

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

November 13, 2002
By U.S. and E-mail

Mr. Doug Kimsey
Metropolitan Transportation Commission
101 Eighth Street
Oakland, California 94607-4700

Re: Draft RTP Amendment

Dear Mr. Kimsey:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is a non-profit transportation advocacy organization, dedicated to furthering regional planning for transportation, air quality and land use. As a plaintiff in the suit that led to the Federal Court-ordered Draft Regional Transportation Plan Amendment (RTP Amendment) that is the subject of the instant comments, we keenly recognize the importance of this document. In that light, we conclude the Draft RTP Amendment does not comply with the Court's requirements, fails to comport with the Clean Air Act and applicable regulations, is methodologically flawed, and cannot be relied on to demonstrate that the regional transit ridership target will be attained by November 2006.

Based on statements made at the Alameda County CMA meeting yesterday, in which doubt was expressed that FHWA and FTA would approve the non-exempt "projects substantially implementing TCM 2" that were included in the 2003 Interim TIP approved by MTC on October 23, the RTP Amendment is likely to be unapprovable. Many of the projects in Table 1 which are allegedly relied on to accomplish the ridership increase may not go forward at this time. If the Federal agencies do not allow these projects to proceed with the Interim TIP, the RTP Amendment's list of projects would be inconsistent with the Federally approved Interim TIP, and thus would be invalid.

A review of the Draft RTP Amendment raises the following additional concerns:

1. We believe that MTC needs to adopt an Interim RTP to be in accord with the DOT-EPA MOU. The RTP should indicate which projects will be responsible for the additional 26 tons/day of VOC emissions reductions. The Interim RTP must

be found to not delay attainment, or cause or contribute to further emissions violations, both for the 1 hour and 8 hour standards. 42 U.S.C. § 7506 (c)

2. The Transit Ridership Estimates for 2006 contain unacceptable methodological flaws. Neither the High estimate nor the Low estimate can be relied on. Both of these estimates were presented to the Court in the “Declaration of Christopher P. Brittle in Opposition to Plaintiffs Motion for Permanent Injunction and Declaratory Relief Re: Penalties.” The problem is that document was signed by Mr. Brittle on April 22, 2002. Subsequent to that date, fare increases have been adopted by AC Transit, BART, Caltrain, Golden Gate Transit, SamTrans, and VTA. Each of these agencies has cut service, or is actively planning to do so (see Earthjustice RTP Amendment comment letter, attached). The modelling cited in the RTP Amendment therefore assumes transit service and fares that no longer accurately represent current conditions, and fails to analyze the impacts of these changed circumstances. This is unacceptable professional practice.
3. Interpolation is not an acceptable methodology to predict 2006 ridership, when projects are scheduled to be completed at various points during the RTP timeline. Interpolation is based on expectation of linear increases, while the increases that derive from projects will come in step increases.
4. The fact that the RTP Amendment specifically states that “[t]he ridership estimates for individual projects are at best related only indirectly to regional transit ridership...” invalidates any estimation approach not based on the regional model. MTC is not exempted from the responsibility to run its travel demand model. The fact that the model will be run in the next year for the next RTP is not relevant to the requirement the Court placed on MTC to demonstrate its 2006 ridership. MTC must run the regional travel model, using latest planning assumptions and current information on transit conditions, such as the abovementioned fare increases and service cuts.
5. Changes in Urbanized Areas may result in changes to transit operator revenue, potentially affecting service delivery. This issue has not been analyzed.
6. Difficult economic conditions significantly affect revenue projections, seriously affecting transit service for some operators, e.g., see VTA 02-03 Budget and “Obtaining Sustainable Financial Stability,” November 2002.
7. Difficult economic conditions significantly affect revenue projections, seriously endangering the ability to demonstrate the RTP’s financial constraint.
8. Revelations of project costs beyond those disclosed for VTA’s BART extension RTP submission require a new demonstration of the RTP’s financial constraint. In amending the RTP, MTC is required to use latest planning assumptions,

including latest financial information. 23 U.S.C. § 450. Based on recent VTA disclosures, there is no way that MTC can make a finding that the RTP is financially constrained.

9. Given VTA's recent disclosure that it will soon be unable to operate transit service without significant cash inflows, the RTP Amendment must demonstrate the basis for MTC's confidence that its predictions of VTA transit service are based on substantial evidence of financial capability, including certifying VTA's ability to proceed with each of the individual VTA projects listed in Table 1.
10. There is no evidentiary basis whatsoever to project that ridership will continue to grow at the rate of the boom years 1998-2001 (see Figure 6). The rate is represented on the graph by the slope of the lines. There is no basis presented to justify projecting the slope to remain constant. Economic forecasts project a slower rate of job growth for years to come. This strongly controverts the simplistic analysis in Figure 6, in which the growth curve merely shifts to the right, while the slope remains the same. While the curve stops decreasing in the Third Quarter of this year, no economists have yet identified this time period as the bottom of the recession. The curve is thus overly optimistic, and certainly not indicative of the effects of impending cuts in transit service and increases in fares.
11. Table 1 contains numerous errors that put in serious doubt the level of care used in data compilation and the degree of confidence they should be afforded. e.g., San Pablo Corridor ridership appears double counted.
12. Table 1 fails to provide the information required by the Court Order. The right hand column is "Estimated Annual Ridership" which is not the ridership increase or new riders information sought by the Court: "Such amendment must include descriptions of the specific projects that MTC will fund in order to achieve the required ridership increase by November 9, 2006; each project description shall include an implementation schedule, along with estimated costs and expected ridership gains."
13. Most of the Draft RTP Amendment is entirely irrelevant to the requirements of the Court Order, as it pertains to projects entering revenue service after 2006.
14. Page 1—"Despite continued heavy investment in transit productivity measures..." The reason MTC has failed to bring the region into achievement of TCM 2 transit ridership targets is its continuing failure to target its investments towards cost-effectiveness. The quoted sentence is a self-indictment of MTC's transportation investment decisionmaking. MTC should be focused on funding more urban transit as a means of increasing ridership.

15. Page 3—Figure 3 graphically illustrates MTC's failure to invest in cost-effective transit. The increased level of effort has not produced a corresponding increase in transit ridership. MTC has invested heavily in BART extensions to the suburbs, generating poor ridership gains, while allowing urban transit systems such as Muni and AC Transit to go backwards in ridership. MTC should be funding these operators to provide better and more service—a sure-fire means of increasing transit ridership on a cost-effective basis.
16. Page 4—The cited percentage of daily trips that are accomplished by transit seriously understates the peak hour commute trips by transit in certain corridors that are critical to the functioning of the Bay Area's transportation network. If those facilities were not available, the entire system would break down.
17. Page 8—During a conformity lapse, non-exempt projects are not permitted in an Interim TIP.
18. Page 10—Expanding transit capacity by 23% is no guarantee of increased transit ridership, given the current RTP's continuation of MTC's long time pattern of failed transit investments (see comments above). Strategic investments, especially in urban areas that are conducive to transit, are needed to increase ridership and to remedy MTC's past pattern of discrimination against urban areas.
19. MTC must consider and respond to the projects proposed by the AC Transit SRTP and Muni Draft SRTP that resulted from the TCM 2 litigation. Given the unconvincing demonstration of attainment of the TCM 2 target, adding some of the ridership expansion projects proposed by these agencies will likely prove necessary.

TRANSDEF believes that the RTP Amendment cannot be adopted as circulated. We have pointed out a significant number of failings that must be corrected. We appreciate this opportunity to provide comments on this important document, and would be pleased to answer any questions.

Sincerely,

David Schonbrunn,
President

Encl.