ECOS
ENVIRONMENTAL
COUNCIL
OF SACRAMENTO

Post Office Box 1526 ● Sacramento, CA ● 95812 ● (916) 444-00222

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Kendall Schinke, Environmental Branch Chief
ATTN: Ken Lastufka, Associate Environmental Planner
Department of Transportation, Environmental Planning
2379 Gateway Oaks Drive, Suite 150
Sacramento, CA 95833
Email: ken_lastufka@dot.ca.gov

RE: Sac 50 Phase 2 High Occupancy Vehicle Lanes Project
Draft Initial Study [with Proposed Mitigated Negative Declaration]/
Environmental Assessment

Mr. Schinke,

Thank you for the opportunity to comment on the Draft Initial Study [with Proposed Mitigated Negative Declaration]/Environmental Assessment with Finding of No Significant Impact (Draft IS/EA) for the "Sac 50 Phase 2 High Occupancy Vehicle Lanes Project". The Environmental Council of Sacramento (ECOS) is a coalition of environmental and social organizations working for social equity, public health and environmental sustainability in the Sacramento region, through land use planning, transportation planning, and habitat and agricultural preservation. We appreciate the one-week extension of the deadline for comments.

In general, ECOS is greatly concerned that this Initial Study does not adequately analyze the potential impacts of the project, and strongly recommends that a full EIR be conducted. A full EIR could then be combined with an EIS under NEPA which will be necessary anyway for the Project to be eligible for federal funding. The regulatory environment in California has evolved since this project was conceived, and the alternatives should be fully analyzed within the new regulatory context.

In the first phase of this project, the California Superior Court found that the environmental review was not adequate in a number of areas, and it is not clear to ECOS that these inadequacies have been adequately addressed in this Initial Study, particularly for impacts associated with air quality and climate change. Further, the critical segment of the proposed project between I-5 and SR 99 was not covered in that initial environmental review, which also warrants further attention.

Finally, ECOS questions the justification for any Alternative other than Alternative 3. We question the claim that there is less than significant growth inducement risk posed by this project, and the validity of the methodology used to analyze induced demand. Yet, if these analyses are accepted as valid, then the volumes projected do not indicate a need for the extra lane proposed by Alternative 1 and 2. The "take a lane" Alternative 3 outperforms Alternatives 1 and 2 in almost every category presented, meets the congestion relief goals of the project--while reducing VMT--and would obviously be the most economical solution. If the Mitigated Negative Declaration is accepted and Phase 2 moves forward, Alternative 3 is the only acceptable alternative that meets state and regional goals.

1. There is insufficient justification for the "need" for this Project in the "Need and Purpose" statement (page 1).

Detailed arguments in support of the need for increased capacity on US 50 surely rely on data cited in Section 2.6 "Traffic and Transportation ..." (p. 47 ff). Tables 2-23 and 2-25 compare peak-hour performance for the four alternatives, and show a significant increase in vehicle volume only for Alternatives 1 and 2 in the case WB US 50 in PM peak compared to the "no-build" alternative. This analysis does not support need for an additional EB lane.

As discussed in Section 2.19 "Climate Change", AB 32 and subsequent legislation mandate major reductions in GHG emission by 2050, and state agencies (chiefly the Air Resources Board) are currently working on strategies for meeting 2030 GHG emission goals. As the DIS/EA discusses, there is still much uncertainty about how the goals will be achieved, but current ARB AB32/SB32 Scoping Plan analysis indicates that major reductions in VMT will be necessary in addition to vehicle technology improvements, to meet 2030 GHG goals. The goal of substantially reducing VMT makes highway capacity expansion much less logical in many cases, and such projects as this will certainly be more difficult to justify under the new standards.

In any event, Caltrans is seeking environmental clearance for the Project well in advance of need based on traffic growth, and the decision to build HOV lanes on US 50 could very well be deferred for at least another ten years.

2. The history of this Project is not adequately reviewed; in particular, the DIS/EA does not explain that the eastern portion (Watt Ave. to SR 99) was previously evaluated in the EIS/EIR prepared for Phase 1 in 2007 and eventually issued in January 2009.

Phase 1 of this Project in 2007 included the section from Watt Ave. to the SR 99 interchange, and this section has previously been covered by the earlier Phase 1 EIS/EIR. ECOS and Neighborhood Advocating Sustainable Transportation (NAST) filed a legal challenge to the adequacy of the EIR in California Superior Court, which went to trial and concluded with the Judge's ruling in favor of the petitioners in a number of important respects:

"In conclusion, the petition is granted in respect to Petitioners' claims the EIR is inadequate in the following respects:

- the EIR fails to adequately disclose and analyze the Project's operational and construction-related air quality impacts;
- the EIR fails to adequately disclose and analyze the Project's potential impacts on GHG emissions and climate change;
- the EIR fails to adequately disclose and analyze the possible effects of the identified community enhancements;
- the EIR fails to consider a reasonable range of potentially feasible alternatives; and
- the Findings are inadequate and not supported by substantial evidence."

(ECOS vs. Caltrans, Minute Order dated 7/15/2008, page 16).

Subsequent to this Ruling, Caltrans offered additional mitigation which the petitioners accepted and withdrew their challenge. Nevertheless, the Judge's ruling remains a valid opinion that the EIR was deficient in several respects, and Caltrans is morally (if not legally) obligated to demonstrate that these deficiencies have been rectified in future environmental assessments for the US 50 HOV Project, including the proposed Phase 2.

Point (d) is addressed by adding two alternatives -- extra mixed flow lanes (Alternative 2) and "take-a-lane" (Alternative 3) -- to the single alternative of HOV lanes considered in the Phase 1 DEIR (here Alternative 1). Caltrans, however, has failed to adequately address the other items in the Judge's Ruling, particularly in regard to impacts from this Project on the local air quality, land use, and climate change impacts from greenhouse gas (GHG) emissions.

Court settlement of ECOS vs. Caltrans effectively gave environmental clearance to the entire Phase 1 Project, including the segment from Watt Ave. to SR 99 which Caltrans chose not to build as part of Phase 1 and has now included in Phase 2. Caltrans didn't build the Watt-to-SR 99 segment using the Phase 1 EIS/EIR which is apparently out of date, so Caltrans is now including this segment in the current DIS/EA. It would be helpful if Caltrans would clarify the relationship between the earlier EIR and the current DIS/EA.

3. The regulatory environment has changed significantly since 2007 when the Phase 1 DEIR for the US 50 HOV Project was issued, and ECOS does not believe that the current Initial Study fully reflects the implications of these regulatory changes.

Recent legislative mandates include California Senate Bill 375, SB 743, and SB 32, the later two of which are not even referenced in the document at all.

Greenhouse gas (GHG) reduction targets for passenger automobiles and light trucks--primarily through Vehicle miles traveled (VMT) reduction strategies--have been established since 2010, and are currently being revised by the CA Air Resources Board (ARB). SB 32, which codifies the extension of the GHG reduction goals mandated by Assembly Bill 32 beyond 2020 was recently passed in August, 2016. The ARB's current AB 32/SB 32 Scoping Plan analysis has determined that conversion to clean vehicles alone will not meet the long-term GHG reduction targets, and that improved land use and significant VMT reduction will be absolutely necessary to meet these mandated goals. And it is clear that the new SB 375 targets imposed on the Sacramento region, scheduled for adoption in 2017, will almost certainly be much stronger. As congestion reduction strategies represented by Alternatives 1 and 2 both increase overall VMT, and apparently rely solely on presumptions about vehicle technology innovation to meet long term GHG reduction goals, it is unclear how these alternatives will perform under these strengthened standards. The project should be fully reviewed under CEQA to consider this new regulatory context.

SB 743 establishes the mandate that a new methodology be developed to replace how Level of Service (LOS) is currently analyzed. The new VMT-oriented methodology is in its final stages of development, and will certainly change how road capacity expansion proposals are to be reviewed, for the better, particularly with respect to the reduction of VMT and meeting State GHG reduction goals. Again, this project should be reviewed in this new regulatory context.

4. There are insufficient grounds for issuing a "Finding of No Significant Impact" for this Project.

The list of potential environmental impacts given in Table S-1 are entirely temporary impacts, save for the final item "Cumulative Impacts," so very little mitigation is deemed necessary beyond dealing with construction impacts. As discussed below, there are a number of long-term impacts from increased traffic induced by Alternatives 1 and 2 that are not fully accounted for in the IS/EA, and a "finding of no significant impact" is not appropriate for these alternatives.

5. There is inadequate analysis of the impact on local air quality in neighborhoods adjacent to the W-X section between SR 99 and I-5.

This two-mile section of US 50 between W and X Streets in Sacramento is an elevated highway passing through largely residential neighborhoods which will be subjected to spill-over air pollution from

increased traffic induced by additional lanes (Alternatives 1 and 2). The Environmental Assessment clearly states these alternatives are likely to produce an increase in air pollution, noise, other problems in a dense community. Additional consideration should be given to the existing health impacts associated with the existing freeway. This project will further exacerbate a pressing public health issue in a densely populated community.

6. The analysis of impacts on air quality from emissions of PM10 is inadequate and the conclusions drawn from reliance on U.S. Environmental Protection Agency and Federal Highway Administration screening prescriptions do not satisfy the requirements of the California Environmental Quality Act.

Data presented in Section 2.14 (Air Quality) of the Draft Initial Study/Environmental Assessment (DIS/EA) reveal that emissions of particulate matter smaller than 10 microns in aerodynamic diameter (PM10) will increase above 2013 baseline levels for all project Alternatives and all milestone years, and that emissions of Alternatives 1, 2, and 3 will be higher than those of Alternative 4 (No Build) in all milestone years with the single exception of those of Alternative 3 (Take-a-Lane) in the 2020 Opening Year (Table 2-31, p. 104).

PM10, by virtue of its larger size and density with respect to molecules of gaseous criteria pollutants, tends to settle out of transporting airflows within hundreds of yards of groundlevel emissions areas such as roadway surfaces. As a result, air quality impacts from such emissions are typically much higher at residences, workplaces, and gathering locations of sensitive individuals such as schools and day care centers closest to the project right-of-way boundary than would be measured at locations more distant from project travel lanes. Highway 50 traffic emissions constitute the largest source of PM10 within a radius of 2,000 feet of the Air Resources Board 13th and T Street air quality monitoring station, the nearest to the project. As a result, measurements recorded at this station some 1,500 feet from the northern edge of travel lanes will underrepresent PM10 concentrations found at residences as close as 180 feet from baseline traffic.

PM10 concentrations at the 13th and T Street station are shown in the DIS/EA to have increased between 2010 and 2014, at least on a maximum 24-hour average basis (Table 2-29, p. 99). The relevant PM10 data in this table are shows to be:

Annual Average PM10 Concentration at ARB's 13th & T Street Air Quality Monitoring Station ($\mu g/m^3$)					
Year	2010	2011	2012	2013	2014
Max. 24-Hr. Avg.	53.9	42.2	36.7	92.3	106.4

The same increasing trend can be seen in annual average PM10 concentrations at this site, as displayed on the California Air Resource Board's historical air quality website (https://www.arb.ca.gov/adam/index.html). That site returns the following annual average PM10 concentrations at the 13th & T Street station between 2010 and 2014 to be:

Annual Average PM10 Concentration at ARB's 13th & T Street Air Quality Monitoring Station ($\mu g/m^3$)						
Year	2010	2011	2012	2013	2014	2015
Ann. Avg.*	17.2	18.4	17.2	14.4	21.6	22.6

*Calculated using the U.S. EPA protocol prescribed prior to December 2006; accessed on October 25, 2016.

Table 2-29 in the DIS/EA reports the 2014 maximum PM10 concentration to be 106.4 $\mu g/m^3$ – 24 hour average. A residence eight times closer to the largest PM10 source impacting the 13th and T Street monitor will be exposed to higher PM10 concentrations than are recorded at the monitoring station. If that fractional increase in PM10 concentration exceeds 30%, the residence is being exposed to concentrations exceeding the National Ambient Air Quality Standard (NAAQS) for PM10 which 150 $\mu g/m^3$ – 24 hour average. If these most proximate residences are exposed to PM10 concentrations

currently exceeding federal standards, any increase in PM10 emissions from the project will exacerbate NAAQS violations at these residences and interfere with attainment of the NAAQS in the absence of a corresponding reduction in PM10 emissions from other nearby sources.

The DIS/EA provides no evidence that PM10 impacts at the residences closest to the proposed project were assessed. Rather, evaluation of the significance of increasing PM10 emissions is truncated after completing a prescriptive review of emissions endorsed by two federal agencies, the U.S. Environmental Protection Agency and the Federal Highway Administration. These agencies are not bound by the requirements of the California Environmental Quality Act (CEQA) and, thus, compliance with this endorsed prescription does not confer compliance with CEQA on the project's PM10 emissions.

The Draft Initial Study/Environmental Assessment should evaluate the impacts of baseline and project PM10 emissions at downwind residences using an appropriate U.S. EPA-approved air quality dispersion model. Because of the uncertainties in these models with respect to plume downwash – the formation of eddies downwind from elevated structures such the elevated sections of Highway 50 within project boundaries – this assessment should include the use of more than one approved dispersion model in order to quantify the impacts of these uncertainties.

7. Alternatives 1 and 2 fails to responsibly meet GHG emission reduction goals mandated by AB32 and SB32, including stringent limitations on VMT currently under consideration by ARB to meet 2030 GHG reduction targets,

The California ARB has identified three main strategies to meet 2030 GHG emission reduction goals in the transportation sector: improve vehicle efficiency, switch to alternative fuels, and reduce VMT. Since technology advances in fuel efficiency and conversion to low-carbon electric vehicles are expected to be insufficient to meet the emission reduction goals, reductions in VMT will be necessary (See materials presented at the recent Public Workshop held on 9/14/2016 <https://www.arb.ca.gov/cc/scopingplan/meetings/meetings.htm>). Expansion of highway capacity is manifestly inconsistent with the goal of substantially reducing VMT, and such projects as this one will certainly be more difficult to demonstrate the required performance needs under the new standards. Alternative 3 ("take-a-lane") is the only acceptable alternative to meet State VMT reduction goals. In any event, it is in Caltrans' interest under AB 32/SB 32 (and to some extent under SB 375) to independently limit GHG emissions by foregoing highway expansion, at least until ARB has developed its 2030 GHG reduction plan.

8. Compatibility with the regional MTP for 2020 and beyond is doubtful, and inclusion in the current MTP should not be used to demonstrate regional approval.

SACOG, which is responsible for preparing the MTP for the Sacramento region, has made it clear that the 2016 MTP is a modest update of the 2012 version. A major revision is planned for the 2020 MTP, which will have to accomodate much more stringent regional GHG targets currently being developed by ARB (point 7 above). Federal and state funding for this Phase of the US 50 HOV Project is not yet secure, and it is unlikely to start construction before 2020 even if environmental clearance is achieved. Highway capacity expansion will therefore have to meet much higher performance standards in relation to the rest of the system to be admitted into future MTPs. This project deserves to be fully reviewed under CEQA within this forward-looking context, rather than the past.

9. The EA fails to demonstrate that the off ramps and arterials in downtown Sacramento can handle the additional vehicles due to the additional capacity provided by the HOV lanes, or to consider the additional danger of quick lane changes for motorists entering and exiting the highway.

An additional lane in each direction whether dedicated to HOVs (Alternative 1) or allow mixed traffic (Alternative 2) represents an increase in highway capacity and will surely induce more traffic than "take a lane" (Alternative 3) or no-build. The IS/EA fails to show how existing downtown offramps and arterials will be able to handle increased traffic volumes induced by the extra traffic lanes on US 50.

An increase in the safety of the freeway to all modes of transportation is also an important matter. As indicated in the traffic study, many motorists are expected to exit at Downtown exits in a concentrated fashion, not dispersed across many exits. The justification that this project would increase the safety for drivers is based upon the HOV project between Watt and Sunrise, which has a much more dispersed travel pattern and more through-traffic compared to the section from SR-99 to I-5. Additional consideration and analysis should be conducted on the potential increase in accidents due to quick lane changes (up to seven lanes for the 16th St exit westbound on US-50) on lanes with a high speed differential due to the higher speed of carpool lanes and the interchanges in the area.

10. The EA fails to demonstrate that additional transit cannot accommodate increased SOV volumes induced by an additional lane.

The additional lanes provided by Alternatives 1 and 2 will allow for an increase in SOV volume of less than 1,500 per hour in each direction which could easily be accommodated by additional commuter buses and/or additional light rail trains on the Gold Line (roughly 30 buses or two trains or a mix of these modes). It is clear that some provision for transit on US 50 will be necessary to accommodate more commuter buses in the future, so Alternative 3 ("take-a-lane") should remain as a viable option. But the environmental impacts of additional commuter buses is surely minimal, and a Mitigated Negative Declaration would be appropriate in this eventuality. An additional alternative might include a “transit only” lane adjacent to an Alternative 3 lane. This project would meet the goals of SACOG’s MTP and still provide a balance of transportation investments and alternatives for travelers.

11. “Congestion” is never given a scientific definition or metric within the context of the environmental analysis.

Congestion can be defined on many levels and over different time periods. The goal of the EA is clearly stated as “reducing congestion”, but there is no metric given or a means of considering if this goal has ever been achieved. If congestion is defined as cumulative total hours of traffic spent, this project is very likely to increase congestion. Also, a time period should be established upon which this metric would be analyzed. If the metric is vehicle speed in 30 years, we also doubt this project would reduce congestion.

12. Induced demand in housing in not adequately analyzed.

The Environmental Assessment claims to look at induced housing demand. It states "The areas next to the project are already built-out, with little opportunity for new development. Thus, the proposed build alternatives, including Alternative 1, are not expected to have a growth-inducing impact on the study area or its surrounding communities." Additional justification is needed for this statement. An assessment for induced housing should not examine induced housing at the ends and immediate vicinity of this project, but on a region-wide scale. Based on historical evidence within the area, the more capacity that is added to freeways in the region, the more growth occurs at the periphery of the metropolitan area. This growth tends to be “greenfield development” and is characteristically low density, auto-centric housing with long commutes. For the HOV project, it is expected to further enable commutes from areas such as El Dorado Hills to Downtown Sacramento. This type of growth is discouraged by region-wide and local land use plans (such as SACOG’s MTP/SCS), and many state goals and publications.

13. Elimination of soundwalls due to cost considerations should be reconsidered.

The federal metric for the financial viability of soundwalls is on a per mile basis. Realistically, this should be considered on a per resident/per mile basis. Before further design takes place for the project, additional sources for funding at the local, state, and federal level should be considered. A soundwall within the downtown area alone would have the potential to improve the livability of the area for a daytime population greater than anywhere else in the region.

14. Alternative 3 was given unfair bias within the report

Within the report, the bias of Caltrans for Alternatives 1 and 2 was made clear throughout the report. Even the name "take a lane" is intended to produce community uproar and concern that Alternative 3 would be "taking" rather than "giving" something to the community. Future analysis should include a different, less biased, name such as "Inner Lane Conversion." Additionally, alternative 3 was not fully considered in all analysis (such as CO modeling on table 2-32, etc).

At this time, Alternative 3 seems to best meet the goals of the community by providing the following:

1. Continuity in the HOV network for the SACOG area
2. An increase in peak hour capacity (persons served) on a person/mile basis based on analysis from Caltrans that concluded "HOV lanes generally carry more people in fewer vehicles"
3. Reduce travel time throughout the area

In addition, Alternative 3 has the following benefits Alternatives 1 and 2 do not:

1. Much lower price due to less required structural work, allowing budget for community improvements (such as sound walls) or other items within the Metropolitan Transportation Plan (MTP).
2. Meeting state, regional, and local goals of reducing VMT.
3. Reducting certain pollutants compared to no build (e.g. CO on page 107

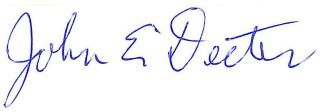
15. This Draft IS/EA provided an inadequate comment period and an insufficient community outreach effort

Caltrans hosted only two community workshops in the area directly impacted by this Project. These meetings were announced as a Caltrans Press Release (dated October 12th) only a few days before the meetings took place and less than two weeks before the comment period closed on October 28th. This has not allowed enough time for the community to become aware of this Project, read the environmental analysis, and voice an opinion or submit comments. Multiple community associations are only just becoming aware of the Project and more comments will be submitted if the deadline is extended.

Conclusion

While Alternative 3 is clearly the environmentally and socially preferable alternative of those presented in this initial study, further analysis is warranted for this project. ECOS feels that a Mitigated Negative Declaration cannot be found for all of the alternatives presented, and strongly recommends that a full Environmental Impact Report be conducted.

Thank you again for this opportunity to comment.



John Deeter
Co-chair, Transportation, Air Quality & Climate Change Committee
Environmental Council of Sacramento