

Comments of Peter V. Allen on the Draft Environmental Impact Statement/Environmental Impact Report for the AC Transit Bus Rapid Transit Project, June 14, 2007

Summary

The Draft Environmental Impact Report (EIR) for the AC Transit bus rapid transit (BRT) project is deficient. It is based upon stale data and analyses, does not address greenhouse gas impacts of the project, does not consider feasible, cost-effective, and environmentally-preferable alternatives, engages in “piecemealing” of a larger project, and does not address the impact of bus fares on project objectives. In addition, the EIR’s analysis has serious omissions in the areas of vehicular traffic, non-motorized transportation, parking, air quality, noise and vibration, and energy. The EIR needs to be revised and recirculated, or the project cannot be approved.

Stale data, greenhouse gases, and light rail alternatives

AC Transit selected bus rapid transit as its preferred alternative on August 2, 2001.¹ (EIR section 1.3.1, p. 1-22, and section 2.1.4, p. 2-3.) It rejected other alternatives at that time, including light rail transit. (Id.) The analysis leading to the August 2, 2001 decision began in 1999. (EIR, section 2.1.1, p. 2-1.) Much has changed since August 2, 2001.

In evaluating the relative cost-effectiveness of alternatives, AC Transit must consider them in the context of a carbon tax or carbon cap-and-trade regime. This was not done in 2001. Before AC Transit decides to deploy a fleet of fossil-fueled buses, as opposed to electric-powered light rail, it must consider the costs of each in the reasonably foreseeable future. When this analysis is performed using current information and forecasts, light rail becomes more cost effective than it was in 2001.²

In addition, the EIR does not reflect the requirements of AB 32 (Health and Safety Code sections 38500 et. seq.)³, addressing global warming and limits

¹ The analysis leading to the August 2, 2001 decision began in 1999. (EIR, section 2.1.1, p. 2-1.)

² This is particularly true if light rail is powered by electricity from renewable sources.

³ This law went into effect September 27, 2006, so the EIR could have taken into consideration. The EIR is deficient for not doing so.

on carbon emissions. Again, if this were taken into consideration, it would make light rail more attractive than the addition of 46-51 peak buses. (EIR, section 3.1.4.2, pp. 3-17, 3-22 and 23.)

The EIR's exclusion of light rail as an alternative is unreasonable, and inconsistent with CEQA Guideline 15126.6(a) through (c) and (f). AC Transit should consider light rail alternatives to the BRT proposal.

The greenhouse gas issue shows that the EIR is based on stale analysis and data, and that the choice of alternatives was also made based on stale alternatives and data. Many other aspects of the EIR may be based on stale analysis and data, and accordingly may also be deficient.⁴ The EIR should be comprehensively reviewed, updated, and revised to ensure that it is based on current data and analysis.

Piecemealing

AC Transit chose BRT as its preferred alternative in 2001 "with the understanding that light rail transit (LRT) should be considered as a long-term goal and that design and construction of BRT should not preclude conversion to LRT in the future." (EIR section 2.1.4.1, p. 2-3.)⁵

Given that LRT is a goal of AC Transit, and the design and construction of BRT are to consider conversion to LRT, the conversion to LRT should be examined in the EIR, either under future transit services (section 3.1.2) or cumulative impacts (section 5.4). The EIR's failure to examine LRT is improper "piecemealing." The EIR should be revised and to incorporate the environmental impacts of light rail.

Other alternatives

The EIR claims that a significant part of the attraction of the BRT project are the station amenities, such as ticket vending machines, arrival information, shelters, benches, and boarding platforms. (EIR, section 8.7.6.1, pp. 8-19

⁴ While it is impossible to determine the extent of this problem from the EIR itself, there are other indications that the EIR is based upon stale data, such as its misidentification of the current Trinity Chapel, of Trinity United Methodist Church, as a Church of Christ (2320 Dana Street, Berkeley, EIR p. 4-47) and its misidentification of the current Escuela Bilingue Internacional as St. Augustine School (410 Alcatraz, Oakland, EIR, P.4-42).

⁵ The EIR does not appear to define "long-term."

and 20.) The EIR does not evaluate whether the upgraded stations, without the bus-only lanes (but with advanced traffic signal controls), would meet the project objectives. This station-only alternative would be less expensive than the chosen Build Alternatives, would mitigate traffic impacts, and should be considered. (CEQA Guideline 15126.6(a), (c), and (f).)

The EIR states that the project will result in increased patronage due to improved transit travel time, improved service frequency, improved reliability, and improved amenities and convenience. (EIR section 3.1.4.4., p. 3-26.) The EIR neglects to analyze the effect upon patronage levels as a result of changes in fares. Current fares for local and express service are \$1.75, or \$0.85 for youth, senior, and disabled passengers. Transfers cost an additional \$0.25. These fares are expensive. Patronage levels could likely be improved by merely lowering fares; if the effect of lowering fares is less expensive than the proposed capital improvements, this could be quite cost effective, and would particularly help serve minority and low-income populations. (See EIR section 4.4.4. re Environmental Justice.) The EIR should analyze a reduced-fare no-build alternative.⁶ (CEQA Guideline 15126.6(a), (c), and (f).)

Vehicular traffic

One of the most deficient areas in the EIR is in its analysis of impacts on vehicular traffic. Specifically, the EIR only looked at major roadways (see, EIR section 3.2, pp. 3-32 and 33) and *failed to analyze reasonably foreseeable adverse traffic impacts on other streets.*

For example, Benvenue and Hillegass between Alcatraz and Dwight run parallel to the proposed BRT route, and are closer to the proposed BRT route than College Avenue. Because of Berkeley's traffic barriers, there are no other north-south routes between Telegraph and College.⁷ Hillegass and Benvenue have already become alternate routes for drivers attempting to circumvent traffic congestion on College and Ashby.

⁶ The EIR does not indicate if AC Transit intends to raise fares or not, but only identifies existing fare levels. An increase in fares would reduce, if not eliminate, the already questionable benefits of the project, and would cast doubt upon all of the EIR's patronage estimates. The cost-effectiveness of the project cannot be analyzed absent a discussion of fare levels, or better yet, a guarantee of no fare increase.

⁷ In fact, only by using both Benvenue and Hillegass can drivers navigate the entire way between Alcatraz and Dwight.

It is reasonably foreseeable that the BRT project will increase vehicular traffic on Hillegass and Benvenue. The EIR itself states that the project has vehicular traffic impacts due to diversion of traffic to other, typically parallel roadways. (EIR section 3.2.3.1, p. 3.50.)

Impacts on Benvenue and Hillegass are particularly foreseeable, given that the EIR finds traffic impacts on streets that parallel Hillegass and Benvenue on both sides: Telegraph near Dwight, College near Dwight, and Telegraph near Alcatraz, and at the intersections of College & Ashby, College & Claremont, and Telegraph & Alcatraz. (EIR pp. 3-53, 3-61 and 62.)⁸ Nevertheless, the EIR did not analyze vehicular traffic impacts on Hillegass and Benvenue. Without that analysis the EIR is incomplete and legally deficient.

Non-motorized transportation

The EIR correctly identifies Elmwood and Rockridge as centers of pedestrian activity. (EIR Table 3.3-1, p. 3-78, section 3.3.1.1, pp. 3-80 and 81.) The Elmwood and Rockridge commercial areas are both centered on College Avenue. The EIR identifies increased traffic and congestion at the intersections of College & Ashby (Elmwood) and College & Claremont (Rockridge).

The EIR fails to analyze adverse impacts on pedestrians in Elmwood and Rockridge resulting from the increase in traffic on College Avenue.⁹ The EIR only analyzes pedestrian impacts on the transitway itself, and finds environmental benefit from the reduced volume of traffic on Telegraph. (EIR, section 3.3.3.1, p. 3-87.)

Claiming environmental benefits for pedestrians from reduced traffic on Telegraph, while ignoring adverse impacts on pedestrians from increased traffic on other streets is misleading, and fails to comply with the requirements of CEQA. (See, CEQA Guideline 15126.2.)

⁸ The EIR also acknowledges that increased traffic on major roadways results in traffic spillover onto local residential streets. (EIR, section 4.2.2, p. 4-27.)

⁹ Even though elsewhere the EIR identifies increased carbon monoxide concentrations at the corner of College and Claremont. Air quality at College and Ashby does not appear to have been analyzed. (EIR, Tables 4.12-8 and 9, p9. 4-132 and 133.)

Similarly, the EIR identifies the Hillegass/Bowditch Bicycle Boulevard (EIR, section 3.3.2.1, p. 3-83), but fails to consider the impacts of increased automobile traffic on that designated bicycle route.

By focusing only on the transitway, the EIR claims environmental benefits for bicycling, while ignoring adverse impacts on bicycling on other streets (including bike routes) resulting from increased traffic volumes. (EIR, section 3.3.3.2, p. 3.94.) Again, this is both misleading and inconsistent with CEQA. (See, CEQA Guideline 15126.2.)

Parking

The EIR notes that in Area 3 (Telegraph between Dwight and Woolsey) a residential parking permit requirement was implemented to address limited parking availability for residents and their guests in the neighborhood. (EIR, section 3.4.1.1, p. 3-102.)

Nevertheless, in order to mitigate the very significant reduction in commercial parking on Telegraph that would be caused by the project, the EIR proposes to convert residential parking on side streets to metered parking to serve commercial uses on Telegraph. (EIR, section 3.4.3.1, p. 3-127.) This mitigation measure creates an adverse impact that is not analyzed as required by CEQA Guideline 15126.4(a)(1)(D).

Air Quality

The EIR fails to analyze potential adverse air impacts at sensitive receptor sites, such as Alta Bates Hospital and Willard School. These locations, in addition to pedestrian-heavy areas such as Elmwood and Rockridge, could suffer from reduced air quality as a result of increased traffic on alternate routes.

The EIR fails to analyze potential adverse air impacts on the Hillegass/Bowditch Bicycle Boulevard and the Elmwood commercial district, despite its own finding of increased traffic congestion at the intersection of College and Ashby. (The EIR does identify an adverse air quality impact at the intersection of College and Claremont. EIR Tables 4.12-8 and 9, pp. 4-132 and 133.)

Noise and Vibration

The EIR generally fails to consider increased noise and vibration resulting from increased traffic on nearby streets. (EIR, section 4.13.3.1.)¹⁰ The EIR claims reduced impacts from noise as a result of reduced traffic on the transitway itself, but again largely neglects to consider the noise impact of increased traffic congestion on nearby streets.

Energy

The EIR finds that the project results in essentially no net change in energy use, and accordingly has no adverse effect (or environmental benefit) on energy use. (EIR section 4.14.2, p. 4-152.)

However, the EIR fails to consider the energy use involved in the construction of the project, including the energy used to manufacture the materials for the new stations and buses, and the energy used in fabricating, assembling, finishing, and delivering the new stations and buses. These are potentially significant impacts that need to be analyzed.

Conclusion

The draft EIR has serious deficiencies, and must be revised and recirculated, or the project must not be approved.

¹⁰ The one exception is Bancroft Way, where the EIR acknowledges that traffic would be displaced to parallel streets..