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November 14, 2007

Chair Mary Teresa Sessom and  
Honorable Members of the Board  
San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92101

**Re: Draft Environmental Impact Report for the 2007 Regional  
Transportation Plan (SCH No. 2007051145)**

Dear Chair Sessom and Honorable Boardmembers:

We submit this letter on behalf of Save Our Forest and Ranchlands ("SOFAR") to comment on the Draft Environmental Impact Report ("DEIR") for the 2007 Regional Transportation Plan ("RTP" or "Plan") prepared for the San Diego Association of Governments ("SANDAG"). SOFAR appreciates the opportunity to submit comments on the DEIR for the proposed RTP and its compliance with the requirements of the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§ 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) ("CEQA Guidelines").<sup>1</sup> As set forth below, however, the DEIR suffers from at least two deficiencies that render it inadequate under CEQA. Specifically, the DEIR fails to adequately mitigate the substantial increase in greenhouse gas emissions that would be caused by implementation of the RTP. The DEIR also lacks a meaningful and accurate analysis of alternatives to the proposed RTP. In addition to these flaws in the DEIR, we point out a critical failure of the RTP itself: the Plan does not achieve its own objectives.

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<sup>1</sup> We apologize for not submitting this letter to the Board at its November 9, 2007 hearing on the RTP DEIR. Despite vigorous participation in the RTP process, including most recently a testimonial by Duncan McFetridge at the September 14, 2007 Board hearing, neither SOFAR nor this firm was notified of the November 9, 2007 SANDAG Board hearing.

In our opinion, the flaws of the DEIR – and indeed the RTP itself – are so fundamental as to render vulnerable any approval of the RTP. Because the RTP fails to achieve its own objectives and because the DEIR fails both to adequately mitigate significant impacts caused by the RTP and to adequately identify and analyze alternatives to the proposed RTP, SANDAG should delay further action until these defects are remedied.

## I. INTRODUCTION

As the transportation planning and programming agency for the San Diego region, SANDAG develops strategic plans, and obtains and allocates resources for the region's transportation network. Any transportation improvement project receiving federal or state transportation funds must be included in the proposed 2007 RTP. DEIR at ES-1 and 1-2. The RTP is thus a critically important tool that will profoundly affect transportation and – because of its symbiotic relationship – land use for the next 50 to 100 years.

SANDAG touts the proposed RTP as a planning document that used the principles of *smart growth* as its guiding concept. To this end, the RTP DEIR purports to promote sustainability and livability, and not just mobility in the region. DEIR at 2-2. A close review of the RTP's major capital improvements, however, shows that the 2007 Plan closely mirrors SANDAG's previous highway-oriented RTPs. Indeed, the proposed 2007 Plan continues to direct the lion's share of revenue to expanding the region's freeway and roadway network while directing a relatively minor proportion of the RTP's funding toward public transit. See DEIR Table 2.0-2 and SANDAG Board of Directors April 27, 2007 hearing minutes. As a result, implementation of the RTP would add more than 800 total-lane miles to the region's freeways and cause a 52 percent increase in daily systemwide vehicle miles traveled compared to existing conditions. DEIR at 7-3 and 7-12.

Inasmuch as the RTP continues to be designed to facilitate auto-based transportation, its environmental and land use outcome is entirely predictable. For example, the RTP would cause a cumulatively considerable contribution to the worldwide increase in greenhouse gas ("GHG") emissions, adding 5.3 million tons of GHG emissions to the atmosphere *every year*. DEIR at 4.7-34 and 4.7-38. The scientific debate is over; the world's climate is changing and our over-dependence on the private automobile plays a huge role in the problem. The San Diego region – along with every other urban region in the world – must take drastic and urgent steps to reduce GHG emissions from transportation sources. We will be unable to slow down global warming, much less stop it, unless we can change the public's over-dependence on the automobile.

In addition, while one would expect that a transportation plan based on the principles of *smart growth* would show a marked increase in city-centered development over the next twenty years, the RTP DEIR instead shows the opposite. The unincorporated areas of the region are projected to grow at a considerably higher rate than that for the region as a whole. See DEIR at 4.1-16 and Table 4.1-2. Therefore, upon buildout of the RTP, the San Diego region would continue to be plagued by many of the same crises currently affecting the region: sprawling development patterns, dwindling open space, over-dependence on the automobile and unacceptably poor air quality. Thus, contrary to the Plan's intended objectives, the proposed 2007 RTP appears to be a superbly inappropriate planning tool to accomplish livability, much less sustainability, in the region.

Like every other urban region, San Diego is at a critical crossroads; it can continue its "business as usual" approach to accommodating the private automobile or it can revise its current strategy of increasing highway capacity in an ill-fated attempt to build its way out of roadway congestion. Sound transportation planning principles – as well as diminishing oil supplies and the looming global warming crisis – dictate that the primary way to substantially reduce vehicular use is by significantly expanding transit infrastructure and services throughout the region. Absent a clear vision and strong leadership to promote these principles, the region will continue to facilitate auto-based travel while imposing environmental damage of a huge proportion. As a planning expert stated in a recent interview:

Planners in local government or in state government or in business firms are planning things that will be here in 50 and 100 years. Every single thing should be demonstrating sustainability. Every single [project] should have significant reductions in greenhouse gases, particularly in transportation, built in. If not, planners will be seen as absolute pariahs by their children and grandchildren. They'll say, "how could you have done that when everyone knew?" It's no longer an option to say, "Maybe we'll do it green."

See "Greenhouse Gurus," American Planning Association's Planning Magazine, August/September 2007, attached as Exhibit A. Susan Golding, Mayor of San Diego from 1992 to 2000, echos the need to reduce automobile dependency:

We need to learn from our past and design our future with a new approach. Ever widening freeways may be a short term help but will never get us where we need to be 20 years from now and beyond. We now know that for transit corridors to be successful, development along the corridor has to occur to bolster the density enough to maybe make transit desirable and used in the future.

Today I am proposing that we immediately engage in an update [of the 20 year regional transportation plan] that would incorporate a new way of thinking about accomplishing the same goal of diminishing traffic congestion and increasing transit ridership without increasing the amount of pavement.

*See Beyond Gridlock: Meeting California's Transportation Needs in the Twenty First Century, Surface Transportation Policy Project, May 2000, attached as Exhibit B. Although Susan Golding was referring to a previous iteration of the RTP, the need for leadership in promoting progressive transportation planning has never been more important than it is now.*

In theory, the region's planning process should start with land use, not transportation. However, as the Independent Transit Planning Review Panel ("ITPR") notes, transit investments can be key tools in implementing the land use vision. *See Independent Transit Planning Review Panel Report, attached as Exhibit C.* Moreover, it must be noted that while the SANDAG Board of Directors collectively has no land use authority, as representatives of the region's jurisdictions, each SANDAG Board member has the undeniable authority to promote a *smart growth* agenda. The region's jurisdictions can pursue a *smart growth* agenda by promoting high-density, transit-oriented communities and by denying projects that contribute to decentralized development and automobile dependence.

In sum, as the agency responsible for setting the region's transportation policy agenda through the allocation of funds, SANDAG has the authority to advance a plan that would

reduce automobile dependence. More critically, as the only *regional* planning body in the San Diego region, SANDAG has the responsibility to be the leader in promoting sustainable transportation projects.

## II. THE PROPOSED RTP FAILS TO ACHIEVE ITS OWN OBJECTIVES

SANDAG touts the RTP as relying on the principles of *smart growth*. To that end, the DEIR relies on seven policy goals and several accompanying policy objectives as the “core” of the 2007 RTP, including, for example, mobility, livability, accessibility, efficiency and sustainability. DEIR at Table 2.0- 9 (at page 2-5 (emphasis added)). Unfortunately, as DEIR Table ES-2 (Key Indicators of Proposed Project and Alternatives) shows, the proposed RTP does a very poor job of actually achieving any real improvement in these *smart growth* objectives. For example, only two percent more homes would be within one-half mile of a transit stop under the proposed RTP compared to existing conditions; the per capita fuel consumption would be worse in 2030 than it currently is; and trip lengths would increase. And, as stated above, the RTP would cause a substantial increase in vehicle miles traveled and greenhouse gas emissions. DEIR at ES-41.

At first glance, these results are surprising inasmuch as the Plan was actually developed to promote *smart growth* and because SANDAG contemplates spending upwards of \$40 billion on capital improvement projects. See SANDAG Transportation Committee April 20, 2007 Agenda. Upon closer scrutiny, however, it is clear that SANDAG will never be able to achieve the RTP’s policy objectives until the region can rein in its sprawling land development patterns. And, here, it looks like the root of the problem is SANDAG’s misguided *approach* to *smart growth* itself.

The 2007 RTP’s *smart growth* concept has, at its foundation, the SANDAG Smart Growth Concept Map (“Concept Map”). The Concept Map, adopted by the SANDAG Board in June 2006, provides the basis for planning appropriate transportation facilities and transit services in the 2007 RTP. DEIR at 2-8. According to SANDAG, the Concept Map is a key ingredient to successfully implementing the Regional Comprehensive Plan as it identifies locations within the region that can support *smart growth* and transportation investments. To that end, the Concept Map identifies almost 200 existing, planned, or potential *smart growth* locations. See “Mapping Smart Growth In the San Diego Region,” attached as Exhibit D (emphasis added).

While the goal of *smart growth* is to increase densities in urban centers, SANDAG’s approach of encouraging hundreds of randomly scattered *smart growth* centers throughout the entire region is the antithesis of *smart growth*. SANDAG’s Smart Growth Map confirms this fact; these centers extend from Oceanside to the U.S./Mexico border and as far east

as Alpine and Ramona. *See* Exhibit D. Notably, the Independent Transit Planning Review (“ITPR”) panel cautioned SANDAG on this approach explaining that SANDAG diluted the effectiveness of its *smart growth* plan by applying its smart growth *principles too broadly*. *See* ITPR at ES-4, attached as Exhibit C. Indeed, under the SANDAG approach to *smart growth*, given the lack of transit service in the region, travelers would actually have to drive their cars to reach these scattered destinations.

Moreover, because SANDAG is actually providing financial incentives to encourage development of these *smart growth* centers in remote locations, the RTP would actually be exacerbating the region’s already sprawling growth patterns.<sup>2</sup> In addition, SANDAG would also appear to be encouraging higher-density *projects* rather than promoting transit-oriented *communities*. DEIR at 4.1-9. While it makes sound planning sense, for example, to increase intensities within San Diego’s centre city, and to serve this dense core with public transit, it makes no sense to develop *smart growth* projects in rural communities such as Alpine and Ramona, as SANDAG is currently planning. *See* Mapping Smart Growth in the San Diego Region Fact Sheet. *See* Exhibit D.

The RTP DEIR makes clear that SANDAG’s approach to *smart growth* is encouraging development in non-urban locations. Specifically, if SANDAG’s approach to *smart growth* were effective, one would expect that upon buildout of the RTP, relatively little development would be occurring in the region’s rural areas. However, the RTP DEIR shows the opposite would occur: several areas on the outskirts of the region’s urbanized areas (e.g., Carlsbad, San Marcos and the unincorporated region of the County itself) are expected to experience greater than average population increases. *See* DEIR at 4.1-17. Based on these demographics, it appears evident that this growth is focused on developable land rather than access to transit or employment. *See* ITPR Report, attached as Exhibit C, at 2-15. Moreover, we can find no evidence that the region’s jurisdictions understand the importance of attempting to limit growth in rural areas. For example, San Diego County is on the verge of reducing a traffic impact fee because the fee is purportedly restricting development in unincorporated areas of the County. *See* “County to Review Traffic Impact Fees,” North County Times, November 8, 2007, attached as Exhibit E. By scaling back this fee, San Diego County would be sending the strong message that it is seeking opportunities to remove obstacles to development of unincorporated County lands.

The ITPR Report shows the tremendous effect that *true smart growth* can have on the amount of land that will be necessary to absorb the region’s projected population and employment growth. The ITPR panel calculated the amount of land that would be developed to

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<sup>2</sup>. SANDAG is offering \$206 million in incentives to jurisdictions that support smarter, more sustainable land use. DEIR at 1-1 and 2-6.

accommodate future population increases depending on density. For example, if 314,000 new dwelling units (“du”) are developed at 1 du/acre, this development would consume 314,000 acres. If, on the other hand, these 314,000 units are developed at 75 du/acre, only 4,200 acres would be consumed. *See* ITPR, attached as Exhibit C, at Table 2-1

Given the inability of the RTP to satisfactorily achieve its policy objectives, SANDAG should reevaluate its approach to *smart growth* and the role its transportation policies have historically played in encouraging decentralized development patterns. Perhaps SANDAG should initiate its reevaluation by implementing the recommendations set forth in the ITPR report. Specifically, the ITPR Report recommended that SANDAG focus its *smart growth* incentives in areas where a more immediate effect could be realized. These more urbanized areas would be better candidates for enhanced transit service linked to *smart growth* land use. *See* ITPR, attached as Exhibit C, at ES - 4. In addition, the ITPR panel noted that a number of the region’s light rail stations, Coaster stations and Sprinter stations are not located within *smart growth* areas. *See* Exhibit C at 2-14. The Report goes on to state that “[efficient] use of infrastructure is one of the key principles of *smart growth*; therefore, all existing station areas should be examined for *smart growth* potential. Directing growth to areas around existing rail and trolley stations should be a major focus of SANDAG’s *smart growth* planning.” *Id.*

### **III. THE RTP DEIR FAILS TO COMPLY WITH CEQA.**

#### **A. The DEIR’s Approach to Climate Change Mitigation Is Utterly Deficient.**

CEQA requires that mitigation measures be identified and analyzed. “The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . . .” CEQA § 21061. The Supreme Court has described the mitigation and alternative sections of the EIR as the “core” of the document. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553 (1990).

The RTP DEIR acknowledges that annual greenhouse gas (“GHG”) emissions under the proposed 2007 RTP would exceed existing levels by the substantial margin of about 31 percent or 5.3 million tons of CO<sub>2</sub> *per year* in 2030. DEIR at 4.7-34 (emphasis added). The document finds that this increase in GHG emissions would contribute to the exacerbation of climate change and aptly concludes this impact to be significant. *Id.* at 4.7-34 and 4.7-38.

The DEIR identifies mitigation measures that would allegedly reduce GHG emissions by promoting an energy-efficient transportation system, yet most of these measures

are either vague and undefined,<sup>3</sup> offer mere promises to study or otherwise defer mitigation,<sup>4</sup> or call for other agencies to take action.<sup>5</sup> See DEIR at 4.7-34 through 4.7-38. Thus, while the DEIR would appear to include a long list of mitigation measures, a careful review demonstrates that very few, if any, of these measures would provide a meaningful reduction in GHG emissions. In essence, we can find no evidence that SANDAG is seriously committed to offsetting the RTP's substantial increase in GHG emissions consistent with the State of California's emission reduction targets.<sup>6</sup>

The DEIR's lack of substantive GHG reduction measures is surprising inasmuch as SANDAG staff apparently recommended that specific GHG measures be included in the RTP and/or the RTP DEIR. For example, SANDAG explains in its *Energy Demand and*

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<sup>3</sup> ***Vague and undefined measures:***

- MM-EN-1c (encourage lawmakers to design programs)
- MM-GCC-1h (SANDAG shall support SDG&E Clean Transportation Program)
- MM-GCC-1i (SANDAG shall conduct a public information program)
- MM-GCC-1j (Bid solicitations for projects shall preference the use of alternative formulations)

<sup>4</sup> ***Promise to study or otherwise defer:***

- MM-EN-1d (SANDAG shall produce a white paper assessing petroleum supply constraints)
- MM-GCC-1a (Within three years, SANDAG shall establish an Action Plan)
- MM-GCC-1b (Adoption of future RTPs shall...)
- MM-GCC-1c (SANDAG will study locations for siting alternative fuel infrastructure)
- MM-GCC-1e (Within two years, SANDAG shall address energy and climate effects of the RTP)
- MM-GCC-1g (SANDAG shall prepare an analysis of pricing strategies to reduce GHE emissions)

<sup>5</sup> ***Action from other agencies:***

- MM-EN-1a (Project implementation agencies shall review energy impacts as part of any CEQA review)
- MM-EN-1b (Design and approval of transportation projects shall incorporate energy efficiency measures when applicable)

<sup>6</sup> Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following GHG emission reduction targets: by 2010, reduce GHG to 2000 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.



*Infrastructure White Paper* that one of the objectives of the RTP was to identify an “action plan” and “possible funding sources for SANDAG to implement a course of action and implement measures to address climate change in the RTP.” See SANDAG’s Energy Demand and Infrastructure White Paper at 2 and 3 ([http://www.sandag.org/2007\\_rtp/white\\_papers.asp](http://www.sandag.org/2007_rtp/white_papers.asp)). Not only does the RTP DEIR fail to include this “action plan” as an objective (see DEIR at ES-2 and ES-3), but the DEIR actually calls for deferring the adoption of the Action Plan for up to three years. *Id.* at 4.7-35. In addition, while the White Paper explains that the RTP affords an opportunity to meet state mandates through the inclusion of an alternative fuel vehicles program (at 2), the DEIR does nothing more than promise to “encourage” state and federal lawmakers and regulatory agencies to design renewable fuels programs (see MM-EN-1c) and secure partial funding to undertake a study of appropriate locations for siting alternative fuel infrastructure (MM -GCC-1c).

The proposed RTP’s contribution toward GHG emissions also caught the attention of the California Attorney General. In a letter on the Notice of Preparation for the RTP DEIR, the Deputy Attorney General requested that SANDAG identify, evaluate and include in the RTP alternatives and mitigation measures to reduce GHG emissions. See letter from Sandra Goldberg, California Deputy Attorney General to Shelby Tucker, June 27, 2007. The Deputy Attorney General went so far as to identify several mitigation measures, the vast majority of which remain unstudied in the RTP DEIR:

It is beyond the scope of this letter to attempt to identify fully the relevant mitigation measures and alternatives, but they may include the following: infrastructure for the “California Hydrogen Highway Network” such as private vehicle and fleet hydrogen refueling stations; construction of electric vehicle charging facilities; electrification at truck stops; measures to reduce idling time; transit vouchers; parking fees; education regarding trip linking; projects to facilitate and increase use of carpooling, vanpooling, and ridesharing; measures to increase use of public transit; increased public transit routes and times of operation; other transportation demand management measures; a requirement that off-road diesel-powered vehicles and equipment (unless it is new) use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters; a requirement to use the most energy-efficient building materials and lighting technology, including alternative formulations of cement and asphalt, that have substantially lower GHG emissions, if they are available; planting trees to mitigate GHG emissions;

increased funding for purchase of alternative fuel buses; safe streets to school projects; bike path construction/improvement and bike storage facilities; and adoption of funding priorities that target spending toward population and employment centers and withhold infrastructure funding from greenfield development at the urban edge. A more comprehensive list of transportation emission reduction strategies identified by the Federal Highway Administration is attached to this letter. SANDAG's draft EIR should evaluate these strategies as potential measures to reduce transportation-related GHG emissions.

*Id.* The revised DEIR should study the feasibility of these aforementioned measures. In addition, the Deputy Attorney General identified the following measures relating to enhancing public transit service in the region:

New transit routes/services

- New bus routes
- New rail lines
- Demand response shuttle
- Circulator buses
- Express bus service

More frequent service

- Additional buses in service on existing routes (to reduce headways)

Longer service hours

- Expansion beyond peak periods
- Late night hours

More capacity on services

- Larger buses
- Additional railcars on trains
- Redesign of seating/standing

Faster travel times/improved system performance

- Busways/bus rapid transit (BRT)
- Improved bus/rail integration
- Transit signal prioritization
- Improved connections/reduced transfer times

- Transit centers
- Change routing

Passenger amenities

- Bus shelters
- Benches/seating at bus stops
- Improved maintenance of buses/trains and stops/stations

Improved transit access

- Increased parking at transit stations
- Shuttle and feeder bus services
- Improved pedestrian/bicycle access and bicycle parking

Transit information

- Signage/maps/schedules at bus/train stops
- Signage/maps/schedules at major activity centers (e.g., malls, sports venues, etc.)
- Terminal displays/kiosks with real-time passenger information
- Transit information kiosks (e.g., in suburban employment sites, downtown, tourist sites)
- Web page with transit planning capabilities
- Inclusion of transit information in 511 and other travel planning services
- Real-time text messaging/on-line information on bus schedules

Transit marketing and promotions

- Transit promotional campaign
- Branding of services/routes

Reduced fares/free service

- Lower transit fares
- Fare free zones
- Free transit service

Fare structure/convenience improvements

- Fare structure simplifications
- Elimination of fares for transfers
- SmartCards
- Automated fareboxes

Transit pass programs

- Monthly passes
- Annual passes
- Ecopasses/universal passes
- Multimodal/Smart passes (for transit, parking, carshare)
- Off-peak pass (low cost pass for unlimited use in off-peak hours)

“Try it” transit pass give-aways

- Promotional transit pass give aways
- First month free program for new services

The revised DEIR must address each of the transit measures listed above, and either explain either how such measures would be implemented with the RTP or demonstrate with substantial evidence why such measures would be infeasible.

Finally, we request that the revised RTP DEIR evaluate the feasibility of the following additional mitigation measures to reduce GHG emissions:

- SANDAG should commit to achieve the California Energy Commission’s and California Air Resource Board’s goal that 20 percent of all transportation energy used in 2020 come from alternative fuels. As SANDAG’s White Paper explains, the current alternative fuel use in 2005 is six percent). *See* SANDAG’s Energy Demand and Infrastructure White Paper.
- SANDAG should commit to immediately identify public and private funding sources to implement GHG emission reduction programs. For example, the San Francisco Bay Area’s Metropolitan Transportation Commissions (“MTC”) is considering an increase in the San Francisco Bay Area’s gasoline tax by as much as 10 cents a gallon. Although gasoline taxes have historically been unpopular with voters, MTC officials believe that such a tax might pass given the public’s concern over climate change. It is estimated that a 10-cent-a-gallon increase in the Bay Area could generate \$300 million a year or more to pay for transportation-related projects. *See* San Francisco Chronicle, October 5, 2007.
- The SANDAG Board should seek commitments from its 18 members to develop Local Climate Action Plans modeled after the Local Governments for Sustainability (“ICLEI”). These action plans – which would ultimately be adopted by each of the 18 jurisdictions within the SANDAG region – would include implementation strategies (costs, responsibilities, schedules, and fund

sources for implementing each measure and procedures for monitoring the progress of all reduction measures). See SANDAG White Paper at 6 and [www.iclei.org](http://www.iclei.org).

- SANDAG should adopt the Downtown Community Transportation Plan (“Downtown Transportation Plan”). The Downtown Transportation Plan, to be prepared by McCormick Rankin, pursuant to a Settlement Agreement between SOFAR and the Centre City Development Corporation (“CCDC”), will identify opportunities: (a) to more efficiently manage downtown San Diego’s transportation system, (b) to investigate funding options for specific transit improvements, and (c) to reduce significant transportation and parking impacts of the Downtown Community Plan. Upon culmination of the Downtown Transportation Plan, we urge SANDAG to adopt this Plan and commit to fund the Plan’s transportation projects.
- SANDAG should retain the Independent Transit Planning Review (“ITPR”) Panel to develop the “Expert Panel Recommendations” referenced in the ITPR report. See ITPR Report at 2, attached as Exhibit C. Although the draft ITPR report contained a series of recommendations, we can find no indication that SANDAG pursued the ITPR panel’s recommendations. Nor does it appear that the proposed 2007 RTP incorporated the myriad recommendations set forth in the draft ITPR Report. For example, the ITPR panel recommended that managed lanes be deleted from the RTP since they are considered a highway solution to mobility, and not a “transit first” approach. The ITPR panel further recommended that SANDAG implement pricing and other strategies to minimize the undermining aspects of managed lanes on transit. In addition, as discussed above, the ITPR panel noted that a number of the region’s light rail stations, Coaster stations and Sprinter stations are not located within *Smart Growth* areas. See Exhibit C at 2-14.
- SANDAG should commit to participation in jurisdictions’ General Plan updates to vigorously promote true *smart growth*, transportation demand management programs, parking supply caps, etc.

In sum, the RTP DEIR should be revised to include stringent measures to reduce GHG emissions resulting from implementation of the RTP. As climate change expert Timothy Beatley explains, “the full impacts of climate change won’t be experienced for 100 years or more, but the window of opportunity is only about a decade – *not a decade to*

*ponder, not a decade to debate whether we need to dramatically reduce our carbon and greenhouse gas emissions, but do it.” See American Planning Association, August/September 2007 (emphasis added), attached as Exhibit A. Given this urgency, SANDAG should be a leader in charting a viable strategy to reducing GHG emissions.*

**B. The DEIR Fails to Adequately Analyze Environmentally Superior Alternatives to the RTP, Including SOFAR’s Transit Emphasis Urban Core Alternative.**

The DEIR’s alternatives analysis is inherently flawed in two substantive ways: (1) it evaluates each alternative’s environmental impacts relying on a short-term planning horizon; and, (2) it inappropriately includes an excessive level of highway projects in the transit emphasis urban core alternative (hereinafter the “transit urban core alternative”). As a result, the DEIR incorrectly concludes that implementation of the transit urban core alternative would result in greater environmental impacts than the revenue constrained alternative.

**1. The DEIR Fails to Consider a Longer Term Planning Horizon.**

The proposed RTP emphasizes highway improvements and the creation of high occupancy vehicle (“HOV”)/managed lanes on designated highway segments in an attempt to improve the performance of the region’s transportation network. Over the short term – perhaps for up to five years after new lanes are opened to traffic, roadways may tend to experience reduced levels of traffic congestion. Indeed, the RTP DEIR notes that the proposed RTP would have beneficial impacts to transportation and circulation in the region. DEIR at 7-12, 7-29 and 7-30. Moreover, the DEIR suggests that transit based alternatives such as the transit urban core alternative actually cause greater environmental harm in large part because they presumably would not provide traffic congestion benefits commensurate with increases in highway capacity.

Academic findings based on real-world experience, however, contradict the RTP DEIR’s conclusions. As discussed below, rather than providing long-term benefits, the addition of highway capacity in a metropolitan area actually causes more traffic and decentralized development patterns. Traffic and sprawl create all sorts of environmental impacts including increased air pollution, loss of agricultural lands and open space, water pollution, loss of biological resources and increased emissions of greenhouse gases. Therefore, had the RTP DEIR assessed environmental impacts covering a more expanded

planning horizon, the document would have concluded that the transit urban core alternative would be considerably less environmentally damaging than highway based solutions to regional mobility.

**a) Increases in Roadway Capacity Lead To More, Not Less, Traffic Congestion.**

As transportation experts attest, increases in highway capacity will gradually result in approximately the same level of congestion experienced prior to the highway expansion:

It is well documented that highway expansion can result in an increase in the number of vehicle trips on a roadway, particularly in congested urban areas. Indeed, accommodating additional trips is typically the point of adding new lanes to a highway. Still, the speed at which additional traffic floods new lanes often comes as a surprise. One recent California study estimated that more than roughly 90 percent of new lane capacity in congested urban areas is filled within five years after a project is completed. Other studies have found similar “induced traffic” effects from adding lanes to congested roads.

*See “Increases in Greenhouse-Gas Emissions From Highway-Widening Projects,” Sightline Institute, October 2007, citing Todd Litman, “Generated Traffic and Induced Travel: Implications for Transport Planning,” attached as Exhibit F.*

Another study, conducted by the U.C. Berkeley Institute for Transportation Studies, concluded that 90 percent of all new highway capacity added to California’s metropolitan areas is filled within four years, and 60 percent-70 percent of all new county-level highway capacity is filled within two years. As authors Mark Hansen and Yuanlin Huang explain, this means an additional highway lane-mile constructed in the San Francisco Bay Area, Los Angeles or San Diego regions would increase traffic by 10,000-12,000 vehicle-miles traveled per day. *See Beyond Gridlock: Meeting California’s Transportation Needs in the Twenty First Century, Surface Transportation Policy Project, May 2000, attached as Exhibit B.*

Some of this increase in traffic no doubt comes as drivers abandon carpools and public transit when additional roadway space is made available through highway widenings or new road construction, as the presence of traffic congestion is an incentive to seek alternative modes of transportation. In addition, as discussed below, increases in highway capacity cause decentralized land use development. And because low density developments could not exist without use of the automobile, they too, caused increased traffic levels.

**b) Increases in Roadway Capacity Promote Decentralized, Auto-Oriented Development.**

Urban economists have long realized that transportation can have a major impact on land use development patterns, and, in many situations improved accessibility can stimulate development location and type. *See Exhibit F at 11.* Generally, highway improvements tend to encourage lower-density, automobile-oriented development at the urban fringe. These sprawling subdivisions are double-edged swords. They actually result in increased dependence on the automobile since it is simply not cost-effective for transit to serve scattered destinations associated with low-density development. Moreover, development on the urban fringe erodes attempts at higher-density, multi-modal development.

Because the RTP DEIR focuses on a relatively short-term planning horizon, the document fails to recognize the long-range effect that the highway projects contemplated by the RTP would have on land use in the region. Population in the San Diego region is projected to increase by about 32 percent by 2030 (from about three- to-four-million by 2030). DEIR at 4.1-17. Much of this growth is expected to occur in areas that are not contiguous to the region's urban core. Indeed, as discussed above, population in the unincorporated County is expected to grow by fifty-five percent while other outlying areas such as Chula Vista and San Marcos are projected to grow by 52% and 43%, respectively. *Id.* If these decentralized development trends continue, in the next twenty years or so, much of San Diego's back country will be developed and traffic congestion will extend to these remote areas.

In sum, the addition of new and widening existing roadways actually creates additional traffic, sabotages efforts to increase transit ridership, causes decentralized land use development and thwarts efforts to promote higher-density urban communities. As most transportation, land use and environmental experts now agree, this approach is simply unsustainable. Had the RTP considered the long term implications of its RTP, it would have



concluded that transit based alternatives are environmentally superior to highway based alternatives.

**2. The DEIR Applies Faulty Analysis and Incorrectly Concludes that the Revenue Constrained Alternative, Rather than the Transit Urban Core, is Environmentally Superior.**

The SOFAR alternative submitted to SANDAG was intended to increase transit mode share in San Diego's urban core. SOFAR developed this alternative in an attempt to demonstrate that increases in highway capacity, such as that contemplated in the RTP, would perpetuate auto-oriented development and significantly impact transit patronage. As envisioned by SOFAR, its transit alternative would improve mobility for the region's urban population, promote city-centered land use development and help redefine downtown San Diego as a transit friendly, livable community. Increased transit opportunities within San Diego's urban areas would then encourage additional residential development in these communities, thereby reducing the development pressure in San Diego's back country.

Given SOFAR's extraordinary efforts to alert SANDAG to the perils of increasing highway capacity in the region, we were dismayed that the transit urban core alternative included in the draft RTP called for widening numerous freeways and highways including I-5, I-15, SR 94, SR 125, SR 241, I-805, and SR 905. *See* DEIR Table 7.0-4. Because the transit urban core alternative included these highway projects, the DEIR comes to the following illogical conclusions:

- the transit urban core alternative would use *more* land area than the revenue constrained alternative because it would include *more* freeway connector improvements and *more* freeway lanes (at 7-24) and would consume comparable amounts of constrained lands consumed by transportation infrastructure as the proposed RTP. *Id.*
- the transit urban core transit alternative would have significant and unavoidable impacts on open space and agricultural lands. *Id.* at 7-25.
- the transit urban core alternative would have equal success as the RTP in achieving *smart growth* goals. *Id.* at 7-26.

- the transit urban core alternative would result in greater amounts of smog-forming emissions than the RTP. *Id.* at 7-24. The transit urban core alternative could also have greater vehicle-related emissions and exposure to sensitive receptors due to greater amounts of congestion and VMT relative to the RTP and the revenue constrained alternative. *Id.* at 7-31.
- the transit urban core alternative would be a greater contributor to global climate change (i.e., generate more GHG emissions) than would the proposed RTP or the revenue constrained alternative. *Id.* at 7-33 and 7-34.

Because the DEIR does not include an accurate representation of SOFAR's intended transit alternative – and because all of the other RTP alternatives provide negligible environmental benefits compared to the RTP (*see* Table 7.0-10) – the public and decision makers are left with no reasonable, less environmentally damaging option for transportation in the region. Thus, rather than imparting serious information about potentially viable alternatives such as the “urban core alternative” proposed by SOFAR, the DEIR instead offers alternatives that serve as “straw men” to provide justification for the proposed RTP. Such an approach violates the letter and spirit of CEQA. The DEIR's failure to consider feasible alternatives that reduce the Project's environmental impacts renders the document inadequate under CEQA. *See, e.g., San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 735-38. This critical omission renders the DEIR legally inadequate.

If the public and decision-makers are to truly understand the effect that transit can have on the region's transportation and land use, the revised DEIR must omit those projects whose primary purpose is to support the automobile. Thus, the transit based alternatives – including the transit urban core alternative – should not include projects that increase roadway capacity. In addition, the transit based alternatives should not include managed lanes since these have been shown to be a highway solution to mobility, and not a “transit first” approach. *See* Exhibit C. Upon completion of an adequate transit based alternative, the revised DEIR should evaluate impacts against a longer term planning horizon. A longer term planning horizon will begin to show the evolution of land uses toward increased transit-oriented development.

#### **IV. THE DEIR MUST BE REVISED AND RECIRCULATED.**

Given the foregoing deficiencies, the RTP DEIR must be revised and recirculated. Based on the inadequacies discussed above, the DEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances which require recirculation of a draft EIR or circulation of a supplemental draft EIR. Such circumstances include adding significant new information to the EIR after public notice is given of the availability of the DEIR but before circulation, and where the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. CEQA Guidelines § 15088.5. "Significant new information" includes the identification of new significant impacts, a substantial increase in the severity of identified significant impacts, and the mitigation measures that could reduce impacts below a level of significance. *Id.*

#### **V. CONCLUSION**

For the foregoing reasons, SOFAR requests that SANDAG delay further action on the proposed 2007 RTP until such time as: (1) the Plan is revised in a manner that allows it to promote the objectives of *smart growth*; and (2) SANDAG prepares and circulates a revised draft environmental impact report that fully complies with CEQA and the CEQA Guidelines.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in cursive script, reading "Laurel L. Impett /cs".

Laurel L. Impett, AICP, Urban Planner

Rachel B. Hooper

cc: Sandra Goldberg, California Deputy Attorney General  
Scott Peters, City of San Diego Council President  
Nancy Graham, President, CCDC  
Paul Jablonski, Chief Executive Officer, Metropolitan Transit System  
Duncan McFetridge, SOFAR

**Exhibits:**

- Exhibit A: Greenhouse Gurus,” American Planning Association’s *Planning Magazine*.
- Exhibit B: Beyond Gridlock: Meeting California’s Transportation Needs in the Twenty First Century, Surface Transportation Policy Project, May 2000.
- Exhibit C: Independent Transit Planning Review Panel Report.
- Exhibit D: Mapping Smart Growth in the San Diego Region.
- Exhibit E: County to Review Traffic Impact Fees,” North County Times.
- Exhibit F: Increases in Greenhouse-Gas Emissions From Highway-Widening Projects, Sightline Institute, October 2007.