

August 2, 2016

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California Department of Transportation  
P.O. Box 942874  
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RE: Comments on the 1<sup>st</sup> Draft 2016 Regional Transportation Plan MPO Guidelines

Ms. Martinez-Velez:

The California Association of Councils of Governments (CALCOG) appreciates the opportunity to comment on the 1<sup>st</sup> Draft 2016 MPO Regional Transportation Plan Guidelines. CALCOG is an association of Councils of Governments (COGs), Congestion Management Agencies (CMAs) and Regional Transportation Planning Agencies (RTPAs), and includes all eighteen Metropolitan Planning Organizations (MPOs) that are responsible for the development and implementation of the regional transportation planning/sustainable community strategy.

First, thank you for the amount of work put into creating separate documents for MPOs and RTPAs. The two documents highlight a fundamental need to recognize and clearly articulate legislative requirements which may differ amongst the agencies subject to the guidelines. We find the guidelines, with some exception (see below), make distinctions between “hard” federal and state regulations contained in statute and “soft” recommendations that have no basis in statute. Again, thank you.

We are also aware of additional issues regarding the guidelines submitted by our member agencies. We look forward to working with CTC to address our concerns raised in this letter, as well as letters submitted from our member agencies.

### **I. Overarching Theme**

The resounding theme of our comment letter – The guidelines must make clear distinctions between “hard” federal and state regulations contained in statute and “soft” recommendations that have no basis in statute. Traditionally, the RTP Guidelines have distinguished between the former with the use of the word “shall” and the latter with the use of the word “should.” This recognizes the implementation role of the Guidelines that follows the lead of the Legislature.

There is an additional fiscal reasoning for this approach. RTPAs and MPOs must produce regional transportation plans that are “consistent with” the RTP Guidelines. See California Government Code Section 65080(d). Thus, the more that is included, the more costly these plans become. Table 1 of the Caltrans California Metropolitan Planning Organization Regional Transportation Plan Review Report cites the increasing complexity and cost associated with modern regional transportation plans by documenting the increased size of the

documents and accompanying environmental review. Each one of these pages represents hundreds and even thousands of dollars in increased staff and consultant time and other planning costs. Regional agencies have reached a limit. As a result, strict adherence to what is required by statute (“shall”) must be maintained.

Accordingly, our main criticism of parts of the current draft is that it mixes what is required, what may be recommended, and what may be good policy without sufficient boundaries.

## II. Six Specific Comments

1. ***Modeling Chapter Goes Beyond Requirements with No Recognition of Size or Cost.*** The modeling chapter is trying to do too much. As a result, its structure does not match the rest of the document. The current version is a hodgepodge of federal and state requirements, transportation research board studies, and other research. The RTP Guidelines, however, are a regulatory document to the extent that RTPs must be consistent with the “shalls.” To be sure, the Guidelines should encourage regional transportation planning agencies to stay abreast of and implement best current practices when applicable and feasible. But including an overview of the current state is over-reach. This information is better in a stand-alone document that is referenced in the Guidelines.

We recommend discussions regarding industry practices and professional studies be drafted in a stand-alone document that is either cross-referenced in the draft or included in an appendix. This structural change will reduce duplication and provide clarity on what is required per statute, what is recommended by statute, and what is recommended based on best practices. We appreciate the work already underway to address comments raised at the 1st working group meeting around this topic and encourage a complete revision consistent with this approach.

2. ***Federal and State Requirements Differ by MPO Size and Region.*** The guidelines must clearly identify where requirements differ by MPO. Chapter 3: Modeling would benefit from a clear distinction of requirements by MPO size, region, etc. We have identified approximately 5 sections, covering roughly 20 pages, where this occurs. One example, Chapter 3, Section 3.4 - “Regional Travel Demand Modeling consistency and quality control is tool used to determine a regions air quality conformity status and to effectively implementing SCSs. The conformity 40 CFR 93.105 requires that an interagency consultation process involving MPOs, State and local air quality planning agencies, State and local transportation agencies, EPA, and the USDOT...” This section fails to identify that interagency consultation requirements, as referenced, are requirements of non-attainment MPOs only. Attainment MPOs are not subject to the requirements of 40 CFR 93.105.

We are happy to coordinate with you to provide language for inclusion in the guidelines.

3. ***Senate Bill 743 and Federal Performance Measure Guidelines Are Still in Development.*** Putting performance measures related to information included in draft SB 743 Guidelines is putting the performance cart before the regulatory horse. The SB 743 guideline development process is not complete. The guidelines should reflect the requirements of the statute and not an incomplete guideline/rulemaking process. In the context of the guidelines, this is compliance with CEQA. We believe Section 5.1 of the guidelines adequately reflects CEQA requirements.

4. **ARB's Mobile Source Strategy.** There are several indirect references to VMT reductions contained in ARB's Mobile Source Strategy. The first reference appears on page 4 of the draft guidelines - *Modeling undertaken by the California Air Resources Board (ARB) shows that Vehicle Miles Traveled (VMT) will have to be kept to a 5.5 percent increase through 2030 in order to not violate the executive order.* Additional references are contained on pages 5 and 16.

References to the Mobile Source Strategy should be rewritten to reflect the following:

- a. ARB used the VMT reduction as a proxy for GHG reductions (e.g. the Mobile Source Strategy goals reflect VMT and/or GHG reductions).
- b. Reductions are anticipated to be achieved from SB 375 plus non-SB 375 strategies and reductions. This is articulated in the second full paragraph on page 51 of the Mobile Source Strategy.

We recommend the following language to assure that the approach in the Guidelines is consistent with the approach taken by the Air Resources Board in the Mobile Source Strategy (Page 51 and Figure 19, page 159): *SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt Sustainable Communities Strategies that integrate land use and transportation planning to achieve passenger vehicle GHG emission reductions. Per capita GHG emission reduction targets for each MPO are established by ARB. The 15 percent reduction in light-duty VMT in 2050 included in the Cleaner Technology and Fuels scenario provides a top-down framework for how transportation efficiencies can put California on a trajectory to meet climate goals. ARB and the MPOs will be working on a comprehensive bottom-up process to update SB 375 targets. MPO recommendations will be considered as part of the SB 375 target setting process, along with broader policy recommendations to achieve the overall VMT and/or GHG reductions identified in the scenario as part of the Scoping Plan Update.*

5. **Climate Change and CEQA.** To recognize the discretion lead agencies have in determining thresholds of significance under CEQA, the following text (page 124) should be removed from the guidelines: *"Simply demonstrating that an RTP can achieve the GHG reduction targets set by ARB is not sufficient to conclude that the RTP has no impact on climate change."* The text provided in the preceding sentences provides an appropriate reference to the required CEQA process. The RTP Guidelines should not be written to trump the CEQA Guidelines.
6. **Transportation Projects Exempted from Senate Bill 375.** We are unsure why the text contained on page 161 of the guidelines was stricken. Projects programmed for funding in sales tax expenditure plans reflect multi-year programs of projects. References to California Government Code Section 65080 (b)(2)(L) should remain.

**III. Conclusion**

Thank you for the opportunity to comment. We look forward to working with CTC as the second version of the guidelines is developed.

Should you have questions regarding the content of this letter, please feel free to contact me. I can be reached by phone at (916) 557-1170 or by email at [taylor@calcog.org](mailto:taylor@calcog.org).

Sincerely,



Tanisha Taylor  
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