DEBORAH S. REAMES (State Bar No. 117257)
ANNE C. HARPER (State Bar No. 176202)
Earthjustice Legal Defense Fund
426 17th Street, 5th Floor
Oakland, CA 94612
Tel: 510.550.6725; Fax: 510.550.6749
Attorneys for all Plaintiffs

ALAN M. RAMO (State Bar No. 063425)
HELEN H. KANG (State Bar No. 124730)
Environmental Law & Justice Clinic
Golden Gate University School of Law
536 Mission Street
San Francisco, CA 94105
Tel: 415.442.6693; Fax: 415.896.2450
Attorneys for Plaintiffs Communities for a Better Environment and Our Children's Earth Foundation

RICHARD T. DRURY (State Bar No. 163559)
Communities for a Better Environment
1611 Telegraph Avenue, Suite 450
Oakland, CA 94612
Tel: 510.302.0430; Fax: 510.302.0438
Attorney for Plaintiff Communities for a Better Environment

MARC S. CHYTILO (State Bar No. 132742)
Post Office Box 92233
Santa Barbara, CA 93190
Tel: 805.682.0585; Fax: 805.682.2379
Attorney for Plaintiff Transportation Solutions Defense & Education Fund

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BAYVIEW HUNTERS POINT COMMUNITY ADVOCATES, COMMUNITIES FOR A BETTER ENVIRONMENT, LATINO ISSUES FORUM, OUR CHILDREN'S EARTH FOUNDATION, SIERRA CLUB, TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, and URBAN HABITAT PROGRAM, a project of the TIDES CENTER, Plaintiffs, vs. METROPOLITAN TRANSPORTATION COMMISSION, SAN FRANCISCO MUNICIPAL RAILWAY, and ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, Defendants.	Case No. C-01-0750 TEH **DECLARATION OF RACHEL PELC IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON REMEDIES**

I, RACHEL PELC, do hereby declare:

1. I have been employed by the California Regional Office of Earthjustice as a Research Associate since April 15, 2002. Earthjustice Research Associates support Earthjustice attorneys by collecting, organizing, and analyzing factual information relevant to proposed or ongoing litigation.

2. Since May 2002, under the direction of Earthjustice Managing Attorney Deborah Reames and Project Attorney Anne Harper, I have been responsible for obtaining, organizing and managing selected documents relevant to this case. This has included extensive research regarding existing and projected demographic and transportation profiles of major metropolitan areas of the country, as reported by the relevant metropolitan planning organizations (MPOs). My research has focused on those metropolitan areas that, according to their long-range plans (LRPs), have committed the highest percentages of their long-range transportation budgets to transit.

Commitment to Transit Spending

3. My research focused on the metropolitan areas listed in the table attached to an April 8, 2002 letter from Cynthia J. Burbank, U.S. Department of Transportation, to Steve Heminger, Executive Director of MTC, submitted in this action as Heminger Exhibit D and also as Wachs Exhibit D. Table 1 summarizes the information from Heminger Exh. D. by listing the ten metropolitan areas that have committed the largest percentages of total transportation spending to transit. Table 1 lists each metropolitan area, its Metropolitan Planning Organization ("MPO"), and the percent of total transportation spending dedicated to transit.

Table 1. Transit Spending by Metropolitan Area

Metropolitan Area	Transit Spending (Percent of Total Transportation Spending)	MPO
San Francisco	77%	Metropolitan Transportation Commission (MTC)
New York	75%	New York Metropolitan Transportation Council (NYMTC)
Boston	72%	Boston Metropolitan Planning Organization (Boston MPO)
Miami	66%	Metropolitan Planning Organization for the Miami-Dade Urbanized Area
Minneapolis/ St. Paul	61%	Twin Cities Metropolitan Council
Los Angeles	60%	Southern California Association of Governments (SCAG)
Denver	57%	Denver Regional Council of Governments
Atlanta	56%	Atlanta Regional Commission (ARC)
Washington, DC Region	52%	Metropolitan Washington Council of Governments (COG)
St. Louis	50%	East-West Gateway Coordinating Council (EWGCC)

Vehicle Miles Traveled and Transit Ridership Data and Projections

4. I researched existing and projected vehicle miles traveled (VMT), transit ridership, and population for each of these ten metropolitan areas. I collected and summarized the following information from adopted LRPs and via direct communication with staff members at the relevant MPOs.

5. Earthjustice obtained a copy of the Draft Environmental Impact Report for the 2001 Regional Transportation Plan for the San Francisco Bay Area (State Clearinghouse No. 2001032141) from the MTC Library. This document includes existing and projected population, VMT, and transit ridership numbers for the San Francisco Bay Area. A true and correct copy of the cover page, table of contents, and relevant pages is submitted herewith as Attachment F-1.

6. I downloaded a copy of the Boston Region MPO Transportation Plan 2000-2025 from the website of the Boston MPO, http://www.ctps.org/bostonmpo/resources/reports.htm. This document

contains baseline data and long-range projections for population, VMT, and transit ridership. A true and correct copy of the cover page, table of contents, and relevant pages is submitted herewith as Attachment F-2. Note that in Table D-6 (at page D-30 of this document), the appropriate long-range projections are in the column entitled "FNL Build."

7. I downloaded a copy of the Miami-Dade Transportation Plan for the Year 2025 from the website of the Metropolitan Planning Organization for the Miami Urbanized Area, http://www.co.miami-dade.fl.us/mpo/. This document contains baseline and projected population, VMT, and transit ridership information. A true and correct copy of the cover page, table of contents, and relevant pages is submitted herewith as Attachment F-3.

8. I downloaded a copy of the 2001 Regional Transportation Plan: CommunityLink 21 from the Southern California Association of Governments website, http://www.scag.ca.gov/rtp/mainrtp.html. Population data and projections are located in the body of the main document and VMT and transit ridership data and projections are in Technical Appendix J. A true and correct copy of the main document cover page and table of contents, the technical appendix cover page and table of contents, and relevant pages is submitted herewith as Attachment F-4.

9. I downloaded a copy of Metro Vision 2025 Interim Regional Transportation Plan: the Fiscally Constrained Element, from the Denver Regional Council of Governments website, http://www.drcog.org/transportation/about_trans.htm. This document contains baseline and projected population, VMT, and transit ridership for the Nine-County Denver Region. A true and correct copy of the cover page, table of contents, and relevant pages is submitted herewith as Attachment F-5.

10. I subsequently called and emailed Steve Cook at the Denver Regional Council of Governments. I asked him to clarify whether transit information in Denver's LRP was expressed in terms of linked or unlinked trips. He confirmed that the LRP expressed transit ridership in terms of linked transit trips. A true and correct copy of my correspondence with Steve Cook is submitted herewith as Attachment F-6.

11. I downloaded a copy of the 2025 Regional Transportation Plan from the Atlanta Regional Commission website, http://www.atlreg.com/mobilityair/plansprograms/RTP/rtp2025.html. In this document I found baseline and long-range projections for population, VMT, and transit ridership. A true and correct copy of the table of contents and relevant pages is submitted herewith as Attachment F-7.

12. The Metropolitan Washington Council of Governments, which is the MPO for the Washington, DC region, does not have its Financially Constrained Long Range Plan (CLRP) available online. However, it does have a factsheet about the CLRP on its website at http://www.mwcog.org/trans/clrplist.htm. This factsheet provides data regarding existing and projected population, VMT, and transit work trips. I emailed the Metropolitan Washington Council of Governments to request overall transit trip (versus transit work trip) data and received a voicemail message from Wendy Klancher stating that they do not currently model overall transit trips but will begin to do so next year. A true and correct copy of the online CLRP factsheet, entitled "Facts About the 2000 CLRP," is submitted herewith as Attachment F-8.

13. I communicated by telephone and email with Justin Carney, Transportation Plan Coordinator for the East-West Gateway Coordinating Council. Mr. Carney emailed me two sets of data for the St. Louis region. The second one, which Mr. Carney had intended to email me the first time, was the official data set used in the creation of the long-range transportation plan and is the correct set for my analysis. Mr. Carney and I discussed this by telephone following his first email to me, and his second email also explains this. True and correct copies of both emails from Justin Carney are submitted herewith as Attachment F-9.

14. After repeated inquiries by email and telephone, and searches on the Internet, I was able to obtain only a portion of data for this analysis from the New York and Minneapolis/ St. Paul MPOs. I received acknowledgement of my inquiry and population data from the New York Metropolitan Transportation Council, but did not receive any of the VMT or transit ridership data I requested. I corresponded by email and telephone with Mark Filipi, Transportation Analyst at the Twin Cities Metropolitan Council, who sent me the data I requested. However, the data he sent

conflicted with the partial data available in the 2025 Regional Transportation Plan that I downloaded from the Twin Cities Metropolitan Council website, http://www.metrocouncil.org/planning/transportation/transportation.htm. Uncertain which data were correct, I contacted Mark Filipi by telephone and email to alert him of the discrepancy, but I did not receive a response from him. Because I could not obtain enough reliable data for meaningful analysis, I did not include the New York and Minneapolis/ St. Paul metropolitan areas in my summary table.

15. Having gathered data from eight of the ten metropolitan areas that have committed the largest proportion of their long-range transportation spending to transit, I summarized these data in Table 2.

Table 2. Population, VMT, and Transit Ridership: Baseline Data and Projections

Metropolitan Area	Baseline Year	Horizon Year	Baseline Population	Horizon Population	Baseline Daily VMT	Horizon Daily VMT	Baseline Daily Transit Trips (linked trips unless noted)	Horizon Daily Transit Trips (linked trips unless noted)
San Francisco	1998	2025	6,716,090	8,224,108	128,369,000	190,587,000	1,129,152[1]	1,617,945
Boston	1995	2025	4,160,100	4,834,000	106,166,600	140,510,900	776,100	1,263,400
Miami	1999	2025	2,130,700	2,969,200	38,624,000	56,241,000	194,000	275,000
Los Angeles	1997	2025	16,137,000	22,644,000	346,292,864	490,076,069	1,022,994	2,123,759
Denver	2001	2025	2,481,707	3,448,513	60,760,688	90,809,166	196,000	311,000
Atlanta	2000	2025	3,366,400	4,813,600	112,432,000	158,280,000	544,000[2]	1,097,000[2]
Washington, DC Region	2001	2025	4,200,000	5,500,000	116,000,000	169,000,000	580,000[3]	682,000[3]
St. Louis	2000	2020	2,482,935	2,689,300	67,958,387	68,935,297	168,214[2,4]	232,030[2]

[1]San Francisco's unlinked transit trip data are also available: 1,604,900 in 1998 and 2,396,500 in 2025
[2]Unlinked transit trips
[3]Transit work trips
[4]In 1998

Change in VMT and Transit Ridership

16. Using the data discussed in the previous section, I applied simple mathematical operations to calculate projected percent and per capita changes in each metropolitan area's VMT and transit ridership. I calculated the percent change in VMT and transit ridership for each area by dividing the change in these values over time by the baseline values. I also calculated per capita VMT and transit ridership by dividing VMT and transit ridership by population. Finally, I calculated percent change in per capita VMT and transit ridership by dividing the absolute change in per capita VMT and transit ridership by the baseline per capita values. As shown in Tables 3 and 4, these calculations yielded the following conclusions:

- ***The Bay Area has the second-highest projected percent increase in VMT of any metropolitan area studied. Compared to the average projected percent increase of 38 percent, VMT in the Bay Area is projected to increase by 48 percent.***
- ***The Bay Area projects the highest per capita increase in VMT (4.06 miles per day) of any metropolitan area studied. The average projected increase in per capita VMT is 1.41 miles per day.***
- ***The Bay Area will also experience the highest percent per capita increase in daily VMT. Compared to an average increase of 6 percent, percent per capita VMT will increase by 21 percent in the Bay Area.***
- ***The Bay Area will have a below-average percent increase in transit ridership. This holds true whether comparing linked trips (43 percent compared to a 55 percent average) or unlinked trips (49 percent compared to a 63 percent average).***
- ***The Bay Area projects a below-average increase in percent per capita ridership. Again, this holds true whether comparing linked trips (17 percent versus an 18 percent average increase) or unlinked trips (22 percent versus a 30 percent average increase).***

Table 3 displays a summary of my calculations.

Table 3. Change in VMT and Transit Ridership

	Daily VMT			Daily Transit Trips		
Metropolitan Area	**Projected Percent Change**	**Projected Per Capita Change**	**Projected Percent Per Capita Change**	**Projected Percent Change**	**Projected Per Capita Change**	**Projected Percent Per Capita Change**
San Francisco	48%	4.06	21%	43%	0.0286	17%
San Francisco-unlinked transit trips[1]	*Same as above*			*49%*	*0.0524*	*22%*
Boston	32%	3.55	14%	63%	0.0748	40%
Miami	46%	0.81	4%	42%	0.0016	2%
Los Angeles	42%	0.18	1%	108%	0.0304	48%
Denver	49%	1.85	8%	59%	0.0112	14%
Atlanta	41%	-0.52	-2%	102%	0.0663	41%
Washington, DC Region	46%	3.11	11%	18%	-0.0141	-10%
St. Louis	1%	-1.74	-6%	38%	0.0185	27%
AVERAGE	**38%**	**1.41**	**6%**	**See Table 4**		

[1]Because data are available for both linked and unlinked transit trips in the San Francisco metropolitan area, I performed calculations on both sets of information. These (unlinked trip) results are appropriate for comparison with metropolitan areas with only unlinked transit ridership data available, namely Atlanta and St. Louis.

17. Because two different measures – linked trips and unlinked trips – were used to quantify transit ridership, I calculated two different overall averages for transit data. Table 4 displays the averages of the transit ridership calculations shown in Table 3. The two sets of averages are separated according to the units each MPO used to express its transit ridership data. San Francisco data are included in both averages because both linked and unlinked transit trip data are

available for the San Francisco metropolitan area.

Table 4. Transit Ridership Averages

		Daily Transit Trips		
		Projected Percent Change	Projected Per Capita Change	Projected Percent Per Capita Change
Linked Trips	Average[1]	**55%**	**0.0221**	**18%**
	San Francisco	*43%*	*0.0286*	*17%*
Unlinked Trips	Average[2]	**63%**	**0.0458**	**30%**
	San Francisco	*49%*	*0.0524*	*22%*

[1]Includes linked transit trip data for San Francisco, Boston, Miami, Los Angeles, Denver, and Washington DC.
[2]Includes unlinked transit trip data for San Francisco, Atlanta, and St. Louis.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 23nd day of May in Oakland, California.

RACHEL PELC