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July 15, 2015

SANDAG
Board of Directors, Chair Jack Dale
Transportation Committee, Chair Todd Gloria
Regional Planning Committee, Chair Lesa Heebner
401 B St. Ste. 800
San Diego, CA 92101

RE: Circulate San Diego Comments on the 2015 Regional Plan Draft (titled “San Diego Forward”) Environmental Impact Report

Honorable Jack Dale and SANDAG Board and Committee members:

We appreciate the opportunity to respond to the 2015 Regional Plan Draft (titled “San Diego Forward: The Regional Plan”) Environmental Impact Report (DEIR) dated May 2015.

Circulate San Diego is a non-profit organization devoted to transit, active transportation, and sustainable growth. As such, we support SANDAG’s efforts to integrate land uses, transportation systems, infrastructure needs, and public investment strategies within a regional smart growth framework. We submit this letter with the aim of providing SANDAG with useful comments to ensure that preparation of the DEIR reflects SANDAG’s goal to plan for a smart growth transportation network and that it fully complies with CEQA. Thank you for this opportunity to provide valuable feedback on this essential component of the 2015 Draft Regional Plan.

Today, Circulate San Diego is publishing three documents and submitting them to SANDAG.

1. **TransNet Today:** [TransNet Today](#) is a report in partnership with the nonprofit TransForm which demonstrates that SANDAG has substantial flexibility over how to implement the TransNet Extension Ordinance.
2. **DEIR Comment Letter:** Circulate San Diego’s [DEIR comment letter](#) explains why SANDAG’s environmental analysis for their Regional Plan fails to analyze feasible alternatives that are consistent with SANDAG’s flexibility to implement TransNet, as outlined in *Transnet Today*.
3. **Regional Plan Comment Letter:** Circulate San Diego’s [letter regarding the Regional Plan](#) requests that SANDAG advance transit and active transportation projects, without amending TransNet, as *TransNet Today* explains can be done.

I. Introduction.

SANDAG has the authority to advance transit and active transportation projects on a more accelerated schedule than what is called for by the 2015 Draft Regional Plan (“the Plan”), and in a manner that is consistent with the TransNet Extension Ordinance approved by voters in 2004.

However, none of the more transit-friendly alternatives analyzed by SANDAG are financially feasible to implement.

The failure of the DEIR to consider even one financially feasible alternative does not satisfy the two core functions of the California Environmental Quality Act (CEQA), to ensure informed decision making by the SANDAG Board, and to foster public participation. SANDAG’s DEIR is therefore insufficient and invalid under California law.

II. TransNet Today.

Attached with these comments to the DEIR is a report Circulate San Diego published today titled “*TransNet Today: Keeping faith with the voters while achieving the region’s transportation goals.*”

TransNet Today demonstrates that SANDAG has substantial flexibility over how to implement the TransNet Extension Ordinance.

While much of the public discussion around TransNet is that it constrains SANDAG’s choices, the measure is actually quite flexible. By its very text, TransNet can be amended by a 2/3 vote of the SANDAG Board. However, such a supermajority vote is not required to implement TransNet in a more flexible and transit-friendly way.

Nothing in TransNet mandates the timeline by which projects outlined in the measure must be built. SANDAG has itself chosen the order and phasing of TransNet projects, an ordering they can elect to rebalance at their discretion. Such a rebalancing would require only a majority vote by the SANDAG Board, and without amending either the text or the intent of the TransNet Ordinance approved by the voters.

TransNet Today also identifies other flexibilities in the TransNet Ordinance, including the ability to adjust the scope of highway projects, though mutual agreement with Caltrans.

III. Accelerating transit and active transportation would improve the proposed Plan.

A variety of organizations are submitting comment letters to respond to the DEIR. Circulate San Diego joins in the concerns identified by Southwest Wetlands Interpretive Association and others regarding the scope and content of the DEIR.

As identified in more detail by other organizations and individuals, the Draft Regional Plan’s greenhouse gas (GHG) reduction strategies do not place – or commit – the region to a reduction trajectory that would contribute its proportionate share to the State of California’s GHG emission reduction goals. The DEIR documents many significant and unmitigatable impacts that will remain if the proposed plan is implemented including GHG emissions related to long-term state goals, VMT, water supply, and sensitive habitats/species/movement. The proposed plan, which is essentially a minor update of the 2011 Regional Transportation Plan, does not meet the project’s objectives.

These comments from Circulate San Diego will generally not repeat the thoughtful and necessary comments from other allied organizations. Our comments focus mostly on the need for SANDAG to prepare a more robust and actionable set of alternatives to the proposed Plan, which is necessary for the SANDAG Board and the general public to evaluate the impacts and purported value of the proposed Plan.

One key way for SANDAG to address the impacts related to vehicle miles traveled and GHG emissions in its proposed Plan would be to improve the mix and phasing of transit and active transportation. SANDAG's Climate Action Strategy explains that, "Lowering vehicle miles traveled means providing high-quality opportunities to make trips by alternative means to driving alone such as walking, bicycling, ridesharing, and public transit, and by shortening vehicle trips that are made."¹

Given the understanding in SANDAG's own Climate Action Strategy, it is reasonable to expect at least one feasible alternative to have been focused primarily on significantly reducing vehicle trips.

SANDAG appears to have recognized an obligation to create alternatives in their Plan that prioritize transit and active transportation options. Without inventing new transit and active transportation projects, these alternatives instead simply change the order and time frame with which these projects occur, or fund certain projects from the unconstrained list. Shifting the prioritization of projects already in the proposed Plan is an acceptable strategy for analyzing the prioritization of vehicle trip reduction, since the overall mix of transit and active transportation projects in the proposed Plan is fairly comprehensive.

However, despite the fact that the DEIR examined a mix of transit-friendly alternatives, the alternatives offered by SANDAG do not represent an adequate mix of alternatives for the SANDAG Board and the public to consider.

IV. All of SANDAG's identified alternatives were infeasible, and insufficient.

For various reasons, all of SANDAG's identified alternatives in their DEIR were infeasible. For financial, political, and legal reasons, none of those alternatives could realistically be adopted by the SANDAG Board.

Circulate San Diego and other groups had asked SANDAG to model a "Third Scenario" in 2014 that would examine building all of the Regional Plan's transit within a 10 year period. SANDAG did model such a scenario, and their figures published in January 2015 showed that without substantial changes to other elements of the Regional Plan, a 10-year construction period was not financially viable.²

SANDAG should have therefore analyzed in the DEIR a mix of alternatives that were friendly to transit and active transportation, that were also financially, legally, and politically feasible. While such a plan may not have been as ambitious as some advocates would have liked, it would

¹ SANDAG, Climate Action Strategy (2010), page 29, http://www.sandag.org/uploads/publicationid/publicationid_1481_10940.pdf.

² SANDAG, Board of Directors Agenda for June 26, 2015, http://www.sandag.org/uploads/meetingid/meetingid_4081_19329.pdf.

have satisfied CEQA's dual requirements of providing informed public decisions, and fostering public participation.

A. Accelerating all transit and active transportation projects to the first 10 years of the Regional Plan substantially contributed to financial infeasibility of all alternatives in the DEIR.

Each of the alternatives identified by SANDAG in the DEIR had as a core piece of their structure the acceleration of all of the Draft Regional Plan's transit projects to within the first ten years of the Plan.

According to SANDAG's analysis of this timeline for transit construction, this would require "approximately \$30 billion in new capital funds within a 10-year period, substantially more than the anticipated \$4.8 billion in anticipated available revenue."³

That \$25 billion delta between what such a schedule would cost, versus what resources SANDAG had available, substantially contributed to making every alternative infeasible.

Notably, SANDAG's 2015 Draft Regional Plan projects that a ¼ cent sales tax for a 30-year period would raise \$10.683 billion.⁴ SANDAG is currently contemplating a ½ cent Quality of Life Measure.⁵ If a Quality of Life measure were to raise a full ½ cent over 30 years, it would generate an estimated \$21.366 billion. So even if SANDAG planned to dedicate the entirety of its Quality of Life revenue to accelerating transit, the 10-year construction goal for transit would be financially impossible without also making massive shifts in other expenditures. As explained below, even the alternatives that did contemplate massive shifts in other expenditures were paired with even more expensive transit plans, ensuring their financial infeasibility.

Moreover, SANDAG already knew that advancing all transit and active transportation within their Draft Regional Plan to the first 10 years was financially infeasible. SANDAG modeled that acceleration in January of 2015,⁶ and the comments from both staff and the SANDAG Board reflected a clear understanding that the costs were insurmountable for implementation.⁷

B. None of the alternatives in the DEIR provided for sufficient shifting of projects to make financially feasible the massive acceleration of transit.

1. *Alternative Two:*

Alternative Two in the DEIR is the most simple example to demonstrate financial infeasibility. Alternative Two accelerated all transit within the proposed Plan without shifting highway or managed lane construction to any later timeframe. No funds were proposed to be shifted from highway or managed lanes, meaning the accelerated transit costs were essentially layered on

³ SANDAG, Draft Environmental Impact Report, San Diego Forward: The Regional Plan, page 6-8, <http://www.sdforward.com/envimpactreport>.

⁴ SANDAG, *Draft 2015 Regional Transportation Plan* (2015), pages 111-14, <http://www.sdforward.com/pdfs/chaptersNPrintAppendices/DraftRegionalPlanChapter1-5.pdf>.

⁵ See SANDAG, Board of Directors Agenda for June 26, 2015, http://www.sandag.org/uploads/meetingid/meetingid_4081_19329.pdf.

⁶ SANDAG, Transportation Committee Agenda for January 16, 2015, http://www.sandag.org/uploads/meetingid/meetingid_3999_18629.pdf.

⁷ SANDAG, Meetings Audio Archive for Transportation Committee Meeting of January 16, 2015, <http://www.sandag.org/index.asp?fuseaction=meetings.sc&mid=TC061915>.

top of the existing costs in the proposed Plan. Without plans to pay for transit acceleration, the financial infeasibility of this alternative was clear.

2. Alternative Three:

Alternative Three comes the closest to an alternative that attempts to pay for transit and active transportation acceleration by some feasible means. This alternative attempts to shift some funds toward transit and active transportation acceleration by delaying a small number of highway projects and managed lane projects that do not support Rapid Bus routes.

The narrative explaining this alternative does not show how much funding is freed up by delaying these projects. This failure is unfortunate, because it does not allow the public or the SANDAG Board to evaluate the adequacy of these measures to shift funding from early-year construction of highways and managed lanes, to transit and active transportation. This information should be made available in the Regional Plan's environmental impact report.

Elsewhere in the narrative for Alternative Three, SANDAG states that despite the delay in highway projects, the alternative still does not reflect fiscal constraint as required by state and federal law. From this, we can deduce by implication that the delay measures proposed by SANDAG are insufficient to pay for the acceleration of the entire package of transit and active transportation projects.

3. Alternatives Four and Five:

Alternative Three considered an inadequate amount of highway and managed lane delay to pay for transit and active transportation acceleration. However, instead of identifying a set of additional alternatives that delay even larger amounts of managed lane or other projects to pay for the acceleration of transit and active transportation, SANDAG's remaining alternatives go a different direction.

Instead, SANDAG's other alternatives further expand the amount of transit and active transportation to be built within the first 10 years of the plan, making any efforts to pay for that acceleration increasingly difficult to accomplish, and even more expensive than in Alternatives Two and Three.

Both Alternatives Four and Five incorporate not just the constrained but also the unconstrained plan's transit and active transportation projects in the first 10 years. Advancing this much transit is estimated to "require approximately \$38 billion in new capital funds within a 10-year period, approximately eight times more than the anticipated \$4.8 billion in available revenue."⁸ These added costs make Alternatives Three and Four, and their more drastic efforts to shift the proposed Plan away from highways and managed lanes, insufficient to pay for the transit and active transportation contemplated.

4. Alternatives Four and Five relied on less feasible alternatives than were available to SANDAG.

Alternatives Four and Five eliminate projects required by TransNet. This by itself is essentially infeasible because of the strong political need of the SANDAG Board to maintain the trust of the

⁸ SANDAG, Draft Environmental Impact Report, San Diego Forward: The Regional Plan, page 6-20. <http://www.sdfoward.com/envimpactreport>.

voters and to substantially uphold the text of TransNet adopted in 2004. This is especially true because SANDAG is contemplating a near-term request to the voters to adopt a new funding measure,⁹ which is actually required to fund the transit in the proposed Plan. The SANDAG Board and staff have frequently stated that they are very worried that if the voters' will is subverted by the SANDAG Board, those same voters would be unlikely to support a new revenue measure. Alternatives that contemplate significantly amending TransNet, at least in the current political context, are inherently infeasible.

The analysis of alternatives that require a significant amendment of TransNet are also less feasible than other alternatives that were available to SANDAG, as demonstrated by Circulate San Diego and TransForm's report *TransNet Today*. *TransNet Today* shows that SANDAG has substantial flexibility to advance transit and active transportation without amending TransNet, by simply reordering projects within the Regional Plan.

SANDAG could have constructed a set of alternatives in the DEIR that advanced some transit and active transportation, and paid for that acceleration by delaying some TransNet projects. SANDAG could have designed such an alternative on the basis of its own authority, as demonstrated by *TransNet Today*. Such a project alternative would have been a natural and feasible approach to examine an option more friendly to transit and active transportation.

Instead, Alternatives Four and Five relied on changes to federal policy, over which SANDAG has virtually no influence. It is troubling to see SANDAG ignore feasible options available to it, in favor of options that would require literally an act of congress to implement. That disparity helps illustrate that the alternatives selected by SANDAG do not represent a mix of feasible alternatives.

V. The use by the DEIR of excessive accelerated transit and active transportation plans operates to prevent more accelerated and active transportation funding.

As explained above, the alternatives analyzed in the DEIR accelerated transit and active transportation at rates that were too fast to be paid for by the highway or managed lane delays identified by SANDAG.

Instead of preparing alternatives that were somewhat more friendly to transit and active transportation, SANDAG prepared alternative that were so friendly, they made those plans unaffordable, and in the language of CEQA, infeasible.

It is somewhat ironic that the alternatives that imagined a more transit-friendly Regional Plan, were structured in such a way to make any acceleration of transit appear financially unviable. The alternatives employ a certain kind of bureaucratic jujitsu, using the requests by advocates to advance transit, as a tool against the advancement of transit. CEQA is not about gamesmanship. Instead, it is about ensuring informed decision-making, and fostering public participation in important policy decisions. The DEIR alternatives analysis does not help to accomplish either of these important functions.

VI. Circulate San Diego requested SANDAG to prepare a financially feasible alternative that accelerated some transit and active transportation, which SANDAG elected not to do.

⁹ SANDAG, Board of Directors Agenda for June 26, 2015, http://www.sandag.org/uploads/meetingid/meetingid_4081_19329.pdf.

An alternative to the proposed Plan that is impossible to implement, is of no value to the SANDAG Board or the interested public, no matter how much transit or active transportation is in it. Circulate San Diego asked SANDAG to prepare an alternative in the DEIR that advanced as much transit and active transportation as was possible, without making the plan financially infeasible.

Such a plan would have provided the SANDAG Board a real alternative to consider, that would almost certainly have provided better environmental benefits to the San Diego region. A financially feasible alternative would also have allowed the public an opportunity to engage in active and productive support for an alternative with some hope of adoption and implementation.

In a letter dated February 10, 2015, Circulate San Diego, the American Lung Association, and the San Diego Housing Federation asked SANDAG to incorporate a variety of elements into its DEIR.¹⁰

Circulate San Diego asked for SANDAG to prepare an alternative that the SANDAG Board could feasibly adopt, that advanced transit and active transportation. The letter suggested accelerating some projects faster than others, and extending the accelerated transit construction period to a time longer than 10 years. All of these suggestions are consistent with a more realistic approach geared to identifying a feasible alternative, as compared to SANDAG's all-or-nothing alternatives that were modeled in the DEIR.

The DEIR, in outlining its rejection of Circulate San Diego's proposal for an alternative to model, recognized that the letter from Circulate San Diego and its partners asked for an analysis for a scenario that is "financially feasible," for a construction time of transit and active transportation projects that may be longer than the first ten years of the Regional Plan.¹¹ However, the DEIR makes no explanation for why an alternative was not examined that extends the transit construction period to anything longer than 10 years.¹² The public and the SANDAG Board both deserve to know why SANDAG staff did not consider a financially feasible alternative that also advanced transit and active transportation to be a useful analysis when deciding such important issues to the San Diego region.

The request by Circulate San Diego for a financially feasible alternative was not an ancillary component of our request for the modeling of an alternative in the DEIR. The core nature of this request was even reported in the local press. San Diego CityBeat, a local news publication noted the pragmatic request from Circulate San Diego. They reported on the contents of Circulate's aforementioned letter, stating:

Environmental advocates took exception to the analysis. Circulate San Diego called on SANDAG in a formal letter to conduct a more nuanced study that looked at a more flexible time scale, stating: "If certain transit investments are

¹⁰ Letter to SANDAG on Alternatives for SANDAG's Environmental Analysis for San Diego Forward: The Regional Plan (February 10, 2015), and available at http://circulatesd.nationbuilder.com/alternatives_for_sandag_s_environmental_analysis_for_san_diego_forward_the_regional_plan.

¹¹ SANDAG, Draft Environmental Impact Report, San Diego Forward: The Regional Plan, page 6-32, <http://www.sdfoward.com/envimpactreport>.

¹² SANDAG, Draft Environmental Impact Report, San Diego Forward: The Regional Plan, page 6-33, <http://www.sdfoward.com/envimpactreport>.

feasible to advance, and others are not, then the feasible projects should be modeled to occur earlier than other investments.”¹³

Circulate San Diego’s predecessor, MOVE San Diego, made a similar request in their letter for the DEIR on the 2011 Draft Regional Transportation Plan:

Reduction in total vehicle miles traveled (VMT) is one of the crucial means by which GHG emissions can be significantly reduced, as expressed in SANDAG’s Climate Action Strategy (CAS).

Transit is a proven means of reducing Vehicle Miles Traveled. The 2050 RTP EIR should evaluate strategies that within the range of *expected capital resources*, and further explore innovative ideas on how to design dedicated transit infrastructure better matched to market demand.¹⁴

SANDAG knew that an alternative in the DEIR with a 10-year construction period would be extremely challenging to make financially feasible. Requests by Circulate San Diego, its partners, and even its predecessors, put SANDAG on notice that a more moderate approach to accelerating projects would be more financially feasible, and desirable for the public and the SANDAG Board to consider. However, the SANDAG staff prepared the DEIR with alternatives all designed to be impossible to implement, and entirely infeasible.

VII. Circulate San Diego proposes a list of projects to accelerate.

Along with this letter commenting on the DEIR, Circulate San Diego is submitting to SANDAG a comment letter on the substance of the Regional Plan itself. Our letter calls on SANDAG to adopt a Regional Plan that accelerates certain key transit and active transportation projects to within the first 10 years.

The list of projects Circulate San Diego proposes to advance will cost about \$7 billion to construct before 2025. The proposed Plan includes more than \$12 billion in highway and managed lane construction before 2035. If some of those highway and managed lane projects were pushed back into later periods in the Regional Plan, flexible funds could be used earlier to finance transit and active transportation.

While these figures are only back-of-the-napkin calculations, they show that given the enormous amount of money planned for managed lane and highway construction in the Regional Plan, surely some amount of transit and active transportation can be advanced by rebalancing phasing of projects. As a general matter, building transit is a useful tool for reducing vehicle trips and GHGs, as SANDAG’s own documents have shown.¹⁵ Accelerating at least some of the transit and active transportation in the Regional Plan would very likely have shown a beneficial impact to the environment.

¹³ Joshua Emerson Smith, San Diego CityBeat, “San Diego unions talk green, tests to come,” (June 3, 2015), <http://www.sdcitybeat.com/sandiego/article-14252-san-diego-unions-talk-green-tests-to-come.html>.

¹⁴ MOVE San Diego, Move San Diego Comments on the 2050 Regional Transportation Plan Draft Environmental Impact Report, (August 1, 2011), available at http://circulatesd.nationbuilder.com/2011_rtp_eir_comments.

¹⁵ SANDAG, Climate Action Strategy (2010), page 29, http://www.sandag.org/uploads/publicationid/publicationid_1481_10940.pdf.

Circulate San Diego is a small nonprofit, without the resources to analyze our list of projects for the full impact their advancement would have to the region, or whether they can all be advanced at the time frame Circulate suggests.

However, CEQA is actually designed to ensure that public groups like Circulate San Diego are not required to shoulder the burden of such an analysis. The mandate that SANDAG analyze feasible alternatives to their proposed Plan is designed to ensure that a public agency consider financially feasible alternatives, and to analyze their impacts on the environment.

SANDAG should look to Circulate San Diego's list of proposed projects to accelerate, and develop a financially feasible alternative for the SANDAG Board to consider when adopting their Regional Plan.

VIII. Conclusion.

The DEIR identifies a variety of impacts from the proposed Plan. Prioritizing transit and active transportation is the most obvious and useful way to help address many of those impacts, as well as improve the transportation system in the San Diego region.

SANDAG failed to analyze an adequate set of alternatives in the DEIR by not including even one financially feasible alternative that advanced transit and active transportation. Each of the alternatives SANDAG analyzed included so much transit that the corresponding delays of highways or managed lanes could not hope to pay for it.

Circulate San Diego certainly desires to see a regional transportation network with as robust a transit and active transportation system as possible. But the aspirations of transportation advocates for a 10-year construction period for transit cannot be used as an excuse by SANDAG to avoid analyzing an alternative that both advances transit and is feasible.

SANDAG knows full well that a 10-year acceleration of transit and active transportation would be extremely difficult to make financially feasible. So instead of analyzing an alternative with a more modest mix of transit acceleration, SANDAG used that 10-year construction schedule for all of its alternatives, designing each of them to be financially, politically, or legally infeasible.

The purpose of an environmental impact analysis is to help a public agency make informed decisions, and to help the public understand the range of options and impacts for those decisions. The DEIR does not contain a useful set of alternatives, even though as *TransNet Today* demonstrates, SANDAG has a host of options for how to advance transit and active transportation, while keeping to the letter and intent of the 2004 TransNet ordinance. SANDAG's unwillingness to examine real alternatives is counter to the purpose and requirements of the California Environmental Quality Act, and leaves the DEIR insufficient and invalid.

Circulate San Diego looks forward to working with the SANDAG staff and Board to examine real alternatives to the Regional Plan and the status quo, so that San Diego can enjoy the robust transportation network it deserves.

Sincerely,

Colin Parent

Colin Parent
Policy Counsel, Circulate San Diego

Cc: Andrew Martin, Associate Regional Planner, San Diego Association of Governments, via email to andrew.martin@sandag.org.