May 16, 2013

Amy Worth, Chair, and Members, Metropolitan Transportation Commission
Mark Luce, President, and Members, Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Comments on the Draft Plan Bay Area & Draft Environmental Impact Report (EIR)

Dear MTC Chair Worth, ABAG President Luce, and Commissioners/Members:

I am writing to express TransForm’s strong support of regional planning for the Bay Area and to make detailed comments for specific changes from the Draft Plan Bay Area, based in part on the Draft Environmental Impact Report (DEIR).

Since 1997, TransForm has worked to create world-class public transportation and walkable communities in the Bay Area and beyond. We have been deeply involved in numerous regional, county, and local transportation decisions, including the past five regional transportation plans. We frequently help shape funding decisions and groundbreaking policies to support public transportation, smart growth, affordable housing, and bicycle/pedestrian safety.

Over the past two-plus years of the Plan Bay Area process, TransForm has contributed to the performance targets, the committed projects policy, the Project Performance Analysis, One Bay Area Grant program (including its implementation by county agencies), and the preferred scenario you adopted in May 2012. We worked closely with your staff to help design the Equity, Environment, and Jobs (EEJ) alternative analyzed in the DEIR.

Your DEIR identified the EEJ scenario as the “Environmentally Superior Alternative.” The EEJ scenario outperforms the draft plan on most of the performance targets and equity metrics your agencies adopted. Compared to the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes.

We have joined with dozens of other organizations in urging you to incorporate the best elements of the EEJ scenario as you prepare a final plan. This letter focuses primarily on our recommendations regarding MTC’s proposed Express Lane Network, the network of high-occupancy toll (HOT) lanes that would allow solo drivers to enter the lanes for a fee. We also include at the end a brief set of recommendations on transit, combating displacement, and affordable housing, which are discussed in more detail by other partners’ letters.

We urge your agencies to change the Express Lane network so that it will:

- expand transportation choices;
- mitigate impacts on low-income commuters; and
- optimize use of existing highways without building new lanes.

These recommendations are based on a detailed analysis of the network and how it compares to practices in regions around the country, presented in the attached white paper: Moving People, Not Just Cars: Ensuring Choice, Equity & Innovation in MTC’s Express Lane Network.
A well-designed express lane plan could provide a regional highway network where transit and high-occupancy vehicle lanes work together to seamlessly provide convenient and swift transit connections through the Bay Area. Planned as a transit system, one that sells excess system capacity to non-carpool vehicles, this network could help us meet the SCS targets while providing new transportation choices: transit, carpools, vanpools, and other alternatives to solo driving.

But MTC’s proposed Express Lane Network is out of balance. The 2nd-largest project in Plan Bay Area, the Express Lane Network has no plans to capitalize on the new high-occupancy lanes by providing any revenues to improve public transit, carpooling, vanpools, or any other alternatives to solo driving. And there is no funding to ensure low-income families receive equitable benefits from the network. Instead, most of the $6.5 billion in tolls to be collected from drivers will be used to build – or pay financing costs for – hundreds of miles of new highway lanes.

Once billed as an innovative way to help manage traffic and provide a wide array of new transportation choices, MTC’s Express Lane network has now primarily become a highway-building program whose main beneficiaries will be solo drivers who can afford to buy their way into new lanes. It now appears that the design objective for the network is to maximize the number of lane miles in the network.

Other regions have recognized the potentially inequitable impacts of HOT lanes, as higher-income drivers use them much more frequently and are the main beneficiaries of the travel-time savings. In Seattle, over 50% of HOT lane users had household incomes over $100,000, while only 15% had incomes under $50,000. The U.S. Government Accountability Office concluded that equity concerns are particularly acute in situations like MTC’s proposed network, where pricing is used to build new highway capacity. These concerns have prompted other regions to incorporate expanded transportation choices – transit, vanpools, carpools, and other alternatives to solo driving – when they design their HOT network.

The Bay Area can do better. Some positive elements of MTC’s current network point the way. The network includes plans to convert 173 miles of existing carpool lanes to HOT, mostly by 2015. These conversions are cost-effective: if done alone, they would produce net revenues that could be invested in a broad range of transportation improvements.

But the network also includes another 170 miles of new highway lanes, costing $2.8 billion, plus billions more for financing costs. This new construction would use up the revenues generated by the rest of the system and leave nothing left for more transportation choices or mitigations for low-income families. By focusing only on building new lanes where there is no existing carpool lane, MTC’s network fails to provide any solutions for highly-congested areas such as I-880 through Oakland, US-101 in most of San Mateo County, and CA-24.

Instead, the Bay Area could pursue what we call an “optimize-a-lane” approach. This approach could move more people at lower cost, with less pollution, and a more equitable distribution of benefits and costs. “Optimize-a-lane” would convert one existing general purpose lane to HOT, save $10+ million per mile, and use revenues to dramatically increase transportation options along the same corridor. Properly managed, this HOT lane would flow freely, potentially carrying even more vehicles per hour than the previously-congested general purpose lane. And with higher average vehicle occupancy from transportation choices paid for by HOT revenues, the optimized HOT lane would carry more people.

By contrast, MTC’s plans to build new highway lanes with no new transportation choices will sink the vast majority of drivers’ tolls into another fruitless attempt to build our way out of congestion. If we
don’t change course, we will spend 20+ years paying off construction bonds with driver tolls that could have been used to provide more people with more choices.

**Recommended Changes to Plan Bay Area**

We urge your agencies to make the following changes to the draft plan:

1. Dedicate at least 50% ($3.25 billion) of the projected $6.5 billion in projected HOT revenue to provide new transportation choices – transit, vanpools, carpools, and other alternatives to solo driving – along HOT corridors and to mitigate the network’s impacts on low-income families.
2. For each uncommitted project in the draft Plan Bay Area that is an HOT lane that adds new highway capacity, change its description to state that MTC will work with the relevant CMA and Caltrans to study the an “optimize-a-lane” alternative: convert an existing mixed flow lane, rather than build a new lane, and use revenues to dramatically increase transit, vanpools, carpools, and other alternatives to solo driving along the same corridor.

**Recommended Policy Commitments and Mitigations**

We recognize that many of the changes that need to happen in MTC’s Express Lane Network will be achieved outside the SCS process. We recommend that your agencies make the following policy commitments, some of which may be most appropriately adopted as mitigations incorporated in the Final EIR adopted alongside the final Plan Bay Area later this year:

**To expand transportation choices:**

3. Create a transportation choices expansion plan as part of the express lane network and include a commitment that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices along the same corridor, over and above existing service.

**To mitigate impacts on low-income commuters:**

4. Design and implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network. Mitigations may include access to the network itself, as well as transit investments.

**To optimize use of existing highways without building new lanes:**

5. Along with the relevant CMA and Caltrans, study the “optimize-a-lane” approach (defined above) before pursuing new-construction projects in MTC’s Phase II (after 2015) or beyond, and for any congested corridor with at least 8 mixed flow lanes and no HOV lanes.
6. Work with relevant CMAs to seek approval from Caltrans, the state legislature, and if necessary federal authorities to conduct pilot tests of “conversion HOT+Transportation Choices” projects in at least two locations in the Bay Area.

**To ensure the network meets agency targets:**

7. Expand the inadequate Environmental Justice analysis of the HOT lane network to include a primary research question concerning the distribution of benefits across different income and ethnic groups, based on differences in expected frequency of use of the HOT lanes.
8. Ensure that the design of the overall HOT network, including the combined effects of the road network and transit improvements funded by HOT revenues, reduces greenhouse gas pollution as a complete network, not just as part of an overall SCS plan that reduces GHGs.

For detailed background on these recommendations, and the reasons for them, please see our attached white paper, *Moving People, Not Just Cars*. Incorporating these changes will help ensure that the Bay Area’s Express Lane network meets its potential to move more people.
In addition, TransForm adds our support to recommendations that Plan Bay Area incorporate the best elements of the EEJ scenario. Your agencies’ analysis shows that the draft plan has a much higher risk of displacement for renter-burdened households and does not plan transit service beyond current service levels. To redress these problems, we urge you to adopt the following changes in the final plan:

- **Transit:** Substantially increase funding for transit operations as new operating-eligible funds become available: cap and trade, revenues from increased bridge tolls, HOT lane revenues, and other new sources.

- **Displacement:** Modify the OBAG program to require recipients of funds to implement strong anti-displacement protections and provide substantial funding for community stabilization measures as land banking, housing rehabilitation and preservation of affordable housing, over and above the funding already provided through the Transit-Oriented Affordable Housing program.

- **Affordable Housing:** Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.

Incorporating these changes will lead to a Plan Bay Area that will improve the quality of life for all Bay Area residents and protect our most vulnerable neighbors. We ask that you direct your staff to bring forward these recommendations for consideration in the joint MTC Planning Committee / ABAG Administrative Committee in June.

We look forward to your careful consideration of these and other recommendations, and we thank you for your continued commitment to creating a better Bay Area.

Sincerely,

[Signature]

Jeff Hobson
Deputy Director

Enclosure:  *Moving People, Not Just Cars: Ensuring Choice, Equity & Innovation in MTC’s Express Lane Network*

CC:  
Steve Heminger, MTC  
Ezra Rapport, ABAG  
Ken Kirkey, MTC  
Lisa Klein, MTC  
info@OneBayArea.org  
eircomments@mtc.ca.gov