May 16, 2013

Amy Worth, Chair, and Members
Metropolitan Transportation Commission
Mark Luce, President, and Members
Association of Bay Area Governments

Re: Ditching Dirty Diesel Collaborative Comments on Draft Environmental Impact Report 2013

Dear MTC Chair Worth, ABAG President Luce and Members:

The Ditching Dirty Diesel Collaborative (DDDC) is a regional coalition representing over a dozen community groups, health departments, and allied organizations working to reduce diesel pollution in the Bay Area. The DDDC works to reduce the impacts on populations that bear the highest burden from disproportionate exposure to diesel pollution in the state. The DDDC Freight Transport Committee is working to provide a regional environmental justice voice and public health and safety perspective on processes related to freight transportation, regional scale land use, and transportation planning.

We appreciate the diligent and thoughtful work of the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) staff’s efforts in developing an in-depth assessment of the Alternative Scenarios. We especially applaud the Bay Area Air Quality District (BAAQMD) for developing a critique in the Air Quality section that includes the impacts of diesel emissions for the Alternative Scenarios. This analysis begins to addresses DDDC’s main concern about the implementation of the Plan Bay Area Process – how best to promote infill without unduly exposing new residents to...
unacceptably high levels of diesel pollution. However, this analysis falls short of adequately identifying these health impacts or the measures necessary to mitigate these impacts.

The DDDC is interested in more thoroughly evaluating the public health and safety issues related to each of the Alternative Scenarios presented in the Draft EIR. One persistent challenge is there is not enough time to adequately evaluate the entire Plan Bay Area EIR. We respectfully request additional time (one month) to provide additional substantive comments on many of the sections we were not able to evaluate in this letter. We believe this is a very important document and an important process that warrants an appropriate and thorough evaluation.

We encourage all MTC Board Members and staff to consider the role of public health as the staff proceeds toward final recommendations. We strongly urge the MTC Board Members and the staff to select the *Equity Jobs and the Environment, Alternative Scenario #5* that has been proven through the modeling to be the strongest model of all of the alternatives. Further we have found that regional and statewide public health associations have determined an increase in transit investment results in an increase in physical activity and safety co-benefits that lead to successful health outcomes. This will ensure the SCS’s goals produce sound transportation infrastructure investments and better social equity outcomes.

The DDDC’s comments and recommendations regarding the alternative scenarios models are detailed in the attached document and summarized below. The DDDC strongly emphasizes that transportation planning needs to ensure low-income and communities of color have access to reliable affordable and safe transportation without compromising their health by exposing them to unacceptably high levels of diesel pollution. It is also essential to have access to building pathways to jobs and services by providing comprehensive healthy and affordable housing.

The DDDC encourages the MTC board members and staff to consider the following:

1.) Air Quality Chapter 2.2

   I. The draft EIR failed to conduct an analysis of the number of new residential units and other sensitive receptors likely to be built in the areas at highest risk from the impacts of diesel pollution. This omission is significant because people living in those units will likely experience negative health outcomes from excess diesel exposure.
II. The draft EIR failed to conduct a Health Impact Assessment for the residents, especially sensitive receptors, projected to live or spend significant time in new residential units or other buildings located in the areas at highest risk from the impacts of diesel pollution.

III. The draft EIR failed to conduct an analysis of the demographics of new residents likely to live or spend significant time in new residential units or other sensitive receptors located in the areas at highest risk from the impacts of diesel pollution. This omission is significant because low-income communities and communities of color are already disproportionately impacted by diesel pollution and the associated health impacts.

IV. The draft EIR fails to address preventing further logistics sprawl in the coming years and mitigating the congestion and CO2 impacts of logistics in urban areas. As more warehouses are built or leave core urban areas and locate in suburban and exurban areas that inherently suggest increases truck commutes to the aforementioned areas.

V. The draft EIR fails to address the interregional CO2 and PM due to the projected increased commutes of low-income wage workers that have been displaced outside of the Bay Area.

a) The proposed mitigation measures contained in the Air Quality section are inadequate. According to the draft EIR on page 2.2-36, Impact 2.2-3(b) of the Air Quality Section identifies a 12% increase in PM10 as a result of the project as significant and unavoidable. However, only two measures, 2.2(b) and 2.2(c), both related to retrofitting trucks, locomotives and port-related emissions are offered as mitigations. Since the draft EIR acknowledges the fact that PM10 emission are strongly influenced by the 20% projected growth in Vehicle Miles Travelled (VMT), it is logical that additional measures to reduce VMT are called for to mitigate this impact.

VI. To help determine the appropriateness of project and site-specific mitigations, MTC/ABAG recommends that implementing agencies and/or project sponsors follow BAAQMD’s most recent Recommended Methods for Screening and Modeling Local Risks and Hazards guidance and BAAQMD’s Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

2.) Land Use and Housing Chapter 2.3

1. The draft EIR fails to consider residential and commercial displacement caused by increased housing costs. The draft EIR explicitly states that the land use and transportation changes proposed by the plan may affect affordability and cause displacement: “Changing development types and higher prices resulting from increased
demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether.” (2.3-35) Yet it fails to evaluate these impacts. (They are instead given inadequate consideration in the Equity Analysis.)

2. **The draft EIR does not provide effective measures to mitigate displacement.** As noted above, the draft EIR finds that the plan could push people out of their neighborhoods or the region. However the mitigation measures proposed do not provide any policies to reduce displacement due to rising housing costs.

3. **The draft EIR assumes that no displacement will take place from the region entirely,** despite evidence that this assumption is not realistic. The result is an analysis that masks the contribution of affordable housing to decreasing VMT, GHG and toxic air pollution.

4. **The draft EIR incorrectly assumes that there will be no displacement out of the region** (because the plan “houses” 100% of projected growth) and that all the scenarios will be the same in this regard. Unfortunately, MTC/ABAG’s empirical analysis suggests that the first assumption is inaccurate. It is reasonable to assume that there will be projected growth outside of the PDAs.

5. **The draft EIR also incorrectly assumes the alternatives studied will all perform the same in this regard.** The alternatives show different levels of housing affordability.

3.) Climate Change and Green House Gas Chapter 2.5.

1. **The MTC-developed targets do not get us to AB32 goals (despite the fact these goals are clearly implied though not directly linked in SB375 sections 1 and 4)**

   While the proposed Plan actually achieves marginally better reduction rates per capita (10%) than even the limited MPO targets (7%) the EIR still obfuscates the fact that the plan, looking at the transportation sector, **will not reduce annual GHG emissions in**

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1 Even though SB375 allows the ARB to set the targets that the SCS must comply with, SB375 itself refers and implies a tie between the MPO sustainable community strategies to AB 32. Sec 1 and 4 have strong references and suggestions that this bill is tied directly to the overall goal of implementing AB 32 and thus, a goal for target setting. For example, see section 1b with a direct reference that this action is pursuant to State mandate for 2020; 1c states a need to change land-use and transportation pattern to achieve goals of AB32; 1f connects CEQA to AB32 and in Section 4.3: states an expected relationship to targets to be adopted by ARB to reduce GHG emissions in affected regions... and [to be] consistent with the regulations promulgated pursuant to the Global Warming Solutions Act of 2006 [AB32].
Looking at the ARB target numbers provided in ARB documentation, we would actually need an approximately 25.5 per capita reduction target to correspond to a 18% reduction in annual GHG emissions (which is half of a projected 36% needed based on AB32 but which can be coupled with other statewide actions, as was demonstrated in the technical appendix to the City of Oakland ECAP 2011 to achieve AB32 goals). The proposed Plan reduction level is off by more than twice as much as needed to address IPCC climate change projections and this fact needs to be openly acknowledged and addressed.

Given the limitations of the Plan, the Alternate Plan Scenario (APS), as the established mechanism to develop planning solutions that can achieve the goals beyond political or other limitations, should be utilized in the One Bay Area planning process and evaluated in the EIR. Instead of avoiding this important visioning opportunity that can fully incorporate the best SB375 transportation strategies, the ARB/MPO should require such planning in this case to critically understand exactly what we are up against as far as regional planning and how much our efforts should start incorporating adaptation strategies and stronger efforts to reverse the 80%:20% ratio of highway to transit spending and dramatically bolster the marginal resources allocated to bike and pedestrian infrastructure. The APS can also better tie in the Priority Conservation Areas (PCAs) as part of the SCS planning process in addition to the PDAs. An APS can be seen as a roadmap to creating healthy communities and highlighting other community co-benefits.

1. **The EIR (Chapter 2.5) Rejection of Criterion 3 assessment of “Non Significance” is objectively erroneous and needs to be reevaluated.**

Criterion 3 evaluates whether the Plan substantially impedes attainment of goals set forth in Executive Order S-3-05. This executive order sets targets for California including the AB32 goals for 2020 and 2050. The EIR tries to state that this order does not really apply to this planning effort as the order has a benchmark which is ten-years past the plan’s horizon and given that executive orders apply to executive branches and not MPOs. Irrespective of actual application of the order to the SCS, clearly this Plan impedes attainment of this statewide order by not directing sufficient changes in the transportation sector for the necessary foundational changes necessary to achieve its 2020 and 2050 goals. To reiterate: the Plan does not conflict with the order but, by not explicitly calibrating to its requirements by a grossly significant factor (per comment above) the Plan actually sets in motion
40-year transportation-system investments as part of a foundation that will fail to reduce GHG (by ARB calculations) and as the approved plan tied to regional transportation funding allocations creates an impediment (given competition for limited resources) for funding of alternative projects that will be needed to achieve statewide goals per AB32. Pragmatically, this may be an unavoidable impediment but it is objectively significant.

2. **Adaptation Strategies are inadequate for addressing resiliency/adaptation to projected Climate Change effects.**

   - The included adaptation strategies are geared for mitigations mostly to sea-level rise. There should also be strategies that combat general climate change effects tied to other overall mitigations such as for urban heat island.
   - For example, “Adaptation protection” strategy #2 should apply zoning to include areas for flood risk in general/flood plains and linkages to local drainage ways/watersheds to reduce runoffs, protect waterways to wetlands themselves.
   - #10 which stipulates incorporating open space into urban fabric should not just be for low-lying areas but also along all watersheds and flood-risk areas and also recognize need for urban forests and include urban agriculture as potential open space protection (also see p. ES-24).
   - There should be a clear strategy to increase accessible non-motorized activity (bike and walk mode share) through target investments, especially in underserved areas and areas that are divided by freeways, railroads and separated from natural resource areas.

4.) Hazards Chapter(s) 2.13 and 2.14: Public Services and Recreation

The major impacts associated with these sections are focused on the increase in the Bay Area population (an additional 2 million residents and 1.1 million new jobs by 2040) and the resulting increased land use needs for public services, housing, roadways, businesses, the transport of hazardous materials, and building on hazardous material sites - causing hazardous materials to be released (during construction and potentially long term).

Mitigation measures focus on following multiple existing federal and state laws that protect the public from exposure to hazardous materials. Impacts from development on groundwater and soil contamination could negatively impact construction workers and the public both short term and long term. Mitigation measures require site review to determine if sites are hazardous, and if so, existing laws need to be followed.

In addition there is likely to be land use development and transportation projects near airports
(within two miles), which depending on these developments could be in conflict with airport operations but are defined as "less than significant with mitigation". If mitigation measures are taken, the impact would be minimal.

There is "potentially significant" impact on ensuring adequate park and recreation facilities - and capacity for local entities to meet levels and maintenance of parks and recreational facilities.

**In addition to the comments above, we have two overarching concerns:**

1) **Major Concern**: There are several references in the draft EIR that state that MTC/ABAG cannot require local implementing agencies to adopt mitigation measures. This is a failure within the draft EIR plan. While it is true that regional agencies may not be able to require mitigation recommendations at the local level there is established protocol that regional consensus (multiagency) can be achieved. Sound large projects can be identified and implemented if consensus is reached.

2) **Major Concern**: Regional agencies can incentivize public health measures as criteria when considering favorable projects. Incentivizing the development of housing and sensitive land uses like parks and schools outside portions of PDAs with higher health risk from toxic air contaminants is essential to building healthy and safe communities. MTC and ABAG should encourage siting more suitable land uses such as commercial land uses within higher health risk portions of PDAs.³

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³ J:\SECTION\ALLSTAFF\RESOLUTION\MTCResolutions-4035_Attach-A.doc
As you know, all the members of our collaborative have been involved in this process from the very beginning and have worked with the staff to see this process serves all of the residents of the Bay Area. We believe our input on these issues will help guide staff toward the most well informed decisions.

Sincerely,

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