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February 1, 2012

Mr. Jacob Lieb
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Re: Draft 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and Program Environmental Impact Review (PEIR)

Dear Mr. Lieb:

On behalf of the City of South Pasadena, we ask you to please accept these comments on SCAG's 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and associated Transportation Conformity Report and Draft Program Environmental Impact Review (PEIR).

I. SCAG's welcome deletion of a surface SR-710 north extension should be accompanied by a land-use action to require State disposition of the hundreds of properties now surplus to the surface route.

The City expresses appreciation to the Southern California Association of Governments (SCAG) for ending the SR-710 as a surface project in its 2008 RTP and maintaining that standing in the proposed plan and draft PEIR. SCAG should now recognize the California Legislature's intervening repeal of Section 100.4 of the Streets and Highways Code, which deprived the SR-710 corridor cities of their right to disapprove of a street-closing surface freeway, and the attendant legislative findings that the surface route will likely never be built. Under these premises, the RTP's land-use actions and strategies should include a requirement—to attain SB 375 criteria by creating affordable and other housing in transit corridors—that the hundreds of State-owned properties acquired for the surface route be released to private ownership. This overlooked measure affords a rapid means of creating such housing, in a relatively high-density environment, within the Gold Line transit corridor.

II. SCAG should follow the State's designation of an unbuilt SR-710 project as an extension and not a gap closure.

In the 1974-1998 EIS/EIR documents on the surface route, the project was characterized as the extension of the 710 north of Valley Boulevard. LA METRO adopted that terminology when the project changed from surface to tunnel and was made a subject of Measure R. Both the Legislature and the Bureau of State Audits continue in 2011 to refer to the unbuilt SR-710 project as an "extension." SCAG however continues, as it did in 2008, to refer to the project as a "gap closure," presumably on the premise that part of the 710 freeway

was completed south of the I-210 interchange. The 1976 judicial order that allowed the freeway component between I-210 and Del Mar Boulevard to be opened to traffic, however, treated this constructed freeway component as part of the I-210 project, as its opening was funded by an I-210 contract, and traffic was allowed not on the (then) route 7 freeway, but instead in the "Route 7 Corridor." In the words of the court, "only the southern portion of the Long Beach Freeway has been completed and it now terminates at Valley Boulevard. . . ." North of Valley to the I-210 interchange is described as the "uncompleted northerly portion." (*City of South Pasadena v. Volpe* (C.D. Cal. 1976) 418 F.Supp. 854, 858.)

Moreover, opening of that freeway portion was conditioned on the premise that opening the freeway segment "will have no effect on the decision as to the ultimate freeway location and will not foreclose reasonable alternatives to the proposed ultimate Route 7 Freeway." (418 F.Supp. at 864.)

To label the uncompleted 710 as a route "gap closure" ignores the reality that the freeway construction north of Del Mar was never accomplished in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and *use* of that portion was only allowed by the court as part of the 210 interchange and not to be used to justify completing a 710 freeway. The term "gap closure," designed to create a sense of inevitability or priority for this project over competing ones, must be removed.

III. The Plan and DEIR do not meet the legal requirements of the Clean Air Act, the National Environmental Protection Act or Title 23 of U.S. Code.

SCAG is the federally designated metropolitan planning organization under U.S. Code Title 23 §134(d)(1) charged with creating the Metropolitan Transportation Plan (MTP). This plan (the RTP), and an affirmation of its conformity with the State Implementation Plan (SIP) for air quality, is required for the utilization of federal aid funding in the Los Angeles region. Regulations require that the plan be financially constrained, cover at least a 20-year horizon, and include all projects of "regional significance." The plan must be updated every 4 years and be responsibly modeled to determine that the proposed network meets air-quality conformity requirements. Based on our review, we do not believe this basic standard has been met.

Test 1: Financial Constraint¹

Federal regulations require that the RTP be financially constrained and include specific financial strategies to ensure implementation of all phases of all projects included in the plan to achieve air-quality conformity.¹

Projects for which the state or region cannot demonstrate adequate anticipated funding may not be included in the air-quality conformity model. To do so would result in incorrect and potentially unattainable air-quality forecasts, which could not rightfully be concluded to meet conformity requirements.

The extension of SR-710, incorrectly referenced as the "SR-710 Gap Closure" project, is included in the Draft RTP/SCS. The project is described as an 8-lane toll facility in a tunnel

¹ 23 CFR Part 450.

and reported to cost \$5.64B projected for completion in 2030.² At present only \$780M has been secured. Tolling authority has been raised as a potential revenue source. However, a robust financial strategy to fully close the \$4.86B financial gap, as is required by federal standards, has yet to be produced.

The financial ability to implement the gap-closure project, as described and modeled in the Plan, is speculative at this point. Based on SCAG's own guidelines,³ such projects are not eligible for inclusion in the constrained plan but may be maintained in a strategic plan.

The inclusion of speculative projects in the RTP does not meet the federal requirement for a fiscally constrained plan and results in the modeling of a questionable network, thus failing to meet federal or SCS requirements.

Test 2: Regional Emissions Analysis

The emissions generated by the proposed network must be demonstrated to meet the emissions budgets prescribed by the State Implementation Plan (SIP).⁴ Additionally, SB 375 requires SCAG to prepare a Sustainable Communities Strategy that achieves (and maintains) greenhouse gas emission reductions of 8% per capita by 2020 and 13% per capita by 2035. A primary goal of SB 375 is to significantly reduce Vehicle Miles Traveled (VMT) as a tool for greenhouse gas emission reductions.

Questionable assumptions are made regarding the air-quality benefits and VMT reductions that may be achieved by a network, including the SR-710 highway expansion. The assumed results include congestion relief, reduced VMT, and lower greenhouse gas emissions. These assumptions are not borne out by recent research⁵ and comparable peer regions. Research in California has concluded that a 10% increase in highway capacity leads to a 9% increase in VMT.⁶ A recent and extensive study utilizing Federal Highway Administration (FHWA) data also concluded that new or expanded interstate facilities correlate with VMT increases nearly on a one for one percentage basis and that the increase is above and beyond VMT that shifts from alternative routes or other modes.⁷ The new facility will attract additional drivers, additional trips, and convert some transit trips to drive trips, eliminating most assumed air-quality benefits.

² SCAG Draft 2112-2035 Regional Transportation Plan, 163.

³ SCAG 2012-2035 RTP/SCS Draft PEIR, 2-4.

⁴ 42 USC § 7506.

⁵ Relevant studies include:

- Fulton, Lewis et al. "A Statistical Analysis of Induced Travel Effects in the U.S. Mid-Atlantic Region." *Journal of Transportation Statistics*, Volume 3, No. 1, April 2000.
- Lee, Douglass B., Jr., et al. "Induced Traffic and Induced Demand." *Transportation Research Record*, 1659, 1999, 68-78.
- Johnston, Robert A. et al. "Applying an Integrated Model to the Evaluation of Travel Demand Management Policies in the Sacramento Region." Mineta Transportation Institute, San Jose State University, September 2001.
- Cervero, Robert. "Road Expansion, Urban Growth, and Induced Travel: A Path Analysis." *Journal of the American Planning Association*, Volume 69, No. 2, June 2003, 145-163.

⁶ Hansen, Mark. "Do New Highways Generate Traffic?" *Access*, No. 7, Fall 1995, 16-22.

⁷ Duranton, Gilles, and Turner, Matthew A. "The Fundamental Law of Road Congestion: Evidence from US Cities." *American Economic Review*, Volume 101, No. 6, October 2011, 2616-52.

A comparable case in the Metropolitan Washington Council of Governments (MWCOG) region had just such a result with the 1991 widening of I-270. This project was included in the regional network and analyzed in the regional air-quality model, which assumed the added capacity would reduce congestion, improve mobility and provide air-quality benefits. It further assumed that the majority of trips on the new facility would be diverted from the smaller streets on the network and therefore assumed no change in VMT projections and no reduction in transit mode share. Within just 8 years of project completion, however, congestion levels had returned to previous levels—in some segments 10 years earlier than the model predicted. Dramatic residential development followed the facility expansion, despite regional modeling assumptions that local land-use plans could control such growth. The corridor paralleled the heavy rail transit “red line,” and despite increases in population along the transit corridor, transit ridership dropped by more than 6% during the first three years after the additional lanes opened. The added cars and early congestion meant air-quality impacts were worse than the model had predicted. In 2001, 10 years after the widening opened, for the first time ever, the regional transportation plan for the Washington Region failed to meet federal Clean Air requirements and all planning had to be put on hold.⁸

Given this research and evidence, the plan has not demonstrated that the regional emissions analysis is reasonable and based on justified and demonstrated assumptions and cannot be concluded to meet air quality conformance standards.

IV. By erroneously specifying only one SR-710 extension alternative—a straight line tunnel—the Plan and DEIR threaten program-level conformity and unlawfully prejudice future project-level environmental analyses.

The draft PEIR should assess impacts of the proposed system as a whole. Although it does not isolate the impacts of individual projects nor differentiate their unique impacts or benefits to the system as a whole, regulations require consistency between the project described and analyzed at the program level and analysis at the project level.ⁱⁱ

A project design concept and scope must not have changed significantly from that included in the metropolitan transportation plan for which the determination of conformity was made, and projects must be described in sufficient detail to determine emissions.⁹

Once included in an approved plan, the lead agencies may include, by reference, the program level PEIR purpose and need in their project-level environmental clearance documents and may further use the PEIR as the basis for their regional and cumulative impacts analysis.

NEPA and CEQA regulations prescribe a rigorous and transparent process that explores and objectively evaluates a number of project alternatives capable of meeting the project purpose and need. This process for the SR-710 extension project remains in its early stages, and an agency-preferred alternative has not yet been determined or stated, as several viable alternatives are still under consideration. The proposed Plan includes the toll-tunnel alternative

⁸ “Clean Air Issues Put Transportation Planning Process on Hold.” *The Region*, National Capital Region Transportation Planning Board, Volume 41, 2002, 10-15.

⁹ 42 USC §7506.

in the constrained plan while the transit and “tunnel alternative” options remain in the strategic plan.

According to NEPA, “interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.”¹⁰

Given the requirement for program-level conformity consistent with project-level analysis, inclusion of the SR-710 extension as portrayed as a straight-line tunnel route is not appropriate. LA METRO has yet to propose a specific tunnel alignment, or for that matter any preferred project in the corridor. Even if LA METRO does advance a tunnel, the straight-line route is likely not to emerge as the most favorable of the tunnel alternatives, and indeed, LA METRO's environmental review may end up rejecting the tunnel option entirely. A tunnel option that avoids the steep grade rising into Pasadena and that avoids the Raymond Fault could emerge as more favorable both environmentally and economically, and earn less community opposition, than the direct route. That routing should produce different traffic patterns and modeling outcomes than a project on the assumed direct route.

Therefore, SCAG's inclusion of a single alternative to the SR-710 project in its RTP and draft PEIR would prejudice the environmental review process. This circumstance additionally establishes why a specific SR-710 project cannot be included in the constrained plan at this time.

V. Even though the proposed RTP and its shift of truck traffic to the East-West Corridor vitiates the asserted need for an SR-710 tunnel, the plan and draft PEIR should emphasize elimination of non-local truck traffic in preference to a direct rail loading at the ports.

In promoting the SR-710 tunnel within the last decade, officials have emphasized the need for truck-borne freight to move out of the LA Basin, claiming that such freight haulers (as opposed to commuters or drivers of light trucks) would find the projected tolls acceptable. In light of the draft RTP's emphasis of moving heavy truck traffic originating in the San Pedro Bay ports *not* along the 710 corridor north of I-10, but instead by an East-West Corridor to the Inland Empire, the plan and draft EIR cannot consistently maintain that an SR-710 freeway extension deserves priority or even inclusion.

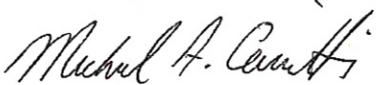
As beneficial as it may be, in comparison to existing conditions, to shift truck-borne freight traffic off the northern portions of I-710, the RTP and draft PEIR must consider and adopt an even more vigorous approach that is necessary to meet SB 375's mandate of greenhouse gas reduction. Specifically, the plan and PEIR must assess and include the benefits of loading containers onto rail cars directly off the ships at dockside, thereby eliminating even further the case for new highway construction to relieve truck-induced traffic congestion. As pointed out in a recent *The Economist* essay, to maintain their standing in the face of a widened and deepened Panama Canal, "California's ports must compete on speed. . . ." They cannot do so as long as the RTP and draft PEIR continue to "clog up stretches of the I-710 freeway. . . ." ("California Ports: The Fickle Asian Container." *The Economist* (Jan. 28, Feb. 3, 2012, 30.)


¹⁰ 40 CFR §1506.

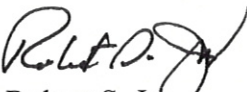
Conclusion

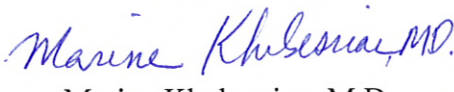
The City of South Pasadena requests that the SCAG RTP and PEIR remove the SR-710 north extension. With its inclusion, the Plan has not demonstrated that it can meet two of the four required tests of conformity—sufficient financial resources for the project have not been demonstrated, and assumptions regarding regional emissions are flawed. The reported impacts of the planned network are based on suspect assumptions. Inclusion of the project at this time will bias future project-level NEPA and CEQA review if and when an SR-710 tunnel alignment becomes LA METRO's preferred alternative. Finally, while the circulating draft RTP and PEIR vitiate the need for any SR-710 extension that will produce tolls and relieve congestion, SCAG must discard its emphasis on accommodating any truck traffic from the ports and redraw its plan and assessments to anticipate the direct ship-to-rail transport that enables air-quality conformity and successful port competition.

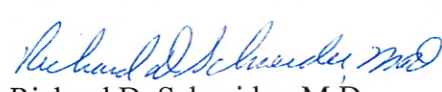
Sincerely,


Michael A. Cacciotti
Mayor


Philip C. Putnam
Mayor Pro Tem


Robert S. Joe
Councilmember


Marina Khubesian, M.D.
Councilmember


Richard D. Schneider, M.D.
Councilmember

ⁱ 23 CFR § 450.322 (b) (11) [the Metropolitan Transportation Plan shall] “Include a financial plan that demonstrates the consistency of proposed transportation investments with already available and projected sources of revenue. The financial plan shall compare the estimated revenue from existing and proposed funding sources that can reasonably be expected to be available for transportation uses, and the estimated costs of constructing, maintaining and operating the total (existing plus planned) transportation system over the period of the plan. The estimated revenue by existing revenue source (local, State, and Federal and private) available for transportation projects shall be determined and any shortfalls identified. Proposed new revenues and/or revenue sources to cover shortfalls shall be identified, including strategies for ensuring their availability for proposed investments. Existing and proposed revenues shall cover all forecasted capital, operating, and maintenance costs. All cost and revenue projections shall be based on the data reflecting the existing situation and historical trends. For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of projects and programs to reach air quality compliance.” (emphasis added)

ⁱⁱ 42 USC § 7506 Limitations on certain Federal assistance -- Clean Air Act Section 176(c)
Sec. 7506(c) (2) (C) a transportation project may be adopted or approved by a metropolitan planning organization... only if it meets... the following requirements--

- (i) such a project comes from a conforming plan and program;
- (ii) the design concept and scope of such project have not changed significantly since the conformity finding regarding the plan and program from which the project derived; and
- (iii) the design concept and scope of such project at the time of the conformity determination for the program was adequate to determine emissions.