as well that the new, relatively-increasingly multi-family housing production about which the draft Connect SoCal boasts (such as Los Angeles County's additions of mainly "multi-family developments, largely occurring in denser areas that are well served by transit") tends to be the most expensive type of new residential housing. Indeed, highly urban, dense, new housing is relatively and increasingly unaffordable to most renters – let alone to most would-be homebuyers. To achieve some levels of affordability on this type of housing product often requires government funding, in part or in whole, through various "affordable housing" programs. While we have consistently supported the more reasonable types and levels of these programs and recognize their benefit, we have great concern that these programs are becoming increasingly necessary in order to make this type of housing project affordable. It must be the goal of the RTP/SCS, RHNA and any good housing plan to assure that it accommodates "market rate" affordable housing, which is housing that is built and funded by

the private sector and sold or rented at market rates affordable to Southern Californians. Given the size and scope of the region's housing shortage and the tremendous affordability gap, we must maintain and increase strong private sector participation in new housing production because there is simply not enough government funding to solve this massive problem through the public sector alone. Therefore, we must be wary of plans that are heavily dependent on government subsidies to achieve housing affordability.

These facts have led our group to conclude that SCAG needs to reconsider and reverse its policy of championing almost exclusively dense infill redevelopment to the exclusion of all new town, urban edge and greenfield development. Only by reversing such an institutional policy can SCAG play its proper role in solving the housing supply and related housing affordability crises that currently grip the SCAG region and California as a whole.

C. The Draft PEIR is Inadequate as a CEQA Disclosure Document.

As we discussed above, there is no evidence that the policy prescriptions reflected in the draft Connect SoCal will meet either the realistically regarded housing and transportation needs of the region, or provide for sustainability as required by SB 375. We believe that the draft Connect SoCal, if it were to be adopted as proposed, would instead negatively impact many elements of the human environment throughout the SCAG region, such as by greatly worsening vehicular congestion and homelessness, certainly displacing the poor, and the like. The draft PEIR purports to discuss the environmental impacts of the draft Connect SoCal. We believe that the draft PEIR fails to do so adequately.

The draft Connect SoCal would implement a variety of policy choices aimed at fostering more high density infill housing. The higher density housing typologies that the draft Connect SoCal aims to foster are frequently five to seven times more expensive to build than are one and two-story detached or attached structures in less dense and relatively peripheral communities. The latter communities more typically provide home rental and ownership options at prices that are relatively attainable to the region's workforce.

Similarly, the draft Connect SoCal would reject a more diverse range of transportation options (including voter-approved and funded transportation improvements) of types that would increase transportation efficiencies in the region. Instead, the draft Connect SoCal would singularly favor bus, electric scooter, and other transit modes which are either increasingly ineffective (e.g., fixed route bus transit) or infeasible in relation to the needs of many commuters within the region's workforce (e.g., electric scooter programs, which are no help to our region's construction workers, who must carry or move tools and material to jobsites).

As a disclosure document, the draft PEIR fails to identify, analyze, impose legally-mandated, feasible mitigation measures for the reasonably foreseeable consequence of the draft Connect SoCal's proposed implementation. It fails to disclose the scale and significance of unavoidable adverse impacts for impacts that cannot be mitigated through measures enforced by SCAG. The impacts which were unlawfully omitted from the analysis provided in the draft PEIR include:

- The reasonably foreseeable demolition and displacement of existing uses in and near transit stations and corridors. Such demolition and displacement will cause significant localized noise and air emission impacts, significant new burdens on local infrastructure and public service, the significant or potentially significant displacement of local businesses (which will result in the absence of such businesses or greater travel distances to such local business services), and the significant or potentially significant displacement of existing residents who will most likely be forced to relocate to less costly residential locations farther away from their present workplaces, all with attendant increases in travel-related impacts such as the explosive growth of "supercommuters" with higher commute-related air emissions, health and safety hazards, traffic congestion, and noise impacts.

- The reasonably foreseeable ongoing increase in "supercommuters" – even for populations that are not physically displaced by urban, transit-oriented development. As was examined in a recent Chapman University study completed by economist John Husing, even households headed by union construction workers cannot afford a median priced home in any county that touches the ocean in Southern California.[2] The disconnect between the draft Connect SoCal's high-cost, high-density, disproportionately infill housing vision assures that the pattern that Dr. Husing identified will continue and get worse.

- The draft PEIR fails to discuss the fact that there are and will remain no practical, fixed-route public transit options to serve the distantly-residing construction workers and other middle class households who need their mobility. The draft Connect SoCal's prioritization of mass transit over roadway expansions would therefore worsen the growing tendency toward gridlocked conditions. Consequently, work force commutes will lengthen – thereby increasing air emissions and causing other adverse impacts. These are not speculative impacts: both the housing shortage and affordability crises and the performance of the SCAG region's transportation network worsened after the first two rounds of RTP/SCS plans were adopted; and the draft Connect SoCal, especially when viewed in light of SCAG's recent actions involving the sixth-cycle RHNA allocation, would effectively double down on the unsuccessful over-dependency and over-emphasis on fixed-route, public transit. SCAG's own transit studies demonstrate that housing density does not result in increased transit ridership because, in the real world, jobs are widely distributed throughout the region and workers (including low income hourly wage workers) often can practically commute only by using cars.[3]

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[2] John E. Husing, "Impact of California's Housing Prices on Construction Workers," March 3, 2019, available at: https://www.newgeography.com/content/006254-impact-californias-housing-prices-construction-workers

[3] *See, e.g.*, UCLA "Falling Transit Ridership: California and Southern California," available at: https://www.its.ucla.edu/2018/01/31/new-report-its-scholars-on-the-cause-of-californias-falling-transit-ridership/

- There is clearly not enough public funding to bridge the massive gap between (i) the costs of constructing high-density, infill-only housing, and (ii) the lower cost of the housing that is actually needed by affordable to middle class households in the region. Relatively affordable housing is widely available outside the SCAG region. Because of California's stringent building and efficiency codes, and its commitments to renewable energy and electric and other alternative energy vehicles and modes of transit, California's future residents are projected to have the lowest per capita GHG footprint in the nation. By failing to solve the housing shortage and affordability crises, our society will worsens GHG emissions globally by forcing an increasing number of Californians to relocate to other regions, states or nations where housing is more affordable. Presently, the top three out-migration destinations for departing Californians are Texas, Nevada and Arizona; and they all have far higher per capita GHG emissions. The draft PEIR discusses and analyses no impacts related to such out-migration caused by the draft Connect SoCal's foreseeable worsening of the housing supply and affordability crises.

The Program EIR also fails to identify all feasible mitigation measures for the scores of significant unavoidable adverse impacts it identifies. Even though SCAG cannot itself implement or enforce some potential mitigation measures, CEQA requires that the final EIR must identify feasible measures to avoid or reduce impacts and note, where applicable, that such measures can and should be implemented by other agencies. Measures such as reducing housing costs through accelerated and by-right entitlement approvals, reducing fees and other regulatory costs, and enhancing local government revenues with tax-increment financing to pay for the community infrastructure and public service improvements needed to accommodate new housing, are omitted from the PEIR. The omission must be corrected.

The draft PEIR does and analyze the foreseeable failure of VMT reduction policies, taking into account the region's plummeting transit ridership and the evidence that any growing population which enjoys strong employment typically has increased or barely reduced per capita VMT; but has never significantly reduced it. The draft PEIR fails to identify and alternate GHG reduction strategies (other than VMT reduction) which could more feasibly and beneficially reduce regional GHG. Moreover, even if CARB continues to dictate that SCAG must envision and plan for large per capita VMT reductions, the draft PEIR should have analyzed and discussed the broader environmental impacts and potential mitigation of such a policy.

In addition, the draft PEIR also omits any discussion of the reasonably foreseeable cumulative impacts that will flow from the 2019 determination that SCAG must allocate more than 1.34 new housing units through the RHNA process for the sixth cycle of RHNA, and that SCAG has already decided to disproportionately allocate that large number of housing units to the more expensive, relatively near-coastal areas and communities. Although the localities' respective general plans have not yet been amended to make sites available for these housing unit allocations, CEQA does not allow for the deferral of consideration of cumulative impacts analyses for reasonably foreseeable new projects and activities simply because they have not yet been fully or finally approved. The draft PEIR must be reworked to include discussion of the consequences of tripling the availability of housing unit sites and SCAG's decision to largely

focus this large quantity of new potential housing units in the already dense, expensive near-coastal communities.

Finally, because of all of the concerns which are stated above in this comment letter, the draft Connect SoCal policy document and the related draft PEIR should each be revised to include an alternative – one that will actually result in more ameliorative housing and transportation solutions for the region.

The draft PEIR's fails to adequately identify, analyze and/or discuss the mitigation of environmental impacts. It fails to identify the reasonably foreseeable consequences of the cumulative housing increase prescribed by the RHNA process. Both it and the draft Connect SoCal fail to identify and analyze an alternative that would actually result in housing and transportation solutions needed by this region. These are all flaws that can be remedied only if SCAG were to recirculate a revised draft PEIR which corrects its deficiencies. This is all the more reason for SCAG to seek and obtain a one-year extension in additional time to revise and ultimately adopt a better Connect SoCal.

D. Conclusion.

To summarize our conclusions:

- We believe that the draft Connect SoCal compounds the policy mistakes that were latent in SCAG's prior two RTP/SCSs but are now recognizable in light of the housing crisis; and it is, therefore, not a sound plan for the region. Whereas a major policy course correction is needed to best address the region's housing supply dearth and housing affordability crisis, the draft Connect SoCal would combine with SCAG presently-proceeding RHNA allocation to worsen these crises.

- SCAG should therefore request a one-year extension of time during which to entirely revisit the draft Connect SoCal, and substantively re-make it with a view toward better balancing the environmental and transportation goals of the RTP/SCS with approaches that will address more urgently and deliberately the region's housing supply and affordability crises.

- The draft PEIR is legally infirm as it now reads, and should be redone when analyzing a substantially new, more realistic and more achievable regional plan.

- If we are correct in assuming that a resulting, newly-drafted, more realistic and more achievable regional plan will conflict with CARB's overly-ambitious per capita VMT reduction, then we urge SCAG to prepare and adopt both a SCS and a complementary APS for presentation to CARB.

We have always recognized the daunting regulatory and administrative challenges that are inherent in SB 375 and the federal requirements with which SCAG must comply. We

recognize that it will be a major challenge for SCAG's staff to re-evaluate all of the VMT implications of envisioning a more circumspect regional land use plan than those which underpinned SCAG's last two RTP/SCSs and now underpin the draft Connect SoCal and its draft PEIR. It is especially challenging to do so in a way that better accommodates the large housing needs assessment that must be allocated regionally via the sixth-cycle RHNA process. We remain, however, confident in SCAG and both its Regional Council and professional staff to lead the way on smart, innovative approaches for solving our region's most daunting problems. Likewise, given our longstanding involvement with the SB 375 process and the depth of our concerns, we look forward to continuing to work with SCAG and participating in ongoing discussions about Connect SoCal. With such collaboration in mind, we respectfully ask for your meaningful consideration of these comments.

Sincerely,

Richard Lambros
Managing Director
Southern California Leadership Council

Jeff Montejano
Chief Executive Officer
Building Industry Association of Southern California (BIASC)

Ray Baca
Executive Director
Engineering Contractors' Association

Mike Gunning
Senior Vice President, Legislative Affairs
California Building Industry

Michael W. Lewis
Senior Vice President,
Construction Industry Air Quality Coalition

Paul Granillo
President & CEO
Inland Empire Economic Partnership

John Hakel
Executive Director
Southern California Partnership for Jobs

Peter Herzog
Assistant Director of Legislative Affairs
NAIOP SoCal

Denise Cooper
President
Southern California Contractors Association

METROLINK.
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
[redacted]
metrolinktrains.com

January 24, 2020

Ms. Sarah Jepson
Director of Planning
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

RE: Draft Connect SoCal Plan

Dear Ms. Jepson:

The Southern California Regional Rail Authority (SCRRA) has reviewed the Draft Connect SoCal Plan, SCAG's Regional Transportation/Sustainable Communities Strategy (RTP/SCS) for 2020 – 2045. We appreciate your clearly articulated vision as well as your detailed description of your plan and goals. Importantly, we are pleased to see the prominent role that the Metrolink regional rail system plays in linking five of SCAG's six counties together. Particularly, the inclusion of the capital program and resultant service growth, known as Southern California Optimized Rail Expansion (SCORE) highlights the value of Metrolink growth over time. We appreciate the articulation of the achievements of the Metrolink system as well as the inclusion of a listing of significant future investments in the Metrolink system in the Passenger Rail Technical Report.

SCRRA applauds SCAG's planning efforts in analyzing the benefits of a long-range vision plan that balances future mobility and housing needs with economic, environmental and public health goals. SCRRA has provided detailed comments for your consideration in Attachment A to this letter.

We thank you for allowing us to provide input into the Draft Connect SoCal Plan and look forward to the adoption of the transformative Connect SoCal Plan which will help improve the transportation network and expand regional mobility opportunities.

If you have any questions, feel free to contact Roderick Diaz, Director of Planning & Development at [redacted].

Sincerely,

Todd McIntyre
Chief Strategy Officer

Attachment A – Detailed Comments to Draft Connect SoCal Plan (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy or RTP/SCS)

General Comments

1. Number of Trains and Route Miles – Update all references for weekday trains and mileage to 173 and 538 respectively to maintain consistency throughout the plan and applicable technical reports.

2. Metrolink Infrastructure Rehabilitation – We suggest including the following language related to Metrolink's rehabilitation efforts, "As rehabilitation plans are refined in strategic planning processes at SCRRA, future revisions of SCAG's RTP/SCS should incorporate SCRRA's refinements. State of Good Repair (SOGR) for transit systems is essential in sustaining the backbone for sustainable travel in the region."

Draft Connect SoCal Plan

3. Core Vision, pg. 4 –Suggest adding "personal, social, and environmental cost" or something similar to match core vision goals to the draft text, "We must enhance and build out the transit network as the backbone of a mobility system that allows people to move freely without the expense of a car."

4. Transportation Safety, pg. 38 – Rename or consider other transportation safety issues (e.g. safe rail crossings) since the entire section deals with traffic-related safety.

5. Core Vision/Transit Backbone, Progress Since 2016, pg. 65 – Add the following milestones:

    - The opening of the Perris Valley Line, a 24-mile extension of the 91 Line that is Metrolink's first major expansion since 1994.
    - The first of Metrolink's 40 new clean fuel-powered Tier 4 locomotives begin service. There are currently 30 Tier 4 locomotives in service today. The Tier 4 trains reduce emissions by up to 85%.
    - Metrolink extended service on the San Bernardino and Inland Empire – Orange County lines with a new station in downtown San Bernardino, adjacent to the San Bernardino Transit Center, connecting riders to multiple regional transit agencies.

6. Transportation Safety, pg.71 – This section speaks solely to traffic-related safety. As per the same comment for pg. 38, rename or include other transportation safety issues (e.g. safe rail crossings).

Passenger Rail Technical Report

7. High-Quality Transit Area Vision Plans, pg. 3 – Name the five cities that SCAG partnered with to develop the High-Quality Transit Area (HQTA) Vision Plans.

   Also, provide a definition of HQTAs here and clarify the definition of HQTAs to indicate that 'HGTAs are corridor-focused Priority Growth Areas within one half mile of **either** an existing or planned fixed guideway transit stop **(with no frequency requirement)** or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours.'

8. Federal Definitions, pg. 3 – Update the Federal definitions for commuter rail, intercity rail, high-speed rail and other rail modes. There also should be a clear distinction when describing rail corridors that are shared by multiple operators such as commuter and freight.

9. Modeling Approach and Ridership, pg. 5 – Replace the word project to program, "In the horizon year, the full buildout of the Metrolink SCORE ~~project~~ **program** is assumed."

10. Connectivity and Gaps in Service, pg. 6 – Replace the word service with corridor, "and the Amtrak Pacific Surfliner, which is the second busiest Amtrak ~~service~~ corridor behind the Northeast Corridor." In reference to Metro planning BRT service, Metrolink has three stations in Burbank now (Burbank Airport – South (VC) Line, Burbank Airport – North (AV Line), and – Burbank Downtown. Modify the following text, "This future **BRT** service could connect ~~with both of~~ **multiple Metrolink stations in Burbank and, at some point in the future, an additional station serving California High Speed Rail** ~~Burbank's rail stations, one of which will be a CA HSR station~~."

11. Graphics, pg. 9 – We suggest adding photographs of Tier IV locomotives, new stations, etc. Maps should have station names, line names, and Metrolink line colors where applicable in the Connect So Cal plan as well as technical reports.

12. Metrolink Sustainability, pgs. 10,12 – Update the following statistics related to Metrolink:

    - 8,500,000 weekday automobile trips to 9,300,000 (2019)
    - 82 percent of Metrolink riders have a car for their trip, thereby providing more capacity on our region's freeways" to "85 percent of Metrolink riders

have a car but choose to ride the train, relieving congestion on the region's freeways."

- 178,200 metric tons to 130,000 metric tons for GHG, which is the equivalent of the carbon sequestered by 169,774 acres of U.S. forests in one year (Environmental Protection Agency – Greenhouse Gas Equivalencies Calculator, 2019).

13. Metrolink Services, Exhibit 2, pg. 11 – As per earlier response #6/third bullet item. Please include the San Bernardino – Downtown Station. The map also shows Placentia as an existing station which it currently is not.
14. Metrolink Sustainability, Fuel Conversation Program, pg. 12 – Correct the subheading from "Fuel ***Conversation*** Program" to Fuel ***Conservation*** Program.
15. Metrolink Sustainability, Positive Train Control, pg. 12 – Add the following text under Positive Train Control (PTC), "PTC is a critical safety technology that prevents train-on-train collisions, over speed derailments, and unauthorized train movements." We recommend removing the following statement, "PTC conserves fuel with more gradual and controlled acceleration and deceleration". There currently is not a commuter or passenger railroad system that uses PTC for fuel conservation. This is something that freight railroads have developed called energy management and it is intended for freight operations to have smooth uninterrupted trips.
16. Metrolink Stations, pg. 18 – Retitle the heading to "New Metrolink Stations". The previous sections address existing ones and this section discusses only new stations. Redlands Rail Arrow stations should be mentioned in this section.
17. Metrolink Ridership, Figure 4, pg. 22 – Update the graphic to show correct FY11-19 systemwide ridership.

FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
10,617,941	11,390,037	11,517,705	11,304,774	11,028,223	11,527,732	11,640,267	11,688,607	11,935,356

18. Metrolink On-Time Performance, Figure 5, pg. 22 – Update the graphic to show correct FY14-19 on-time performance.

FY14	FY15	FY16	FY17	FY18	FY19
94.06%	93.19%	88.82%	94.24%	93.78%	92.92%

19. Metrolink Farebox Recovery, Figure 6, pg. 23 –Update the graphic to show correct farebox recovery.

FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
44.2%	46.2%	44.9%	43.1%	39.7%	37.4%	36.6%	35.5%	34.1%

20. Emerging Trends, pg. 23 – Add the phrase, "Contributing to increased ridership has been Metrolink's increased marketing investment, targeted discounts on select lines, and a strong regional economy." It is important for Metrolink to acknowledge the factors to increased ridership. Also, include more recent data on ridership to highlight recent achievements in all-time record high ridership for the Metrolink system.

21. Emerging Trends, pg. 24 –Remove the following text, "to the point where the fare adjustment has been revenue neutral".

22. PTC Implementation Cost, pg. 24 – We recommend updating the total cost of implementation to $250 million.

23. Rosecrans/Marquardt Grade Separation, pg. 24 – As of fall 2019, the BNSF has completed the triple track between Redondo Junction and Fullerton Junction. Completing this grade separation will constitute the final part of that effort, but the actual third track is already complete.

24. Redlands Rail Map, Exhibit 5, pg. 25 – Add the San Bernardino – Downtown Station as it is missing from the Redlands Rail map. Remove the Placentia station from the map as it is not currently an existing station.

25. Redlands Passenger Rail, pg. 26 – Revise the scheduled revenue start date from 2021 to 2022 per the December 13, 2019 Metrolink Board Report, Item #17.

26. Van Nuys Station Platform, pg. 26 – The new island platform is operational.

27. Projects in Development, pg. 28 – Include text that mentions that the Brighton to Roxford Double Track project is not fully funded and may be implemented in pieces per Metro's Antelope Valley Line Study.

28. Active Transportation, pg. 32 – Remove the following text, "car sharing services such as Uber and Lyft" from this section. SCRRA acknowledges that car sharing services are motorized services that can nonetheless support commuter rail service and expand commuter rail's catchment area. However, it should not be considered an Active Transportation strategy.

29. Free Local Transfer program, pg. 32 – Metrolink has, for many years, maintained agreements with 32 connecting local transit operators in Southern California to

allow passengers with Metrolink tickets to transfer for free to and from connecting local transit.

30. Cooperative Agreement, pg. 32 – Add text that mentions Amtrak Pacific Surfliner Monthly Pass holders may ride any Metrolink train and Metrolink Pass holders may ride any Pacific Surfliner train within the station pairs on their pass at no additional charge.

31. Airport Ground Access, pgs. 32-33 – Metrolink is connected to Burbank, LAX, Ontario, and John Wayne airports via various means:

    - BUR – Burbank Airport

      Within easy walking distance of the VC Line Metrolink station, and connected via a free on-demand shuttle to the AV Line Metrolink station

    - LAX – Los Angeles Airport

      Connected via LAX Fly-Away from Union Station. Through-ticketing is offered so passengers can buy a ticket to or from LAX

    - ONT – Ontario Airport

      Connected via free Lyft rides (up to $35) from Ontario – East, Montclair, Upland, or Rancho Cucamonga stations

    - SNA – John Wayne Airport (Orange County)

      Connected to Tustin Metrolink Station via iShuttle Route 400A. This shuttle operates bi-directionally on weekday mornings and evenings and is free with a Metrolink ticket

32. Constrained Plan Projects Map, pg. 35 – Add the Redlands Rail Project as it is already under construction and should be included.

33. Metrolink SCORE Projects, pg. 36 – SCRRA is willing to work with SCAG staff to verify SCORE projects that are mapped in the Connect SoCal Plan to ensure accuracy and consistency.

34. Strategic Plan Projects Map, Exhibit 9, pg. 43 – The map shows a Metrolink San Jacinto Extension but it is not mentioned elsewhere in the technical report. A reference should be added.

METROLINK.
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
[redacted]
metrolinktrains.com

January 24, 2020

Ms. Sarah Jepson
Director of Planning
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

RE: Draft Connect SoCal Plan

Dear Ms. Jepson:

The Southern California Regional Rail Authority (SCRRA) has reviewed the Draft Connect SoCal Plan, SCAG's Regional Transportation/Sustainable Communities Strategy (RTP/SCS) for 2020 – 2045. We appreciate your clearly articulated vision as well as your detailed description of your plan and goals. Importantly, we are pleased to see the prominent role that the Metrolink regional rail system plays in linking five of SCAG's six counties together. Particularly, the inclusion of the capital program and resultant service growth, known as Southern California Optimized Rail Expansion (SCORE) highlights the value of Metrolink growth over time. We appreciate the articulation of the achievements of the Metrolink system as well as the inclusion of a listing of significant future investments in the Metrolink system in the Passenger Rail Technical Report.

SCRRA applauds SCAG's planning efforts in analyzing the benefits of a long-range vision plan that balances future mobility and housing needs with economic, environmental and public health goals. SCRRA has provided detailed comments for your consideration in Attachment A to this letter.

We thank you for allowing us to provide input into the Draft Connect SoCal Plan and look forward to the adoption of the transformative Connect SoCal Plan which will help improve the transportation network and expand regional mobility opportunities.

If you have any questions, feel free to contact Roderick Diaz, Director of Planning & Development at [redacted].

Sincerely,

Todd McIntyre
Chief Strategy Officer

Attachment A – Detailed Comments to Draft Connect SoCal Plan (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy or RTP/SCS)

General Comments

1. Number of Trains and Route Miles – Update all references for weekday trains and mileage to 173 and 538 respectively to maintain consistency throughout the plan and applicable technical reports.

2. Metrolink Infrastructure Rehabilitation – We suggest including the following language related to Metrolink's rehabilitation efforts, "As rehabilitation plans are refined in strategic planning processes at SCRRA, future revisions of SCAG's RTP/SCS should incorporate SCRRA's refinements. State of Good Repair (SOGR) for transit systems is essential in sustaining the backbone for sustainable travel in the region."

Draft Connect SoCal Plan

3. Core Vision, pg. 4 –Suggest adding "personal, social, and environmental cost" or something similar to match core vision goals to the draft text, "We must enhance and build out the transit network as the backbone of a mobility system that allows people to move freely without the expense of a car."

4. Transportation Safety, pg. 38 – Rename or consider other transportation safety issues (e.g. safe rail crossings) since the entire section deals with traffic-related safety.

5. Core Vision/Transit Backbone, Progress Since 2016, pg. 65 – Add the following milestones:

    - The opening of the Perris Valley Line, a 24-mile extension of the 91 Line that is Metrolink's first major expansion since 1994.
    - The first of Metrolink's 40 new clean fuel-powered Tier 4 locomotives begin service. There are currently 30 Tier 4 locomotives in service today. The Tier 4 trains reduce emissions by up to 85%.
    - Metrolink extended service on the San Bernardino and Inland Empire – Orange County lines with a new station in downtown San Bernardino, adjacent to the San Bernardino Transit Center, connecting riders to multiple regional transit agencies.

6. Transportation Safety, pg.71 – This section speaks solely to traffic-related safety. As per the same comment for pg. 38, rename or include other transportation safety issues (e.g. safe rail crossings).

Passenger Rail Technical Report

7. High-Quality Transit Area Vision Plans, pg. 3 – Name the five cities that SCAG partnered with to develop the High-Quality Transit Area (HQTA) Vision Plans.

   Also, provide a definition of HQTAs here and clarify the definition of HQTAs to indicate that 'HGTAs are corridor-focused Priority Growth Areas within one half mile of **either** an existing or planned fixed guideway transit stop **(with no frequency requirement)** or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours.'

8. Federal Definitions, pg. 3 – Update the Federal definitions for commuter rail, intercity rail, high-speed rail and other rail modes. There also should be a clear distinction when describing rail corridors that are shared by multiple operators such as commuter and freight.

9. Modeling Approach and Ridership, pg. 5 – Replace the word project to program, "In the horizon year, the full buildout of the Metrolink SCORE ~~project~~ **program** is assumed."

10. Connectivity and Gaps in Service, pg. 6 – Replace the word service with corridor, "and the Amtrak Pacific Surfliner, which is the second busiest Amtrak ~~service~~ corridor behind the Northeast Corridor." In reference to Metro planning BRT service, Metrolink has three stations in Burbank now (Burbank Airport – South (VC) Line, Burbank Airport – North (AV Line), and – Burbank Downtown. Modify the following text, "This future **BRT** service could connect ~~with both of~~ **multiple Metrolink stations in Burbank and, at some point in the future, an additional station serving California High Speed Rail** ~~Burbank's rail stations, one of which will be a CA HSR station~~."

11. Graphics, pg. 9 – We suggest adding photographs of Tier IV locomotives, new stations, etc. Maps should have station names, line names, and Metrolink line colors where applicable in the Connect So Cal plan as well as technical reports.

12. Metrolink Sustainability, pgs. 10,12 – Update the following statistics related to Metrolink:

    - 8,500,000 weekday automobile trips to 9,300,000 (2019)
    - 82 percent of Metrolink riders have a car for their trip, thereby providing more capacity on our region's freeways" to "85 percent of Metrolink riders

have a car but choose to ride the train, relieving congestion on the region's freeways."

- 178,200 metric tons to 130,000 metric tons for GHG, which is the equivalent of the carbon sequestered by 169,774 acres of U.S. forests in one year (Environmental Protection Agency – Greenhouse Gas Equivalencies Calculator, 2019).

13. Metrolink Services, Exhibit 2, pg. 11 – As per earlier response #6/third bullet item. Please include the San Bernardino – Downtown Station. The map also shows Placentia as an existing station which it currently is not.
14. Metrolink Sustainability, Fuel Conversation Program, pg. 12 – Correct the subheading from "Fuel ***Conversation*** Program" to Fuel ***Conservation*** Program.
15. Metrolink Sustainability, Positive Train Control, pg. 12 – Add the following text under Positive Train Control (PTC), "PTC is a critical safety technology that prevents train-on-train collisions, over speed derailments, and unauthorized train movements." We recommend removing the following statement, "PTC conserves fuel with more gradual and controlled acceleration and deceleration". There currently is not a commuter or passenger railroad system that uses PTC for fuel conservation. This is something that freight railroads have developed called energy management and it is intended for freight operations to have smooth uninterrupted trips.
16. Metrolink Stations, pg. 18 – Retitle the heading to "New Metrolink Stations". The previous sections address existing ones and this section discusses only new stations. Redlands Rail Arrow stations should be mentioned in this section.
17. Metrolink Ridership, Figure 4, pg. 22 – Update the graphic to show correct FY11-19 systemwide ridership.

FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
10,617,941	11,390,037	11,517,705	11,304,774	11,028,223	11,527,732	11,640,267	11,688,607	11,935,356

18. Metrolink On-Time Performance, Figure 5, pg. 22 – Update the graphic to show correct FY14-19 on-time performance.

FY14	FY15	FY16	FY17	FY18	FY19
94.06%	93.19%	88.82%	94.24%	93.78%	92.92%

19. Metrolink Farebox Recovery, Figure 6, pg. 23 –Update the graphic to show correct farebox recovery.

FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
44.2%	46.2%	44.9%	43.1%	39.7%	37.4%	36.6%	35.5%	34.1%

20. Emerging Trends, pg. 23 – Add the phrase, "Contributing to increased ridership has been Metrolink's increased marketing investment, targeted discounts on select lines, and a strong regional economy." It is important for Metrolink to acknowledge the factors to increased ridership. Also, include more recent data on ridership to highlight recent achievements in all-time record high ridership for the Metrolink system.

21. Emerging Trends, pg. 24 –Remove the following text, "to the point where the fare adjustment has been revenue neutral".

22. PTC Implementation Cost, pg. 24 – We recommend updating the total cost of implementation to $250 million.

23. Rosecrans/Marquardt Grade Separation, pg. 24 – As of fall 2019, the BNSF has completed the triple track between Redondo Junction and Fullerton Junction. Completing this grade separation will constitute the final part of that effort, but the actual third track is already complete.

24. Redlands Rail Map, Exhibit 5, pg. 25 – Add the San Bernardino – Downtown Station as it is missing from the Redlands Rail map. Remove the Placentia station from the map as it is not currently an existing station.

25. Redlands Passenger Rail, pg. 26 – Revise the scheduled revenue start date from 2021 to 2022 per the December 13, 2019 Metrolink Board Report, Item #17.

26. Van Nuys Station Platform, pg. 26 – The new island platform is operational.

27. Projects in Development, pg. 28 – Include text that mentions that the Brighton to Roxford Double Track project is not fully funded and may be implemented in pieces per Metro's Antelope Valley Line Study.

28. Active Transportation, pg. 32 – Remove the following text, "car sharing services such as Uber and Lyft" from this section. SCRRA acknowledges that car sharing services are motorized services that can nonetheless support commuter rail service and expand commuter rail's catchment area. However, it should not be considered an Active Transportation strategy.

29. Free Local Transfer program, pg. 32 – Metrolink has, for many years, maintained agreements with 32 connecting local transit operators in Southern California to

allow passengers with Metrolink tickets to transfer for free to and from connecting local transit.

30. Cooperative Agreement, pg. 32 – Add text that mentions Amtrak Pacific Surfliner Monthly Pass holders may ride any Metrolink train and Metrolink Pass holders may ride any Pacific Surfliner train within the station pairs on their pass at no additional charge.

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Ms. Stephanie Johnson **Dr. Ghassan Roumani**

January 3, 2020

Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
[redacted] scag.ca.gov

Via email : 2020PEIR@scag.ca.gov

Re: THE 2020-2045 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENT PROGRAM ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to comment on the *SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy Environmental Impact Report.* The Plan states as its goals:

1. *Encourage regional economic prosperity and global competitiveness*
2. *Improve mobility, accessibility, reliability, and travel safety for people and goods*
3. *Enhance the preservation, security, and resilience of the regional transportation system*
4. *Increase person and goods movement and travel choices within the transportation system*
5. *Reduce greenhouse gas emissions and improve air quality*
6. ***Support healthy and equitable communities***
7. *Adapt to a changing climate and support an integrated regional development pattern and transportation network*
8. *Leverage new transportation technologies and data-driven solutions that result in more efficient travel*
9. *Encourage development of diverse housing types in areas that are supported by multiple transportation options*
10. *Promote conservation of natural and agricultural lands and restoration of habitats*

While I agree that supporting healthy and equitable communities for all residents is an admirable goal, the Plan, does not address the possible or probable denigration of the quality of life for the residents of San Marino due to increased traffic.

The stated environmental impact thresholds of significance include the following criteria and defers to l**ocal jurisdiction.**

3.17.3 ENVIRONMENTAL IMPACTS

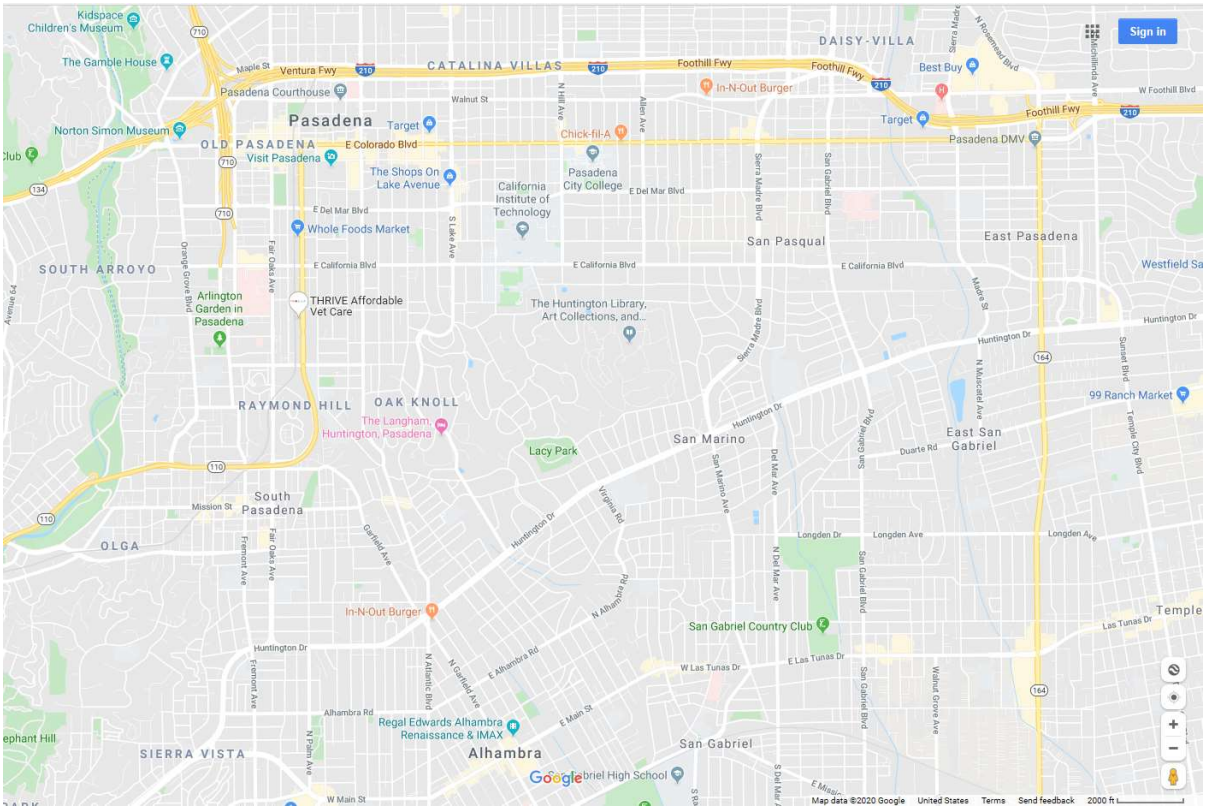
3.17.3.1 Thresholds of Significance
The impacts related to transportation, traffic and safety resulting from the implementation of the proposed project would be considered significant if they would exceed the following significance criteria, in accordance with Appendix G of the State CEQA Guidelines:
• Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
• Conflict or be inconsistent with CEQA Guidelines section 15064.3(b).
• Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
• Result in inadequate emergency access.

Planned Projects

1. There is one project located in the City of San Marino. The objective of this project is to increase traffic flow on Huntington Drive, Sierra Madre Boulevard and San Gabriel Boulevard in a residential area. We object to this project based upon its stated objective.

   LOS ANGELES, LOCAL HIGHWAY, LAF7119, 1AL04, 0, $1,445,000

HUNTINGTON DRIVE MULTIMODAL CAPACITY ENHANCEMENTS: (1) CONSTRUCT A SECOND LEFT-TURN LANE AT THE 2 INTERSECTIONS AT SAN MARINO AV AND AT SAN GRABIEL BL (EASTBOUND ON HUNTINGTON DR AND NORTHBOUND ON SAN MARINO AV AND SAN GABRIEL BL) ***TO INCRESE CAPACITY AND TRAFFIC FLOW.*** *(2)* ***MODIFIES SIGNAL TIMING*** *TO SHORTEN THE LEFT-TURN MOVEMENT ON HUNTINGTON DR. (3) EXTENDS SIDEWALKS AND ENHANCE PEDESTRIAN FACILITIES.*



2. The Technical Report for Highways and Arterials describes Adaptive Traffic Control Systems:

   TECHNICAL REPORT HIGHWAYS AND ARTERIALS

   ADAPTIVE TRAFFIC CONTROL SYSTEMS According to the AASHTO Sustainability Peer Exchange Briefing Paper (2009), Caltrans implemented Adaptive Traffic Control Systems (ATCSs) on seven corridors in Los Angeles County as a demonstration project. ***Traffic signal systems that respond in real-time to changes in traffic patterns are known as "adaptive." ATCSs continuously detect vehicular traffic volume, compute "optimal" signal timings based on detected volume and simultaneously implement them. Reacting to these volume variations generally results in reduced delays, shorter queues and decreased travel times. ATCSs are designed to overcome the limitations of pre-timed control and respond to changes in traffic flow by adjusting signal timings in accordance with fluctuations in traffic demand.*** *The purpose of Caltrans' demonstration project is to deploy and evaluate the effectiveness of the future ATCS on the State arterial street network that experiences both*

recurrent and non-recurrent delay. The ATCS system was shown to reduce travel time by 12.7 percent, reduce average stops by 31 percent, and decrease average delays by 21.4 percent6

The following project is planned for South Pasadena. We object to this project based upon its functionality and objective of increasing traffic flow.

1ITS04
SOUTH PASADENA'S ATMS, CENTRAL TCS AND FOIC FOR FAIR OAKS AV. THIS PROJECT IS LOCATED IN SOUTH PASADENA ON FAIR OAKS AV BETWEEN COLUMBIA ST AND HUNTINGTON DR. IT WILL ESTABLISH A FIBER-OPTIC BACKBONE COMMUNICATION SYSTEM CONNECTION BETWEEN 12 SIGNALS ON FAIR OAKS AV AND CITY HALL AND INSTALL THE ATMS/CENTRAL MANAGEMENT/CONTROL SYSTEM AT ITS CITY HALL BUILDING. FUNDS ARE FOR DESIGN AND CONSTRUCTION COSTS.

Concerns

The City of San Marino has been established as a residential community for over 100 years. It is entirely built, with no room for growth and is located in the San Gabriel valley such that an abundance of cut-through traffic utilizes the residential streets. We are being overwhelmed by ever increasing traffic. There is little in the EIR that addresses this issue. The planned projects for the surrounding areas risk negating the stated Plan goals with regard to the City of San Marino.

The increasing traffic is a public nuisance, exacerbates environmental conditions and diminishes public safety. Of particular concern to us are the following:

- Increasing northbound-southbound traffic utilizing residential streets as cut-through routes.
- Increasing eastbound-westbound traffic utilizing residential streets as cut-through routes.
- Increasing eastbound-westbound traffic utilizing Huntington Drive with significant safety risk to students and residents. Residences and six schools are located on the segment of Huntington Drive in San Marino.
- The implementation of Adaptive Traffic Control Systems.

The environmental impacts defer to local jurisdiction and cannot *conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.* The SCAG Regional Transportation Plan, is just that: **regional**, and proposes many projects for increasing mobility and traffic flow, that do not originate in the city of San Marino, but will adversely affect it by increasing its ongoing operating costs, decreasing property values and diminishing the quality of life of the residents. It appears that the city of San Marino, with local jurisdiction, is left to fend for itself.

Sincerely,

Stephanie Johnson and Ghassan Roumani

cc: Marcella Marlowe, Ph.D, City Manager, City of San Marino
Michael Throne, PE, Parks & Public Works Director/City Engineer, City of San Marino
Gretchen Shepherd Romey, Mayor, City of San Marino
Ken Ude, Vice Mayor, City of San Marino
Dr. Steven W. Huang, Council Member, City of San Marino
Susan Jakubowski, Council Member, City of San Marino
Steve Talt, Council Member, City of San Marino

Transportation Corridor Agencies™

January 23, 2020 Via Email: 2020PEIR@scag.ca.gov

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

RE: Comments on the Draft Connect SoCal Plan 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy and associated Draft Programmatic Environmental Impact Report

Dear Mr. Ajise:

The San Joaquin Hills Transportation Agency and the Foothill/Eastern Transportation Corridor Agency ("TCA") appreciates the opportunity to review and provide comments on the Draft Connect SoCal Plan 2020-2045 Regional Transportation Plan ("RTP")/Sustainable Communities Strategy ("SCS") and associated Draft Programmatic Environmental Impact Report ("PEIR"). TCA commends the Southern California Association of Governments (SCAG) staff and consultants for the tremendous amount of work and effort in putting these documents together. TCA also recognizes and supports the timely adoption of the RTP/SCS to enable the Southern California region to proceed with the planning and implementation of regionally significant transportation projects. Further, TCA recognizes that the SCS is particularly important for the region to meet its state-mandated greenhouse gas (GHG) emissions reduction targets for 2020 and 2035.

TCA supports the comments submitted by the Orange County Council of Governments (OCCOG) on behalf of Orange County jurisdictions, the Center for Demographic Research, the Orange County Transportation Authority, and other Orange County jurisdictions.

In addition, TCA submits the following comments to clarify the RTP/SCS Project List Technical Report and offer recommended clarification to the documents text.

DRAFT CONNECT SOCAL PLAN

Transportation Network and Funding the Transportation System

The TCA are two joint-powers agencies formed in 1986 to plan, finance, construct and operate State Routes 73, 133, 241 and 261 (The Toll Roads), which constitute 20 percent of Orange County's major thoroughfares (see attached Toll Road System Map). The Toll Roads were originally planned as freeways; however, due to a lack of state funding they had to be built as tolled roads. To finance the roads, toll revenue bonds were sold as the major funding source [private funds] and development impact fees have been assessed on new construction under Section 66484.3 of the California Government Code. Consistent with

the goals of AB 32 and SB 375, the Toll Road network helps to reduce GHG emissions that would otherwise be emitted by idling passenger cars and trucks on freeways and major arterials, by providing free-flow congestion relief. While these roads are a significant part of the major highway system in Orange County and the region and are, indeed, included in the core revenues from local sources (Highway Tolls), Figure 4.10, *Core Revenues, Local Sources, in Nominal Dollars* (page 105), Table 4.5 *Summary of Revenues* (page 108), Table 4.6.1 *FY2045 RTP/SCS Revenues, in Nominal Dollars, Billions* (page112), they are not included in the discussion regarding transportation system (page 23), transportation demand management (page 64), transportation system management (page 64), highway and arterial network (page 73), regional express lane network (page 74) or paying our way forward (page 97). Nowhere in the document is the private sector funding contribution assumed for the plan described, although toll road widenings, expansions, and new tolled facilities that are privately funded are included in the plan and in the total cost of the plan. Focus in the Draft Connect SoCal Plan as well as the Draft PEIR is only on toll lanes and express/high occupancy toll lanes. Accurately describing the extent of private funding for highways is an important public disclosure, and an important element of the financial plan that relieves the burden on limited federal, state and local transportation funding.

Recommended Clarification

TCA requests that the language in the Draft Connect SoCal Plan and associated PEIR be expanded to appropriately describe the existing and planned inter-operable priced transportation network in the region, including Express Lanes, HOT lanes, and Toll Roads, specifically acknowledging the following points:

- Priced lanes provide flexibility and options as part of the congestion relief toolbox of measures designed to help meet sustainability and emission reduction goals related to SB 375 and other state and federal mandates.

- Priced facilities are an especially important tool for providing intra-county, inter- county and interregional capacity.

- The existing priced transportation network serves the locations where major employment and housing growth are projected to occur.

- Toll roads and express/HOT lanes charge users a fee for travel, but typically offer less congested traffic lanes than nearby freeways and roadways. Reduced congestion provides improved and more efficient mobility with fewer air pollutants and GHG emissions caused by congestion.

- The publicly owned TCA-operated Toll Road network in Orange County is designed to interrelate with transit service. The Toll Roads can accommodate Bus Rapid Transit and express bus service, and Toll Road medians are sized and reserved to provide the flexibility for future transit, if appropriate.

- Priced facilities such as the Orange County Toll Roads are privately funded. This ensures that these facilities can relieve congestion and associated air pollution and GHG emissions on parallel freeways and major arterials without further stressing limited state, federal and local transportation funding resources. In addition, user fees provide an economic incentive for cost-sharing that promotes ridesharing, which is beneficial to reduced criteria pollutants and GHG emissions reductions.

- The discussion should include that express lanes, HOT lanes and toll roads generate user fees that pay for construction and operation of their facilities.

Page 73, Highways and Arterials Network

The Connect SoCal Plan should include toll roads in the description of projects included in this category. Orange County Toll Roads are not categorized as express or HOT lanes, but collect tolls as a means of insuring low-emission, free-flow capacity and funding the construction and operation of the facility. TCA-operated Toll roads integrate with express lane and HOT lane facilities via the common FasTrak technology that allows inter-operability and convenience for drivers.

Recommended Clarification

- Revise the text in the last sentence on page 73 to read, "Projects include interchange improvements, auxiliary lanes, general purpose lanes, carpool lanes, toll roads, toll lanes, and Express/HOT lanes. The complete list of projects can be found in the Project List Technical.."

- Add the SR 241/91 Express Lanes (HOT) Connector project (FTIP ID ORA111207/RTP ID 2T01135) to Exhibit 3.2 *Major Highway Projects*, Table 3.2 *Sample Highway Projects*, and Exhibit 3.3 *Planned Regional Express Lane Network*.

- The text under this section should discuss that all priced facilities in the SCAG region ensure inter-operability by using a common technology, FasTrak, to collect user fees.

- The discussion should include that express lanes, HOT lanes and toll roads generate user fees that pay for construction and operation of their facilities.

- The text should establish the congestion reducing goal of priced transportation, and the associated criteria pollutants and GHG emissions benefits of providing free flow capacity that avoids emissions generated by idling. In addition, user fees provide an economic incentive for cost-sharing that promotes ridesharing which is beneficial to reduced criteria and GHG emissions reductions.

PROJECT LIST TECHNICAL REPORT

Page 66, Table 1: FTIP Projects, Project 10254

County	System	FTIP ID	RTP ID	Route #	Description	Project Cost (S1,000's)
ORANGE	STATE HIGHWAY	10254	10254	73	SAN JOAQUIN HILLS TRANSPORTATION CORRIDOR (SJHTC – SR 73). 15 MI TOLL RD BETWEEN 1-5 IN SAN JUAN CAPISTRANO & RTE 73 IN IRVINE, CONSISTENT WITH SCAG/TCA MOU 4/5/01. EXISTING 3 M/F EA DIR. 1 ADDITIONAL M/F EA DIR, PLUS CLIMBING & AUX LANES BY ~~**2020**~~ **2022.**	$351,188

Recommended Clarification

- In Table 1, we request that the completion date for Project 10254 be clarified as 2022, consistent with the discussions between TCA, OCTA and SCAG.

Page 298, Table 3: Strategic Projects, RTP ID S2160011

County	System	RTP ID	Route #	Route Name	From	TO	Description	Lead Agency
ORANGE	STATE HIGHWAY	S2160011	73	SR-73/GLENWOOD			INTERCHANGE IMPROVEMENT (PHASE 2 & 3)	TCA

Recommended Clarification

TCA's Project 10254 description (Route 73/ San Joaquin Hills Transportation Corridor) is correctly listed in Table 1 *FTIP Projects*; however, Table 3 *Strategic Projects* also lists specific components of this project (the SR 73/ Glenwood Interchange Improvement (Phase 2 & 3)) as a separate TCA project with a unique RTP ID number (S2160011). This reference and project should be removed as it is part of the parent Project 10254.

Page 67, Table 1: FTIP Projects, Project ORA050, ORA051 and ORA0111207

County	System	FTIP ID	RTP ID	Route #	Description	Project Cost ($1,000's)
ORANGE	STATE HIGHWAY	ORA050	ORA050	241	EASTERN TRANSPORTATION CORRIDOR (ETC- SR 241/261/133) 26.4 MI TOLL ROAD CONNECTS SR 91 TO I-5 VIA SR 261 AND SR 133, CONSISTENT WITH SCAG/TCA MOU 4/05/01. EXISTING 2 M/F EA DIR. 2 ADDITIONAL M/F IN EA DIR, PLUS CLIMBING AND AUX LANES BY ~~**2020**~~ **2022.**	$631,902
ORANGE	STATE HIGHWAY	ORA051	ORA051	241	FOOTHILL TRANSPORTATION CORRIDOR-NORTH (FTC-N - SR 241). 12.7 MI TOLL ROAD BETWEEN OSO PKWY AND ETC, CONSISTENT WITH SCAG/TCA MOU $269,045 4/05/01. EXISTING 2 M/F IN EA DIR. 2 ADDITIONAL M/F, PLS CLIMBING & A UX LANES BY ~~**2020**~~ **2022**.	$269,045
ORANGE	STATE HIGHWAY	ORA111207	2T01135	241	241/91 EXPRESS LANES (HOT) CONNECTOR: NB SR-241 TO EB SR-91, WB SR-91 TO SB SR-241, PER SCAG/TCA MOU 4/05/01. PAED PHASE.	$33,728

Recommended Clarification

- In Table 1, we request that the completion date for Projects ORA050, ORA051, and ORA111207 be clarified as 2022, consistent with the discussions between TCA, OCTA and SCAG.

Page 297, Table 3: Strategic Projects, RTP ID SORA052

County	System	RTP ID	Route #	Route Name	From	TO	Description	Lead Agency
ORANGE	~~**LOCAL**~~ **STATE** HIGHWAY	SOR A052	241	SR 241	Oso Pkwy	I-5	FOOTHILL TRANSPORTATION CORRIDOR-SOUTH — OSO PKWY TO I-5 (SANDIEGO).	TCA

Recommended Clarification

- In Table 3, we request that Project ORA052 be classified as a "State Highway" system consistent with the classification of the TCA Toll Road network.

Overall, TCA's project descriptions in Table 1 *FTIP Projects,* for projects ORA050, ORA051, ORA111207, 10254 and Table 3 *Strategic Projects*, for project ORA052 are correctly listed, as of the current FTIP. However, for ORA050, ORA051 and 10254 TCA recently submitted to OCTA a revision to these projects showing that TCA has met its original TCM commitments for the TCA Corridors. The revised projects highlighting the TCA strategic projects have been submitted to SCAG for review.

TRANSPORTATION FINANCE TECHNICAL REPORT

Page 2, Financial Plan, Introduction

The draft document states that "Our region has successfully implemented toll systems in the past with the Transportation Corridor Agencies' network of privately financed toll roads and express lanes along interstate 10, interstate 110 and State Route 91, including the most recent extension into Riverside County." However, the statement needs to clarify the financial planning importance of privately funded toll facilities.

Recommended Clarification

Priced transportation facilities also provide the opportunity for financial innovation. The Orange County toll roads (SR 73, SR 133, SR 241, and SR 261) utilize private funds. They provide congestion relief and associated air pollution and GHG emissions reduction without further stressing limited federal, state, and local transportation funding.

Page 29, Highway Tolls

Recommended Clarification

Under Highway Tolls Description we request the following revisions:
"TCA consists of two separate government entities—the San Joaquin Hills Transportation Corridor **Agency** ~~**Agencies**~~ (SJHTCA), which oversees the San Joaquin Hills (State Route 73) Toll Road, and the Foothill/Eastern Transportation Corridor **Agency** ~~**Agencies**~~ (F/ETCA), which oversees the Foothill (State Route 241) and Eastern (State Route 241, State Route 261, and State Route 133) Toll Roads."

TRANSPORTATION CONFORMITY TECHNICAL REPORT

Page 8, Highway Networks

The discussion on the coding of the region's freeway system specifically mentions express lanes, toll lanes and HOT lanes, but not toll facilities such as existing Toll Roads SR 73, SR 241, SR 133 and SR 261 in Orange County.

Recommended Clarification

- Revise text under this section to include toll roads, "Include detailed coding of the region's freeway system (mixed-flow lane, auxiliary lane, HOV lane, HOT lane, toll lane, and truck lane, toll roads, etc.) as well as Express ways arterials, major and minor collectors.

Page 20, Toll Roads

The discussion on Toll Roads states that, "There were approximately 325 lane miles of toll roads in 2016, increasing to about 1,855 toll/HOT lanes in 2045. This includes a regional Express Lane network (TABLE 8) that would build upon the success of the 91 Express Lanes and Transportation Corridor Agencies (TCA) Toll Roads in Orange County and two demonstration projects in Los Angeles County." However, none of the TCA operated Toll Roads are included in Table 8.

Recommended Clarification

- Table 8 should be retitled appropriately to include "Express Lane, HOT Lane and Toll Road Networks." This change should also be made in the main RTP/SCS document.

- TCA's facilities should be added to Table 8 as tolled facilities and the effect of the toll charges on these facilities should be incorporated into the highway assignment procedure.

TCA thanks you in anticipation of your written responses to these comments. We look forward to the amendments in the final 2020-2045 RTP/SCS and associated Draft PEIR to incorporate the recommended changes. Should you have any questions or require any clarification regarding these comments, please feel free to contact Ms. Valarie McFall, Chief Environmental Planning Officer, at [redacted] or via email at [redacted]

Sincerely,

Michael A. Kraman
Chief Executive Officer

Attachments

Cc: Sarah Jepsen, SCAG
Ping Chang, SCAG
Valarie McFall, TCA
TCA Board of Directors

ATTACHMENT: THE TCA TOLL ROAD SYSTEM NETWORK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
[redacted]

January 23, 2020

Southern California Association of Governments
Attn: Roland Ok, Senior Regional Planner
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Subject: EPA Comments on the Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy and Programmatic Environmental Impact Report

Dear Mr. Ok:

The U.S. Environmental Protection Agency has reviewed the Southern California Association of Governments Connect SoCal 2020-2045 Draft Regional Transportation Plan/Sustainable Communities Strategy and Draft Programmatic Environmental Impact Report. The EPA supports SCAG's goals of incorporating environmental and community considerations in the regional transportation planning process. Early integration of comments from regulatory and resource agencies can result in greater opportunities to reduce environmental and public health impacts associated with future transportation projects. The EPA provides the below feedback following our limited review of plan elements related to goods movement, environmental justice, and air quality.

Comments on the RTP/SCS

Goods Movement

Consistent with previous SCAG RTPs, Connect SoCal emphasizes the need to deploy zero and near-zero emission technologies, with the ultimate goal of transitioning to ZE technologies, in order to reduce air quality impacts from the region's freight system. It also highlights the importance of providing necessary supportive infrastructure and considering lifecycle impacts associated with these technologies. Pages 60-67 of the Goods Movement Technical Report describe numerous local, state, and federal initiatives to advance clean freight technologies, such as the California Sustainable Freight Action Plan, the South Coast Air Quality Management District's proposed Facility-Based Mobile Source Measures, and the San Pedro Bay Ports' 2017 Clean Air Action Plan Update. Specific roles identified for SCAG and partner entities, described on pages 68-69, include convening stakeholders to discuss battery manufacturing and disposal, coordinating with partners to include charging and fueling infrastructure in regional projects, and securing funding for technology evaluation and demonstration. The EPA strongly supports the efforts to transition to a ZE/NZE goods movement network described in the RTP. Such efforts will be critical to reducing public health impacts associated with ambient air pollution and assisting the South Coast Air Basin in attaining National Ambient Air Quality Standards.

> ***Recommendation***: Consider incorporating robust ZE/NZE deployment strategies in any planned freight-related capacity-enhancing projects, particularly those that would be located near

sensitive receptors and/or in heavily burdened communities.

Environmental Justice

EJ Toolbox

The Environmental Justice Technical Report examines 18 performance indicators within four geographic scopes to thoroughly evaluate the RTP's impact on EJ populations. The performance indicators are conveyed through four broader groups: impacts to quality of life, health and safety, commute, and transportation costs. Geographic scopes include the SCAG region, EJ Areas, Senate Bill 535 Disadvantaged Communities, and Communities of Concern. The report utilizes an array of data visualization methods, including maps that identify areas that have undergone significant changes over the years in relation to EJ communities and tables that convey how wildfire and flood risk vary by race and economic status. The findings of the report indicate that, for many performance indicators, the RTP would improve conditions for low-income and/or minority populations; however, it would also result in some disproportionate impacts to EJ communities, such as increases in emissions, noise, and rail impacts in certain areas. The EJ Toolbox included on pages 167-177 offers potential measures to address impacts to low-income and/or minority communities for various impact areas, including air quality, climate vulnerability, and noise.

> ***Recommendation:*** Consider including the SCAG EJ Toolbox as a suggested resource in relevant project-level mitigation measures in the Final PEIR.

Congestion Pricing

The RTP incorporates three congestion pricing strategies, including the development and expansion of express lane networks, a proposal to establish a mileage-based user fee, and the use of Cordon/Area Pricing. As explained in the Environmental Justice Technical Report, the introduction of a mileage-based user fee could alleviate some disproportionate burden on low-income drivers because "it allows lower income households to pay the same price per mile as other groups, whereas the gasoline tax does not"; however, the report also acknowledges that a user-based fee would nonetheless be regressive in nature, as such fees would comprise a larger percentage of lower-income drivers' incomes than for drivers of higher income groups (p. 165).

> ***Recommendations:***
> - Consider including a discussion of potential methods to address any disproportionate impacts to low income drivers that could result from the proposed congestion pricing programs (e.g., subsidizing the purchase of required transponders, waiving monthly maintenance fees, allowing the use of cash to open and replenish toll accounts, etc).
> - Include a detailed description of any equity assessments that have been completed for existing congestion pricing programs in the region. Describe the key findings of each study and any approaches taken to reduce disproportionate impacts to low-income motorists.
> - Encourage partner agencies to conduct equity assessments for planned congestion pricing programs.

Comments on the PEIR

Air Quality Mitigation Measures

The mitigation measures included in the Connect SoCal PEIR are classified into two types: those that SCAG would commit to implement, and those that would be considered by implementing agencies during project-level planning. The EPA supports SCAG Mitigation Measures Air Quality-2 and AQ-3, which confirm SCAG's continued commitment to evaluate public health outcomes through the transportation planning process, specifically through the Public Health Working Group, and to analyze air quality impacts, particularly in vulnerable communities, such as near-roadway communities. The EPA also supports SCAG's interest in improving active transportation in disadvantaged communities as indicated in SMM-AQ-1. We suggest elaborating on this program in the Final PEIR.

> ***Recommendation:*** Provide additional details about the proposed Southern California Disadvantaged Communities Planning Initiative described in SMM AQ-1, including the entities that would participate in the initiative, potential eligibility criteria for applicants, and the community engagement strategy that would be employed.

Project MM-AQ-1 describes an array of emissions controls that lead agencies would consider in order to reduce construction-related emissions, including fugitive dust controls, idling restrictions, and the use of Tier 4 equipment in projects within 500 feet of certain sensitive land uses.

> ***Recommendations:***
> - Consider incorporating a goal to minimize community impacts in PMM-AQ-1(o).
> - Consider encouraging the use of ZE/NZE technologies, where feasible and appropriate, in PMM-AQ-1(q).

Greenhouse Gas Mitigation Measures

We support the robust set of mitigation measures to address greenhouse gas emissions listed on pages 3.8-68 - 3.8-72, many of which would yield the co-benefit of reducing criteria pollutant emissions. Project-level measures for consideration include the incorporation of green building features (e.g., energy-efficient construction materials, installation of energy-efficient lighting systems, use of highly-reflectivity building materials), the use of Best Available Control Technologies during construction (e.g., lighter-colored pavement, planting of shade trees, deployment of ZE/NZE technologies), and measures to encourage bicycle and public transit use.

> ***Recommendation:*** Encourage the consideration of measures included in PMM-GHG-1 in environmental justice communities.

The EPA appreciates the opportunity to provide feedback for consideration during the regional transportation planning process. We hope this feedback will lead to improved environmental and public

health outcomes. Please send a copy of the Final RTP/SCS and PEIR when they become available to this office at the address above (mail code TIP-2). If you have any questions, please contact me at [redacted] or [redacted]

Sincerely,

Morgan Capilla
Environmental Review Branch

Electronic copy: Brenda Powell-Jones, Caltrans
Jason Roach, Caltrans District 7
Aaron Burton, Caltrans District 8
Smita Deshpande, Caltrans District 12
Lijin Sun, South Coast Air Quality Management District

UNITEHERE! Local 11

January 24, 2020

VIA EMAIL: 2020PEIR@scag.ca.gov

Roland Ok
Southern California Association of Governments
900 Wilshire Blvd., 16th Floor
Los Angeles, CA 90017

RE: COMMENTS ON DRAFT PEIR 2020 SCAG RTP/SCS (SCH # 20199011061)

Dear Mr. Ok:

UNITE HERE Local 11 hereby provides these comments on the draft Program Environmental Impact Report ("PEIR") for the draft 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy plan ("Plan" or "2020 RTP/SCS"), by the Southern California Association of Governments ("SCAG") under the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq*. ("CEQA").

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona. Members of Local 11, including hundreds who live or work in the SCAG region, join together to fight for improved living standards and working conditions. Local 11's members have a direct interest in seeing that the State's environmental/planning laws are being followed and that new development and regional planning efforts do not contribute to the climate-change crisis that threatens a loveable future in Southern California for them and their children.

Here, one of the fundamental objectives of the 2020 RTP/SCS and PEIR is to provide *specific* strategies, policies, performance standards, and other provisions that *will* reduce greenhouse gas ("GHG") emissions pursuant to Senate Bill 375 ("SB 375"). To this end, Local 11 provides the following questions and requests for information about the Plan's specific GHG strategies that need to be included in a recirculated or final PEIR.

A. Under the Plan, GHG per capita emissions from automobile and light-duty vehicles ("LDA") are anticipated to drop from 23.8 lbs/day (2005) to 21.3 lbs/day in 2020, and further reduced to 18.8 lbs/day in 2035 (see PEIR, Tbl. 3.8-10). Please clarify the following:

1. How were these targets developed, what data was used, and what are the exact underlying calculations? What are the specific data and targets for each city and county within the SCAG region?
2. Are these targets for all project types or specific project types (e.g., residential, office, retail, hotel, mixed-use, etc.)?
3. Is the *capita* merely residents, residents + employees, or something else?
4. What is the trajectory of these GHG reductions over the duration of the Plan? Are there specific targets during the interim years between 2020-2035, or merely a straight-line negative compound annual growth rate?
5. Why are 2005 baseline emissions calculated based on EMFAC2007, but 2020 and 2035 levels based on EMFAC2014?

B. Under the Plan, per capita Vehicles Miles Traveled ("VMT") from LDAs and all vehicles are to be reduced from 22.09 VMT and 23.79 in 2009 (respectively) to 20.67 and 22.89 in 2045 (respectively) (see PEIR, Tbl. 3.8-11). Please clarify the following:

1. How were these VMT targets developed, what data was used, and what were the exact calculations? What are the specific data and VMT targets for each city and county within the SCAG region?
2. Are these VMT targets for all project types or specific project types (e.g., residential, office, retail, hotel, mixed-use, etc.)?
3. What is the trajectory of these VMT reductions? Are there specific targets during the interim years between 2020-2035, or merely a straight-line negative compound annual growth rate?
4. Clarify whether these VMTs are from just the residential population or also employees?
5. What data/metrics are specific to employee trips?
6. What are the VMT projections for the residential and employee populations, as well as the disaggregated data for the various cities and counties within the SCAG region?

C. Under the Plan, various Plan goals are tied to key specific performance standards (see Plan, Performance Measures Report, Tbls. 1, 2, 4, 20). However, many of the standards are not made clear and require clarity, including:

1. For Outcome 1(1) (id. pp. 15-16), what is the disaggregated data (e.g., what are the household/employment figures for each city and county within the SCAG region in 2016 and 2045 under both "Baseline scenario" and under the Plan scenario)?
2. For Outcome 1(4) (id. p. 16), what is the disaggregated data (e.g., 2016 base year and Connect SoCal VMT levels for each city, and what is the interim targets between those years)?
3. For Outcome 1(5) through (7) and Outcome 2 (1) through (6) (id. pp. 18-28), what is the disaggregated data (e.g., counties and cities), how were

these calculated/modeled, and how are projects able to demonstrate consistency with these performance metrics?

4. For all performance measures under Location Efficiency and Safety and Public Health (id. at pp. 56-58 [Tbl. 20]), what is the disaggregated data (e.g., counties and cities), how were these calculated/modeled, and how are projects able to demonstrate consistency with these performance metrics?

D. Under the Plan, four measures are listed as SCAG mitigation measures (e.g., SCAG "shall continue to work with" local agencies to adopt Climate Action Plans ("CAP(s)"), "shall encourage energy efficient design" through strengthening local building codes, "shall continue working with partners" to support deployment of electric vehicle ("EV") charging stations, "shall continue to pursue partnerships" to promote energy-efficient development) (see PEIR, p. 3.8-68). Please clarify the following:

1. What exactly do "work" or "encourage" or "working with" or "pursue" mean, and are these enforceable performance standards as CEQA requires?
2. What specifically is required to satisfy these vague mitigation measures?
3. What specific criteria can one objectively look at to determine compliance with these mitigation measures?
4. What specific performance-based criteria apply to these non-specific mitigation measures?
5. Why is there no consideration of specific actions listed (e.g., work with local agencies to develop CAPs that meet *specific GHG reduction* targets, or encourage local building code updates that require *mandatory CalGreen Tier 1 or Tier 2* standards, or work with partners/agencies to support *specific percentage* of code-required parking to be EV-immediate charging, etc.)?
6. What other SCAG-related mitigation was considered and found infeasible?

E. Under the Plan's Sustainable Communities Strategy Report, Appendix 1 (i.e., SPM Place Types), no mention is given as to hotel project types. Please explain how hotels are accounted for in the Plan, also the assumptions, intensification, traffic generation, GHG generation, and other relevant data specific to hotel uses/projects.

Local 11 appreciates the opportunity to provide these comments to SCAG, and looks forward to a detailed response item by item with all requested supporting data. Please also provide us with all notices of CEQA actions or public hearings on the Plan/PEIR. Please send notice by e-mail to: [redacted]

Sincerely,

Charles Du
Staff Attorney, UNITE HERE Local 11

1. Pg 4, 2nd Paragraph: The Ventura County Air Pollution Control District Conformity SIP submittal was withdrawn through an agreement to resolve U.S. EPA's SIP backlog. The VCAPCD is awaiting guidance to develop and re-submit a conformity SIP submittal.

2. Pg 6, 1st Bullet: Budgets are from the 2008 early progress plan that was submitted for the 1997 8-hour ozone NAAQS. EPA proposed final approval of the 2016 SIP submittal on December 20, 2019 (84 FR 70109)

3. Pg 7 2007 Ozone SIP: To clarify, the TCMs in the 1995 1-hr ozone SIP remains the applicable TCMs except for TCM G –Employee Commute Options (ECO) which was repealed due to the federal and state mandates that prohibited ECO. The 2007 VC Air Quality Management Plan made changes to the TCM categories by updating and removing TCM G – Employee Commute Options.

4. Pg 28, 1st paragraph: VCAPCD concurs with the statement that preceding budgets will be superseded by budgets in the next SIP approval. U.S. EPA proposed final approval of the Ventura County 2016 SIP on Dec. 20, 2019 (84 FR 70109).

5. Pgs 42-43: References to "implementation plan" should be replaced with state implementation plan or SIP. Implementation plan is too general and not specific to what is plan is being referenced.

6. Pg 44, 2007 Ozone SIP SCCAB: Suggestion to remove the last paragraph under this heading and move to the section heading called Applicable SIPs in the SCAG Region on page 43.

RESOURCE MANAGEMENT AGENCY
county of ventura

PLANNING DIVISION
Dave Ward, AICP
Director

January 24, 2020

Mr. Roland Ok, Senior Regional Planner
Southern California Association of Governments
900 Wilshire Blvd, Suite 1700
Los Angeles, California 90017

Subject: Draft Program Environmental Impact Report for Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy)

Dear Mr. Ok:

Thank you for the opportunity to provide input and comments on the Draft Program Environmental Impact Report for Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy). The Long Range Section of the Ventura County Planning Division reviewed the Draft Program EIR for the proposed project and provides the following response:

1. **Saticoy Area Plan.** In September 2015, the Ventura County Board of Supervisors adopted a comprehensive update to the Saticoy Area Plan. The Saticoy community is defined as a "severely economically disadvantaged community" and the Saticoy Area Plan has a 20-year time horizon that extends from 2015 to 2035. The Mobility Element within the Saticoy Area Plan identifies implementation program MOB-P2 which prioritizes the widening/re-striping of SR 118 from Vineyard Avenue to Darling Road.

   On January 28, 2016, and February 22, 2019, the Long Range Planning Section submitted comment letters to SCAG in response to Draft RTP/SCS and environmental documents. These letters provided detailed background emphasizing the need for regional cooperation for the construction of these improvements. As such, we respectfully request that the re-striping and any other critical intersection improvements in the Saticoy area be included in the RTP/SCS or FTIP Projects list as necessary, to make this a priority project.

2. **El Rio/Del Norte Area Plan.** The improvements and project scope identified in the environmental document cover an area of unincorporated Ventura County known as El Rio/Del Norte Area Plan. In the Land Use Section of the area plan, policies have been adopted for land use compatibility. Specifically, the following policies have a potential to be impacted:

a. Policy 3.2.2(4) states "Discretionary, non-agricultural land uses adjacent to Agricultural designated land shall be required to establish appropriate buffers as determined by the Agricultural Department."

b. Goal 4.1.1 Transportation/Circulation:

1. Ensure adequate circulation and transportation system to serve the needs of the existing and future residents of the El Rio/Del Norte area.
2. Plan for safe pedestrian and bicycle pathways throughout the El Rio/Del Norte area;
3. Encourage the expansion of bus service to serve the El Rio/Del Norte area.

The Draft Program EIR discusses significant and unavoidable impacts in the Land Use section. **Impact LU-2** *"Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect,"* results in a significant and unavoidable impact.

At the project level, Long Range Planning staff concurs with **PMM LU-2**, *"When an inconsistency with the adopted general plan policy or land use regulation (adopted for the purpose of avoiding or mitigating an impact) is identified modify the transportation or land use project to eliminate the conflict; or, determine if the environmental, social, economic, and engineering benefits of the project warrant an amendment to the general plan or land use regulation."*

3. **Solid Waste.** Table 3.19.1-1 Solid Waste Tonnage within the SCAG Region (2018) identifies both San Bernardino County and Ventura County as having a total tonnage of 1,908,462 for 2018. The linked source of CalRecylcle Landfill Tonnage Reports shows Ventura County as having a total tonnage of 1,904,702 for 2018. Although the Total Tonnage figure of 19,550,712 (for the SCAG Region) captures the correct solid waste tonnage figure, the section should be reviewed to ensure accurate citation of solid waste data is used throughout the document.

4. **Wastewater and Storm Drainage Facilities.** The County of Ventura has adopted a Habitat Connectivity and Wildlife Corridor Ordinance and identifies bridges and culverts as wildlife crossing structures (section 8109-4.8.3.4 of the Ventura County Non-Coastal Zoning Ordinance). As such, planning staff concurs with the project level mitigation measure of **PMM USWW-1** *"...During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient wastewater capacity exists for the proposed projects. There CEQA determinations must ensure that the proposed development can be served by its existing or planned treatment capacity. If adequate capacity does not exist, project sponsors shall coordinate with the relevant service provider to ensure that adequate public services and utilities could accommodate the increased demand, and if not, infrastructure improvements for the appropriate public service or utility*

shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project level-review as necessary to provide CEQA clearance for new facilities."

If the project results in new or retrofitted infrastructure improvements, the Ventura County Planning Division shall be consulted to ensure the improvements are consistent with the County's zoning ordinance and the adopted Habitat Connectivity and Wildlife Corridor standards. Early consultation with the Planning Division during the project level design phase is encouraged. This request is intended to help streamline the project and prevent revisions to plans or new mitigation measures necessary to comply with the Habitat Connectivity and Wildlife Corridor regulatory standards.

Thank you again for the opportunity to comment. Should you have any questions about the contents of this letter, please contact me at [redacted] or via email at [redacted]

Sincerely,

Linda Blackbern, Senior Planner
Long Range Planning Section
Ventura County Planning Division

Attachments: January 28, 2016 Environmental Document Review, RMA Ref. #15-024, Draft 2016 RTP/SCS and Program EIR comment letter
February 22, 2019, Environmental Document Review, RMA Ref. #19-001, Notice of Preparation of a Program Environmental Impact Report (PEIR) for Connect SoCal

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Kimberly L. Prillhart
Director

February 22, 2019

Mr. Roland Ok, Senior Regional Planner
Southern California Association of Governments
900 Wilshire Blvd, Suite 1700
Los Angeles, California 90017

Subject: Notice of Preparation of a Program Environmental Impact Report (PEIR) for Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy)(RTS/SCS)

Dear Mr. Ok:

Thank you for the opportunity to provide input and comments on the Notice of Preparation of a PEIR for Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy). The Long Range Planning Section of the Ventura County Planning Division reviewed the Notice of Preparation for the proposed project and provides the following response:

1. **Saticoy Area Plan.** In September 2015, the Ventura County Board of Supervisors adopted a comprehensive update to the Saticoy Area Plan. The Saticoy community is defined as a "severely economically disadvantaged community" and the Saticoy Area Plan has a 20-year time horizon that extends from 2015 to 2035. The Mobility Element within the Saticoy Area Plan identifies implementation program MOB-P2 which prioritizes the re-striping of SR 118 from Vineyard Avenue to Darling Road.

   On January 28, 2016, the Long Range Planning Section submitted a comment letter to Southern California Association of Governments (SCAG) in response to Draft 2016 RTP/SCS and PEIR. This letter provided detailed background emphasizing the need for regional cooperation for the construction of these improvements. As such, we respectfully request that the re-striping and any other critical intersection improvements in the Saticoy area be included in the RTP/SCS or FTIP Projects list as necessary, to make this a priority project.

2. **Bottom-up Local Growth and Land Use Input Process.** On October 1, 2018 and December 14, 2018, the Ventura County Planning Division provided detailed and comprehensive data and analysis in response to the request for local input. We request that this input be considered as part of the preparation of the environmental document.

3. **Population Growth and Housing Projections.** As part of the scoping for the environmental analysis in the PEIR, we request special consideration be given to protection of farmland and

that contaminated sites such as Santa Susana Field Laboratory (SSFL) be excluded from consideration of potential housing sites.

Thank you again for the opportunity to comment. Should you have any questions about the contents of this letter, please contact me at [redacted] or via email at [redacted]g

Sincerely,

Linda Blackbern, Senior Planner
Long Range Planning Section
Ventura County Planning Division

Attachments: Environmental Document Review, RMA Ref. #15-024, Draft 2016 RTP/SCS and Program EIR comment letter dated January 28, 2016

Memorandum

County of Ventura · Resource Management Agency · Planning Division

[redacted]

DATE: January 28, 2016

TO: Laura Hocking, RMA/Planning Technician

FROM: Kari Finley, Senior Planner

SUBJECT: Environmental Document Review, RMA Ref. #15-024
2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS)

We would like to thank the Southern California Association of Governments (SCAG) for the opportunity to review the Draft 2016 RTP/SCS and Program EIR. This memo provides comments on the Draft 2016 RTP/SCS from the Ventura County Planning Division for consideration by SCAG.

In September 2015, the Ventura County Board of Supervisors adopted a comprehensive update to the Saticoy Area Plan. The Saticoy community is defined as a "severely economically disadvantaged community". The Saticoy Area Plan has a 20-year time horizon that extends from 2015 to 2035. Within the Saticoy Area Plan, project objectives are called "guiding principles" that must be used when evaluating future Area Plan amendments. The four guiding principles developed for the Saticoy Area Plan update 1) sustainable development that supports a healthy community, 2) economic revitalization, 3) improved housing opportunities and, 4) improved infrastructure systems. The Area Plan update was primarily funded through a combination of Compass Blueprint Program Grant and the Strategic Growth Council Sustainable Communities Planning Grant Program. Significant planning efforts were focused on reducing vehicle miles travelled.

One of the unavoidable, significant impacts that was identified in the Saticoy Area Plan Program EIR, includes traffic impacts on State Route 118 (SR118) in the Saticoy Community. One potential mitigation measure that was identified includes the widening/re-striping of SR118 in the Saticoy community (e.g., generally between Vineyard Avenue to Darling Road). Although the Board of Supervisors adopted a statement of overriding considerations for this impact, the following implementation program (highlight added) was included in the Area Plan to help mitigate the impact in the future:

No.	Program Description	Responsibility	Priority	Timeframe
MOBILITY ELEMENT				
MOB-P2	***Reclassify Portion of SR 118:*** To mitigate significant project and cumulative traffic impacts on SR 118 between Vineyard Avenue and Darling Road, the County should review and process a General Plan Amendment that would reclassify that segment of SR 118 from 4 to 6 lanes on the Regional Road Network. The road reclassification should be incorporated into the next General Plan Update, tentatively scheduled for completion in 2020. Finally, the County shall work with VCTC and Caltrans to reprioritize the re-striping of SR 118 from Vineyard Avenue to Darling Road on the Ventura County Congestion Management Plan and the Caltrans list of projects. Although the re-striping project is currently listed in the Congestion Management Plan, the prioritization and timing for construction should be modified to occur within the 20-year horizon of the Saticoy Area Plan.	**PWA/ Transportation;** RMA/Planning; VCTC; Caltrans; City of Ventura	A	0-5 years

As indicated in the adopted Saticoy Area Plan program, it is critical for implementation of the recently adopted Saticoy Area Plan and future development in the Saticoy community that the re-striping project be included as a prioritized project in the 2016 RTP/SCS (FTIP Projects). The Saticoy Area Plan guiding principles are consistent with the RTP/SCS overarching strategy that calls for "more compact communities in existing urban areas". The Saticoy Area Plan includes a land use plan with more compact development and improved mobility in an existing urban area. Peak-hour traffic impacts are already significant in this area and will impede future revitalization of this disadvantaged community if improvements to SR118 are not constructed.

As such, we respectfully request that the re-striping and any other critical intersection improvements in the Saticoy area be included in the RTP/SCS or FTIP Projects list as necessary, to make this a priority project. If you have any questions concerning these comments, you may contact Kari Finley at [redacted]

Ventura County Transportation Commission

January 22, 2020

Southern California Association of Governments
Attn: Connect SoCal Team
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Draft Connect SoCal Plan Comments

Dear Connect SoCal Team,

Thank you for the opportunity to review and comment on the Connect SoCal Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS), Proposed Draft dated October 24, 2019. Specific technical and policy-related comments are provided in the attached spreadsheet.

As noted in the attached comments, we respectfully request that Ventura County projects be listed in the Projects List before the "Various" category, consistent with other Counties.

Should you have any questions concerning this review, please contact Amanda Fagan, Director of Planning and Policy, at [redacted] or by email at: [redacted]

Sincerely,

Darren Kettle
Executive Director

Enclosures:

(1) Ventura County Transportation Commission Comments on Draft Connect SoCal Plan, 22 January 2020
(2) Ventura County Transportation Commission Comments on Draft Connect SoCal Plan – Projects List, 22 January 2020

Comment No.	Chapter	Page	Section	Comment
1	2	24	Exhibit 2.2	Exhibit 2.2 does not use the most recent bike GIS data for Ventura County, which was provided to SCAG in 2019. The most recent bike data is from 2018, where the plan base year is 2016; however, the 2018 bike survey included many corrections to the previous data used in the VCTC paper maps.
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Technical Report: PROJECTS LIST							
				General Comment	The Projects Lists in Tables 1, 2, and 3 are organized in alphabetical order, which would make sense, except that all of the projects for Ventura County appear after multi-county projects (categorized as "Various" in the County column). It would be more appropriate to list all of the single-county projects first, such that the multi-county ("Various") projects appear at the end of the list.		
TABLE 1 - FTIP Projects							
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		VEN051211		0	IN CAMARILLO ON LAS POSAS ROAD FROM VENTURA BLVD TO PLEASANT VALLEY ROAD WIDEN FROM 2 TO 6 LANES	$10,521	UPDATED DESCRIPTION AND PROJECT COST PER 2021 FTIP
		VEN111102		0	SANTA PAULA BIKE TRAIL IMPROVEMENTS INCLUDING BIKE/PEDESTRIAN IMPROVEMENTS AT 16 ADJACENT INTERSECTIONS AND CONSTRUCTION OF ONE REST AREA SHADE STRUTURE. $266 IN TOLL CREDITS FOR CONSTRUCTION	$2,317	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150622		0	IN THOUSAND OAKS, WIDEN AND RESTRIPE MOORPARK ROAD BETWEEN OLSEN RD AND CROSSBRIDGE RD TO: ACCOMMODATE NEW CLASS 2 BICYCLE LANES (APPROXIMATELY 3,200 FT) IN EACH DIRECTION; CONSTRUCT NEW AND MODIFY EXISTING ADA CURB RAMPS; CONSTRUCT NEW DRAINAGE IMPROVEMENTS; INSTALL PLANTING AND IRRIGATION	$1,225	PROJECT COMPLETED. DELETE FROM RTP.
		VEN160105		0	RIO REAL ELEMENTARY SCHOOL - PEDESTRIAN AND STREET IMPROVEMENT PROJECT (USING TOLL CREDITS FOR CMAQ)	$626	PROJECT COMPLETED. DELETE FROM RTP.
		VEN171008		0	IN COUNTY, ON CENTRAL AVENUE, CONSTRUCT 2,200 FEET OF SIDEWALK FROM JOAN WAY TO RIO MESA HIGH SCHOOL	$1,241	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150621		0	NEAR CAMARILLO, PEDESTRIAN IMPROVEMENTS AT CAMARILLO HEIGHTS ELEMENTARY SCHOOL. CONSTRUCT 0.25 MILES OF SIDEWALK, CURB AND GUTTER ALONG EASTERLY SIDE OF MISSION DR BETWEEN CATALINA DR AND CAMARILLO DR (USING TOLL CREDITS FOR CMAQ)	$982	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191204		0	IN THE CITY OF SANTA PAULA ON FAULKNER AND PECK ROADS, RECONSTRUCT 1/3 MILES OF ROADWAY, AND NINE ADA CURB RAMPS ON PECK ROAD FROM FAULKNER ROAD TO SANTA PAULA STREET. (TOLL CREDITS TO PROVIDE MATCH)	$153	ADD NEW PROJECT PER 2021 FTIP
		VEN191203		0	IN THE CITY OF SIMI VALLEY, INSTALL LEFT-TURN PHASING AT FIVE INTERSECTIONS, INCLUDING MODIFICATIONS TO SIGNAL POLES, SIGNAL MAST ARMS, SIGNAL HEADS, AND TRAFFIC SIGNAL CONTROLLERS	$550	ADD NEW PROJECT PER 2021 FTIP
		VEN34095		0	IN OXNARD COLONIA RD/CAMINO DEL SOL OXNARD BOULEVARD (RT 1) TO ENTRADA DR CONSTRUCT 4 LANES	$10,269	PROJECT CANCELLED BY CITY. DELETE FROM RTP.
		VEN54019		0	IN CAMARILLO ADOLFO RD EXTENSION FROM CONEJO CREEK TO CAMARILLO SPRINGS RD/US 101 (TWO LANE UNDIVIDED ROAD)	$11,358	PROJECT CANCELLED BY CITY. DELETE FROM RTP.
		VEN031226		0	IN CAMARILLO ROUTE 101 AT PLEASANT VALLEY ROAD IMPROVE INTERSECTION WITH SOUTHBOUND RAMPS - WIDEN ONRAMP ENTRANCE FROM 1 TO 2 LANES	$4,308	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP
		VEN051210		0	IN CAMARILLO RECONFIGURE CENTRAL AVENUE / ROUTE 101 INTERCHANGE (INCLUDES CENTRAL AVE BRIDGE WIDENING FROM 1 TO 2 LANES EACH DIRECTION)	$50,000	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP
		VEN190116		0	IN CAMARILLO ON PLEASANT VALLEY ROAD-IMPROVE NORTHBOUND PLEASANT VALLEY ROAD ON-RAMP TO SOUTHBOUND 101 FREEWAY ON THE SOUTHEAST PORTION OF THE INTERCHANGE AT PM 12	$1,200	DELETE PROJECT PER 2021 FTIP
		VEN150604		0	TWO REPLACEMENT PARATRANSIT VEHICLES FOR CAMARILLO DIAL-A-RIDE	$181	PROJECT COMPLETED. DELETE FROM RTP.

		VEN150605		0	TWO EXPANSION PARATRANSIT VEHICLES	$250	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170705		0	PURCHASE ONE REPLACEMENT CUT-AWAY BUS FOR CAMARILLO TRANSIT - GAS	$90	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170706		0	PURCHASE ONE REPLACEMENT PARATRANSIT VEHICLE FOR CAMARILLO TRANSIT - GAS	$48	PROJECT COMPLETED. DELETE FROM RTP.
		VEN090501		0	CONSTRUCT NEW TRANSIT MAINTENANCE AND OPERATIONS FACILITY (5309 INCLUDES EARMARK NUMBER e2009-BUS091 AND FY10/11 STATE OF GOOD REPAIR DISCRETIONARY FUNDS)	$52,100	PROJECT COMPLETED. DELETE FROM RTP.
		VEN120105		0	REPLACE SERVICE, SUPERVISORY AND MAINTENANCE SUPPORT VEHICLES	$349	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150601		0	BUS ENHANCEMENTS FOR GOLD COAST TRANSIT STOPS	$50	DELETE PROJECT PER 2021 FTIP
		VEN150609		0	THREE-YEAR DEMONSTRATION SERVICE BUS ROUTE FROM NYLAND ACRES IN OXNARD TO WELLS CENTER IN VENTURA	$2,317	PROJECT COMPLETED. DELETE FROM RTP.
		VEN181201		0	GOLD COAST TRANSIT - PURCHASE OF NON-REVENUE SUPPORT VEHICLES	$180	DELETE PROJECT PER 2021 FTIP
		VEN160101		0	PURCHASE 3 NEW TROLLEY BUSES	$600	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150610		0	BUS STOP IMPROVEMENTS AT VALLEY EXPRESS STOPS IN SANTA PAULA, FILLMORE, AND COUNTY UNINCORPORATED AREA, INCLUDING SIGNAGE, BENCHES AND SHELTERS	$110	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191201		0	IN THE CITY OF SIMI VALLEY, REHABILITATION AND CONSTRUCTION OF BUS STOPS AT VARIOUS LOCATIONS	$350	ADD NEW PROJECT PER 2021 FTIP
		VEN191202		0	IN THE CITY OF SIMI VALLEY, PURCHASE OF REPLACEMENT PARATRANSIT VANS OR BUSES	$350	ADD NEW PROJECT PER 2021 FTIP
		VEN090117		0	POSITIVE TRAIN CONTROL SYSTEM VENTURA COUNTY FUNDING SHARE OF FIVE-COUNTY PROJECT ALSO IN L.A., ORANGE, RIVERSIDE, AND SAN BERNADINO COUNTIES	$2,480	PROJECT COMPLETED. DELETE FROM RTP.
		VEN151102		0	PUCHASE 2 CNG BUSES FOR EXPANSION AND 2 CNG BUSES FOR REPLACEMENT	$2,468	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170112		0	CITY WIDE REPLACEMENT OF BUS SHELTER AND BUS STOP AMENITIES	$63	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191101		0	IN THE CITY OF THOUSAND OAKS, ELECTRIC VEHICLE TRANSIT BUS PURCHASE. THE NEW EV BUSES WILL REPLACE EXISTING TRANSIT BUSES.	$1,500	ADD NEW PROJECT PER 2021 FTIP
		VEN191102		0	IN CITY OF THOUSAND OAKS, AT MUNICIPAL SERVICE CENTER, UPGRADE FUELING STATION TO ADD NEW DISPENSERS, FUEL CONTROL SYSTEM, AND IGHT EMITTING DIODE LIGHTING	$302	ADD NEW PROJECT PER 2021 FTIP
		VEN191103		0	IN THOUSAND OAKS AT THE TRANSPORTATION CENTER ON RANCHO ROAD AND AT THE MUNICIPAL SERVICE CENTER ON RANCHO CONEJO BOULEVARD, CONSTRUCTION OF EV CHARGING INFRASTRUCTURE	$1,500	ADD NEW PROJECT PER 2021 FTIP
		VEN191205		0	IN THE CITY OF THOUSAND OAKS, AT JANSS ROAD PARK AND RIDE, NEW LIGHT POLES AND LED FIXTURES, NEW VINYL FENCING, ASPHALT GRIND AND OVERLAY, NEW STRIPING, AND INSTALLATION OF ADDITIONAL EV CHARGER.	$200	ADD NEW PROJECT PER 2021 FTIP
		VEN171002		0	PURCHASE TWO (2) BUSES FOR REPLACEMENT FOR VCTC INTERCITY BUS SERVICE	$1,425	PROJECT COMPLETED. DELETE FROM RTP.
		VEN171003		0	PURCHASE ONE (1) BUS FOR EXPANSION FOR VCTC INTERCITY BUS SERVICE, TO INCREASE THE SPARE RATION	$713	PROJECT COMPLETED. DELETE FROM RTP.
		VENLS02		0	GROUPED PROJECTS LISTING FOR PAVEMENT RESURFACING AND/OR REHABILITATION ON THE STATE HIGHWAY SYSTEM	$231,048	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP

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Ventura County Transportation Commission

January 22, 2020

Southern California Association of Governments
Attn: Connect SoCal Team
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Subject: Draft Connect SoCal Plan Comments

Dear Connect SoCal Team,

Thank you for the opportunity to review and comment on the Connect SoCal Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS), Proposed Draft dated October 24, 2019. Specific technical and policy-related comments are provided in the attached spreadsheet.

As noted in the attached comments, we respectfully request that Ventura County projects be listed in the Projects List before the "Various" category, consistent with other Counties.

Should you have any questions concerning this review, please contact Amanda Fagan, Director of Planning and Policy, at [redacted] or by email at: [redacted].

Sincerely,

Darren Kettle
Executive Director

Enclosures:

(1) Ventura County Transportation Commission Comments on Draft Connect SoCal Plan, 22 January 2020
(2) Ventura County Transportation Commission Comments on Draft Connect SoCal Plan – Projects List, 22 January 2020

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13	3	82	Effective Analysis & Planning	1st Column, 1st Paragraph. Refers to a "discursive and collaborative planning approach." Perhaps "discursive" is not the best word choice here? Discursive means "moving from topic to topic without order," which is generally not the best approach to planning. Suggest use of "comprehensive" or other word choice.
14	3	89	Exhibit 3.6	Job Centers are highlighted in Ventura and Camarillo, with a small center in coastal Oxnard-Port Hueneme, but no Job Center highlighted for Oxnard downtown/U.S. 101, which is surprising considering that Oxnard is the largest city in Ventura County. Suggest SCAG to review this data and map generation.
15	3	91	Exhibit 3.8	A "Priority Growth Area - High Quality Transit Area" is depicted for the area that extends from south Oxnard through Ventura, presumably along the Gold Coast Transit District Route #6. While this route may meet the definition of a high quality transit corridor with headways of 15 minutes or better by 2045, its inclusion in the RTP as an HQTC may create a disconnect between the resulting Regional Housing Needs Assessment allocations and achievable levels of service within the next 8 years period given funding and other constraints. The plan should clarify where HQTAs/HQTCs are based on committed, financially constrained, or strategic projects.
16	4	97, 100	Introduction, Local Sales Tax Measures	Page 97, 1st Column, 2nd Paragraph. As with Comment #8 above, it should also be noted here that one county (Ventura) does not have a sales tax measure to generate local transportation funding resources. The plan should address the impact to transportation funding for local agencies without dedicated local revenue sources for transportation. Similarly, Page 100, 1st Column, 1st Paragraph - Text here notes that Ventura County does not have a dedicated sales tax measure for transportation. What are the implications to Ventura County with respect to implementing the RTP/SCS?
17	5	133	Outcome 3: Safety & Public Health	The Draft RTP finds that, if the plan is implemented, Ventura County's transit mode share will increase to 3.2% for work trips and 2.6% for all trips (currently transit is at 1.3% of work trips and 0.5% of all trips, per the Ventura County Traffic Model and the American Community Survey) for an overall Ventura County transit investment of $303,926,000. This suggests that the plan should include discussion of the tradeoffs between mode/policy costs and effectiveness of achieving VMT and GHG reduction goals.
18	N/A	N/A	General Comment	The plan recognizes that land use planning and zoning regulations share in the responsibility for regional housing shortages; however, this seems to be in tension with other policies in the plan which could make housing more expensive. In general, there seems to be a lack of recognition that several policies being pursued are likely in tension with one another. For instance, the plan notes Los Angeles as the most dense urbanized area in the U.S., and other urbanized areas where transit is more effective tend to have a different distribution of density than LA. The plan says that this limits the effectiveness of transit in the region. To overcome this, the plan focuses on HQTAs, which could limit the total amount of new affordable housing built in the region.
19	2, 6	16, 17, 151	Various	There is a recognition in the plan about a shift in housing and transportation expectations, notably slowing of population growth, Millennial preferences for urban/suburban lifestyle, TNC's (Uber/Lyft), and congestion. However, the plan does not include a robust discussion on how policy should be altered in light of these developments.
20	5	120-127	Performance Outcomes	The plan is not always explicit about if scenarios and projections are coming from the Activity-Based Model or the traditional SCAG 4-Step Model. According to our model consultant, the Activity-Based Model has not been validated.

Technical Report: PROJECTS LIST							
				General Comment	The Projects Lists in Tables 1, 2, and 3 are organized in alphabetical order, which would make sense, except that all of the projects for Ventura County appear after multi-county projects (categorized as "Various" in the County column). It would be more appropriate to list all of the single-county projects first, such that the multi-county ("Various") projects appear at the end of the list.		
TABLE 1 - FTIP Projects							
COUNTY	**System**	**FTIP ID**	**RTP ID**	**Route #**	**DESCRIPTION**	**PROJECT COST ($1,000's)**	**COMMENT**
		VEN051211		0	IN CAMARILLO ON LAS POSAS ROAD FROM VENTURA BLVD TO PLEASANT VALLEY ROAD WIDEN FROM 2 TO 6 LANES	$10,521	UPDATED DESCRIPTION AND PROJECT COST PER 2021 FTIP
		VEN111102		0	SANTA PAULA BIKE TRAIL IMPROVEMENTS INCLUDING BIKE/PEDESTRIAN IMPROVEMENTS AT 16 ADJACENT INTERSECTIONS AND CONSTRUCTION OF ONE REST AREA SHADE STRUTURE. $266 IN TOLL CREDITS FOR CONSTRUCTION	$2,317	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150622		0	IN THOUSAND OAKS, WIDEN AND RESTRIPE MOORPARK ROAD BETWEEN OLSEN RD AND CROSSBRIDGE RD TO: ACCOMMODATE NEW CLASS 2 BICYCLE LANES (APPROXIMATELY 3,200 FT) IN EACH DIRECTION; CONSTRUCT NEW AND MODIFY EXISTING ADA CURB RAMPS; CONSTRUCT NEW DRAINAGE IMPROVEMENTS; INSTALL PLANTING AND IRRIGATION	$1,225	PROJECT COMPLETED. DELETE FROM RTP.
		VEN160105		0	RIO REAL ELEMENTARY SCHOOL - PEDESTRIAN AND STREET IMPROVEMENT PROJECT (USING TOLL CREDITS FOR CMAQ)	$626	PROJECT COMPLETED. DELETE FROM RTP.
		VEN171008		0	IN COUNTY, ON CENTRAL AVENUE, CONSTRUCT 2,200 FEET OF SIDEWALK FROM JOAN WAY TO RIO MESA HIGH SCHOOL	$1,241	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150621		0	NEAR CAMARILLO, PEDESTRIAN IMPROVEMENTS AT CAMARILLO HEIGHTS ELEMENTARY SCHOOL. CONSTRUCT 0.25 MILES OF SIDEWALK, CURB AND GUTTER ALONG EASTERLY SIDE OF MISSION DR BETWEEN CATALINA DR AND CAMARILLO DR (USING TOLL CREDITS FOR CMAQ)	$982	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191204		0	IN THE CITY OF SANTA PAULA ON FAULKNER AND PECK ROADS, RECONSTRUCT 1/3 MILES OF ROADWAY, AND NINE ADA CURB RAMPS ON PECK ROAD FROM FAULKNER ROAD TO SANTA PAULA STREET. (TOLL CREDITS TO PROVIDE MATCH)	$153	ADD NEW PROJECT PER 2021 FTIP
		VEN191203		0	IN THE CITY OF SIMI VALLEY, INSTALL LEFT-TURN PHASING AT FIVE INTERSECTIONS, INCLUDING MODIFICATIONS TO SIGNAL POLES, SIGNAL MAST ARMS, SIGNAL HEADS, AND TRAFFIC SIGNAL CONTROLLERS	$550	ADD NEW PROJECT PER 2021 FTIP
		VEN34095		0	IN OXNARD COLONIA RD/CAMINO DEL SOL OXNARD BOULEVARD (RT 1) TO ENTRADA DR CONSTRUCT 4 LANES	$10,269	PROJECT CANCELLED BY CITY. DELETE FROM RTP.
		VEN54019		0	IN CAMARILLO ADOLFO RD EXTENSION FROM CONEJO CREEK TO CAMARILLO SPRINGS RD/US 101 (TWO LANE UNDIVIDED ROAD)	$11,358	PROJECT CANCELLED BY CITY. DELETE FROM RTP.
		VEN031226		0	IN CAMARILLO ROUTE 101 AT PLEASANT VALLEY ROAD IMPROVE INTERSECTION WITH SOUTHBOUND RAMPS - WIDEN ONRAMP ENTRANCE FROM 1 TO 2 LANES	$4,308	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP
		VEN051210		0	IN CAMARILLO RECONFIGURE CENTRAL AVENUE / ROUTE 101 INTERCHANGE (INCLUDES CENTRAL AVE BRIDGE WIDENING FROM 1 TO 2 LANES EACH DIRECTION)	$50,000	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP
		VEN190116		0	IN CAMARILLO ON PLEASANT VALLEY ROAD-IMPROVE NORTHBOUND PLEASANT VALLEY ROAD ON-RAMP TO SOUTHBOUND 101 FREEWAY ON THE SOUTHEAST PORTION OF THE INTERCHANGE AT PM 12	$1,200	DELETE PROJECT PER 2021 FTIP
		VEN150604		0	TWO REPLACEMENT PARATRANSIT VEHICLES FOR CAMARILLO DIAL-A-RIDE	$181	PROJECT COMPLETED. DELETE FROM RTP.

		VEN150605		0	TWO EXPANSION PARATRANSIT VEHICLES	$250	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170705		0	PURCHASE ONE REPLACEMENT CUT-AWAY BUS FOR CAMARILLO TRANSIT - GAS	$90	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170706		0	PURCHASE ONE REPLACEMENT PARATRANSIT VEHICLE FOR CAMARILLO TRANSIT - GAS	$48	PROJECT COMPLETED. DELETE FROM RTP.
		VEN090501		0	CONSTRUCT NEW TRANSIT MAINTENANCE AND OPERATIONS FACILITY (5309 INCLUDES EARMARK NUMBER e2009-BUS091 AND FY10/11 STATE OF GOOD REPAIR DISCRETIONARY FUNDS)	$52,100	PROJECT COMPLETED. DELETE FROM RTP.
		VEN120105		0	REPLACE SERVICE, SUPERVISORY AND MAINTENANCE SUPPORT VEHICLES	$349	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150601		0	BUS ENHANCEMENTS FOR GOLD COAST TRANSIT STOPS	$50	DELETE PROJECT PER 2021 FTIP
		VEN150609		0	THREE-YEAR DEMONSTRATION SERVICE BUS ROUTE FROM NYLAND ACRES IN OXNARD TO WELLS CENTER IN VENTURA	$2,317	PROJECT COMPLETED. DELETE FROM RTP.
		VEN181201		0	GOLD COAST TRANSIT - PURCHASE OF NON-REVENUE SUPPORT VEHICLES	$180	DELETE PROJECT PER 2021 FTIP
		VEN160101		0	PURCHASE 3 NEW TROLLEY BUSES	$600	PROJECT COMPLETED. DELETE FROM RTP.
		VEN150610		0	BUS STOP IMPROVEMENTS AT VALLEY EXPRESS STOPS IN SANTA PAULA, FILLMORE, AND COUNTY UNINCORPORATED AREA, INCLUDING SIGNAGE, BENCHES AND SHELTERS	$110	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191201		0	IN THE CITY OF SIMI VALLEY, REHABILITATION AND CONSTRUCTION OF BUS STOPS AT VARIOUS LOCATIONS	$350	ADD NEW PROJECT PER 2021 FTIP
		VEN191202		0	IN THE CITY OF SIMI VALLEY, PURCHASE OF REPLACEMENT PARATRANSIT VANS OR BUSES	$350	ADD NEW PROJECT PER 2021 FTIP
		VEN090117		0	POSITIVE TRAIN CONTROL SYSTEM VENTURA COUNTY FUNDING SHARE OF FIVE-COUNTY PROJECT ALSO IN L.A., ORANGE, RIVERSIDE, AND SAN BERNADINO COUNTIES	$2,480	PROJECT COMPLETED. DELETE FROM RTP.
		VEN151102		0	PUCHASE 2 CNG BUSES FOR EXPANSION AND 2 CNG BUSES FOR REPLACEMENT	$2,468	PROJECT COMPLETED. DELETE FROM RTP.
		VEN170112		0	CITY WIDE REPLACEMENT OF BUS SHELTER AND BUS STOP AMENITIES	$63	PROJECT COMPLETED. DELETE FROM RTP.
		VEN191101		0	IN THE CITY OF THOUSAND OAKS, ELECTRIC VEHICLE TRANSIT BUS PURCHASE. THE NEW EV BUSES WILL REPLACE EXISTING TRANSIT BUSES.	$1,500	ADD NEW PROJECT PER 2021 FTIP
		VEN191102		0	IN CITY OF THOUSAND OAKS, AT MUNICIPAL SERVICE CENTER, UPGRADE FUELING STATION TO ADD NEW DISPENSERS, FUEL CONTROL SYSTEM, AND IGHT EMITTING DIODE LIGHTING	$302	ADD NEW PROJECT PER 2021 FTIP
		VEN191103		0	IN THOUSAND OAKS AT THE TRANSPORTATION CENTER ON RANCHO ROAD AND AT THE MUNICIPAL SERVICE CENTER ON RANCHO CONEJO BOULEVARD, CONSTRUCTION OF EV CHARGING INFRASTRUCTURE	$1,500	ADD NEW PROJECT PER 2021 FTIP
		VEN191205		0	IN THE CITY OF THOUSAND OAKS, AT JANSS ROAD PARK AND RIDE, NEW LIGHT POLES AND LED FIXTURES, NEW VINYL FENCING, ASPHALT GRIND AND OVERLAY, NEW STRIPING, AND INSTALLATION OF ADDITIONAL EV CHARGER.	$200	ADD NEW PROJECT PER 2021 FTIP
		VEN171002		0	PURCHASE TWO (2) BUSES FOR REPLACEMENT FOR VCTC INTERCITY BUS SERVICE	$1,425	PROJECT COMPLETED. DELETE FROM RTP.
		VEN171003		0	PURCHASE ONE (1) BUS FOR EXPANSION FOR VCTC INTERCITY BUS SERVICE, TO INCREASE THE SPARE RATION	$713	PROJECT COMPLETED. DELETE FROM RTP.
		VENLS02		0	GROUPED PROJECTS LISTING FOR PAVEMENT RESURFACING AND/OR REHABILITATION ON THE STATE HIGHWAY SYSTEM	$231,048	UPDATED PROJECT COST ESTIMATE PER 2021 FTIP

					ROUTE 101 AUXILIARY LANES NB FROM CAMARILLO SPRINGS RD TO SANTA ROSA RD AND SB FROM CAMARILLO SPRINGS ROAD TO CENTRAL AVE		ADD NEW PROJECT (101 HOV LANES PA/ED UNDERWAY). ANTICIPATED COMPLETION DATE - 2040.
					ROUTE 101 AUXILIARY LANES NB AND SB FROM CENTRAL AVE TO OXNARD BLVD		ADD NEW PROJECT (101 HOV LANES PA/ED UNDERWAY). ANTICIPATED COMPLETION DATE - 2040.
					ROUTE 101 AUXILIARY LANES NB AND SB FROM JOHNSON DR TO VICTORIA AVE PLUS ONE ADDITIONAL NB MIXED-FLOW THROUGH LANE OXNARD BLVD TO VICTORIA AVE		ADD NEW PROJECT (101 HOV LANES PA/ED UNDERWAY). ANTICIPATED COMPLETION DATE - 2040.

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
[redacted]

January 24, 2020

Draft Connect SoCal PEIR Comments
Attn: Roland Ok
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
Submitted via email: 2020PEIR@scag.ca.gov

Thank you for the opportunity to comment on the draft regional transportation plan whose many goals will guide transportation and land use policy and program for the coming years in the SCAG region through 2045. As stated in the opening chapter of the draft, the regional plan seeks to chart "a path toward a more mobile, sustainable and prosperous region by making key connections: between transportation networks, between planning strategies and between the people whose collaboration can make plans a reality." While fulfilling this vision, it is important to note that the plan must do much more than merely coordinate transportation projects, reduce greenhouse gas emissions, meet federal Clean Air Act requirements, promote the preservation of natural and agricultural lands, promote measures that improve the public's health, ensure the maintenance of roadways and transit infrastructure, provide needed support for good's movement, promote the more effective use of our limited resource, usher in new technologies related to transport and transportation – all while supporting healthy and equitable communities and restoring endangered and fouled habitats (for all species as well as our human brothers and sisters). In short, this plan and future regional planning must usher in a form of policy evolution – a culture shift that must be sensitively and carefully advanced understanding the many factors involved.

Although laws can be passed and policies can be adopted, none will fully succeed without careful attention played to the human factors involved and to the careful design of transitions. As it pertains to the shift away from the Southern California car culture, SCAG and all its member governments are likely painfully aware of the need to build bridges between "what is" and "what must be." What concerns me as I review proposed policies and laws, is the failure to acknowledge that the realities of the impacts of the transition cannot be ignored or be "sold" to the public by platitudes.

The public's exposure to the Connect SoCal plan through recent webinars and telephone town hall did not and could not "get into the weeds" of the plan. These overviews would not have led to an understanding of what will come to pass over time. They did not lead people to ask questions that get to the root of some of the challenges that we face in the implementation of a plan like Connected SoCal. The ability to make meaningful comment from the public's point of view, experience and background is quite limited – especially understanding that SCAG has worked with representatives of the region's member cities to seek input and incorporate those thoughts into the plan. How can we as laypersons make a contribution to this process?

We have observed and been recipients of the implementation of LA City policies that seek to support some of the same goals being sought in the Connect SoCal plan. Some of our thoughts in response to what we have seen in the rollout of those policies and the Connect SoCal plan follow:

- RE: Complete Streets

    - The emphasis on providing significant density bonuses to developments on what have traditionally been our communities' commercial corridors has resulted in the significant loss of local community serving merchants – the very backbone of retail and service providers needed in a community. Small retailers and service providers are often the first displaced tenants in the reorientation of commercial corridors into so-called mixed use development sites. However, it must be noted that the "mixed-use" developments are often nothing more than residential developments. In fact, Los Angeles' RAS mixed use development zone does not require a project to have a mixed use component. Further, many residential projects that claim to incorporate ground floor "live-work" units which are purported to be active pedestrian oriented uses are most often purely residential uses with no street orientation.
    - Creating purely residential communities with proximity to transit without providing for the community services and retail support for the growing dense population will require residents to travel distance to support their daily living needs.
    - Allowing residential development to occupy both commercial and light industrial/manufacturing zoned land (much the result of the very generous entitlement bonuses given to residential development) in the push to provide new housing will result in the need for those residents to have to travel far distances to reach their work locations. There is a clear need to identify and reserve land for job opportunity also near transit. Housing and jobs may not be coming closer together without more attention to the current realities.
    - Further: Re: Jobs and Housing balance: While we understand that the RHNA process has resulted in the placement of the bulk of new housing to be in the coastal zones of SCAG's region, we do not believe that it is a sound policy to rely on the coastal zone to absorb all new population – both because of the inherent higher cost of land in proximity to the coast (something seen worldwide), and the fact that each region as its own ecosystem has what we believe is a carrying capacity. The plan talks about the importance to preserve farmland and open space, but it does not address the need to provide for needed infrastructure such as open space in the urban areas of growing population density. Where is the

recognition of the need to develop urban open space, to develop greenbelts, to regulate the proximity of housing adjacent to transit corridors and noxious uses? Los Angeles City, with which we are most familiar, has land zoned for density to accommodate projected population growth. However, developers do not wish to build in all the areas where land would accommodate new growth. Yet, we are pressed to rezone neighborhoods often creating what many view to be a future unlivable city. With sewer and water mains bursting, with streets crumbling, how much added development can our urban areas absorb? The assumption that the urban areas are able to support large density increases is open to serious questioning. Many would challenge the statement made on page 12 of the project summary: "…. by focusing new residential and commercial development in higher density areas already equipped with the requisite urban infrastructure."

What is the strategy to develop population centers with both jobs AND housing where land costs will result in affordable workforce housing and where these newer communities will not endanger agricultural producing land or sensitive habitats? What kinds of incentives can be developed to foster the establishment of job centers in these new population areas? These sub-regional job centers can be built with compact land uses that incorporate open space protections as well as urban open space. These are opportunities to build model communities in a more dense format than former single family home communities.

- Regarding housing and the high cost of housing:
  We all agree that there is an affordable housing crisis and that there are no simple fixes. This "crisis" has been brewing for decades while real estate speculation, the mortgage crisis fiasco, foreign investment in CA property (with many properties left empty and no taxes accessed on them to encourage occupancy) and a growing short-term rental market that removed residential units from the housing market took hold. While Connect SoCal is a transportation program, it is important that these factors be noted and addressed for no current measures have addressed any of these contributors that have helped to bring us to where we are today and have placed added pressures on our housing supply.

- RE: The shift from automobiles to a more transit-oriented transportation realm.

  - This is an evolutionary process best accomplished by halting the demonization of drivers or the creation of an "us vs. them" battle. Innovative programs to incentivize transit use (when possible/realistic) and reduce vehicle use that are not punitive are needed.
  - Road maintenance and improvements must be supported by augmented fees levied on electric vehicles as well as those raised through gas tax funds. Policies that allow for annual fees on electric vehicles are important to reflect the use of the roads by these vehicles which currently may not be paying their fair share. However, we foresee potential backlash in the adoption of both a gas tax for road maintenance and a

use tax based on miles travelled. Should it not be one or the other? Whatever funding mechanism is adopted should build in an established adjustment for inflation without the need for further legislative action. Is it fair to seek both a mileage-based user fee AND a local road charge program?

- The possible investment of private equity firms in the construction and/or operation of transit will come at a future cost. We are concerned that decisions made are done with clear understanding of the cost to future users and how that compares with public financing options. Those discussions should be held in the open in a transparent manner.
- The placement of bike and bus only lanes that results in the intentional "traffic calming" on streets often comes with unintended consequences for nearby streets. Our streets have traditionally been characterized by their ability to carry different volumes of traffic. Our community supports streets designated to provide safe passage for bicyclists. However, we also believe that certain streets should be designated to move vehicles and not bicycle traffic. We are extremely concerned that the intentional slowing of traffic on arterials will result in the transfer of vehicles from the arterials to our local community streets – streets where we believe it is safest for pedestrians and bicycle riding. The adoption of "bus only" lanes will present some of the same challenges.

- Transit use: There are those who can easily access transit and there are those that cannot do so. Each of those groups has an additional subset—those who use transit and those who do not. It is likely unrealistic to expect that all can and will use transit. In some families, some family members will use transit and others will not/cannot do so. We must recognize that Los Angeles is a city that is separated by a mountain range – a mountain range separating valley and city areas. While METRO has current plans to connect the two areas by fixed public transit, we are not there yet. And yet, there are plans to levy user fees to riders who enter the Westside via "GO ZONES" – also known as tolling areas. So long as there are significant gaps in our transportation network, GO ZONES or local toll areas will be viewed as schemes devised to raise funds to help support transit development/maintenance. The proposed Westside GO ZONE now being discussed does not address the impacts on those who cannot adjust work shifts, of those who must access needed medical care within a GO ZONE area. This will strike those affected as yet another tax that is being levied to make up for otherwise unsound funding mechanisms for our transit/transportation infrastructure.
- The Westside has long waited to receive fixed public transit. The EXPO line exceeded ridership estimates from the minute it opened and yet frequency of trains has been reduced. The "Subway to the Sea" will not reach the sea and will end at the VA removing a major transit connection along a major travel corridor. The lower population levels in hillsides and substandard streets there will likely make it unlikely that transit can be justified to serve hillside residents (although microstransit may be helpful there). Why is the Westside being identified as the target of a tolling program? Why isn't the downtown area, where major investments in transit, including the Downtown Connector) have been made and where

the Gold Line, Subway, Union Station, Metrolink all meet? Promises that low income drivers will somehow be subsidized if entering the area does not address the many issues presented by tolling in local communities.

- It is up to the transit providers to present an attractive and efficient option for prospective riders. It is an unfortunate fact that currently some of our transit options are not viewed by riders as realistic options. The reasons for this are many: Poor access to stations, lack of parking where transit options to reach transit are not available, unrealistically long travel times, perceived unsafe conditions (particularly for women traveling along after dark), filthy conditions, unreliable service.
- First mile/ Last mile: Many transit riders and prospective transit riders cannot avail themselves to use scooters or bicycles and may not be able to reach transit on foot. The needs of those individuals need to be recognized and addressed. This is perhaps a growing challenge as the Baby Boomer generation ages. Data has demonstrated that Lyft/Uber-style ride providers are often major contributors to street congestion. Further, the safety of passengers in Uber/Lyft vehicles is becoming a growing issue suggesting that if our transit networks are to rely on these forms of transit then more regulation may be required.
- It is important for planners to recognize that vehicles will not disappear from our environment and that removing parking spaces in residential developments in the thought that this will stop people from driving is wishful and illusory thinking. Providing parking is necessary because not all members of a family will be able to use transit given their work responsibilities and the vast geographic area this region represents. Further, some jobs are shift jobs with irregular hours that do not conform to transit availability. Space provided for parking in buildings should be designed so that it can be repurposed in the future should need for that use be reduced. LA permits developments under the TOC/Transit Oriented Community Guidelines that provide ½ space of parking per unit – regardless of the number of bedrooms in those units. Some projects provide no/zero units assuming that those who live near transit will not own or have a need to park a loaned vehicle. Is this realistic? We think not. At the very least we suggest that data be gathered from all new projects that can help to document how many bicycle and automobile spaces have been provided, how many are in use, whether there are waiting lists seeking access to a parking space. We also suggest (and continue to do so) that projects permitted with bonus densities granted as a result of proximity to transit be required to provide new residents and employees FREE transit passes for an initial period of time, followed by discount pass provision upon proof of regular transit use. Those buildings have benefited from significant “upzoning” and development rights at no cost. They should be part of the process in supporting the use of transit whenever possible. Citizens should not need to have to suggest such a policy. It should be expected, particularly since more and more developments are being built “by right” with little opportunity for community members to participate in making suggestions for improvement.

We are grateful that SCAG has made strong efforts to seek public participation in this effort. It is extremely troubling to us that measures to incentivize housing development have resulted in

the streamlining of the entitlement process that removes our input from the process. Even worse is proposed STATE legislation such as SB 50 that seeks to implement zoning from a statewide perspective – voiding local community plans and local planning efforts. We look to SCAG to be an advocate in challenging the disempowerment and silencing of the voices of local communities in the planning the future of our communities.

Thank you for your consideration.

Sincerely,

Barbara Broide

Barbara Broide
President

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
[redacted]

January 24, 2020

Draft Connect SoCal PEIR Comments
Attn: Roland Ok
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
Submitted via email: 2020PEIR@scag.ca.gov

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    - Creating purely residential communities with proximity to transit without providing for the community services and retail support for the growing dense population will require residents to travel distance to support their daily living needs.
    - Allowing residential development to occupy both commercial and light industrial/manufacturing zoned land (much the result of the very generous entitlement bonuses given to residential development) in the push to provide new housing will result in the need for those residents to have to travel far distances to reach their work locations. There is a clear need to identify and reserve land for job opportunity also near transit. Housing and jobs may not be coming closer together without more attention to the current realities.
    - Further: Re: Jobs and Housing balance: While we understand that the RHNA process has resulted in the placement of the bulk of new housing to be in the coastal zones of SCAG's region, we do not believe that it is a sound policy to rely on the coastal zone to absorb all new population – both because of the inherent higher cost of land in proximity to the coast (something seen worldwide), and the fact that each region as its own ecosystem has what we believe is a carrying capacity. The plan talks about the importance to preserve farmland and open space, but it does not address the need to provide for needed infrastructure such as open space in the urban areas of growing population density. Where is the

recognition of the need to develop urban open space, to develop greenbelts, to regulate the proximity of housing adjacent to transit corridors and noxious uses? Los Angeles City, with which we are most familiar, has land zoned for density to accommodate projected population growth. However, developers do not wish to build in all the areas where land would accommodate new growth. Yet, we are pressed to rezone neighborhoods often creating what many view to be a future unlivable city. With sewer and water mains bursting, with streets crumbling, how much added development can our urban areas absorb? The assumption that the urban areas are able to support large density increases is open to serious questioning. Many would challenge the statement made on page 12 of the project summary: "…. by focusing new residential and commercial development in higher density areas already equipped with the requisite urban infrastructure."

What is the strategy to develop population centers with both jobs AND housing where land costs will result in affordable workforce housing and where these newer communities will not endanger agricultural producing land or sensitive habitats? What kinds of incentives can be developed to foster the establishment of job centers in these new population areas? These sub-regional job centers can be built with compact land uses that incorporate open space protections as well as urban open space. These are opportunities to build model communities in a more dense format than former single family home communities.

- Regarding housing and the high cost of housing:
  We all agree that there is an affordable housing crisis and that there are no simple fixes. This "crisis" has been brewing for decades while real estate speculation, the mortgage crisis fiasco, foreign investment in CA property (with many properties left empty and no taxes accessed on them to encourage occupancy) and a growing short-term rental market that removed residential units from the housing market took hold. While Connect SoCal is a transportation program, it is important that these factors be noted and addressed for no current measures have addressed any of these contributors that have helped to bring us to where we are today and have placed added pressures on our housing supply.

- RE: The shift from automobiles to a more transit-oriented transportation realm.

  - This is an evolutionary process best accomplished by halting the demonization of drivers or the creation of an "us vs. them" battle. Innovative programs to incentivize transit use (when possible/realistic) and reduce vehicle use that are not punitive are needed.
  - Road maintenance and improvements must be supported by augmented fees levied on electric vehicles as well as those raised through gas tax funds. Policies that allow for annual fees on electric vehicles are important to reflect the use of the roads by these vehicles which currently may not be paying their fair share. However, we foresee potential backlash in the adoption of both a gas tax for road maintenance and a

use tax based on miles travelled. Should it not be one or the other? Whatever funding mechanism is adopted should build in an established adjustment for inflation without the need for further legislative action. Is it fair to seek both a mileage-based user fee AND a local road charge program?

- The possible investment of private equity firms in the construction and/or operation of transit will come at a future cost. We are concerned that decisions made are done with clear understanding of the cost to future users and how that compares with public financing options. Those discussions should be held in the open in a transparent manner.
- The placement of bike and bus only lanes that results in the intentional "traffic calming" on streets often comes with unintended consequences for nearby streets. Our streets have traditionally been characterized by their ability to carry different volumes of traffic. Our community supports streets designated to provide safe passage for bicyclists. However, we also believe that certain streets should be designated to move vehicles and not bicycle traffic. We are extremely concerned that the intentional slowing of traffic on arterials will result in the transfer of vehicles from the arterials to our local community streets – streets where we believe it is safest for pedestrians and bicycle riding. The adoption of "bus only" lanes will present some of the same challenges.

- Transit use: There are those who can easily access transit and there are those that cannot do so. Each of those groups has an additional subset—those who use transit and those who do not. It is likely unrealistic to expect that all can and will use transit. In some families, some family members will use transit and others will not/cannot do so. We must recognize that Los Angeles is a city that is separated by a mountain range – a mountain range separating valley and city areas. While METRO has current plans to connect the two areas by fixed public transit, we are not there yet. And yet, there are plans to levy user fees to riders who enter the Westside via "GO ZONES" – also known as tolling areas. So long as there are significant gaps in our transportation network, GO ZONES or local toll areas will be viewed as schemes devised to raise funds to help support transit development/maintenance. The proposed Westside GO ZONE now being discussed does not address the impacts on those who cannot adjust work shifts, of those who must access needed medical care within a GO ZONE area. This will strike those affected as yet another tax that is being levied to make up for otherwise unsound funding mechanisms for our transit/transportation infrastructure.
- The Westside has long waited to receive fixed public transit. The EXPO line exceeded ridership estimates from the minute it opened and yet frequency of trains has been reduced. The "Subway to the Sea" will not reach the sea and will end at the VA removing a major transit connection along a major travel corridor. The lower population levels in hillsides and substandard streets there will likely make it unlikely that transit can be justified to serve hillside residents (although microstransit may be helpful there). Why is the Westside being identified as the target of a tolling program? Why isn't the downtown area, where major investments in transit, including the Downtown Connector) have been made and where

the Gold Line, Subway, Union Station, Metrolink all meet? Promises that low income drivers will somehow be subsidized if entering the area does not address the many issues presented by tolling in local communities.

- It is up to the transit providers to present an attractive and efficient option for prospective riders. It is an unfortunate fact that currently some of our transit options are not viewed by riders as realistic options. The reasons for this are many: Poor access to stations, lack of parking where transit options to reach transit are not available, unrealistically long travel times, perceived unsafe conditions (particularly for women traveling along after dark), filthy conditions, unreliable service.
- First mile/ Last mile: Many transit riders and prospective transit riders cannot avail themselves to use scooters or bicycles and may not be able to reach transit on foot. The needs of those individuals need to be recognized and addressed. This is perhaps a growing challenge as the Baby Boomer generation ages. Data has demonstrated that Lyft/Uber-style ride providers are often major contributors to street congestion. Further, the safety of passengers in Uber/Lyft vehicles is becoming a growing issue suggesting that if our transit networks are to rely on these forms of transit then more regulation may be required.
- It is important for planners to recognize that vehicles will not disappear from our environment and that removing parking spaces in residential developments in the thought that this will stop people from driving is wishful and illusory thinking. Providing parking is necessary because not all members of a family will be able to use transit given their work responsibilities and the vast geographic area this region represents. Further, some jobs are shift jobs with irregular hours that do not conform to transit availability. Space provided for parking in buildings should be designed so that it can be repurposed in the future should need for that use be reduced. LA permits developments under the TOC/Transit Oriented Community Guidelines that provide ½ space of parking per unit – regardless of the number of bedrooms in those units. Some projects provide no/zero units assuming that those who live near transit will not own or have a need to park a loaned vehicle. Is this realistic? We think not. At the very least we suggest that data be gathered from all new projects that can help to document how many bicycle and automobile spaces have been provided, how many are in use, whether there are waiting lists seeking access to a parking space. We also suggest (and continue to do so) that projects permitted with bonus densities granted as a result of proximity to transit be required to provide new residents and employees FREE transit passes for an initial period of time, followed by discount pass provision upon proof of regular transit use. Those buildings have benefited from significant “upzoning” and development rights at no cost. They should be part of the process in supporting the use of transit whenever possible. Citizens should not need to have to suggest such a policy. It should be expected, particularly since more and more developments are being built “by right” with little opportunity for community members to participate in making suggestions for improvement.

We are grateful that SCAG has made strong efforts to seek public participation in this effort. It is extremely troubling to us that measures to incentivize housing development have resulted in

the streamlining of the entitlement process that removes our input from the process. Even worse is proposed STATE legislation such as SB 50 that seeks to implement zoning from a statewide perspective – voiding local community plans and local planning efforts. We look to SCAG to be an advocate in challenging the disempowerment and silencing of the voices of local communities in the planning the future of our communities.

Thank you for your consideration.

Sincerely,

Barbara Broide

Barbara Broide
President

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CONNECT SoCal

PUBLIC PARTICIPATION AND CONSULTATION

APPENDIX 3D
COMMENT LETTERS S – W

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