



February 14, 2012

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Mr. Hasan Ikhmeta  
Executive Director  
Southern California Association of Governments  
818 West Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435

Re: Comments on the Draft 2012 Regional Transportation Plan and Program  
Environmental Impact Report

Dear Mr. Ikhmeta:

Thank you for the opportunity to comment on the Southern California Association of Governments' (SCAG) draft 2012 Regional Transportation Plan (RTP) and associated Program Environmental Impact Report (PEIR). The 2012 RTP and PEIR are comprehensive documents that reflect the transportation and funding challenges the region will face in the coming years, in addition to the program level impacts and mitigation options. These documents are critical to the region's ability to operate, maintain, and improve the transportation system.

The Orange County Transportation Authority (OCTA) appreciates that SCAG has included the commitments identified in OCTA's 2010 Long-Range Transportation Plan, *Destination 2035*, as well as the demographic forecasts and land-use data submitted through the 2010 Orange County Sustainable Communities Strategy. In addition, OCTA appreciates the hard work and cooperation of SCAG staff throughout the RTP and PEIR development process.

OCTA has coordinated with Orange County's local jurisdictions to identify policy and technical issues related to the draft 2012 RTP and PEIR that are of concern to Orange County. The issues that were identified through this effort, and that are of particular concern to OCTA, are discussed below. Some of these issues were previously transmitted to SCAG in a letter dated October 7, 2011. Since a response to the October letter was never received from SCAG, OCTA strongly urges SCAG to carefully review the issues below and provide specific and detailed responses.

### **Innovative Financing and New Revenue Sources**

The draft RTP suggests that \$127.2 billion of the approximately \$219.5 billion regional shortfall can be addressed through actions at either the state or federal level with a \$0.15 gas tax increase between 2017 and 2024. After that, the draft RTP assumes that the state or federal government would either replace the gas tax with an indexed mileage-based user fee of \$0.05 per mile,

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beginning in 2025, or further increase fuel taxes to generate revenues equivalent to the mileage-based user fee.

OCTA cannot support an increase in fees, including the introduction of a mileage-based user fee, until a comprehensive economic impact study is completed and presented to the OCTA Board of Directors (Board) for discussion. In addition, when considering support for any kind of a new user-based fee program, an emphasis must be placed on the need for a return-to-source criteria that guarantees funds generated within Orange County are reinvested in Orange County. Finally, there should also be a process for recognizing and rewarding areas that keep the transportation system in a state of good repair.

### **California High-Speed Rail**

The draft RTP identifies Phase I of the California High-Speed Rail Authority (CHSRA) Project as a potential solution for improving interregional and intercity ground transportation. As described in the RTP, the project is planned to connect San Francisco with Los Angeles and Anaheim. This also assumes improvements to increase speeds along the Los Angeles-San Diego-San Louis Obispo (LOSSAN) corridor and the Metrolink Antelope Valley Line.

This project description is consistent with the draft CHSRA Business Plan, which OCTA has reviewed and provided comments on (Attachment A). OCTA would like SCAG to take these comments into consideration as the RTP is refined for adoption in April. In summary, these comments focused on the following:

- OCTA supports the phased delivery approach, which includes early investment in the existing LOSSAN and Metrolink infrastructure
- Rather than initially investing in the central segment, OCTA believes it is more prudent to begin implementation at the "bookends" of the system
- Extending the implementation of Phase I by 13 years may jeopardize existing funding due to timely use criteria
- The updated schedule should account for potential contingencies, and the associated potential cost increases should be addressed through contingency planning
- The project's dependency on public funds could place CHSRA in direct competition for funding with existing transit service providers and local transportation agencies

- It is questionable whether the funding plan truly complies with the requirements set out in Proposition 1A, specifically Section 2704.08(c)(2), items A through K
- The operating assumption of “up to nine trains per hour” will likely result in an unnecessary level of service, and the projected operating surplus of \$1 billion per year is too optimistic
- The \$171 billion alternative investment in airports and roadways does not account for the airport and roadway investments that will be required both with and without the high-speed rail project

In addition, OCTA recommends that SCAG provide regular updates to the Transportation Committee and Regional Council regarding the CHSRA business plan, financial status, implementation progress, and any changes in assumptions by the CHSRA; particularly with respect to the status of the memorandum of understanding that better defines CHSRA’s commitments to near-term speed improvements for the LOSSAN and Metrolink services.

### **Regional High-Occupancy Toll Lane Network**

The draft RTP includes the implementation of a regional high-occupancy toll (HOT) lane network. This network appears to utilize existing and planned high-occupancy vehicle lanes to generate new revenues by selling excess capacity to single-occupancy drivers. The proposed regional HOT lane network assumes that Orange County would include HOT lanes on Interstate 5 (I-5) between the San Diego County border and the southern end of State Route 73 (SR-73); along I-405 between the northern end of SR-73 and the Los Angeles County border; and along State Route 91 (SR-91) extending the Express Lanes west to the Los Angeles County border.

On December 12, 2011, the OCTA Board approved the Express Lane Planning and Implementation Principles (Attachment B). OCTA requests that these principles be incorporated into the assumptions for segments of the regional HOT lane network that are within Orange County. Furthermore, the proposed HOT lane improvements to I-5, and SR-91 should be subject to further study to evaluate right-of-way impacts, community issues, and overall feasibility, prior to inclusion in the constrained plan.

### **East-West Freight Corridor**

Due to continuing growth at the ports of Long Beach and Los Angeles, and increasing congestion on freeways throughout the SCAG region, the draft RTP

highlights the need for a zero emission East-West Freight Corridor. The corridor would aid the movement of goods between the ports and warehousing facilities located inland. This reflects the findings from the Comprehensive Regional Goods Movement Plan and Implementation Strategy.

Several other corridors were examined, including the SR-91, through Orange County and Interstate 10. After considerable study, the State Route 60 corridor was selected for further study based on its proximity to current and future markets, feasibility and right-of-way constraints, future truck volumes, and potential for reducing truck-involved accidents. The SR-91 was not selected primarily due to right-of-way constraints throughout the corridor, and lack of good access to warehousing locations.

OCTA supports the East-West Corridor as it appears in the Draft 2012 RTP. OCTA believes that the findings from the Comprehensive Regional Goods Movement Plan and Implementation Strategy are accurate, and OCTA encourages SCAG to build on the progress of the East-West Corridor based on these findings.

### **Other Regional Strategies**

SCAG proposes a number of other investments within the draft RTP that affect Orange County, and go beyond the Long-Range Transportation Plan (LRTP). OCTA recognizes that it is within SCAG's purview to plan for regional strategies that enhance transportation, such as the ones discussed below. It should be noted that OCTA is committed to delivering the projects within the LRTP. OCTA will only consider additional investments after revenues are identified to account for these commitments. The regional strategies identified by SCAG do not have clear funding mechanisms, and it must be made clear that their inclusion in the RTP does not constitute a commitment to fund and/or implement the improvements.

Examples of regional strategies include the congestion management projects identified by the California Department of Transportation. In Orange County, these corridors include State Route 57, State Route 22, Interstate 605, SR-91, and I-405. The improvements consist of relatively low-cost operational improvements such as ramp metering, auxiliary lanes, and other ramp and interchange enhancements. These are in addition to what was already submitted to SCAG by the county transportation commissions (CTCs) such as OCTA, and rely on funding sources beyond those identified in the LRTP.

The draft RTP also proposes additional transit enhancements throughout the region. The key transit investments that go beyond what the CTCs have committed include expanding local bus service, additional bus rapid transit, and new express bus service. These improvements are not specified in the draft RTP, but the additional cost to the region for these services is estimated at about \$2.6 billion. These additional costs are covered by SCAG's assumed transportation funding levels, which are beyond the available and committed resources identified in the LRTP.

An additional emphasis is also placed on walking and bicycling, which is referred to as "active transportation." The draft RTP proposes to increase the regional investment in active transportation by about \$4.5 billion. When the committed investments submitted by the CTCs are accounted for, the total active transportation investment is approximately \$6 billion for the SCAG region. Again, this additional investment is over and above resources identified in the LRTP, and the improvements are addressed only at the regional level.

### **Transportation Induced Growth**

Throughout the draft RTP and PEIR, there are references to transportation projects inducing growth and influencing land-use development and demand. One such instance is on page 80 of the draft RTP, which states the following:

"Transportation projects including new and expanded infrastructure are necessary to improve travel time and can enhance quality of life for those traveling throughout the region. However, these projects also have the potential to induce population growth in certain areas of the region. Although SCAG does not anticipate that the RTP would affect the total growth in population in the region, the RTP has the ability to affect the distribution of that growth."

These types of statements are misleading for a number of reasons. For example, the excerpt quoted above states that the "RTP has the ability to affect the distribution of growth." This can be understood to imply that SCAG has the ability to influence growth through the development of the RTP. OCTA trusts that this is not SCAG's intent. OCTA recommends that such references be clarified, as land use decisions are within the purview of local agencies.

Moreover, and more importantly, statements such as the above excerpt imply a lack of coordination between land-use and transportation agencies, especially

in the light of the recent efforts to develop the Sustainable Communities Strategies at the subregional and regional levels. There should be an emphasis in the RTP on the fact that land-use and transportation agencies are coordinating better now than ever before. OCTA recommends that SCAG clarify the negative implication of the statements regarding induced growth, and highlight the elevated level of coordination occurring today.

### **Draft Program Environmental Impact Report**

The Draft PEIR is a program level document that is intended to serve as an informational document, disclosing all potential environmental impacts and possible mitigation measures. OCTA has coordinated with a number of agencies throughout Orange County who have expressed interest in reviewing and commenting on the draft 2012 RTP and PEIR (Attachment C). These agencies have identified a variety of concerns during their review of the documents, in particular with the list of 549 mitigation measures within the PEIR. The key concerns that have been identified include:

- The Draft PEIR states that it "has made a preliminary determination that the proposed mitigation measures are feasible and effective." It is unclear how this determination was made, and this assumption could prove to be inaccurate if and when these mitigation measures are considered at a project level. Therefore, any feasibility determinations in the PEIR must clearly state that they only apply at the program level.
- Several of the mitigation measures that identify SCAG as the acting agency propose measures that appear to exceed the purview of SCAG. SCAG must be mindful of local and county land-use and transportation authorities, and use great discretion when making commitments and/or suggesting policies and strategies that may impact and encroach upon local and county agencies' responsibilities.
- The PEIR includes mitigation measures that restate existing requirements enforced by other agencies and, therefore, do not need to be repeated in this list of mitigation measures.

Additionally, OCTA understands that only those mitigation measures that state that "SCAG shall" are required to be carried forward. Any mitigation measure that identifies an agency other than SCAG can be considered at the discretion of the appropriate agency; however, such consideration is not required unless the agency chooses to use the PEIR in order to tier when performing project level environmental analysis.

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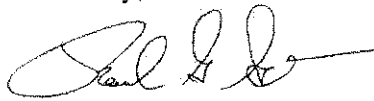
OCTA understands the term "can and should" to mean that the agency identified by SCAG in a mitigation measure has the authority to implement the mitigation measure, and that SCAG encourages the agency to do so. The term is not intended to imply that the measures are feasible nor required.

Finally, SCAG's current Intergovernmental Review ("IGR") policy "encourages" the use of the mitigation measures identified in the 2008 RTP PEIR to "aid with demonstrating consistency with regional plans and policies." SCAG will most likely update the IGR policy to refer to the 2012 RTP PEIR mitigation measures. As explained above, and as already recognized by SCAG, compliance with the RTP PEIR mitigation measures is mandatory for SCAG only. These mitigation measures, therefore, should not be considered in any way during the IGR process to determine consistency with regional plans and policies.

While OCTA shares many of the concerns raised by partner agencies and stakeholders in Orange County, such as those described above, the attached list of comments on the PEIR (Attachment C) focuses on the issues within OCTA's purview that were identified through the coordination efforts. Please provide responses and clarifications with regard to these comments.

OCTA appreciates SCAG's work on the RTP and PEIR to date and looks forward to the adoption of a complete and accurate 2012 RTP and PEIR in April. If you have further questions, please contact Gregory Nord, Senior Transportation Analyst, at (714) 560-5885.

Sincerely,



Paul G. Glaab  
Chairman

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Attachments

c: OCTA Board of Directors  
Executive Staff