

and is not directly related to the size or condition of the regional transportation system. While any increase in the number of hazardous materials shipments could bring an increased risk of upset or accidents involving the release of hazardous materials into the environment, the implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would be expected to reduce traffic congestion and enhance safety generally, thereby reducing the risk of an accident involving a hazardous materials shipment.

**IMPACT 3.7.2: Potential Hazards Associated with Roadway Design and the Transport of Hazardous Materials.** Although the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would generally be expected to improve roadway safety for the transport of hazardous materials, proper design of roadway improvements is necessary to minimize potential safety impacts associated with the transport of hazardous materials. The possible effects of unsafe roadway design on hazardous material transport could be considered a **potentially significant environmental impact**.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.7.2: Design Roadway Improvements along Designated Hazardous Materials Transfer Routes for Enhanced Safety**

For roadway improvements along designated hazardous materials transfer routes, implementing agencies shall, where appropriate, ensure that such projects are designed to allow for safe traveling, merging and passing of hazardous materials haul trucks. Design considerations should include: wider “slow” lanes, longer approach ramps and merger lanes, and more gradually-inclined interchanges.

#### RESULTING LEVEL OF SIGNIFICANCE

Implementation of the above mitigation measure could reduce this impact to a level of less than significant.

#### **Operational Use of Hazardous Materials**

Alternative fuel projects identified in the financially constrained Action Elements of the three plans could create a risk of explosion if the facilities are not designed and operated properly. However, the construction and operation of such facilities would be subject to federal, state and local regulations, and as long as these requirements are met, potential impacts would be considered less than significant.

#### **Hazardous Emissions Near Schools**

None of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would be expected to result in any hazardous emissions within

one-quarter mile of an existing or proposed school, or in the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

### **Aviation Hazards**

Some of the projects identified in the financially constrained Action Elements of the three plans involve airport improvements, but none of these projects involve development which would result in a safety hazard for people residing or working in the general vicinity.

### **Emergency Response/Evacuation Plans**

Implementation of the three plans would not impair or physically interfere with the implementation of any adopted emergency response plan or emergency evacuation plan. It is possible that during construction of some transportation system improvement projects identified in the financially constrained Action Elements of the three plans, traffic detours and congestion in some areas may temporarily hinder emergency vehicle response or evacuation in the event of an emergency. This impact is not considered significant, however, due to the limited scale of the proposed projects, the availability of alternate transportation routes, and the temporary nature of the traffic impacts during construction.

### **Wildland Fires**

None of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would be expected to result in the exposure of people or structures to significant risk of loss, injury or death involving wildland fires.

## 3.8 HYDROLOGY AND WATER QUALITY

### 3.8.1 SETTING

The Salinas River and the Pajaro River, two of the major hydrologic features of the region, both flow into Monterey Bay. A large proportion of the population in the Monterey Bay region relies on aquifers for their water supply, and saltwater intrusion has become a major concern in some areas.

### 3.8.2 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- A violation of any water quality standards;
- A violation of any waste discharge requirements;
- Substantial depletion of groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Substantial alteration of the existing drainage pattern of the site or area (including through the alteration of the course of a stream or river) in a manner which would result in substantial erosion or siltation on- or off-site;
- Substantial alteration of the existing drainage pattern of the site or area (including through the alteration of the course of a stream or river) in a manner which would result in flooding on- or off-site;
- A substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- The creation (or contribution) of runoff water which would exceed the capacity of existing or planned storm water drainage systems;

- The creation (or contribution) of substantial additional sources of polluted runoff;
- A substantial degradation of water quality;
- The placement of housing within a 100-year flood hazard area as mapped on the federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- The placement of structures within a 100-year flood hazard area which would impede or redirect flood flows;
- The exposure of people or structures to a significant risk of loss, injury or death involving flooding (including flooding as a result of the failure of a levee or dam); or
- Inundation by seiche, tsunami or mudflow.

Although adoption of the three plans would not, in and of itself, entail any hydrological or water quality impacts, construction of several of the projects identified in the financially constrained Action Elements might be expected to entail adverse effects.

## **Water Quality**

The construction and expansion of transportation facilities may generate significant adverse impacts to water quality. Pollutants and chemicals associated with urban activities would run off new roadways (and other transportation facilities such as parking lots, airport runways and train stations), flowing into nearby bodies of water. These pollutants would include (but are not limited to) heavy metals from motor vehicle emissions, oil, grease, debris and air pollution residue. Eventually, these urban pollutants can filter down into the groundwater table, especially where groundwater is near the surface. Such contaminated urban runoff remains largely untreated, thus resulting in the incremental long-term degradation of water quality.

Short-term adverse impacts to water quality may also occur during the construction of individual transportation system improvement projects when areas of disturbed soils become susceptible to water erosion and downstream sedimentation. This impact is of particular concern where projects are located on previously contaminated sites. Grading and vegetation removal in proximity to creeks for the construction of bridges could result in an increase in creek bank erosion, which could affect both water quality and slope stability along the creeks.

Regulations under the federal Clean Water Act require that a National Pollutant Discharge Elimination System (NPDES) storm water permit be obtained for projects that would disturb more than one acre during construction. Acquisition of the General Construction permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains specific actions (termed Best Management Practices, or BMPs) to control the discharge of pollutants (including sediment) into the local surface water drainages. Many of the projects identified in the three plans would be subject to these regulations.

**IMPACT 3.8.1: Construction-Related and Operational Water Quality Effects.** During construction, some of the projects identified in the financially constrained Action Elements of the three plans may introduce pollutants to local bodies of water and groundwater through storm water runoff. Examples of projects which might involve such impacts may include (but are not necessarily limited to) construction of new roadways, rail improvements on rail lines that are not currently used by trains and bridge replacements. This could represent a **potentially significant environmental impact** associated with these types of projects.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.8.1: Water Pollution Prevention Measures**

- A. Prior to final design approval, implementing agencies shall, where appropriate, evaluate potential increases in surface water runoff volume for each transportation system improvement project with the potential to have significant effects on drainage ways. If it is found that increased runoff volumes will significantly affect drainage capacities or increase flood hazards, site-specific measures to control runoff (i.e., the use of detention or retention basins, french drains, vegetated swales and medians, or other techniques designed to delay peak flows) should be implemented.
- B. Implementing agencies shall, where appropriate, ensure that fertilizer/pesticide application plans for any new right-of-way landscaping are prepared to minimize deep percolation of chemicals.
- C. Implementing agencies shall, where appropriate, ensure that transportation system improvement projects direct runoff into subsurface percolation basins and traps which would allow for the removal of sediment, urban pollutants, fertilizers, pesticides and other chemicals.
- D. For transportation system improvement projects that would disturb at least one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall, where appropriate, be developed by the implementing agency prior to the initiation of grading. The measures identified in the SWPPP shall, where appropriate, be implemented for all construction activity on the project site. The SWPPP shall, where appropriate, include specific BMPs to control the discharge of materials from the site and into creeks and local storm drains. BMP methods may include (but would not be limited to) the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets, soil stabilizers and native erosion control grass seed.

#### RESULTING LEVEL OF SIGNIFICANCE

Implementation of the above measures could reduce potential impacts to a level of less than significant.

## Water Supply

Implementation of some transportation system improvement projects identified in the financially constrained Action Elements of the three plans could result in both short-term and long-term impacts to local water supplies, many of which are reliant on groundwater resources. During grading activities, water could be needed to suppress fugitive dust generated by construction equipment. It is likely that more than one project could be constructed simultaneously in areas with overdrafted groundwater basins. Since this could contribute to the current overdraft situation, the short-term water impact of these projects could be considered potentially significant.

Most of the roadway, transit, airport and rail system improvement projects identified in the financially constrained Action Elements of the three plans involve modification of existing facilities, and a substantial increase in landscaped areas would not be anticipated for these projects. However, irrigation of landscaping associated with other transportation system improvement projects could require water, and could contribute to long-term adverse impacts to the local water supply. In addition, some large projects could also affect groundwater supplies by reducing groundwater recharge potential. This reduction in groundwater recharge could occur because the impermeable surfaces associated with some transportation system improvement projects could increase surface water runoff and reduce natural infiltration. While the relative significance of such an impact cannot be accurately determined, given the current overdraft of the majority of the region's groundwater basins, the reduction in groundwater recharge could be considered potentially significant.

**IMPACT 3.8.2: Depletion of Groundwater Supplies and Interference with Groundwater Recharge.** Construction and maintenance of transportation system improvement projects identified in the financially constrained Action Elements of the three plans could incrementally increase demand for water within the region, and several of the projects could be expected to reduce groundwater recharge. Since many local water supply systems are reliant on groundwater resources, and since many local groundwater basins are being overdrafted, increased water demand combined with reduced groundwater recharge capability could be considered a **potentially significant environmental impact**.

### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.8.2: Reduce Water Demand/Increase Permeability**

- A. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, reclaimed and/or desalinated water is used for dust suppression during construction activities.
- B. Implementing agencies shall, where appropriate, ensure that low water use landscaping (i.e., drought-tolerant plants and drip irrigation) is installed.

C. Implementing agencies shall, where appropriate, ensure that, where economically and technically feasible, landscaping associated with transportation system improvement projects is maintained using reclaimed and/or desalinated water.

D. Implementing agencies shall, where appropriate, ensure that porous pavement materials are utilized, where feasible, to allow for groundwater percolation. Rural bicycle and other recreational trails shall be left unpaved, where appropriate.

#### RESULTING LEVEL OF SIGNIFICANCE

Implementation of the above measures could reduce potential impacts to a level of less than significant.

#### **Storm Water Runoff**

**IMPACT 3.8.3: Increased Impervious Surface/Storm Water Runoff.** Construction of some of the projects identified in the financially constrained Action Elements of the three plans could be expected to result in an increase in the area of impervious surface and/or modifications in local drainage/groundwater recharge patterns, which could result in increased flood risk on- or off-site. Examples of projects which might involve such impacts may include (but are not necessarily limited to) the construction of new roadways, the widening of existing roadways and the development of transit system improvements with large parking areas. This could represent a **potentially significant environmental impact** associated with these types of projects.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.8.3: Evaluation/Design/Permitting**

The following measures may be used by implementing agencies to limit the area of impervious surface and/or modifications in local drainage/groundwater recharge patterns resulting from project construction:

A. Prior to the finalization of project design, the drainage and groundwater recharge characteristics of the area for which the project is proposed should be thoroughly evaluated. In those instances where the capacity of the existing or planned storm water drainage systems may be exceeded, it will be necessary to identify appropriate site-specific measures to control surface runoff, and to detain surface water runoff on-site, if possible.

B. Implementing agencies shall, where appropriate, ensure that adequate drainage infrastructure is in place to accommodate runoff from each transportation system improvement project prior to the issuance of grading permits. If adequate drainage infrastructure is not available, the implementing agency shall, where appropriate, pay utility mitigation fees or otherwise provide improvements to the

drainage facilities of the jurisdiction in which the project is located such that drainage facilities affected by the project in question maintain an acceptable level of service.

C. Based on the results of the drainage/groundwater recharge evaluation, the proposed project should be designed to minimize the area of impervious surface and to maintain existing drainage/groundwater recharge patterns to the extent practicable.

D. In those instances where a streambed would be altered as a result of project construction, it will be necessary to enter into a Streambed Alteration Agreement with the California Department of Fish and Game prior to the start of construction.

#### RESULTING LEVEL OF SIGNIFICANCE

Although it may be possible to limit the area of impervious surface associated with roadway improvement projects to some extent, it will generally not be possible to avoid increasing impervious surfaces as new roadways are built or as existing roadways are widened, and this potential impact could remain **significant and unavoidable** in those cases. It may not be possible to design some projects in such a way so as to completely avoid significant alteration of existing drainage/ groundwater recharge patterns, and in such cases these potential impacts could remain **significant and unavoidable**. In those instances where a specific project would require a Streambed Alteration Agreement, compliance with the conditions of such an agreement could be expected to reduce streambed impacts to a level of less than significant.

#### Flood Hazards

None of the projects identified in the financially constrained Action Elements of the three plans would place any housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. However, some road and bikeway projects proposed in low-lying areas may be subject to flood hazards. The effects of flooding could include temporary inundation of a facility that impedes its use or causes long-term damage to the facility. Flooding may cause immediate damage to roadways, bikeways and bridges, particularly during high velocity flood events that wash away or erode facilities. This would typically occur adjacent to rising rivers or streams. In addition, people could be exposed to flood hazards in the event of a dam or levee failure. Unpaved bikeways are particularly vulnerable, although any facility within the flood zone of a stream could be subject to impacts. Erosion caused by flooding can damage paved facilities, and bridge supports can be undermined or washed away.

**IMPACT 3.8.4: Increased Exposure to Flood Hazards.** Some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans that may be proposed in low-lying areas could be subject to flood hazards. This could represent a **potentially significant environmental impact**.

## RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.8.4: All Structures Above the 100-Year Flood Zone Elevation/Stabilization Along Creek Crossings/Avoid Encroachment of Designated Flood Areas**

A. If a particular transportation system improvement project is located in an area with high flooding potential, the implementing agency shall, where appropriate, ensure that the structure is elevated at least one foot above the 100-year flood zone elevation, is designed to minimize damage to the physical improvement and ensure public safety, and that feasible stabilization and erosion control measures are implemented along creek crossings.

B. Implementing agencies shall, where appropriate, ensure that projects located in areas with high flooding potential are designed to keep designated floodways free from encroachment as much as possible. Encroachment into the flood plain can be accommodated with proper design, planning and mitigation, as long as the resulting shift of flood waters does not increase adjacent flood ways or flood plains.

## RESULTING LEVEL OF SIGNIFICANCE

Implementation of the above measures could reduce potential impacts to a level of less than significant.

**Tsunami and Seiche**

The potential for impacts related to tsunami or seiche are considered low throughout the region. No lakes large enough to produce substantial seiche events are located within the region. Although impacts related to tsunami are considered unlikely, they are potentially significant without mitigation.

**IMPACT 3.8.5: Increased Exposure to Tsunami Hazards.** Some transportation system improvement projects identified in the financially constrained Action Elements of the three plans may be located in areas subject to tsunami. This could represent a **potentially significant environmental impact**.

## RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.8.5: Incorporate Features to Minimize Tsunami Damage**

In areas subject to tsunami effects, implementing agencies shall, where appropriate, ensure that all projects incorporate features designed to minimize damage from a tsunami. Structures should either be placed at elevations above those likely to be adversely affected during a tsunami event, or designed to allow swift water to flow around, through, or underneath without causing collapse. Other features to be considered in designing projects within areas subject to tsunami may include

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using structures as buffer zones, providing front-line defenses, and securing foundations of expendable structures so as not to add to debris.

### RESULTING LEVEL OF SIGNIFICANCE

Implementation of the above measure could reduce potential impacts to a level of less than significant.

## 3.9 LAND USE AND PLANNING

### 3.9.1 SETTING

Urbanized areas within the Monterey Bay region include eighteen cities (Capitola, Carmel, Del Rey Oaks, Gonzales, Greenfield, Hollister, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, San Juan Bautista, Santa Cruz, Scotts Valley, Seaside, Soledad and Watsonville), as well as other unincorporated areas (e.g., Aptos, Big Sur, Carmel Valley Village, Castroville, Del Monte Forest, Freedom, Elkhorn, Las Lomas, Live Oak, Paicines, Pajaro, Pine Canyon, Prunedale, Ridgemark, Soquel and Tres Pinos). A number of jurisdictions have established limits on new development due to water supply limitations.

The remainder of the region is largely rural. Large areas are in crop production in each of the three counties (particularly in the Salinas valley, the Pajaro Valley, the coastal terraces of Santa Cruz County, and in northern San Benito County), and a significant proportion of the area is used a rangeland. The more rugged areas are often forested. All of Santa Cruz County, and a large portion of Monterey County, lie within the California Coastal Zone.

Federal lands within the Monterey Bay region include the Pinnacles National Monument, Los Padres National Forest and the California Sea Otter Game Refuge. Military installations include Fort Hunter-Liggett, Camp Roberts Military Reservation, the U.S. Naval Postgraduate School, the Presidio of Monterey (including the Annex on the former Fort Ord) and the Defense Language Institute.

There are a large number of parks and recreational areas located within the region (see discussion in Section **3.14 RECREATION**, below).

The University of California, Santa Cruz, California State University at Monterey Bay, Monterey Peninsula College, Hartnell College and Cabrillo College are located in the region, as well as the UCSC Marine Laboratory at Santa Cruz and the Hopkins Marine Station (Stanford University) in Pacific Grove. Two major State Correctional Facilities are located at Soledad, and a large Duke Energy electrical generating facility (formerly owned by Pacific Gas & Electric Company) is located at Moss Landing.

### 3.9.2 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- The physical division of an established community; or
- A conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental impact.

Future population and employment has been projected by AMBAG through the year 2030 for use in the traffic model utilized in the preparation of the 2005 MTP. Projected changes in land use would be expected to occur as a result of buildout in accordance with the General Plan of each jurisdiction, and such development would be consistent with those General Plans. Based on population growth projections for the three counties, changes in land use may be substantial in some portions of the region. However, these land use changes would occur primarily as a result of General Plan implementation, and not as a result of implementation of the three plans.

AMBAG, TAMC and SCCRTC have no authority to regulate land use, and any proposed change in land use designations within the region would require thorough environmental review (including assessment of effects on local transportation facilities) by those jurisdictions which have such regulatory power. Other than the development anticipated by the City and County General Plans, no significant change in regional land use patterns would be expected to occur following adoption of the three plans.

Implementation of some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans may divide areas currently supporting agricultural operations, but none would result in the physical division of established residential areas. However, new or expanded roadways that would be developed under the three plans could impact existing land uses along the proposed alignments, particularly in established residential areas.

Traffic volumes on neighborhood streets could increase as a result of roadway improvements that increase capacity, or improvements that provide new direct routes through existing urban areas. Increased traffic volumes could impact existing sensitive uses, such as residences, schools or parks, by elevating noise levels, air pollution emissions, lighting and public safety hazards in the area. Roadway extensions would introduce new streets into residential areas, creating new sources of traffic-related noise, air pollution and public safety impacts. Airport improvements may ultimately increase air traffic or change flight patterns, with the potential for future land use conflicts.

### **Land Use Compatibility**

**IMPACT 3.9.1: Potential Land Use Conflicts.** Construction and operation of some transportation system improvement projects identified in the financially constrained Action Elements of the three plans could result in potential land use conflicts with existing sensitive uses such as residences, schools, parks, etc. This could represent a **potentially significant environmental impact**.

## RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.9.1: Enhancing Land Use Compatibility**

- A. In order to minimize safety hazards, implementing agencies shall, where appropriate, require adequate traffic controls such as signs, striping, crosswalks and warning lights to slow traffic on streets in residential, school or park areas where new roadways are proposed, or where projected traffic volumes will substantially increase, to reduce safety and noise impacts.
- B. Implementing agencies shall, where appropriate, ensure that roadways and other transportation system improvements are designed to minimize potential impacts to pedestrians and bicyclists, particularly those living in adjacent residential areas, or attending schools.
- C. Street lighting, where necessary, shall, where appropriate, be minimized to the extent possible in areas adjacent to sensitive land uses. Street lights shall be shielded, and oriented away from residential development. No street light shall exceed the maximum height limit established by Caltrans or local ordinance, as applicable.
- D. Implementing agencies shall, where appropriate, require that all transportation system improvement projects provide appropriate setbacks, barriers, fences or other appropriate means of buffering proposed improvements with the potential to generate land use conflicts from adjacent sensitive land uses.

## RESULTING LEVEL OF SIGNIFICANCE

Implementation of these measures could reduce the potential impact to a level of less than significant.

**Land Use Policy/Program/Regulation Compatibility**

Implementation of the three plans would not change any current land use designations established by the Cities and Counties within the regions. The programs and projects identified in the financially constrained Action Elements of the three plans are generally compatible with the transportation and land use goals, policies and plans of these same Cities and Counties. However, there may be instances where specific projects as proposed by an agency may incorporate features which might conflict with the land use plans, policies or regulations of the jurisdiction in which the project is to be located.

**IMPACT 3.9.2: Conflicts with Land Use Plans/Policies/Regulations.** It is possible that implementation of some of the projects identified in the financially constrained Action Elements of the three plans could conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project which have been adopted for the purpose of avoiding or mitigating an environmental impact. Examples of projects which might involve such an impact may include

(but are not necessarily limited to) the construction of new roadways and rail improvements on rail lines that are not currently used by trains. This could represent a **potentially significant adverse environmental impact** associated with these types of projects.

RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.9.2: Design Modifications to Achieve Consistency**

Where it is clear that the implementation of a specific project could result in a conflict with the applicable land use plans, policies, or regulations of an agency with jurisdiction over the project which have been adopted for the purpose of avoiding or mitigating an environmental impact, the implementing agency should modify the design of the project to achieve consistency with the applicable plans, policies or regulations.

RESULTING LEVEL OF SIGNIFICANCE

In those instances where it would be possible to modify the design of a transportation system improvement project to meet the intent of plans, policies or regulations of the jurisdictions where such projects are proposed, this mitigation measure could reduce the impact to a level of less than significant for most projects. However, for a few projects, it may not be possible to make such design changes and still achieve the project objectives. In these cases, the potential conflict with established plans, policies and regulations could remain **significant and unavoidable**.

## 3.10 MINERAL RESOURCES

### 3.10.1 SETTING

The extraction of mineral resources takes place in the San Ardo area (oil), in Hollister, Marina, Scotts Valley and North Santa Cruz County coast (sand mining), and in portions of San Benito County (asbestos mining). In addition, quarrying activity takes place in all three Monterey Bay area counties.

### 3.10.2 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- The loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Implementation of the projects identified in the financially constrained Action Elements of the three plans would not be expected to result in the loss of availability of any known mineral resource or mineral resource recovery site.

## 3.11 NOISE

### 3.11.1 SETTING

#### Noise Measurement

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting factor that reflects the facts that human hearing is less sensitive at low frequencies and extreme high frequencies than in the mid-range frequencies. This is called “A” weighting, and the decibel level so measured is called the A-weighted sound level (dBA). To describe the time-varying character of environmental noise, the statistical noise descriptors  $L_{10}$ ,  $L_{50}$ , and  $L_{90}$  are commonly used. They are the A-weighted noise levels equaled or exceeded during 10 percent, 50 percent and 90 percent of a stated time period. A single number descriptor called  $L_{eq}$  is now also widely used. The  $L_{eq}$  is the average A-weighted noise level during a stated time period. In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night, and exterior noise becomes very noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, the descriptor  $L_{dn}$  (day/night average sound level) was developed. The  $L_{dn}$  divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

With regard to increases in A-weighted noise levels, knowledge of the following relationships will be helpful:

Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived.

- Outside of the laboratory, a 3 dB change is considered a just perceptible difference.
- A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- A 10 dB change is subjectively heard as approximately a doubling in loudness, and would almost certainly cause an adverse change in community response.

## Existing Noise Environment

Ambient noise levels vary throughout the Monterey Bay region, and differ between urban and rural settings. Noise sources are primarily associated with transportation facilities, with noise in the vicinity of major roadways, airports and railroads frequently exceeding health and welfare criteria for noise exposure for sensitive land uses in urban areas. Sensitive land uses include residences, hotels/motels and other forms of transient lodging, schools, libraries, churches, hospitals and nursing homes.

The primary factors that determine roadway noise levels are the local traffic volume, the percentage of trucks and buses, average vehicle speed and the presence of natural or man-made noise attenuation features such as soundwalls and landscaping. Noise levels immediately adjacent to freeways may exceed an  $L_{dn}$  of 80 dB, while noise levels along major arteries are typically between an  $L_{dn}$  of 65 and 70 dB. An increase in traffic volumes means a comparable increase in sound energy. For example, ten times as many vehicles per hour means ten times as much sound energy, resulting in a 10 dB increase and a perceived doubling of loudness.

Noise associated with railroad operations is caused by diesel engines, switching operations and whistles. Generally, trains operate at low speeds through urban areas as a safety precaution, and noise levels are correspondingly lower at lower speeds. Switching operations usually occur at stations or depots. Whistles are blown in advance of grade crossings.

Noise associated with airport operations is caused by flyovers, takeoffs and landing from air carrier, business and military aircraft operations. Noise levels exceeding 75 dB are experienced beneath the flight paths of commercial airports.

## Regulatory Background

Federal, state and local regulations and ordinances define objectionable noise levels and identify land use compatibility noise standards. The California Department of Transportation (Caltrans) has developed noise abatement criteria which attempt to balance noise levels between that which may be desirable for various land uses and that which may be achievable. According to Caltrans guidelines, a substantial noise level increase occurs when the predicted design year exterior noise levels reach 65 dB and exceed ambient noise levels by 12 dB.

The Federal Highway Administration (FHWA) guidelines identify a significant noise increase when exterior traffic noise levels exceed 67 dB for sensitive noise receptors in picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries and hospitals, and 72 dB for commercial receptors in other developed areas. Exceedance of these guidelines generally indicates the need for sound attenuation to reduce noise levels for sensitive land uses. Typical sound attenuation devices used by these agencies include sound barriers.

Each of the three counties within the region, and the cities within those counties, have adopted noise elements in their General Plans. Typically, residential uses are considered to be compatible with exterior  $L_{dn}$  noise levels of up to 60 dB, while office and commercial land uses are considered compatible with exterior  $L_{dn}$  noise levels of up to 75 dB. Exterior noise levels above an  $L_{dn}$  of 80 dB are generally unacceptable. Interior noise levels are generally recommended to be below an  $L_{dn}$  of 45 dB in residential development. In fact, interior noise levels are mandated by California law to be below an  $L_{dn}$  of 45 dB in new multi-family housing projects, including hotels and motels. In addition, many of the noise elements have programs which require that all projects which have the potential for creating increased noise levels be studied, and mitigation identified to minimize noise impacts.

For light rail and commuter projects, the applicable guidelines are those of the Federal Transit Administrative (FTA) and the American Public Transit Association (APTA). The APTA guidelines are not mandatory, but are frequently applied in the design and engineering of transit facilities.

### **3.11.2 IMPACTS AND MITIGATION MEASURES**

#### **THRESHOLDS OF SIGNIFICANCE**

Implementation of the three plans could have a significant environmental impact if it were to result in:

- Exposure of persons to (or generation of) noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Exposure of persons to (or generation of) excessive groundborne noise levels;
- Exposure of persons to (or generation of) excessive groundborne vibration;
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- Development located in an area covered by an airport land use plan (or, where such a plan has not been adopted, within two miles of a public airport or public use airport), if it would result in exposure of people residing or working in the project area to excessive noise levels; or
- Development within the vicinity of a private airstrip, if it would result in exposure of people residing or working in the project area to excessive noise levels.

## Traffic Noise

Although the adoption the three plans would not, in and of itself, entail any noise impacts, the completion of roadway extensions or widenings, and the construction of new roadways identified in the financially constrained Action Elements of the three plans could have the potential for creating noise impacts, not only along the new alignments, but also along streets connecting to those alignments.

**IMPACT 3.11.1: Increased Noise Related to Increased Traffic Volumes.** Major roadway widenings which increase capacity, or transportation system improvements which create new roadways in previously unaffected areas, may permanently affect ambient noise levels by substantially increasing traffic volumes, possibly exceeding established standards for noise exposure. This could represent a **potentially significant environmental impact** associated with these types of projects.

### RECOMMENDED MITIGATION MEASURE

#### MITIGATION MEASURE 3.11.1: Acoustical Analysis/Site-Specific Mitigation

A. Acoustical analyses shall, where appropriate, be conducted by the implementing agency as part of new roadway construction and/or widening projects for existing roads. The noise study shall, where appropriate, identify existing noise sensitive receptors, determine existing ambient noise levels, project future noise levels, make appropriate findings with respect to appropriate criteria, and recommend mitigation/abatement measures. Specific noise mitigation or abatement measures to be considered include alternative alignments, sound barrier walls and earthen berms where space is available. Determination of appropriate noise attenuation or abatement measures shall, where appropriate, be assessed on a case-by-case basis pursuant to the regulations of the applicable agency.

B. Various sound attenuation techniques shall, where appropriate, be considered where transportation system improvement projects are found to expose sensitive receptors to noise exceeding normally acceptable levels. The preferred methods for mitigating noise impacts will be the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials, where feasible. In instances where the use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) will be considered. Determination of appropriate noise attenuation measures will be assessed on a case-by-case basis during a project's individual environmental review pursuant to the regulations of the applicable agency.

### RESULTING LEVEL OF SIGNIFICANCE

Although noise mitigation or abatement measures may be expected to reduce potential traffic noise impacts to a level of less than significant in most instances, this impact may not be mitigable in a few cases, resulting in an environmental impact that could remain **significant and unavoidable**.

## Rail Noise

Rail-related projects identified in the financially constrained Action Elements of the three plans may also have the potential to significantly increase noise levels along their alignments.

**IMPACT 3.11.2: Increased Noise Levels along Rail Corridors.** Expansion of existing rail service and related facilities associated with the financially constrained Action Elements of the three plans may increase ambient noise levels along rail service corridors, possibly exceeding established standards for noise exposure. This could represent a **potentially significant environmental impact** associated with this type of project.

### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.11.2: Acoustical Analysis/Site-Specific Mitigation**

A. Where appropriate and feasible, a Community Quiet Zone should be pursued with appropriate crossing devices to decrease the use of train crossing horns. Designation of the Quiet Zone is made by the Federal Railroad Administration, in coordination with the Public Utilities Commission.

B. Acoustical analyses shall, where appropriate, be conducted by the implementing agency as part of future rail service and facilities expansion projects. If future noise levels exceed the applicable federal, state or local noise impact criteria, appropriate noise barriers such as berms, noise walls, and/or landscaping or attenuation measures for homes such as double-paned windows or other sound insulating techniques shall, where appropriate, be installed as necessary to reduce exterior noise levels to acceptable levels, and to meet state standards for residential interior noise levels.

C. If proposed rail projects are located adjacent to sensitive uses, the implementing agency shall, where appropriate, ensure that a vibration survey and assessment is conducted to determine alternative alignments which allow greater distance from the rail or other vibration isolation techniques, as necessary, to assess the effects and mitigate any potential adverse effects.

### RESULTING LEVEL OF SIGNIFICANCE

Use of noise mitigation or abatement measures may be expected to reduce potential rail-related noise and vibration impacts to a level of less than significant in most instances. However, these impacts may not be mitigable in a few cases, resulting in environmental impacts that could remain **significant and unavoidable**.

## Transit-Related Noise

Projects that would increase the number of buses or other transit vehicles used by transit providers, or that would expand existing transit routes, would result in increased bus trips and/or trip lengths, and a corresponding increase in noise along roadways supporting transit operations. However, the

reduction in traffic noise that would occur as a result of the associated reduction in vehicle trips would more than offset this transit-related noise increase. Therefore, transit projects would be expected to result in an overall noise reduction when compared to existing conditions.

### **Aviation Noise**

Airport improvements identified in the three plans could be expected to facilitate increased air traffic in the future. However, despite increased flight traffic, overall noise levels on and near airports within the region would not be expected to decline over time, due to the introduction of newer, quieter aircraft. Because an increase in noise levels is not anticipated, no significant impacts due to aircraft operations would be anticipated.

### **Construction Noise**

Construction activity associated with the implementation of transportation system improvement projects identified in the financially constrained Action Elements of the three plans could create temporary noise impacts.

**IMPACT 3.11.3: Construction-Related Noise.** Construction activity associated with some of the projects identified in the financially constrained Action Elements of the three plans could temporarily result in noise levels which might exceed established standards for noise exposure. Examples of projects which might involve such impacts may include (but are not necessarily limited to) the construction of new roadways, the widening of existing roadways, rail improvements on rail lines that are not currently used by trains, new transit stations, bridge improvements and the construction of other transportation system improvement infrastructure. This could represent a **potentially significant environmental impact** associated with those projects which involve construction activity.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.11.3: Noise Abatement**

In order to reduce potential construction-related noise impacts, the implementing agency shall, where appropriate, ensure that, where residences or other noise sensitive uses are located adjacent to construction sites, appropriate measures shall be implemented, where appropriate, to ensure consistency with local noise ordinance requirements relating to construction activity. Specific techniques may include (but are not limited to) restrictions on construction timing, the use of sound blankets on construction equipment, and the use of temporary noise walls and noise barriers to block and deflect noise. All construction equipment in active use at project sites should be appropriately muffled and properly maintained. Limiting truck access routes and establishing maximum allowable noise limits for construction equipment should also be considered as measures which would reduce construction-related noise at specific sites.

## RESULTING LEVEL OF SIGNIFICANCE

These noise abatement measures could generally be expected to reduce construction-related noise impacts to a level of less than significant.

### **Groundborne Noise/Vibration**

Certain construction activities associated with specific types of transportation system improvement projects may also entail significant noise and/or vibration impacts.

**IMPACT 3.11.4: Exposure to Excessive Groundborne Noise/Vibration.** Construction associated with some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans might involve activities (such as pile-driving) which could result in the temporary exposure of persons living or working near the construction area to excessive groundborne noise and/or vibration during construction activity. Examples of projects which might involve such impacts may include (but are not necessarily limited to) bridge replacements and the construction of new transportation system improvement infrastructure, including on/off ramps and interchanges. This could represent a **potentially significant environmental impact** associated with these types of projects.

## RECOMMENDED MITIGATION MEASURE

### **MITIGATION MEASURE 3.11.4: Restrictions on Construction Activities**

In order to reduce the potential noise and/or vibration impacts associated with certain construction activities such as pile-driving, the implementing agency shall, where appropriate, ensure that, to the maximum extent feasible, all such activity which would take place in the vicinity of sensitive receptors be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. If a particular project located adjacent to sensitive receptors requires pile driving, the local jurisdiction may require the use of pile driving techniques that would reduce physical impacts and associated noise generation from such activity.

## RESULTING LEVEL OF SIGNIFICANCE

These restrictions could generally be expected to reduce noise and/or vibration impacts associated with such construction activity to a level of less than significant.

### **Airport Noise**

Implementation of the projects identified in the financially constrained Action Elements of the three plans would not result in any new development within an area covered by an airport land use plan, within two miles of any airport, or within the vicinity of a private airstrip which would result in the exposure of people living or working within those areas to excessive noise levels.

## 3.12 POPULATION AND HOUSING

### 3.12.1 SETTING

#### Population

The region's population is largely concentrated in its urbanized places. With the exception of Hollister and Salinas, larger-scale urban development in the region lies mostly along the Monterey Bay coastal plains and foothills from the City of Santa Cruz in the north to Carmel on the Monterey Peninsula in the south. The estimated population and distribution by County, city and unincorporated area as of January 1, 2004 is shown in **Table 3-4**, based on information prepared by the Demographic Unit of the California Department of Finance.

The most recent population and employment forecasts were developed by the Association of Monterey Bay Area Governments (AMBAG) in April of 2004, based on local, regional and national economic and demographic trends, historical data, local general plans and availability of vacant land, and other specific assumptions. The forecasts, shown in **Table 3-5**, project population and employment for each County, incorporated city, and the unincorporated portion of each County through the year 2030, in five year increments. The projections were accepted by the AMBAG Board of Directors and, in most instances, fall within jurisdictions' existing General Plan buildup figures. Although a range of infrastructure and resource constraints are discussed in the forecast report, the projections were not adjusted to account for these constraints, per AMBAG Board of Directors policy direction. The various constraints are discussed in the **PROJECT DESCRIPTION**, above (see pages 2-23 through 2-24).

As shown in **Table 3-5**, the 1990 region-wide population of 622,091 persons increased to 710,148 persons by 2000, a total increase of about 14.2 percent during the decade. Between 2000 and 2010, the rate of population growth population is expected to increase somewhat more slowly (by an average of about 1.3 percent per year during the decade), and then slow to an average of about 1 percent per year between 2010 and 2030, resulting in a 2030 population of approximately 991,369 persons. The total projected population growth through 2030 represents an approximately 39 percent increase over the region's 2000 population. Over half of the region's population resides in Monterey County, and while its rate of population increase between 2000 and 2030 will average only about 1.6 percent per year, it will increase its total population over the course of the thirty years by an estimated 201,419 persons, an increase of 50 percent. Although San Benito County is anticipated to have the highest average growth rate from 2000 to 2030 of about 1.9 percent annually, and a 57 percent increase in its population, its projected increase of 30,557 persons is approximately one-sixth as many residents as will be added to Monterey County, and San Benito County's population in 2030 will be approximately 8 percent of the three-County region (as it is today). In addition, during these thirty years, Santa Cruz County is expected to add about 49,245 residents, which represents an average growth rate of about 0.6 percent per year, and a total increase of approximately 19 percent.

**TABLE 3-4: MONTEREY BAY REGION POPULATION DISTRIBUTION BY COUNTY AND INCORPORATED CITY - 2004**

	January 1, 2004 Population	Percent
<b>Monterey County</b>		
Carmel	4,102	0.55
Del Rey Oaks	1,654	0.22
Gonzales	8,424	1.14
Greenfield	13,167	1.78
King City	11,477	1.55
Marina	19,115	2.59
Monterey	30,241	4.09
Pacific Grove	15,577	2.10
Salinas	152,209	20.60
Sand City	308	0.04
Seaside	33,304	4.50
Soledad	26,203	3.54
Unincorporated Area	105,660	14.30
<b>Monterey County Total</b>	<b>421,441</b>	<b>57.05</b>
<b>San Benito County</b>		
Hollister	36,997	5.00
San Juan Bautista	1,721	0.23
Unincorporated Area	18,398	2.49
<b>San Benito County Total</b>	<b>57,116</b>	<b>7.73</b>
<b>Santa Cruz County</b>		
Capitola	10,658	1.44
Santa Cruz	56,289	7.61
Scotts Valley	11,598	1.56
Watsonville	48,293	6.53
Unincorporated Area	133,980	18.13
<b>Santa Cruz County Total</b>	<b>260,218</b>	<b>35.22</b>
<b>REGIONAL TOTAL</b>	<b>738,775</b>	<b>100.00</b>

Source: State of California, Department of Finance, City/County Population and Housing Estimates, 2004, Sacramento, California, May 2004.

**TABLE 3-5: FORECAST OF POPULATION FOR CITIES AND COUNTIES IN THE MONTEREY BAY REGION (2000 – 2030)**

<b>City/County</b>	<b>2000*</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>
Carmel	4,081	4,095	3,947	3,924	3,900	3,923	3,945
Del Rey Oaks	1,650	1,652	1,594	1,586	1,577	1,586	1,594
Gonzales	7,525	9,229	12,463	14,627	16,791	22,968	29,145
Greenfield	12,583	15,097	18,627	21,570	24,512	27,183	29,854
King City	11,094	12,885	115,484	17,433	19,381	21,371	23,360
Marina	19,163	23,172	30,567	32,465	34,362	34,860	35,357
Monterey	29,674	29,863	28,824	28,653	28,431	28,648	28,815
Pacific Grove	15,522	15,586	15,046	14,963	14,880	14,976	15,073
Salinas	143,776	146,687	165,141	174,787	184,434	198,749	213,063
Sand City	261	384	370	368	365	367	369
Seaside	33,097	34,221	34,886	34,871	34,855	35,002	35,148
Soledad	22,634	29,647	32,413	35,938	39,463	45,549	51,634
Unincorporated	100,252	110,083	105,485	114,776	124,067	129,721	135,373
<b>Monterey Total</b>	<b>401,312</b>	<b>433,600</b>	<b>464,847</b>	<b>495,961</b>	<b>527,069</b>	<b>564,903</b>	<b>602,731</b>
Hollister	34,413	38,413	44,423	48,954	53,485	56,594	59,703
San Juan Bautista	1,549	2,032	2,905	3,249	3,593	3,954	4,315
Unincorporated	17,272	18,099	16,562	17,330	18,098	18,963	19,773
<b>San Benito Total</b>	<b>53,234</b>	<b>58,411</b>	<b>63,890</b>	<b>69,533</b>	<b>75,176</b>	<b>79,484</b>	<b>83,791</b>
Capitola	10,033	10,869	10,978	11,041	11,104	11,120	11,136
Santa Cruz	54,593	56,953	57,768	58,846	59,924	61,956	63,987
Scotts Valley	11,385	13,182	13,667	13,864	14,062	14,169	14,275
Watsonville	44,265	52,716	56,779	61,126	65,473	67,946	70,418
Unincorporated	135,326	133,824	136,167	139,150	142,132	143,582	145,031
<b>Santa Cruz Total</b>	<b>255,602</b>	<b>267,544</b>	<b>275,359</b>	<b>284,027</b>	<b>292,695</b>	<b>298,773</b>	<b>304,847</b>
<b>Regional Total</b>	<b>710,148</b>	<b>758,555</b>	<b>804,096</b>	<b>849,521</b>	<b>894,940</b>	<b>943,160</b>	<b>991,369</b>

\* For 2000 U.S. Census, Soledad Prisons population (11,257) was assigned to both Marina and Salinas but has been informally adjusted by AMBAG staff to Soledad for planning purposes.

Population growth over the thirty-year period is projected to be distributed irregularly throughout the region, with the largest increase occurring in Monterey County, which will expand by about 201,419 persons, which represents approximately 71 percent of the total regional growth. The population of Salinas is expected to increase by approximately 69,287 persons during this same period, a significant component of Monterey County growth. About 15 percent of Monterey County's growth between 2000 and 2030 is expected to occur in unincorporated areas (largely into seven unincorporated communities), mostly in small increments of about 1,000 to 3,000 persons over the planning period, but with the notable exception of the Crazy Horse area (Rancho San Juan), which is expected to gain almost 10,000 persons by 2030.

San Benito County is projected to have the fastest growth rate of the three counties during the period 2000 to 2030, averaging approximately 1.9 percent per year, with a projected total population expansion of 30,557 persons, or 57 percent over its 2000 population. Through the year 2030, over 82 percent of this growth will occur in Hollister, and most of the rest of the growth will occur in unincorporated areas around Hollister and San Juan Bautista.

Within Santa Cruz County, approximately 49,245 persons are projected to be added to its 2000 population by 2030. However, this increase represents comparatively moderate growth (under one percent per year on average), and its population will increase by only about 19 percent over its 2000 population, the smallest percentage increase among the three counties. Although the city of Santa Cruz is the largest in the County, it is projected to increase population by only about 9,394 persons between 2000 and 2030, while Watsonville is expected to gain approximately 53 percent of the projected County increase between 2000 and 2030, which will increase its total population by about 59 percent at a 1.9 percent average growth rate. An average annual growth rate of approximately 0.8 percent is projected to occur in Scotts Valley, with a 25 percent population increase between 2000 and 2030. Approximately 19 percent of projected total County growth between 2000 and 2030 will occur in unincorporated areas, primarily within the many unincorporated communities in Santa Cruz County, with small increments of about 1,000 persons. The only notable exceptions are the San Lorenzo Valley area and the Aptos area, which are both expected to grow faster than other unincorporated communities within Santa Cruz County.

## **Housing**

As of January 1, 2004, there were an estimated 255,722 housing units in the three-County region. Approximately 63 percent were single-family detached units, and about 9 percent were single-family attached units. Multi-family units comprised approximately 23 percent of the regional housing stock (including about 8 percent of total units in buildings with 2 to 4 units), and mobile homes represented approximately 5 percent of all housing units within the region. The distribution of housing units by type among the three counties comprising the region is shown in **Table 3-6**, below.

The California Department of Finance estimated that as of January 1, 2000, a total of 738,775 persons were living in the three-County region. Divided by the number of occupied units (255,722), this would indicate a regional average of approximately 2.88 persons per household (Monterey County: 3.16; San Benito County: 3.34; Santa Cruz County: 2.68).

**TABLE 3.6: MONTEREY BAY REGION HOUSING CHARACTERISTICS, JANUARY 1, 2004**

	Monterey County	San Benito County	Santa Cruz County	Regional Total
Single-Family, Detached	83,302	13,648	64,214	161,164
Single-Family, Attached	12,440	1,028	8,838	22,206
Multi-Family, 2-4 Units	11,964	1,135	8,447	21,546
Multi-Family, 5+ Units	23,526	885	12,382	36,793
Mobile Homes	5,790	871	7,252	13,913
 Total Units	 137,022	 17,567	 101,133	 255,722
Occupied Units	126,083	16,913	93,305	236,301

Source: State of California, Department of Finance, City/County Population and Housing Estimates, 2004, Sacramento, California, May 2004.

The U.S. Census conducted in 2000 identified 244,950 housing units in the Monterey Bay area, and AMBAG projects that this number will grow to 328,887 housing units in 2030 (see **Table 3-7**).

## Employment

A relatively high proportion of total employment in both Monterey and San Benito Counties is in agricultural activities, and much of the industry in these counties is related to agriculture. Military operations at the Defense Language Institute and the Naval Postgraduate School in Monterey County have provided significant civilian employment opportunities, while Santa Cruz County is developing a strong R&D/manufacturing sector. The region includes major tourist and recreation attractions, including State Parks and Beaches, the Monterey Bay Aquarium, State Historical Monuments and the Pinnacles National Monument. These attractions generate significant associated service employment.

**Table 3-8** presents AMBAG's 2004 regional employment forecast through 2030. To meet the end year of the Plan, AMBAG staff extrapolated employment to 2030. As shown in **Table 3-8**, the total projected number of 192,763 new jobs in the region between 2000 and 2030 would represent an increase of approximately 49 percent from the roughly 290,237 jobs within the region in 2000 shown in **Table 3-8**.

Although San Benito County will have the smallest growth in sheer numbers of new jobs, the projected increase between 2000 and 2030 represents a total expansion of roughly 75 percent, and an annual average growth rate of over 2.5 percent. Santa Cruz County is projected to increase its employment by approximately 63,633 jobs between 2000 and 2030, at a rate of about 1.4 percent per year, which is slightly higher than its projected population growth of less than 1 percent. The additional employment in Santa Cruz County to 2030 represents a total increase from 2000 of about 43 percent.

**TABLE 3-7: AMBAG PROJECTED REGIONAL HOUSING UNIT GROWTH 2005-2030**

	MONTEREY COUNTY						
	2000 (Census)	2005	2010	2015	2020	2025	2030
Carmel	3,331	3,342	3,342	3,342	3,342	3,342	3,342
Del Rey Oaks	680	680	680	680	680	680	680
Gonzales	1,730	2,091	2,911	3,399	3,886	5,150	6,414
Greenfield	2,864	3,282	4,327	5,070	5,812	6,423	7,033
King City	2,835	3,231	3,877	4,327	4,777	5,223	5,669
Marina	7,100	8,553	11,799	12,600	13,400	13,498	13,596
Monterey	13,478	13,516	13,545	13,545	13,545	13,545	13,545
Pacific Grove	8,009	8,058	8,066	8,068	8,070	8,073	8,075
Salinas	39,469	40,411	46,696	49,564	52,431	55,243	58,055
Sand City	88	136	136	136	136	136	136
Seaside	10,366	10,688	11,193	11,237	11,280	11,280	11,280
Soledad	2,581	4,386	5,554	6,583	7,612	9,059	10,596
Unincorporated County	37,047	40,006	39,718	42,704	45,689	47,180	48,670
Total Monterey County	129,578	138,380	151,844	16,1255	170,660	178,832	187,001
	SAN BENITO COUNTY						
Hollister	10,250	10,929	12,712	13,926	15,139	15,576	16,012
San Juan Bautista	611	780	1,090	1,205	1,319	1,431	1,542
Unincorporated County	5,683	6,159	5,653	5,797	5,941	6,093	6,244
Total San Benito County	16,499	17,868	19,455	20,928	22,399	23,100	23,798
	SANTA CRUZ COUNTY						
Capitola	5,566	5,896	6,054	6,088	6,121	6,127	6,132
Santa Cruz	21,982	22,826	23,321	23,916	24,510	25,296	26,082
Scotts Valley	4,714	5,297	5,494	5,575	5,656	5,699	5,742
Watsonville	12,361	13,905	14,939	16,335	17,730	18,478	19,226
Unincorporated County	54,260	55,510	56,589	57,919	59,248	60,077	60,906
Total Santa Cruz County	98,873	103,434	106,397	109,833	113,265	115,677	118,088
TOTAL REGION	244,950	259,682	277,696	292,016	306,324	317,609	328,887

**TABLE 3-8: AMBAG PROJECTED REGIONAL EMPLOYMENT GROWTH, 2000-2030**

	MONTEREY COUNTY						
	2000 (Census)	2005	2010	2015	2020	2025	2030
Carmel	2,390	2,527	2,666	2,714	2,761	2,841	2,920
Del Rey Oaks	616	648	685	730	774	865	955
Gonzales	1,743	1,834	2,653	3,432	4,211	4,708	5,204
Greenfield	1,749	1,883	3,463	4,252	5,040	5,976	6,912
King City	8,295	8,682	10,366	11,301	12,235	13,186	14,136
Marina	5,557	5,894	7,277	8,658	10,038	12,643	15,248
Monterey	42,488	45,327	47,493	49,714	51,934	53,471	55,008
Pacific Grove	8,323	8,598	8,815	9,002	9,188	9,415	9,641
Salinas	68,233	74,363	81,572	86,550	91,527	96,414	101,300
Sand City	2,331	2,466	2,693	2,909	3,125	3,269	3,413
Seaside	6,603	7,125	7,866	8,775	9,683	11,379	13,075
Soledad	5,198	6,236	7,242	8,007	8,771	9,614	10,456
Unincorporated County	66,915	73,389	73,334	78,714	84,094	90,604	97,113
Total Monterey County	222,441	238,972	256,125	274,758	293,381	314,385	335,381
	SAN BENITO COUNTY						
Hollister	13,234	13,240	16,355	18,695	21,034	23,759	26,484
San Juan Bautista	530	541	822	888	953	1,071	1,188
Unincorporated County	7,788	8,694	8,430	8,809	9,188	9,629	10,070
Total San Benito County	21,552	22,465	25,607	28,392	31,175	34,459	37,742
	SANTA CRUZ COUNTY						
Capitola	10,651	10,935	12,280	13,093	13,905	14,721	15,536
Santa Cruz	46,213	47,598	53,344	56,564	59,783	63,328	66,872
Scotts Valley	9,986	10,843	11,839	12,571	13,303	13,885	14,466
Watsonville	26,135	26,856	29,820	32,187	34,553	36,354	38,155
Unincorporated County	56,633	58,866	65,940	68,731	71,522	74,872	78,222
Total Santa Cruz County	149,618	155,098	173,223	183,146	193,066	203,160	213,251
TOTAL REGION	393,611	416,535	454,955	486,296	517,622	552,004	586,374

AMBAG Projections, 2004.

## 3.12.2 IMPACTS AND MITIGATION MEASURES

### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- The inducement of substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);
- The displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or
- The displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Implementation of the three plans would create job opportunities resulting from construction projects (short-term) and maintenance of the proposed improvements (long-term), thereby resulting in an increase in the population and potential economic growth. However, the incremental growth associated with construction and maintenance of transportation system improvement projects listed in the three plans is not expected to be significant.

### Growth Inducement

Although the implementation of the three plans would not directly generate population (since the three plans do not involve the construction of residential units), it does have the potential to facilitate population growth. Transportation system improvement projects identified in the three plans are expected to respond to growth anticipated by adopted local General Plans, and the transportation planning process generally programs implementation of future system improvements in conjunction with planned growth. However, some projects may indirectly increase growth pressure by increasing transportation system capacity. Some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans could be categorized as removing an obstacle to growth if they accommodate growth beyond that already planned for (in local General Plans or in the Fort Ord Reuse Plan), or if they were to be constructed before they are actually needed. In addition, the roadway extension projects planned in the less developed areas may remove obstacles to growth by improving vehicular access.

**IMPACT 3.12.1: Indirect Growth Inducement.** Implementation of some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans could indirectly induce growth within the region by increasing transportation system capacity. This could represent a **potentially significant environmental impact**.

## RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.12.1: Prioritization of Transportation System Improvement Projects**

To minimize possible growth inducement, implementing agencies should prioritize transportation system improvement projects by deemphasizing pursuit of those projects that would allow land development to occur in areas where such development has not yet been planned for, or where such development is not anticipated to occur in the future.

## RESULTING LEVEL OF SIGNIFICANCE

This approach could reduce the growth-inducing potential of the three plans. However, to the extent that the increases in transportation system capacity associated with projects identified in the financially constrained Action Elements of the three plans may indirectly contribute to population growth within the region, this impact could remain **significant and unavoidable**.

**Displacement of Existing Housing Units/Businesses**

Implementation of some transportation system improvement projects (particularly those involving roadway widenings and extensions) could require the removal or relocation of existing structures to accommodate proposed improvements. This could require the acquisition of property from private owners to provide adequate right-of-way, and may result in the permanent displacement of existing housing units and the people currently living in them, as well as existing businesses. Displacement would occur most commonly in urban portions of the region, where roads would expand into previously-developed areas. Such impacts could also occur in rural areas, where roadways would encroach on existing farmland.

**IMPACT 3.12.2: Permanent Displacement of People and/or Existing Housing Units/Businesses.** Implementation of some of the projects identified in the financially constrained Action Elements of the three plans might result in the permanent displacement of people and/or existing housing units, as well as business enterprises. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to displace people or existing housing units or businesses. In those cases where such displacement would be regarded as substantial, this could represent a **potentially significant environmental impact**.

## RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.12.2: Avoidance/Relocation**

A. Implementing agencies shall, where appropriate, assure that project-specific environmental reviews for transportation system improvement projects with the potential to permanently displace

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existing residences and businesses consider alternative alignments that avoid or minimize impacts to nearby residences and businesses.

B. Where project-specific reviews identify unavoidable displacement impacts, the implementing agency shall, where appropriate, ensure that appropriate relocation programs are used to assist eligible persons to relocate, in accordance with local, state and federal requirements. Owners shall, where appropriate, be compensated for acquired property based on fair market values. In addition, implementing agencies shall, where appropriate, review and, if necessary, modify construction schedules to ensure that adequate time is provided to allow affected businesses to find and relocate to other sites.

### RESULTING LEVEL OF SIGNIFICANCE

Implementation of these measures could reduce potential impacts associated with the displacement of existing homes, residents and businesses to a level of less than significant.

## 3.13 PUBLIC SERVICES

### 3.13.1 SETTING

Public services include fire and police protection services, schools and parks, and other public services or facilities that may be provided for social purposes. Utilities and service systems, which are provided for environmental management purposes, such as water supply, wastewater treatment, storm drainage and solid waste, are addressed in a separate discussion (see Section 3.16 **UTILITIES AND SERVICE SYSTEMS**).

An extensive range of public services and utilities are provided to both the urban and rural areas of the Monterey Bay area. Each of the incorporated cities in the region has a police department, and fire protection departments or districts are located throughout all of the counties. Fire protection in remote rural and mountainous areas is provided by the California Department of Forestry. A multitude of school districts serve the region, and there are a wide range of city park departments, special park districts, County parks, and state and federal parklands. The region also contains several post-secondary academic institutions, including the University of California at Santa Cruz and the California State University at Monterey Bay.

The operations and effectiveness of the public services in the region may depend upon the ability of each entity to respond to new demands from growth and development in their respective jurisdictions. Each government entity or school district is responsible for providing new facilities, personnel and administrative support to meet the demands of growing communities, and for obtaining adequate public funding for their services.

### 3.13.2 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- Substantial adverse physical impacts associated with the provision of (or need for) new or physically altered governmental facilities, the construction of which could cause significant environmental impacts; in order to maintain acceptable service ratios, response times or other performance objectives for fire protection;
- Substantial adverse physical impacts associated with the provision of (or need for) new or physically altered governmental facilities, the construction of which could cause significant

environmental impacts; in order to maintain acceptable service ratios, response times or other performance objectives for police protection;

- Substantial adverse physical impacts associated with the provision of (or need for) new or physically altered governmental facilities, the construction of which could cause significant environmental impacts; in order to maintain acceptable service ratios or other performance objectives for schools;
- Substantial adverse physical impacts associated with the provision of (or need for) new or physically altered governmental facilities, the construction of which could cause significant environmental impacts; in order to maintain acceptable service ratios or other performance objectives for parks; or
- Substantial adverse physical impacts associated with the provision of (or need for) new or physically altered governmental facilities, the construction of which could cause significant environmental impacts; in order to maintain acceptable service ratios or other performance objectives for other public facilities.

### **Emergency Services Access**

Implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would generally not be expected to result in any substantial physical impacts which would require new or altered facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection or police protection, although temporary delays in emergency response time could be anticipated during the construction period associated with some projects ( see **IMPACT 3.15.4: Temporary Interference with Emergency Access** and **MITIGATION MEASURE 3.15.4: Notification/Designated Detours** in Section 3.15. **TRANSPORTATION/TRAFFIC**, below).

### **School Facilities and Access**

Since the construction of the transportation system improvement projects identified in the financially constrained Action Element of the three plans would not directly involve the development of any new housing units, implementation of the three plans would not result in an increase in the number of students to be served at educational facilities within the region, would not result in an increased demand for parks and other recreational facilities, and would not significant new demands on other public facilities. However, implementation of specific projects identified in the financially constrained Action Elements of the three plans could be expected to entail temporary access problems which might affect the operation of schools, parks and recreational facilities.

**IMPACT 3.13.1: Temporary Interference with School Access.** Proposed roadway construction and other transportation system improvement projects identified in the financially constrained Action Elements of the three plans could temporarily impede access to public school facilities, and could create pedestrian traffic hazards. As the physical characteristics of each project become more

clearly defined, it is possible that some of these projects may be found to interfere with access to schools. This could represent a **potentially significant environmental impact** associated with these types of projects.

#### RECOMMENDED MITIGATION MEASURE

##### **MITIGATION MEASURE 3.13.1: Notification/Designated Detours**

A. If construction is to take place in the vicinity of a school, or on roadways that could affect access to a school facility, then the implementing agency shall, where appropriate, notify the school district superintendent or other appropriate representative of the affected school district prior to any road construction and road closures. School officials shall also be consulted, where appropriate, to determine if any critical access routes would be affected, or if construction would create specific safety problems.

B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100 feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. Adequate access to all schools shall be maintained, where appropriate, during school hours throughout the construction period. During implementation of transportation system improvements that necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around improvement areas with appropriate signage shall be provided, where appropriate.

#### RESULTING LEVEL OF SIGNIFICANCE

The implementation of these measures could reduce the impact to a level of less than significant.

#### **Parks/Recreational Facilities and Access**

**IMPACT 3.13.2: Temporary Interference with Park/Recreation Access.** Although implementation of some transportation system improvements would ultimately result in enhanced access to parks and recreational facilities within the Monterey Bay region, implementation of several of the projects identified in the financially constrained Action Elements of the three plans could temporarily affect access to park and recreational facilities if road construction or other activities were to occur in the vicinity of these facilities. Road or bridge construction could also generate noise that could disrupt the quiet atmosphere of parklands, which could detract from the recreational experience of visitors. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to interfere with access to parks or recreational facilities. These could represent **potentially significant adverse environmental impacts** associated with these types of projects.

RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.13.2: Consultation/Site-Specific Mitigation**

A. Although potential impacts to recreational facilities which may be associated with the implementation of projects identified in the three plans are not generally expected to be significant, park authorities shall be consulted, where appropriate, if construction is to occur in the vicinity of park or recreational facilities. The implementing agency and park authorities shall, where appropriate, jointly participate in project planning to include measures to reduce project-related impacts to park users, when possible.

B. For roadway construction projects that involving temporary lane or road closures, the implementing agency shall, where appropriate, post advance warning signs no more than 100 feet from the project site indicating when disruption would occur for a period of at least one week prior to project construction through the completion of construction, and provide clearly marked detours. During implementation of transportation system improvements that necessitate partial or total road closure, at least one lane shall, where appropriate, remain open to vehicles at all times, and/or alternative routes/detours around improvement areas with appropriate signage shall be provided, where appropriate.

RESULTING LEVEL OF SIGNIFICANCE

These measures could reduce potential impacts to a level of less than significant.

**Transportation Facilities Maintenance**

The development of new transportation facilities identified in the three plans could result in an increase in transportation system maintenance demands within the region.

**IMPACT 3.13.3: Increased Transportation System Maintenance.** The completion of transportation system improvement projects identified in the financially constrained Action Elements of the three plans would increase maintenance demands. Due to uncertainties regarding the availability of adequate maintenance staffing and equipment to address increased maintenance needs, this is considered a **potentially significant environmental impact**.

RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.13.3: Adequate Maintenance Funding**

The implementing agency shall, where appropriate, ensure that adequate funds are budgeted to maintain proposed transportation facilities as well as existing transportation facilities.

RESULTING LEVEL OF SIGNIFICANCE

With implementation of the proposed measure, impacts could be reduced to a level of less than significant.

## 3.14 RECREATION

### 3.14.1 SETTING

State parks within the Monterey Bay region include Castle Rock State Park, Big Basin Redwoods State Park, Henry Cowell Redwoods State Park, Wilder Ranch State Park, The Forest of Nisene Marks State Park, Natural Bridges State Beach, Lighthouse Field State Beach, Twin Lakes State Beach, New Brighton State Beach, Seacliff State Beach, Manresa State Beach, Sunset State Beach, Zmudowski State Beach, Moss Landing State Beach, Salinas River State Beach, Marina State Beach, Monterey State Beach, Asilomar State Beach, Carmel River State Beach, Point Lobos State Reserve, Garrapata State Park, Andrew Molera State Park, Pfeiffer Big Sur State Park, Julia Pfeiffer Burns State Park, John Little State Reserve, Limekiln State Park, the Hollister Hills State Vehicular Recreation Area, Fremont Peak State Park, the San Juan Bautista State Historical Park and the Monterey State Historical Park. Other large recreational areas include Toro Regional Park, Laguna Seca Recreation Area, the Lake San Antonio Recreation Area, Jack's Peak Regional Park, Royal Oaks Park, Pinto Lake County Park, Bolado Park, De Laveaga Park, Quail Hollow Ranch County Park, Garland Ranch Regional Park and the Loch Lomond Recreation Area. There are additional recreational opportunities at the Elkhorn Slough National Wildlife Refuge, the Pinnacles National Monument and Los Padres National Forest. In addition, there are a wide range of local parks and a number of conference centers/resorts located in the region.

### 3.14.2 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- An increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated; or
- The construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

#### Parks and Recreational Facilities

Implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would not be expected to result in any significant increase in the use of existing neighborhood and regional parks or other recreational facilities. A

number of projects identified in the financially constrained Action Elements of the three plans, such as the construction of bicycle paths and recreational trail improvements, would provide enhanced recreational opportunities in addition to transportation system improvements. Some of these projects may entail potentially significant environmental impacts, which are addressed within the context of the discussion of environmental impacts throughout this document.

### **Coastal Zone**

Some transportation system improvement projects located in the Coastal Zone could have the potential to disrupt coastal access by foot or bicycle, either temporarily during construction or permanently. Although this is not identified as a significant environmental impact under the criteria above, implementing agencies should ensure that access to coastal areas will be maintained during construction activity through the development and implementation of temporary access plans, and through the incorporation of site-specific design features that will enhance permanent coastal access.

## 3.15 TRANSPORTATION/TRAFFIC

### 3.15.1 SETTING

The existing transportation system in the region consists of a complex network of state and federal highways, local streets and roads, transit services, a series of bicycle paths and pedestrian walkways, railroad lines and a number of aviation facilities. Each of these types of transportation facilities contributes to the whole network.

#### Roadway Network

The roadway network within the region totals nearly 4,300 centerline miles. Approximately 171 centerline miles are classified in the MTP as “Freeway/Expressway”, 217 centerline miles as “Other Primary Arterial”, 329 centerline miles as “Minor Arterial”, 852 centerline miles as “Collector” and 2,842 centerline miles as “Local”. Of the regional centerline mileage, over half (53.3 percent) is under the jurisdiction of a County in the region, while approximately 21.8 percent is under the jurisdiction of a City within the region. An estimated 11.7 percent is under Caltrans jurisdiction, while the remainder is under various state and federal jurisdictions, as follows: California Department of Parks and recreation (9.2 percent); U.S. Forest Service (2.9 percent); Bureau of Land management (0.8 percent); National Park Service (0.2 percent); and the California Department of Forestry (0.1 percent).

Within the region, the designated routes in the national highway system are all state or federal highways (Highway 101 for its entire length through the region, Highway 156 from Highway 101 to Highway 1, and Highway 1 from Highway 17 in Santa Cruz to Highway 68 in Monterey). Vehicle travel served by these highways includes all trip lengths and trip purposes, ranging from external trips to and from the region, external trips traveling through the region (e.g. from San Jose to Los Angeles on Highway 101), and internal travel between points within the region.

The three counties and 18 incorporated cities within the region are responsible for an extensive network of city and County roads and highways. Major highway routes through the region include Highway 101 (a north-south route primarily serving Monterey County, and connecting through San Benito County and the San Jose/San Francisco Bay area), Highway 1 (which closely follows the Pacific coastline and is the single longest highway in the region, attracting substantial recreational/tourist traffic), Highway 17 (which connects Santa Cruz and the San Jose Area, carrying a high volume of both commuter and recreational traffic), Highway 68 and Highway 183 in Monterey County, Highway 25 and Highway 156 in San Benito County, and Highway 9 and Highway 129 in Santa Cruz County. These highways and other expressways, arterials and collectors not only serve local traffic, but provide access and mobility for trips beginning and/or ending outside the region. Detailed descriptions of each of the major roadways within the region are provided in the three plans.

## Transit Systems

Fixed-route transit service is provided in Monterey County by Monterey-Salinas Transit (MST), in San Benito County by the County Express and in Santa Cruz County by the Santa Cruz Metropolitan Transit District (METRO).

MST serves the Monterey Peninsula Cities of Carmel, Del Rey Oaks, Marina, Monterey, Pacific Grove, and Seaside, the City of Salinas, as well as the South County communities of Chualar, Gonzales, Soledad, Greenfield and King City. MST also provides public transit service in areas of unincorporated Monterey County, including the communities of Castroville, Pajaro, Prunedale, Moss Landing, Toro Park, Carmel Valley, Carmel Highlands and Big Sur. To assist inter-regional connections, MST serves the Watsonville Transit Center in Santa Cruz County as well as the Gilroy Caltrain Station in Santa Clara County. MST also operates several seasonal and special service routes, including the WAVE (Waterfront Area Visitors Express), which operates daily on the Monterey Peninsula during the May-September tourist season.

County Express operates five fixed routes within the City of Hollister. These routes operate between 6:30 a.m. and 6:30 p.m. and operate on headways ranging from 20 to 50 minutes. To improve mobility out of San Benito County, County Express also provides Intercounty service to the City of Gilroy. County Express meets the Caltrain commuter service that operates out of Gilroy, and serves the Greyhound Bus Station and Gavilan Community College.

METRO serves the cities of Capitola, Scotts Valley, Santa Cruz and Watsonville and unincorporated portions of Santa Cruz County. METRO operates a commuter express on Highway 17 between Santa Cruz and San Jose and began operating the AMTRAK Thruway feeder service between Santa Cruz and the San Jose Diridon Station in Spring, 2004. During the summer, METRO and the City of Santa Cruz operate a beach shuttle between downtown Santa Cruz and the Boardwalk. METRO routes meet those of the MST at the Watsonville transfer center.

In addition to scheduled public transit, paratransit and local transit systems provide demand-responsive service in the region, both within and beyond the service areas of the fixed schedule operators. These systems include: Monterey County's MST RIDES, Soledad Taxi, Greenfield Autolift and King City Transit; San Benito County's County Express; and Santa Cruz County's Lift Line (Community Bridges), American Red Cross, Volunteer Center, and METRO's ParaCruz. Lift Line provides transportation services for Elderday, the Stroke Center, Senior Dining Centers and the MultiPurpose Senior Services Program. Lift Line also contracts out some rides to private taxi operators. A detailed description of these services is provided in the three plans. These demand-responsive providers are vital in providing access and mobility to the region's transportation disadvantages, particularly in those areas of San Benito County and Monterey County which are not served by scheduled transit service.

Transportation and Parking Services at the University of California, Santa Cruz, also operates scheduled shuttle services on-campus, including integration with METRO campus service as well as

routes linking the main campus with other areas nearby (e.g., Long Marina Laboratory, Mission Street, etc.). At the California State University, Monterey Bay, a shuttle service is provided linking the CSUMB housing areas with the CSUMB main campus.

Greyhound Bus Lines, a private inter-city transit company, provides service along U.S. 101 between the cities of southern Monterey County and Salinas, and provides service between Monterey, the former Fort Ord, Salinas and San Jose. This firm also provides service between Santa Cruz and the San Francisco Bay Area.

### **Special Transportation Needs**

In Monterey County, the special transportation needs of seniors and persons with disabilities (or of those who do not, or cannot, otherwise operate a vehicle) are served through the MST RIDES program. These services operate in the urbanized areas of the Monterey Peninsula and in selected rural portions of Monterey County, supplemented by paratransit services using taxis. County Express provides wheelchair accessible demand-responsive transportation in northern San Benito County.

In Santa Cruz County, there are currently three private non-profit providers of specialized transportation services primarily responsible for providing essential transportation service to senior and disabled residents: Community Bridges' Lift Line, American Red Cross, and Volunteer Center. The Santa Cruz Metropolitan Transit District (METRO), which is responsible under the American with Disabilities Act to provide complementary paratransit service, contracts with Lift Line to provide this federal requirement. Lift Line also provides transportation services for Elderday, the Stroke Center, Senior Dining Centers and the MultiPurpose Senior Services Program.

Under federal Americans with Disabilities Act (ADA) guidelines, the mobility-impaired must either be provided with full access to established transit systems, or comparable service must be provided to all transit route destinations. Although local transit providers take the ADA requirements into account in developing plans and budgets, there is generally insufficient funding available to local transit operators to meet the growing demands of ADA mandated paratransit services.

### **Non-Motorized Travel Modes**

Non-motorized travel modes, such as walking and the use of bicycles, are used primarily for recreation, although a small proportion of work trips and other trips within the region utilize these modes. Despite generally mild weather, considerable level terrain and the presence of urban areas where many trips could be made without a motor vehicle, in the Monterey Bay region non-motorized transportation modes represent only a small fraction of the total number of work commute trips.

Many of the cities within the region (particularly the cities of Monterey, Santa Cruz and Capitola, as well as the University of California at Santa Cruz) and some unincorporated areas have designated

bicycle routes. Beyond the urbanized areas, however, the region is generally sparsely settled, and existing bicycle routes and lanes are characterized by poor continuity along the highway and street network which connects employment sites and residential areas. This constrains the use of bicycles for commute trips. Most bicycle routes in the region are local in nature, and are generally located within the boundaries of a single city or County, with few bicycle routes passing through two or more jurisdictions. Another impediment to bicycle travel is the limited availability of secure bicycle storage at transit terminals, bus stops, and in the vicinity of workplaces, although the Santa Cruz County Regional Transportation Commission has been promoting and providing bicycle storage lockers over the past several years.

## **Rail Network**

The rail network within the region includes all rail lines or other facilities currently served by a railroad for passenger or freight movement, rail lines used for recreational service, rail lines not currently in use, and abandoned rail lines or facilities (either with or without track). With the exception of Watsonville Junction, all of the region's active or abandoned rail lines are single track. Some of the abandoned rail lines have been converted to bicycle/pedestrian trail use.

All rail freight service in the region is provided by the Union Pacific Railroad Company. Agricultural produce and construction materials are the principal rail freight shipments in the region. Freight service is provided along the Coast Line, the rail line between Watsonville Junction and the City of Santa Cruz, the Davenport branch line and the Hollister spur.

Once a day, rail passenger service in the region is provided by Amtrak, with stops in Watsonville, Salinas and King City. Amtrak's service is limited to one "Coast Starlight" train in each direction per day, running between Seattle and Los Angeles. The Santa Cruz Big Trees and Pacific Railway Company is a private excursion rail passenger service operated on a nine-mile single track line from Santa Cruz to its current terminus at the Olympia station in the San Lorenzo Valley. The three plans include additional descriptions of regional rail lines.

## **Aviation System**

The region has six publicly-owned civil aviation airports: the Monterey Peninsula Airport; the Salinas Municipal Airport; the King City Municipal Airport (Mesa Del Rey); the Watsonville Municipal Airport; the Hollister Municipal Airport; and the Marina Municipal Airport. Of these airports, only the Monterey Peninsula Airport provides scheduled air carrier service. A brief description of the facilities at each of these airports can be found in the three plans.

In addition to the six publicly-owned airports, there are several private airports in the region. Of these, the San Ardo and Frazier Lake airports allow public use. The remainder of the privately-owned airports are used primarily for agricultural or business purposes.

Several civil aviation helipads are maintained for helicopter use in the region, including the Mee Hospital helipad in King City, a Texaco helipad in San Ardo, the Soledad Correctional Training Facility helipad, the Watsonville Community Hospital helipad, the Alta Vista helipad near Watsonville, the Dominican Hospital helipad, the Hollister Municipal Airport helipad, and the Hazel Hawkins Memorial Hospital helipad in Hollister.

Currently, there are two operational military airfields in the region: Camp Roberts Army Airfield and Heliport and the Hunter-Liggett Army Airfield.

### **Transportation Demand Management/Transportation System Management**

Transportation Demand Management (TDM) refers to all non-construction programs which are intended to reduce the number of trips required over the transportation network. Transportation System Management (TSM) represents a variety of management techniques designed to improve the efficiency and effectiveness of the transportation system. These techniques improve operations and/or services prior to building new capacity.

#### Traffic Congestion Management

The Department of Energy's (DOE) Fuel Efficient Traffic Signal Management (FETSIM) Program has assisted in increasing the number of synchronized traffic signals within the region to promote free flowing traffic conditions, less use of vehicle fuel and decreased pollution due to less congestion.

In the past, some jurisdictions within the region have implemented minor design improvements to the existing transportation infrastructure in lieu of costly capital construction or reconstruction. In the future, signalization, channelization and the construction of acceleration and deceleration lanes are expected to achieve traffic flow improvements.

#### Intermodal Transportation

As indicated in the 1994 MTP, traffic engineers and transportation planners in the region have employed one or more of the following methods of enhancing intermodality to increase the use of the existing transportation capacity:

- Coordinate transit routes and schedules with those of inter-city rail and bus service;
- Provide amenities and facilities for bicycle and pedestrian access to transit stops and terminals; and
- Facilitate and encourage access to the regional air carrier airport by HOV, paratransit, transit, taxi and bicycle.
- Provide park and ride facilities with bicycle, pedestrian and transit access amenities.

### High Occupancy Vehicles/Ridesharing

In an effort to encourage ridesharing, there are fifteen formal, informal and joint use park and ride lots in the Monterey Bay region. Santa Cruz County has two formal park and ride lots and four joint use lots. San Benito County has two formal park and ride lots, while Monterey County commuters have four formal park and ride lots from which to choose.

### Preferential Transit/Carpool Treatment

Methods employed by local jurisdictions to encourage people to reduce their use of single-occupant vehicles include: preferential parking for carpools and vanpools; subsidized transit passes; use of agency vans for vanpooling and provision of an on-site transportation coordinator. Regional transit agencies strive to ensure that the major developments within their service areas are transit accessible, and that transit stops are located to promote transit use.

### Parking Management

Employers and local governments can either provide an incentive or disincentive to single-occupant vehicle use through parking management. Within the region, several park-and-ride lots have been placed in locations where people can easily meet and form carpool trips. In an effort to encourage ridesharing, there are fifteen formal, informal and joint use park and ride lots in the Monterey Bay region. Santa Cruz County has two formal park and ride lots and four joint use lots. San Benito County has two formal park and ride lots, while Monterey County commuters have four formal park and ride lots from which to choose.

## **3.15.2 IMPACTS AND MITIGATION MEASURES**

### **THRESHOLDS OF SIGNIFICANCE**

Implementation of the three plans could have a significant environmental impact if it were to result in:

- An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);
- Exceeding (either individually or cumulatively) a level of service standard established by the County congestion management agency for designated roads or highways;
- A change in air traffic patterns (including either an increase in traffic levels or a change in location) that results in substantial safety risks;

- A substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Inadequate emergency access;
- Inadequate parking capacity; or
- A conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

### **Traffic Congestion (Operational)**

Implementation of any single roadway improvement project identified in the financially constrained Action Elements of the three plans could be expected to change existing volume-to-capacity ratios in some degree. In overall terms, the proposed improvements associated with implementation of the roadway projects identified in the financially constrained Action Elements of the three plans are likely to result both in improvements in existing volume-to-capacity ratios on some roadway segments, and a deterioration in existing volume-to-capacity ratios on other roadway segments. In some instances, completion of the proposed improvements would not significantly change the existing volume-to-capacity ratios. On the basis of modeling conducted during preparation of the 2005 MTP, it can be said that an increase in vehicle hours of travel by 2030 is inevitable on many of the region's roadways, regardless of whether or not the Action Elements of the three plans are fully implemented, but that failure to implement the Action Element projects would result in an increase in vehicle hours of delay.

As indicated in Table III-9 of the DRAFT 2005 Monterey Bay Metropolitan Transportation Plan (summarized below), vehicle hours of delay on freeways, multilane roadways and two-lane roadways within the region are expected to increase between 2000 and 2030, even with implementation of the transportation system improvements identified in the three plans:

	2000	2030 (with projects)	2030 (No Build)
Hours of AM Peak Hour Delay	9,879	18,425	19,850
Hours of PM Peak Hour Delay	12,021	22,337	23,981
Hours of Off-Peak Delay	37,022	71,286	78,347
Total Hours of Delay	58,922	112,048	121,178

The total hours of delay are projected to increase by 53,126 between 2000 and 2030 with the implementation of the transportation system improvement projects identified in the three plans, an increase of approximately 90 percent. However, in the absence of these projects (No Build), the total hours of delay are projected to increase by 62,256 during this period, more than doubling the year 2000 total hours of delay.

**IMPACT 3.15.1: Deterioration in Traffic Operations.** Although they would likely reduce regional traffic congestion, implementation of some projects identified in the financially constrained Action Elements of the three plans could result in localized traffic congestion. Several airport, rail station, and park and ride lot projects are included in the three plans. These projects are intended to relieve regional traffic congestion through multi-modal transportation facilities. However, these facilities would act as focal points for automobiles, since their purpose is to concentrate automobile trips at transfer nodes. Because of this concentration, there could be localized traffic congestion near these facilities. This could represent a **potentially significant environmental impact** associated with this type of project.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.15.1: Project-Specific Traffic Studies/Mitigation**

A. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, design such projects so that impacts are reduced or eliminated. Project-specific mitigation should provide a range of mitigation options, including (but not limited to) the following:

- Reduction in project size;
- Relocation of project route or alignment;
- Modification of project to provide additional lane capacity;
- Modification of project to provide additional turning lanes;
- Provision of additional transit services in lieu of, or in addition to, roadway capacity increases;
- Designation of Peak Hour HOV lanes in lieu of mixed-flow lanes;
- Additional carpool and vanpool incentives;
- Expanded intermodal transportation facilities, including secure bicycle parking, bicycle carriers on buses, and Park & Ride lots; and
- Use of Transportation Demand Management (TDM) measures to reduce traffic demand instead of increasing roadway capacity.

B. If physical changes to such projects are not feasible due to physical, economic, technological or other constraints, the implementing agencies may be required to pay in lieu traffic mitigation fees such that roadways and/or intersections affected by these projects maintain acceptable levels of service.

C. Implementing agencies that propose transportation system improvement projects that are demonstrated to significantly impact local roadways shall, where appropriate, incorporate facilities that encourage the use of alternative forms of transportation (e.g., provision of bike storage facilities,

pedestrian facilities, etc.) into the design of the projects, as feasible. In addition, such facilities shall, where appropriate, provide additional carpool or vanpool incentives, as feasible.

#### RESULTING LEVEL OF SIGNIFICANCE

Depending on the outcome of project-specific traffic analysis, implementation of some combination of these and/or other traffic mitigations could be expected to reduce this impact to a level of less than significant in most cases. However, in a few instances, such mitigation may not be feasible, and impacts could be expected to remain **significant and unavoidable**.

#### **Construction-Related Traffic Congestion**

During construction associated with transportation system improvement projects identified in the three plans, short-term traffic impacts may occur due to lane closures, equipment maneuvering and rerouting. This could affect vehicle, bicycle and pedestrian traffic.

#### **IMPACT 3.15.2: Temporary Increase in Traffic Congestion during Construction.**

Construction associated with the implementation of some transportation system improvement projects identified in the financially constrained Action Elements of the three plans could be expected to result in temporary lane closures, equipment maneuvering and rerouting, which could result in temporary traffic congestion and other access restrictions that could disrupt existing homes, businesses and pedestrian, bicycle and transit routes. This could represent a **potentially significant environmental impact**.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.15.2: Development of Detour and Access Plans**

Implementing agencies shall, where appropriate, ensure that transportation system improvement projects that could affect traffic flow and access prepare detour and access plans, subject to review and approval by the permitting agency. In addition, signs and safety measures shall be installed during construction, where appropriate, to ensure continued safe access for affected cyclists, pedestrians, businesses and homes.

#### RESULTING LEVEL OF SIGNIFICANCE

The implementation of this mitigation measure could reduce potential impacts to a level of less than significant in most instances, although in a few cases these impacts could remain **significant and unavoidable**.

#### **Induced Traffic**

The transportation and academic literature define “induced vehicle miles traveled (VMT)” as vehicle activity resulting from new trip generation as a response to new roadway capacity (i.e., an individual

will make more vehicle trips after highway capacity is expanded). This concept assumes a latent demand for roadway capacity that is not accommodated by existing roadways (i.e., individuals that would otherwise utilize roadways instead travel at non-peak commute times, on other routes, or on other modes, such as public transit). Traffic related to new growth (increase in jobs, housing or population) is not considered induced travel activity, since associated increases in vehicle trips are not generated as a result of roadway capacity expansion. Trips generated as a result of socioeconomic growth can be adequately addressed through current travel demand modeling and air quality modeling. These impacts are addressed in the travel forecasts of the three plans and the general plans of the three counties and cities within the region.

Time-of-day and route diversion do not typically result in a net increase in vehicle activity when viewed from a regional perspective. Rather, such diversions would concentrate trips on expanded roadways and at peak commute times, in turn relieving traffic congestion on alternate routes at alternate times. However, diversion from other modes would be expected to increase vehicle activity, as commuters take advantage of the increased roadway capacity by switching from public transportation or other commute alternatives to individual vehicles. Diversion from other modes would also be expected to increase vehicle trips on local roads. However, it is assumed that if the diversion from other modes would result in a magnitude of trips that created congestion of roadways, trips would be diverted back to alternative modes, times and routes. In addition, the three plans identify several projects that promote the use of transportation alternatives to single-occupancy vehicles. It is assumed that, on balance, implementation of the three plans would increase transit ridership and the utilization of other commute alternatives, and would, accordingly, reduce the number of daily vehicle trips within the region. Therefore, implementation of the three plans would result in less than significant impacts related to induced VMT.

## **Aviation**

Implementation of the aviation-related improvement projects identified in the financially constrained Action Elements of the three plans is intended to accommodate projected growth in regional air traffic. This projected growth in regional air traffic would not represent a change produced by the three plans, but would occur as a result of population growth within the region even without such projects. These projects would generally not be expected to result in any significant changes in air traffic patterns which would result in substantial safety risks.

## **Design Hazards**

The three plans identify a number of projects that would involve roadway improvements, widenings, realignments and/or extensions. In the absence of project-specific designs, it is possible that some of these projects could incorporate hazardous design features (e.g., sharp curves, dangerous intersections, etc.).

**IMPACT 3.15.3: Hazardous Design Features.** Although some projects identified in the three plans are aimed at reducing existing hazardous features, in the absence of project-specific designs, it is possible that some of the transportation system improvement projects identified in the financially

constrained Action Elements of the three plans might incorporate design features which could result in a substantial increase in hazards (e.g., sharp curves or dangerous intersections). As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to create such hazards. This could represent a **potentially significant environmental impact** associated with these types of projects.

RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.15.3: Project-Specific Safety Review/Mitigation**

As part of the environmental review for each proposed project identified in the financially constrained Action Elements of the three plans, a comprehensive safety analysis should be conducted by the implementing agency to ensure that implementation of the project as proposed would not result in any significant increase in hazards. If potential project-related hazards are identified, appropriate mitigation should be implemented to reduce or eliminate the potentially hazardous situation as part of the project design process. This may involve realignment, redesign or reconfiguration of roadway improvements.

RESULTING LEVEL OF SIGNIFICANCE

This measure could generally be expected to reduce potential hazards associated with the design of specific transportation system improvement projects to a level of less than significant.

**Emergency Access**

**IMPACT 3.15.4: Temporary Interference with Emergency Access.** Proposed roadway construction and other transportation system improvement projects identified in the financially constrained Action Elements of the three plans could temporarily interrupt traffic, and could impede emergency access in some instances. Emergency response vehicles could be delayed as a result of proposed construction activities. A review of the projects currently listed in the financially constrained Action Elements of the three plans failed to identify any project which would definitely interfere with emergency access. However, as the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to interfere with emergency access. This could represent a **potentially significant environmental impact** associated with these types of projects.

RECOMMENDED MITIGATION MEASURE

**MITIGATION MEASURE 3.15.4: Notification/Designated Detours**

Emergency access to major critical transportation facilities (e.g., state or federal highway) or other critical facilities (e.g., hospitals, fire stations, etc.) should not be disrupted without first coordinating with the appropriate County Office of Emergency Preparedness. Prior to construction, the appropriate agency responsible for the actual implementation of each individual project listed in the

financially constrained Action Elements of the three plans should notify all public safety agencies and affected property owners of any pending road construction activities and road closures. Detours should be designated and adequate access and circulation provided at construction sites to permit emergency vehicles to safely and effectively navigate in these areas, even during construction activity.

#### RESULTING LEVEL OF SIGNIFICANCE

The implementation of these measures could reduce the impact to a level of less than significant.

#### **Parking**

**IMPACT 3.15.5: Insufficient Parking Capacity.** In the absence of project-specific designs, it is possible that some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans might not provide sufficient parking capacity to meet anticipated demand. The types of project which might involve such impacts may include (but are not necessarily limited to) the construction of new transit facilities. This could represent a **potentially significant environmental impact** associated with these types of projects.

#### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.15.5: Project-Specific Parking Review/Mitigation**

As part of the environmental review for each project identified in the financially constrained Action Elements of the three plans which will generate a demand for parking, a parking analysis should be conducted by the appropriate agency responsible for the actual implementation of such projects to ensure that implementation of the project as proposed would not result in any significant lack of parking space. If potential project-related parking insufficiencies are identified, then appropriate mitigation (e.g., preferential parking for carpools, for-fee parking space, implementation of trip reduction programs, incorporation of transit-oriented features, incorporation of bicycle-friendly and pedestrian-friendly features, etc.) should be implemented to provide adequate project-related parking space as part of the project design process.

#### RESULTING LEVEL OF SIGNIFICANCE

This measure could generally be expected to reduce potential shortfalls in parking space associated with the design of specific transportation system improvement projects to a level of less than significant.

#### **Alternative Modes of Transportation**

Implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would generally be consistent with (and not in conflict with) the adopted policies, plans or programs of jurisdictions within Monterey, San Benito and Santa Cruz counties which support alternative transportation modes.

## 3.16 UTILITIES AND SERVICE SYSTEMS

### 3.16.1 SETTING

Public utilities and service systems include water supply, wastewater treatment, storm drainage and solid waste. Public utilities are provided primarily for environmental management purposes, whereas public services such as fire and police protection services, schools and parks, are generally provided for social purposes (see discussion under Section 3.13 **PUBLIC SERVICES**, above).

The Monterey Bay area incorporates a full range of public utilities serving the urban and agricultural areas of the three counties, including water, wastewater, storm drainage and solid waste facilities. Major water agencies include the Monterey Peninsula Water Management District (MPWMD), the Monterey County Water Resources Agency (MCWRA), the Pajaro Valley Water Management Agency, (PVWMA), San Benito County Water District, San Lorenzo Valley Water District (SLVWD), and the City of Santa Cruz Water Department. There are also a few other smaller water providers.

The supply of water could potentially constrain growth in the region, particularly in the Monterey Peninsula area, the Salinas Valley area, and Northern Monterey County, and may also constrain growth in Santa Cruz County. For example, environmental and property rights concerns have required the MPWMD to reduce the amount of water withdrawn from the Carmel River system (both groundwater and surface water). Within the Salinas Valley, overdraft of groundwater has resulted in saltwater intrusion into the valley, especially in the North County area. The North County area is the subject of special remedial and investigative activities, which have identified nitrate contamination from both urban and agricultural activities, resulting in the need for implementation of a Basin Management Plan to achieve a water balance in the area.

Wastewater capacity has also been a concern within some of the Salinas Valley cities, and in the large service area of the Monterey Regional Water Pollution Control Agency (MRWPCA) which encompasses most of the Monterey Peninsula, Salinas and Castroville. However, the MRWPCA has expansion and funding plans in place to accommodate growth as it becomes necessary. AMBAG's analysis of potential constraints to population growth (see Table 3 on page 8 of AMBAG's 1997 Regional Population and Employment Forecast for Monterey, San Benito and Santa Cruz Counties, Final Report, November 12, 1997) indicates that the earliest possible year in which some areas (San Benito County and those portions of Santa Cruz County beyond the City of Santa Cruz) would be expected to face landfill capacity constraints is 2015, when new facilities or expansions may be required. All other areas within the region (Monterey County and the City of Santa Cruz) would not be expected to experience any landfill capacity constraints until 2020 or beyond.

The operations and effectiveness of the utility services in the region may depend upon the ability of each entity to respond to new demands from growth and development in their respective jurisdictions. Each utility is responsible for providing new capacity, facilities, personnel and

administrative support to meet the demands of growing communities, and for obtaining adequate public funding for their services.

## **3.16.2 IMPACTS AND MITIGATION MEASURES**

### **THRESHOLDS OF SIGNIFICANCE**

Implementation of the three plans could have a significant environmental impact if it were to result in:

- Exceeding wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- The construction of new water or wastewater treatment facilities (or the expansion of existing facilities) which could cause significant environmental effects;
- The construction of new storm water drainage facilities (or the expansion of existing facilities) which could cause significant environmental effects;
- The need for new or expanded entitlements to water supply resources;
- A determination by the wastewater treatment provider which serves (or may serve) the project that it would not have adequate capacity to serve the project's anticipated demand in addition to the provider's existing commitments;
- Development which could not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- Non-compliance with federal, state, and local statutes and regulations related to solid waste.

### **Wastewater Treatment Capacity**

Implementation of the three plans would not result in any significant increase in the regional demand for additional wastewater treatment.

### **Water Supply**

The construction and maintenance of some transportation system improvement projects identified in the financially constrained Action Elements of the three plans could incrementally increase the demand for water within the region (see **IMPACT 3.8.2: Depletion of Groundwater Supplies and Interference with Groundwater Recharge** and **MITIGATION MEASURE 3.8.2: Reduce Water Demand/Increase Permeability** in Section 3.8. **HYDROLOGY AND WATER QUALITY** above).

## **Landfill Capacity**

Implementation of the three plans would not place any significant additional demands on the existing landfill capacity within the region.

## **Storm Drainage**

Some of the projects identified in the financially constrained Action Elements of the three plans would require project-related storm drainage improvements which could entail significant environmental impacts (see **IMPACT 3.8.3: Increased Impervious Surface/Storm Water Runoff** and **MITIGATION MEASURE 3.8.3: Evaluation/Design/Permitting** in Section 3.8. **HYDROLOGY AND WATER QUALITY**, above).

## **Construction-Related Disruption of Utility Services**

During construction on some projects, some disruption in utility service may be anticipated.

**IMPACT 3.16.1: Temporary Disruption of Utility Services/Installation.** Proposed roadway construction and other transportation system improvement projects identified in the financially constrained Action Elements of the three plans could result in short-term, temporary disruption of utility services and/or could conflict with planned utility installation. Construction activities could disrupt services through both accidental and scheduled interruption of services. In addition, utility installation could disrupt newly constructed or resurfaced roadways if not properly coordinated between the agency responsible for the implementation of the proposed transportation system improvement and the local public works department or utility provider. As the physical characteristics of each project become more clearly defined, it is possible that some of these projects may be found to have the potential to disrupt utility services. These disruptions could represent **potentially significant environmental impacts** associated with these types of projects.

### RECOMMENDED MITIGATION MEASURE

#### **MITIGATION MEASURE 3.16.1: Consultation/Notice/USA**

Prior to construction, the appropriate agency responsible for the actual implementation of individual projects should consult with affected utility companies to ensure adequate protection of all existing utilities. Advance notice should be given to affected residents and businesses of any scheduled utility disruption. Underground Service Alert (USA) should be contacted at least one week prior to the initiation of any construction activities, to allow utility companies and affected agencies adequate response time.

### RESULTING LEVEL OF SIGNIFICANCE

Implementation of these measures could reduce these impacts to a level of less than significant.

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# ALTERNATIVES

## 4.1 INTRODUCTION

The California Environmental Quality Act (CEQA, 1970, as amended, Section 15126.6) requires an EIR to include a discussion of a reasonable range of alternatives to the proposed project. CEQA also requires that the EIR specifically address a “no project” alternative within this discussion, and that the “environmentally superior” alternative be identified (Section 15126.6 [e]). Where the “no project” alternative identified as the “environmentally superior” alternative, another alternative which would represent the “environmentally superior” alternative in the absence of the “no project” alternative should then be identified.

Three alternatives to the three plans (each “Financially Constrained”) are described and considered in this EIR. In this document, the “No Build” alternative represents a scenario in which no new construction on transportation system improvement projects would take place in the absence of the three plans, although maintenance of the existing transportation infrastructure would continue. The “Financially Unconstrained” alternative represents a more extensive range of transportation system improvements than anticipated under the three plans, since it would encompass all of the transportation system improvement programs and projects identified in the financially constrained Action Elements of the three plans, as well as all of the transportation system improvement programs and projects identified in the Financially Unconstrained Project Lists of the three plans. A third alternative represents the “Financially Constrained” projects that would be listed in the event that new local revenue sources, like funds generated by new local sales tax measures in Monterey and Santa Cruz Counties, do not realize future funding.

It should be recognized that the range of possible alternatives to the three plans is limited only by the human imagination. CEQA does not require the evaluation of all possible alternatives, but does require the evaluation of a range of reasonable alternatives. The alternatives selected by the Lead Agency for evaluation in the EIR were chosen to maintain consistency with the previous evaluation of alternatives presented in previous EIRs on earlier versions of the MTP, MC-RTP and SCC-RTP. The “No Build” alternative was selected because a discussion of the “No Project” alternative is mandated by CEQA, the “Financially Unconstrained” alternative was selected because the specific transportation system improvement projects and programs associated with it can be clearly identified by combining the project listings established in the three plans (see **Appendix B** and **Appendix C**), and the “Financially Constrained.- No New Revenue Sources” alternative was selected to realize the

possibility that future revenues, like sales tax measures in Monterey and Santa Cruz Counties, may not materialize.

In preparing earlier EIRs on their respective Regional Transportation Plans, each of the three Counties evaluated a different range of alternatives:

- The Program EIR on the 2002 Regional Transportation Plan prepared for the Transportation Agency for Monterey County (EMC Planning Group Inc., February 2002) evaluated a financially constrained alternative (since the “Project”, in this instance included all transportation system improvement project identified in the 2002 RTP, regardless of the availability of funding) and a no project alternative (which would continue 1994 RTP policies and projects). This document does not identify a specific alternative as the “environmentally superior” alternative, but indicates that elements of each alternative would be environmentally superior or environmentally inferior to the same elements of the other alternatives.
- The Draft EIR for the San Benito County 2001 Regional Transportation Plan (Denise Duffy & Associates, Inc., December 2001) evaluated a No Project alternative (with none of the transportation policies or improvements identified in the RTP implemented after 2001), two Growth Alternatives (one that would limit growth to the north County area, and another that would consolidate growth around commuter rail stations that might be built between Hollister and the State Route 156 Bypass), and a Reduced Project alternative (which would eliminate new roadway projects identified in the 2001 RTP that would cut through prime farmland). This document indicates that there is no clearly superior alternative that would both avoid environmental impacts and meet the project’s basic objectives.
- The EIR for the 2001 Regional Transportation Plan prepared for the Santa Cruz County Regional Transportation Commission (Rincon Consulting, Inc., October 2001) evaluated an Agency Preferred Alternative (that would involve implementation of financially constrained 2001 RTP projects only, since the “Project”, in this instance included all transportation system improvement projects identified in the 2001 RTP, regardless of the availability of funding), a Modified Project Alternative (which would eliminate individual projects identified in the 2001 RTP that would have unavoidable environmental impacts), a Programmed Project Alternative (under which only currently funded improvements would be completed), and a No Project Alternative (with no new transportation system improvements). The No Project Alternative was identified as “environmentally superior overall, with the Project identified as the superior alternative from the standpoint of addressing countywide traffic and traffic safety issues.

In the Draft Supplemental EIR on the Monterey Bay Area Metropolitan Transportation Plan – 2002, the alternatives evaluated were the “No Build” alternative and the “Financially Unconstrained” alternative, selected by the Lead Agency and its partners.

## 4.2 THE “NO BUILD” ALTERNATIVE

Under the “No Build” alternative, the existing transportation system within the region would be maintained. This alternative would include the implementation of only those programs and projects identified in the financially constrained Action Elements of the three plans that are designed to preserve existing transportation facilities and/or intended to aid in meeting regional transportation needs through more effective use of existing facilities. Such programs and projects are designed to maintain, rehabilitate, restore and replace obsolete or unsafe facilities, but are not intended to increase system capacity or modify service levels and/or operating characteristics (although these effects could possibly result as incidental to such programs and projects). Currently budgeted and scheduled replacement of transit equipment and facilities would occur to maintain existing levels of transit service. Road, bicycle and pedestrian facility rehabilitation and maintenance efforts would continue, and adopted trip reduction and traffic control programs would be put in place. Growth within the region would be consistent with that anticipated in the AMBAG population and employment forecasts and current general plans of local jurisdictions within the Monterey Bay area. The “No Build” alternative assumes that no transportation system improvement programs or projects not already functional (such as new roads, roadway extensions, roadway widenings, expanded transit service or trip reduction strategies or new and/or expanded bicycle/pedestrian facilities) would be initiated. Although the maintenance of the existing transportation system would continue within the limits of existing State, county and city budget frameworks, the construction of additional facilities (e.g., bridge replacements) would generally have to be deferred until warranted by emergency conditions.

### **Aesthetics**

In the absence of any new transportation system improvement projects within the region, the existing visual character of areas which might otherwise be affected by construction associated with such improvements would be maintained undisturbed. No scenic vistas would be affected by this alternative, and no damage to scenic resources would be anticipated. Under the “No Build” alternative, there would be no substantial increase in existing levels of light or glare.

### **Agriculture Resources**

The “No Build” alternative would avoid potential impacts associated with the conversion of land currently in agricultural use to transportation-related uses. No conflicts with existing zoning regulations intended to protect agricultural operations would be anticipated, and no cancellation of active Williamson Act contracts would be required. Providing basic maintenance for the existing transportation system within the region would not be expected to have any adverse effects which could fragment acreage currently in agricultural use or jeopardize the viability of current agricultural operations.

## Air Quality

In the absence of any transportation system improvement projects involving significant construction activity, there would be no construction-related air quality impacts associated with the “No Build” alternative. However, with additional population growth within the region, the volume of traffic on the existing transportation system could be expected to increase. In the absence of any increase in existing transportation system capacity, this could be expected to result in increased congestion and potentially significant adverse air quality effects. If congestion at individual intersections were to worsen significantly, it is possible that there could also be a significant increase in carbon monoxide levels in the vicinity of those intersections, which would represent a potentially significant impact associated with the “No Build” alternative.

## Biological Resources

With no new construction, there would be no potentially significant effects on habitats, riparian areas/wetlands or wildlife migration corridors under the “No Build” alternative. There would be no risk of conflict with local policies or ordinances intended to protect biological resources, or with any habitat conservation plans.

## Cultural Resources

The “No Build” alternative would not place any cultural resources at risk, since it would generally provide for the maintenance of the existing transportation system, and would not entail new construction in areas where archaeological, paleontological or historical resources could be found.

## Geology and Soils

With no new construction proposed under this alternative, there would be no increased risk of exposure to geologic hazards such as earthquake fault rupture, strong seismic shaking, seismic-related ground failures or landslides. Under the “No Build” alternative, no new structures would be built on soils identified as unstable. Although some erosion might result from routine transportation system maintenance, this would be minimal when compared to the erosion which would be associated with major construction projects.

## Hazards and Hazardous Materials

The “No Build” alternative would not be expected to result in any significant increase in the existing risk of exposure to hazardous materials within the region, and there would be no construction of any transportation system improvements on sites where hazardous materials might be present. Although no new roadway projects would entail the potential for increasing safety hazards through flawed design, existing safety hazards associated with the current roadway network would not be corrected under this alternative. Implementation of the “No Build” alternative would not result in any interference with existing emergency response plans or emergency evacuation plans, and would

have no effect on the existing level of wildland fire hazards in those portions of the region which are currently exposed to such hazards.

### **Hydrology and Water Quality**

There would be no anticipated changes in current drainage and groundwater recharge patterns under the “No Build” alternative, since existing structures and facilities would be maintained in place, and no additional demand for landscape irrigation would be anticipated. In the absence of major construction activity, this alternative would not be expected to result in any violation of existing water quality standards. No new structures would be placed within a 100-year flood hazard area or any areas that might be subject to tsunami, and there would be no anticipated increase in flood hazards within the region which could be attributed to this alternative.

### **Land Use and Planning**

The “No Build” alternative would result in very limited changes in existing land use patterns, but in the absence of new transportation system improvement projects, circulation within the Monterey Bay region could be expected to become increasingly constrained. This alternative would essentially be inconsistent with the existing General Plans of each of the three Counties within the region, since transportation deficiencies which have been identified in these Plans would not be remedied. Since the “No Build” alternative would not result in the implementation of projects or programs which have been identified in the Regional Transportation Plans of the three Counties, it would be inconsistent with all of them. With no major construction activity proposed, this alternative would not be expected to result in the physical division of any established community. Although no new conflicts with existing land uses would be anticipated under the “No Build” alternative, no new transportation system improvement projects that might have the potential to reduce existing land use conflicts would be initiated.

### **Mineral Resources**

There would be no anticipated effects on mineral resources within the region under the “No Build” alternative.

### **Noise**

In the absence of major construction activity under the “No Build” alternative, there would be no significant construction-related noise or vibration impacts. Although the volume of traffic on some roadway segments within the region could be expected to increase, the related increase in noise levels would generally not be expected to be considered significant. There would be no anticipated change in the noise levels associated with rail operations or aviation facilities under this alternative, since no rail or aviation system improvements intended to expand existing facilities would be made.

## **Population and Housing**

The “No Build” alternative would not increase transportation system capacity, and would not induce any population growth within the region, either directly or indirectly. Since it would not involve any major new construction, this alternative would not be expected to displace any people, existing housing units or existing businesses.

## **Public Services**

With the maintenance of the existing regional transportation system and no projects to increase system capacity, there would be no increase in demand for public services resulting from implementation of the “No Build” alternative. In the absence of construction activity, there would not be any anticipated impacts related to temporary access obstructions at schools, parks or recreational facilities under this alternative. Under this alternative, the level of effort required to maintain the existing transportation system could be expected to increase somewhat as the use of the existing facilities increases in the absence of any capacity increase in the system.

## **Recreation**

While the “No Build” alternative would not have any significant adverse effects on existing parks and recreational facilities within the region, the absence of any new transportation improvement projects would eliminate the possibility of enhancing transportation-related recreational opportunities for area residents (i.e., through the construction of new or expanded bicycle routes or pedestrian trails).

## **Transportation/Traffic**

Traffic volumes and congestion would be expected to worsen within the region in proportion to anticipated population growth under the “No Build” alternative, exacerbating existing transportation system problems and creating new ones. In the context of cumulative projected residential and employment growth, segments of roadways which currently experience high traffic volumes could be expected to experience substantial additional traffic, which would not be accommodated by any expansion in capacity. The existing discontinuity in bicycle routes would be maintained under the “No Build” alternative, and could limit growth in bicycling as a commute alternative. Under this alternative, no new pedestrian-oriented projects would be completed, transit services would not receive the funding necessary to expand, and there would be no new rail services within the region. Existing aviation facilities would come under greater pressure in the absence of projects intended to improve or expand them, although any shortfalls in aviation services would occur as a result of cumulative population growth within the region, and not directly as a result of the “No Build” alternative.

Under this alternative, in the absence of construction, there would be no temporary diversion of traffic which could increase congestion and no potential interference with emergency access in the vicinity of construction sites. Although no new roadway projects would entail the potential for increasing safety hazards through flawed design, existing safety hazards associated with the current roadway network would not be corrected under this alternative. The “No Build” alternative would not involve the construction of any new transportation system improvement projects where parking demand might be an issue.

### **Utilities and Service Systems**

The “No Build” alternative would not be expected to result in any significant effects on the existing wastewater treatment capacity, storm drainage systems, water supply systems or solid waste disposal facilities within the region. In the absence of construction activity, this alternative would not be expected to result in any construction-related disruption of utility service.

## **4.3 THE “FINANCIALLY UNCONSTRAINED” ALTERNATIVE**

The “Financially Unconstrained” alternative represents all of the transportation system improvement programs and projects that are included in the financially constrained Action Elements of the three plans, whether or not the funding for these programs and project is likely to become available. The transportation system improvements which comprise the “Financially Unconstrained” alternative include all of the programs and projects which were listed in the financially constrained Action Elements of the three plans (see **Appendix B**) and all of the programs and projects identified in the Financially Unconstrained Project Lists of the three plans (see **Appendix C**). The “Financially Unconstrained” alternative supports the goals and strategies of the three plans.

AMBAG, SCCRTC and TAMC recognize that the “Financially Unconstrained” alternative may be desirable, but is economically hypothetical. The “Financially Unconstrained” alternative identifies additional programs and projects which could only be implemented if additional financial resources were to be obtained.

### **Aesthetics**

With a greater level of construction activity than would be anticipated under the financially constrained Action Elements of the three plans, the “Financially Unconstrained” alternative would entail greater potential to affect scenic vistas, visual resources and visual character within the region adversely, and some projects may entail **significant and unavoidable** impacts even after mitigation. The “Financially Unconstrained” alternative would also be expected to have greater light and glare impacts than those which might be associated with the projects identified in the financially constrained Action Elements of the three plans, although the application of the identified mitigation measures could be expected to reduce these impacts to a level of less than significant.

## Agriculture Resources

Completion of all of the transportation system improvement projects associated with the “Financially Unconstrained” alternative would be likely to result in additional, more extensive conversion of land now in agricultural uses to roadways or other transportation uses, relative to the projects associated with the financially constrained Action Elements of the three plans. With an increased number of transportation system improvement projects proposed, this alternative would also entail increased potential for conflicts with existing Williamson Act contracts and zoning intended to protect agricultural lands. The “Financially Unconstrained” alternative would have the potential to fragment more acreage currently in agricultural use and to jeopardize the viability of current agricultural operations to a greater extent than would be expected under the financially constrained Action Elements of the three plans. For some projects, impacts related to agricultural resources could remain **significant and unavoidable** even after the implementation of identified mitigation measures.

## Air Quality

With additional transportation system improvement projects proposed under the “Financially Unconstrained” alternative, it is likely that there would be more temporary construction-related air quality impacts anticipated than would be associated with those projects identified in the financially constrained Action Elements of the three plans. Additional roadway improvement projects might increase the likelihood of creating some adverse project-specific carbon monoxide impacts at a local level.

## Biological Resources

Although project-specific effects on biological resources would still require evaluation during project-level environmental review, with an increased number of transportation system improvement projects proposed, the “Financially Unconstrained” alternative might be expected to entail increased potentially significant effects on habitats, riparian areas/wetlands and wildlife migration corridors relative to the implementation of those projects identified in the financially constrained Action Elements of the three plans. The larger number of projects proposed under this alternative could also increase the risk of conflict with local policies or ordinances intended to protect biological resources, or conflicts with existing habitat conservation plans. For some projects, impacts related to biological resources could remain **significant and unavoidable** even after the implementation of identified mitigation measures.

## Cultural Resources

The increased level of construction associated with this alternative might be expected to have a potentially greater effect on regional archaeological, paleontological and/or historical resources than would be the case with the implementation of the projects identified in the financially constrained

Action Elements of the three plans alone, although implementation of the identified mitigation measures would be expected to reduce these impacts to a level of less than significant.

### **Geology and Soils**

With more transportation system improvement projects to be completed within a region which is already subject to geotechnical hazards, under the “Financially Unconstrained” alternative there might be an increased risk of exposure to geologic hazards such as earthquake fault rupture, strong seismic shaking, seismic-related ground failures or landslides relative to the risk associated with implementation of the projects identified in the financially constrained Action Elements of the three plans. Under this alternative, transportation system improvement projects may be proposed on soils identified as unstable. Increased construction activity could also be expected to result in increased erosion under this alternative. The implementation of the identified mitigation measures would be expected to reduce these impacts to a level of less than significant.

### **Hazards and Hazardous Materials**

The “Financially Unconstrained” alternative could be expected to result in the construction of transportation system improvement projects on more sites where hazardous materials might be present than would be the case under the financially constrained Action Elements of the three plans. With more roadway projects, the potential for increasing safety hazards through flawed design would also be higher under this alternative. These impacts could be reduced to a level of less than significant through the implementation of the identified mitigation measures. The “Financially Unconstrained” alternative would not result in any interference with existing emergency response plans or emergency evacuation plans, and would not be expected to have any significant effect on the existing level of wildland fire hazards in those portions of the region which are already subject to such hazards.

### **Hydrology and Water Quality**

The “Financially Unconstrained” alternative could be expected to entail greater changes in current drainage and groundwater recharge patterns than those which might be associated with the implementation of the projects identified in the financially constrained Action Elements of the three plans, due to the increased level of construction which would be anticipated. More construction activity could create an increased potential for possible construction-related violations of existing water quality standards relative to implementation of the projects listed in the financially constrained Action Elements of the three plans. For some projects, environmental effects associated with an increase in impervious surfaces may prove **significant and unavoidable**, and there would be more of these projects under the “Financially Unconstrained” alternative than under the financially constrained Action Elements of the three plans. More new structures might be placed within a 100-year flood hazard area or in areas that might be subject to tsunami than under the financially constrained Action Elements of the three plans, and implementation of the some of the projects identified in the “Financially Unconstrained” alternative could also result in an increase in flood

hazards (although both of these impacts could be reduced to a level of less than significant through implementation of the identified mitigation measures).

### **Land Use and Planning**

Implementation of the additional transportation system improvement programs and projects of the “Financially Unconstrained” alternative would result in a regional transportation system with greater capacity and an increased ability to accommodate projected growth and anticipated changes in land use. These additional improvements would be expected to ease traffic congestion in the region to a greater extent than would be possible with the implementation of the projects listed in the financially constrained Action Elements of the three plans. The three plans, with the implementation of the financially constrained Action Element projects, and the “Financially Unconstrained” alternative would basically support the goals and strategies of the three plans, and this alternative would be generally consistent with the General Plans of jurisdictions within the region, with the Congestion Management Plans of the Counties of Monterey and Santa Cruz, and with the Regional Transportation Plans of each of the three counties which make up the Monterey Bay region. Implementation of some of the transportation system improvement projects identified in the “Financially Unconstrained” alternative may divide areas currently supporting agricultural operations, but none would result in the physical division of established residential areas. With more projects, the likelihood of a specific project coming into conflict with local plans, policies and regulations would be greater than anticipated under the financially constrained Action Elements of the three plans. Generally, these potential impacts could be reduced to a level of less than significant through changes in project design. However, for some projects, it may not be possible to make such design and still achieve the project objectives. In these cases, the potential conflict with established plans, policies and regulations could remain **significant and unavoidable**.

### **Mineral Resources**

There would be no anticipated effects on mineral resources within the region under the “Financially Unconstrained” alternative.

### **Noise**

With additional transportation system improvement projects under the “Financially Unconstrained” alternative, there would be more construction-related noise impacts anticipated than would be expected with the implementation of those projects identified in the financially constrained Action Elements of the three plans. Noise levels associated with existing rail and aviation operations/facilities would be expected to deteriorate to some extent under the “Financially Unconstrained” alternative, since a number of projects beyond those listed in the financially constrained Action Elements of the three plans would be implemented to expand existing facilities and/or service. With more roadway and rail construction projects than the financially constrained Action Elements of the three plans, noise levels associated with the projects could be expected to become problematic in more locations. Although specific projects may be able to incorporate noise

reduction measures to reduce these impacts to a level of less than significant, the noise impacts associated with other projects involving road or rail traffic may remain **significant and unavoidable** even after implementation of identified mitigation measures.

## **Population and Housing**

To the extent that transportation system improvements that would increase system capacity may indirectly induce population growth, the “Financially Unconstrained” alternative would be expected to induce more such growth than would implementation of the financially constrained Action Elements of the three plans, because it incorporates a larger number of such projects. With the construction of an increased number of transportation system improvement projects, this alternative might be expected to have a potentially greater chance of displacing people, existing housing units or businesses than would be anticipated with the implementation of the projects identified in the financially constrained Action Elements of the three plans.

## **Public Services**

There would be no increase in demand for public services resulting from implementation of the “Financially Unconstrained” alternative. However, with the construction of an increased number of transportation system improvement projects, this alternative might be expected to have a potentially greater chance of temporarily impeding access to schools, parks and recreational facilities than would be anticipated with the implementation of the projects identified in the financially constrained Action Elements of the three plans. Under this alternative, the level of effort required to maintain an expanded transportation system could be expected to increase beyond what would be required following implementation of the financially constrained Action Elements of the three plans.

## **Recreation**

The “Financially Unconstrained” alternative would not be expected to have any significant adverse effects on existing parks and recreational facilities within the region. With a greater number of transportation system improvement projects than proposed under the financially constrained Action Elements of the three plans, this alternative might be expected to result in enhanced transportation-related recreational opportunities for area residents (i.e., through the construction of additional bicycle routes or pedestrian trails)

## **Transportation/Traffic**

With an increased number of transportation system improvement projects completed within the region, the “Financially Unconstrained” alternative would be expected to provide improved regional transportation and access relative to the implementation of the financially constrained Action Elements of the three plans. This alternative would provide numerous additional opportunities for the public to choose alternatives to the single-occupant vehicle as a mode of transportation, while also providing roadway improvements that would make travel by private automobile more efficient

along a number of roadway segments within the region. Under the “Financially Unconstrained” alternative, additional transit services, rail operations and multimodal transportation improvements would be implemented, and additional investments would be made in improving the region’s aviation facilities to better meet the anticipated demand for general and commercial air transportation. However, the increase in the number of roadway improvement projects associated with this alternative could be expected to result in an increased chance of deteriorations in traffic operations along other roadways in the vicinity of these projects (for some projects, this could ultimately prove to be a **significant and unavoidable** impact), an increased chance that some projects may incorporate design features which could result in a substantial increase in hazards, increases in temporary interruptions of traffic which could impede emergency access, and an increased chance that some projects might not provide sufficient parking capacity to meet anticipated demand. Implementation of the “Financially Unconstrained” alternative would generally be consistent with (and not in conflict with) the adopted policies, plans or programs of jurisdictions within Monterey, San Benito and Santa Cruz counties which support alternative transportation modes.

### **Utilities and Service System**

To the extent that transportation system improvements that would increase system capacity may indirectly induce population growth, the “Financially Unconstrained” alternative would be expected to induce more such growth than would implementation of the financially constrained Action Elements of the three plans, because it incorporates a larger number of such projects. This alternative would not result in any direct increase in the regional demand for additional wastewater treatment, and would not place any significant additional demands on the existing landfill capacity within the region. With more construction than anticipated under the financially constrained Action Elements of the three plans, more projects associated with this alternative could be expected to require project-related irrigation and storm drainage improvements which could entail significant environmental impacts, although implementation of the mitigation measures identified could be expected to reduce these impacts to a level of less than significant. The additional construction activity associated with the “Financially Unconstrained” alternative could also be expected to result in an increased level of temporary disruptions in utility service relative to that anticipated with the implementation of the projects identified in the three plans.

## **4.4 THE “FINANCIALLY CONSTRAINED – NO NEW REVENUES” ALTERNATIVE**

Under this alternative, implementation of a number of listed projects in the financially constrained Action Elements of the three plans would be delayed or postponed indefinitely. Unless additional funding is secured, this alternative would scale back or postpone such projects in Monterey County and Santa Cruz County, including:

- Highway 1 (additional lanes in Sand City/Seaside)
- Highway 1 (addition of truck climbing lane between Rio Road and Carmel Valley Road)
- Highway 156 (widening between Prunedale and Castroville)
- Highway 1 (widening/HOV lanes in Santa Cruz County)

Even without new revenues, the following interchange improvements, local road repairs, and projects to expand bus and rail service within Monterey County and Santa Cruz County would be included in this alternative:

#### Monterey County

- Highway 1 at Salinas Road interchange improvements
- Highway 101 at Airport Boulevard interchange improvements
- Davis Road-Reservation Road corridor widening (Marina to Salinas)
- South County safety improvement on Highway 101
- Highway 68 (operational improvements between Salinas and Monterey)
- Highway 68 west of Highway 1 (lane additions near CHOMP)
- Del Monte Avenue Operational Improvements (City of Monterey)
- Monterey-Salinas Transit capital and operational improvement projects
- Capital and operating costs for new rail services in Monterey County
- King City Grade Crossing and road improvements

#### Santa Cruz County

- Highway 1 bicycle and pedestrian crossings (scaled back)
- Highway 1 Express Bus service (scaled back)
- Park/Ride Lots and Carpool/Alternative transportation programs (scaled back)
- Coastal Bicycle/pedestrian trail (fewer segments)
- Senior and Disabled transportation services (fewer projects)
- Highway 17 safety programs (scaled back)
- Watsonville-Pajaro Junction Rail Station (either not pursued or not completed within MTP/RTP timeframe)
- Local and County transportation improvements (fewer)

While the types of potential environmental impacts associated with this alternative would be identical to those associated with the three plans (which involves implementation of the financially constrained Action Elements, and assumes new revenues will become available), delays in Action Element implementation could be expected to result in fewer major transportation system improvement projects being pursued at any given time in Monterey County and Santa Cruz County during the planning period. This might be expected to result in some reduction in the potential cumulative environmental impacts associated with project-specific construction activity when listed projects would otherwise be expected to be completed simultaneously within the same general areas (e.g., construction-related water quality impacts, construction-related air quality impacts, construction-related noise impacts, etc.). However, any delays in anticipated project completions resulting from funding constraints in the absence of the new revenues could also be expected to result in some delays in obtaining the anticipated traffic congestion relief and related air quality benefits that may be associated with such projects.

## Aesthetics

With a somewhat reduced level of construction activity than would be anticipated under the financially constrained Action Elements of the three plans, the “Financially Constrained – No New Revenues” alternative would entail less potential to affect scenic vistas, visual resources and visual character within the region adversely, although some projects may entail **significant and unavoidable** impacts even after mitigation. The “Financially Constrained – No New Revenues” alternative would also be expected to have somewhat fewer light and glare impacts than those which might be associated with the projects identified in the financially constrained Action Elements of the three plans, although the application of the identified mitigation measures could be expected to reduce these impacts to a level of less than significant.

## Agriculture Resources

Completion of the transportation system improvement projects associated with the “Financially Constrained – No New Revenues” alternative over the planning period would be likely to result in somewhat less extensive conversion of land now in agricultural uses to roadways or other transportation uses, relative to the projects associated with the financially constrained Action Elements of the three plans. With fewer transportation system improvement projects likely to be completed during the planning period, this alternative might have less potential for conflicts with existing Williamson Act contracts and zoning intended to protect agricultural lands. The “Financially Constrained – No New Revenues” alternative would have the potential to fragment somewhat less acreage currently in agricultural use and to jeopardize the viability of current agricultural operations to a lesser extent than would be expected under the financially constrained Action Elements of the three plans. For some projects, impacts related to agricultural resources could remain **significant and unavoidable** even after the implementation of identified mitigation measures.

## Air Quality

With fewer transportation system improvement projects likely to be completed during the planning period under the “Financially Constrained – No New Revenues” alternative, it is likely that there would be somewhat fewer temporary construction-related air quality impacts anticipated than would be associated with those projects identified in the financially constrained Action Elements of the three plans. Delaying or scaling back roadway improvement projects identified in the financially constrained Action Elements of the three plans that are intended to reduce traffic congestions might increase the likelihood of creating some adverse project-specific carbon monoxide impacts at a local level. In addition, with a number of major roadway improvement projects identified in the three plans either postponed or scaled back, traffic congestion along several heavily used corridors in Monterey County (e.g., Highway 156) and Santa Cruz County (e.g., Highway 1) could be expected to worsen over time, which could adversely affect regional air quality.

## Biological Resources

Although project-specific effects on biological resources would still require evaluation during project-level environmental review, with fewer transportation system improvement projects likely to be completed during the planning period, the “Financially Constrained – No New Revenues” alternative might be expected to entail fewer potentially significant effects on habitats, riparian areas/wetlands and wildlife migration corridors relative to the implementation of those projects identified in the financially constrained Action Elements of the three plans. The reduced number of projects that might be completed during the planning period under this alternative could also reduce the risk of conflict with local policies or ordinances intended to protect biological resources, or conflicts with existing habitat conservation plans. For some projects, impacts related to biological resources could remain **significant and unavoidable** even after the implementation of identified mitigation measures.

## Cultural Resources

The reduced level of construction associated with this alternative might be expected to have a potentially somewhat less effect on regional archaeological, paleontological and/or historical resources than would be the case with the implementation of the projects identified in the financially constrained Action Elements of the three plans during the planning period, although implementation of the identified mitigation measures would be expected to reduce these impacts to a level of less than significant.

## Geology and Soils

With fewer transportation system improvement projects likely to be completed within a region which is already subject to geotechnical hazards, under the “Financially Constrained – No New Revenues” alternative there might be a slightly reduced risk of exposure to geologic hazards such as earthquake fault rupture, strong seismic shaking, seismic-related ground failures or landslides relative

to the risk associated with implementation of the projects identified in the financially constrained Action Elements of the three plans. Under this alternative, transportation system improvement projects may be proposed on soils identified as unstable. Reduced construction activity could also be expected to result in reduced erosion under this alternative. The implementation of the identified mitigation measures would be expected to reduce these impacts to a level of less than significant.

## **Hazards and Hazardous Materials**

The “Financially Constrained – No New Revenues” alternative could be expected to result in the construction of transportation system improvement projects on fewer sites where hazardous materials might be present than would be the case under the financially constrained Action Elements of the three plans. With fewer roadway projects to be completed during the planning period, the potential for increasing safety hazards through flawed design would also be reduced under this alternative. These impacts could be reduced to a level of less than significant through the implementation of the identified mitigation measures. The “Financially Constrained – No New Revenues” alternative would not result in any interference with existing emergency response plans or emergency evacuation plans, and would not be expected to have any significant effect on the existing level of wildland fire hazards in those portions of the region which are already subject to such hazards.

## **Hydrology and Water Quality**

The “Financially Constrained – No New Revenues” alternative could be expected to entail fewer changes in current drainage and groundwater recharge patterns than those which might be associated with the implementation of the projects identified in the financially constrained Action Elements of the three plans, due to the reduced level of construction which would be anticipated during the planning period. Reduced construction activity could create a reduced potential for possible construction-related violations of existing water quality standards relative to implementation of the projects listed in the financially constrained Action Elements of the three plans. For some projects, environmental effects associated with an increase in impervious surfaces may prove **significant and unavoidable**, and there would be fewer of these projects completed during the planning period under the “Financially Constrained – No New Revenues” alternative than under the financially constrained Action Elements of the three plans. Fewer new structures might be placed within a 100-year flood hazard area or in areas that might be subject to tsunami than under the financially constrained Action Elements of the three plans during the planning period, and implementation of the some of the projects identified in the “Financially Constrained – No New Revenues” alternative could also result in an increase in flood hazards (although both of these impacts could be reduced to a level of less than significant through implementation of the identified mitigation measures).

## Land Use and Planning

Implementation of fewer transportation system improvement programs and projects under the “Financially Constrained – No New Revenues” alternative would result in a regional transportation system with less capacity and a decreased ability to accommodate projected growth and anticipated changes in land use. The reduction in the improvements to be completed during the planning period would be expected to worsen traffic congestion in the region relative to congestion levels anticipated with the implementation of the projects listed in the financially constrained Action Elements of the three plans. The three plans, with the implementation of the financially constrained Action Element projects, and the “Financially Constrained – No New Revenues” alternative would basically support the goals and strategies of the three plans, and this alternative would be generally consistent with the General Plans of jurisdictions within the region, with the Congestion Management Plans of the Counties of Monterey and Santa Cruz, and with the Regional Transportation Plans of each of the three counties which make up the Monterey Bay region. Implementation of some of the transportation system improvement projects identified in the “Financially Constrained – No New Revenues” alternative may divide areas currently supporting agricultural operations, but none would result in the physical division of established residential areas. With fewer projects to be completed during the planning period, the likelihood of a specific project coming into conflict with local plans, policies and regulations would be less than anticipated under the financially constrained Action Elements of the three plans. Generally, these potential impacts could be reduced to a level of less than significant through changes in project design. However, for some projects, it may not be possible to make such design and still achieve the project objectives. In these cases, the potential conflict with established plans, policies and regulations could remain **significant and unavoidable**.

## Mineral Resources

There would be no anticipated effects on mineral resources within the region under the “Financially Constrained – No New Revenues” alternative.

## Noise

With fewer transportation system improvement projects likely to be completed during the planning period under the “Financially Constrained – No New Revenues” alternative, there would be fewer construction-related noise impacts anticipated than would be expected with the implementation of those projects identified in the financially constrained Action Elements of the three plans. Noise levels associated with existing rail and aviation operations/facilities would be expected to deteriorate to some extent under the “Financially Constrained – No New Revenues” alternative, since a number of projects would be implemented to expand existing facilities and/or service. With fewer roadway and rail construction projects likely to be completed than under the financially constrained Action Elements of the three plans, noise levels associated with the projects might be expected to become problematic in a more limited number of locations. Although specific projects may be able to incorporate noise reduction measures to reduce these impacts to a level of less than significant, the

noise impacts associated with other projects involving road or rail traffic may remain **significant and unavoidable** even after implementation of identified mitigation measures.

### **Population and Housing**

To the extent that transportation system improvements that would increase system capacity may indirectly induce population growth, the “Financially Constrained – No New Revenues” alternative would be expected to induce less such growth than would implementation of the financially constrained Action Elements of the three plans, because it fewer such projects would be completed during the planning period. With the construction of fewer transportation system improvement projects, this alternative might be expected to have a potentially less chance of displacing people, existing housing units or businesses than would be anticipated with the implementation of the projects identified in the financially constrained Action Elements of the three plans.

### **Public Services**

There would be no increase in demand for public services resulting from implementation of the “Financially Constrained – No New Revenues” alternative. However, with the construction of fewer transportation system improvement projects during the planning period, this alternative might be expected to have a potentially smaller chance of temporarily impeding access to schools, parks and recreational facilities than would be anticipated with the implementation of the projects identified in the financially constrained Action Elements of the three plans. Under this alternative, the level of effort required to maintain an expanded transportation system could be expected to decrease relative to what would be required following implementation of the financially constrained Action Elements of the three plans.

### **Recreation**

The “Financially Constrained – No New Revenues” alternative would not be expected to have any significant adverse effects on existing parks and recreational facilities within the region. With a smaller number of transportation system improvement projects expected to be completed during the planning period than proposed under the financially constrained Action Elements of the three plans, this alternative might be expected to result in more limited transportation-related recreational opportunities for area residents (i.e., through a reduction in the number of additional bicycle routes or pedestrian trails that might be completed)

### **Transportation/Traffic**

With fewer transportation system improvement projects to be completed within the region during the planning period, the “Financially Constrained – No New Revenues” alternative would not be expected to provide improved regional transportation and access relative to the implementation of the financially constrained Action Elements of the three plans. This alternative would provide more limited opportunities for the public to choose alternatives to the single-occupant vehicle as a mode

of transportation, while making travel by private automobile less efficient along a number of roadway segments within the region, relative to what could be achieved through implementation of the financially constrained Action Elements of the three plans. Under the “Financially Constrained – No New Revenues” alternative, projects to expand transit services, rail operations and multimodal transportation improvements would be delayed or scaled back. However, the decrease in the number of roadway improvement projects to be completed during the planning period could be expected to result in an decreased chance of deteriorations in traffic operations along other roadways in the vicinity of these projects (for some projects, this could ultimately prove to be a **significant and unavoidable** impact), a decreased chance that some projects may incorporate design features which could result in a substantial increase in hazards, decreases in temporary interruptions of traffic which could impede emergency access, and a decreased chance that some projects might not provide sufficient parking capacity to meet anticipated demand. Implementation of the “Financially Constrained – No New Revenues” alternative would generally be consistent with (and not in conflict with) the adopted policies, plans or programs of jurisdictions within Monterey, San Benito and Santa Cruz counties which support alternative transportation modes.

### **Utilities and Service System**

To the extent that transportation system improvements that would increase system capacity may indirectly induce population growth, the “Financially Constrained – No New Revenues” alternative would be expected to induce less such growth than would implementation of the financially constrained Action Elements of the three plans, because a smaller number of such projects would be completed during the planning period. This alternative would not result in any direct increase in the regional demand for additional wastewater treatment, and would not place any significant additional demands on the existing landfill capacity within the region. With less construction than anticipated under the financially constrained Action Elements of the three plans, fewer projects could be expected to require project-related irrigation and storm drainage improvements which could entail significant environmental impacts, although implementation of the mitigation measures identified could be expected to reduce these impacts to a level of less than significant. The reduction in construction activity associated with the “Financially Constrained – No New Revenues” alternative could also be expected to result in an decreased level of temporary disruptions in utility service relative to that anticipated with the implementation of the projects identified in the three plans.

## **4.5 EVALUATION OF ALTERNATIVES**

In an effort to identify the “environmentally superior” alternative, the potential environmental impacts which may be associated with each of the alternatives have been compared to those associated with the implementation of programs and projects identified in the financially constrained Action Elements of the three plans, below.

## Aesthetics

Under the “No Build” alternative, the existing visual character of areas which might otherwise be adversely affected by construction associated with transportation system improvements listed in the financially constrained Action Elements of the three plans (or with the additional improvements associated with the “Financially Unconstrained” alternative) would be maintained undisturbed. No scenic vistas would be affected by the “No Build” alternative, and no damage to scenic resources would be anticipated. Potentially significant impacts to scenic vistas, scenic resources and/or visual character may be anticipated with the implementation of the three plans and with the construction of the increased number of projects associated with the “Financially Unconstrained” alternative, some of which could remain **significant and unavoidable**. Under the “No Build” alternative, there would be no substantial increase in existing levels of light or glare, but implementation of some of the projects identified in the three plans and the increased number of projects associated with the “Financially Unconstrained” alternative might be expected to result in potentially significant increases in light and glare in some areas unless mitigated. The types and magnitude of potential aesthetic impacts associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Agriculture Resources

The “No Build” alternative would avoid potential impacts associated with the conversion of land currently in agricultural use to transportation-related uses. Since these impacts are directly related to the extent of new construction, they could be expected to be potentially significant for some of the projects identified in the financially constrained Action Elements of the three plans, and with an increased number of projects, also under the “Financially Unconstrained” alternative. The “No Build” alternative would not be expected to have any adverse effects which could jeopardize the viability of current agricultural operations, but implementation of some of the projects identified in the three plans and the projects associated with the “Financially Unconstrained” alternative could be expected to entail potential impacts of this type. The types and magnitude of potential environmental impacts related to agricultural resources that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the Project.

## Air Quality

In the absence of any transportation system improvement projects involving significant construction activity, there would be no construction-related air quality impacts associated with the “No Build” alternative. Implementation of some of the projects identified in the financially constrained Action Elements of three plans and some projects associated with the “Financially Unconstrained” alternative would entail potentially significant construction-related air quality impacts. With additional population growth within the region, the volume of traffic on the existing transportation system could be expected to increase, which would be expected to result in increased congestion and potentially significant adverse air quality effects under the “No Build” alternative. There would be

none of the potentially significant impacts on local carbon monoxide levels that might be associated with some of the roadway improvement projects identified in the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative under the “No Build” alternative. The types and magnitude of potential air quality impacts associated with the “Financially Constrained – No New Revenues” alternative would be the same as those associated with the Project, although there could be some reduction in cumulative construction dust in areas where multiple transportation system improvement projects have been proposed in portions of Monterey County and Santa Cruz County, due to delays in implementing projects identified in the financially constrained Action Elements of the three plans.

## **Biological Resources**

With no new construction, there would be no potentially significant effects on habitats, riparian areas/wetlands or wildlife migration corridors under the “No Build” alternative. Some of the projects associated with implementation of projects identified in the financially constrained Action Elements of the three plans and with the “Financially Unconstrained” alternative could be expected to have potentially significant impacts on habitats, riparian areas/wetlands or wildlife migration corridors (which in some instances could ultimately remain **significant and unavoidable**). There would be no risk of conflict with local policies or ordinances intended to protect biological resources, or with any habitat conservation plans under the “No Build” alternative, but potential impacts of this sort could be anticipated with the implementation of some of the projects identified in the financially constrained Action Elements of the three plans and the “Financially Unconstrained” alternative (and in some instances, could ultimately remain **significant and unavoidable**). The types and magnitude of potential environmental impacts related to biological resources that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## **Cultural Resources**

The “No Build” alternative would not place any cultural resources at risk, and would not entail new construction in areas where archaeological, paleontological or historical resources could be found. The increased level of construction associated with the “Financially Unconstrained” alternative might be expected to have a potentially greater effect on regional archaeological, paleontological and/or historical resources than would be the case with the implementation of the projects identified in the financially constrained Action Elements of the three plans alone, but these impacts could be reduced to a level of less than significant with the implementation of identified mitigation measures. The types and magnitude of potential environmental impacts related to cultural resources that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Geology and Soils

With no new construction proposed under the “No Build” alternative, there would be no increased risk of exposure to geologic hazards such as earthquake fault rupture, strong seismic shaking, seismic-related ground failures or landslides. Some of the projects identified in the financially constrained Action Elements of the three plans and associated with the “Financially Unconstrained” alternative could be expected to entail increased exposure to geologic hazards of this type, or could involve construction on unstable soil. Although some erosion might result from routine transportation system maintenance under the “No Build” alternative, this would be minimal when compared to the erosion which would be associated with some of the major construction projects identified in the financially constrained Action Elements of the three plans or associated with the “Financially Unconstrained” alternative. The types and magnitude of potential environmental impacts related to geology and soils that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Hazards and Hazardous Materials

Implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans or associated with the “Financially Unconstrained” alternative could result in exposure to hazardous materials if built in areas where hazardous materials have been identified within the region without mitigation, but no increase in the existing risk level would be anticipated under the “No Build” alternative. With the construction of roadway projects under the “Financially Unconstrained” alternative or with implementation of the financially constrained Action Elements of the three plans, the potential for increasing safety hazards through flawed design would be present. Implementation of the three plans, the “Financially Unconstrained” alternative or the “No Build” alternative would not result in any interference with existing emergency response plans or emergency evacuation plans, and would have no effect on the existing level of wildland fire hazards in those portions of the region which are currently exposed to such hazards. The types and magnitude of potential environmental impacts related to hazards and hazardous materials that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Hydrology and Water Quality

There would be no anticipated changes in current drainage and groundwater recharge patterns under the “No Build” alternative, but potentially significant changes might be expected with the implementation of some of the projects identified in the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative. For some of these projects, an increase in impervious surface area could be identified as a **significant and unavoidable** impact. In the absence of major construction activity, the “No Build” alternative would not be expected to result in any violation of existing water quality standards, but construction associated with implementing some of the projects associated with the three plans and the “Financially Unconstrained” alternative could entail potentially significant water quality impacts unless mitigated.

While no new structures would be placed within a 100-year flood hazard area under the “No Build” alternative, new structures might be placed within a 100-year flood hazard area or in areas that might be subject to tsunami than under the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative. Some projects could also result in an increase in flood hazards (although these impacts could be reduced to a level of less than significant through implementation of the identified mitigation measures). The types and magnitude of potential water quality impacts associated with the “Financially Constrained – No New Revenues” alternative would be the same as those associated with the Project, although there could be some reduction in cumulative construction runoff in areas where multiple transportation system improvement projects have been proposed in portions of Monterey County and Santa Cruz County, due to delays in implementing projects identified in the financially constrained Action Elements of the three plans.

## **Land Use and Planning**

The “No Build” alternative would result in very limited changes in existing land use patterns, but in the absence of new transportation system improvement projects, circulation within the Monterey Bay region could be expected to become increasingly constrained. The implementation of the projects identified in the financially constrained Action Elements of the three plans would improve regional circulation, and the increased number of projects associated with the “Financially Unconstrained” alternative would be expected to result in even greater regional circulation improvements. The “No Build” alternative would essentially be inconsistent with the existing General Plans of each of the three Counties within the region, but the three plans and the “Financially Unconstrained” alternative would be generally consistent with the existing land use planning documents in force within the region. With no major construction activity proposed, the “No Build” alternative would not be expected to result in the physical division of any established community. Implementation of some of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative may divide areas currently supporting agricultural operations, but none would result in the physical division of established residential areas. With the construction of projects, some conflicts with local plans, policies and regulations would be anticipated under either the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative. Generally, these potential impacts could be reduced to a level of less than significant through changes in project design. However, for some projects, it may not be possible to make such design and still achieve the project objectives. In these cases, the potential conflict with established plans, policies and regulations could remain **significant and unavoidable**. The types and magnitude of potential environmental impacts related to land use and planning that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Mineral Resources

There would be no anticipated effects on mineral resources within the region under the three plans, the “No Build” alternative, the “Financially Unconstrained” alternative, or the “Financially Constrained – No New Revenues” alternative.

## Noise

In the absence of major construction activity under the “No Build” alternative, there would be no significant construction-related noise impacts. Some of the projects listed in the financially constrained Action Elements of the three plans or associated with the “Financially Unconstrained” alternative would be expected to entail significant, temporary noise impacts during construction. Although the volume of traffic on some roadway segments within the region could be expected to increase, under the “No Build” alternative the related increase in noise levels would generally not be expected to be considered significant. Increases in noise levels associated with new roadways or other transportation system improvement projects identified in the financially constrained Action Elements of the three plans or the “Financially Unconstrained” alternative could be expected to represent significant environmental impacts (which, in some instances, could remain **significant and unavoidable**). The types and magnitude of potential noise impacts associated with the “Financially Constrained – No New Revenues” alternative would be the same as those associated with the three plans, although there could be some reduction in cumulative construction noise in areas where multiple transportation system improvement projects have been proposed in portions of Monterey County and Santa Cruz County, due to delays in implementing projects identified in the financially constrained Action Elements of the three plans.

## Population and Housing

To the extent that transportation system capacity improvements may indirectly induce population growth, implementation of the three plans, the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative would be expected to induce some population growth within the region. There would be no growth inducement under the “No Build” alternative, and since it would not involve any major new construction, it would not be expected to displace any people or existing housing units (an impact that may be significant for some of the projects identified in the financially constrained Action Elements of the three plans or associated with the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative, unless mitigated).

## Public Services

There would be no direct increase in demand for public services resulting from implementation of the three plans, the “No Build” alternative, the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative. However, some of the projects identified in the financially constrained Action Elements of the three plans and associated with the

“Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative may result in temporary access obstructions at schools, parks or recreational facilities and could require additional resources to maintain an expanded regional transportation system.

## Recreation

While the “No Build” alternative would not have any significant adverse effects on existing parks and recreational facilities within the region, the absence of any new transportation improvement projects would eliminate the possibility of enhancing transportation-related recreational opportunities for area residents (i.e., through the construction of new or expanded bicycle routes or pedestrian trails). The implementation of projects identified in the financially constrained Action Elements of the three plans would provide enhanced recreational opportunities within the region without significant adverse effects on existing park and recreational facilities, while the “Financially Unconstrained” alternative, with its increased number of transportation system improvement projects, could be expected to yield even greater recreational benefits for those living within the region. The types and magnitude of potential environmental impacts related to recreation that would be associated with the “Financially Constrained – No New Revenues” alternative could be somewhat less than those associated with the three plans.

## Transportation/Traffic

Traffic volumes and congestion would be expected to worsen within the region in proportion to anticipated population growth under the “No Build” alternative, exacerbating existing transportation system problems and creating new ones. Projects identified in the financially constrained Action Elements of the three plans and associated with the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative would mitigate these transportation system problems to some extent. Under the “No Build” alternative, no new pedestrian-oriented projects would be completed, transit services would not receive the funding necessary to expand, and there would be no new rail services within the region. The three plans would provide these projects and programs, and with an increased number of transportation system improvement projects completed within the region, the “Financially Unconstrained” alternative would be expected to provide improved regional transportation and access relative to the implementation of the financially constrained Action Elements of the three plans. However, the roadway improvement projects associated with the three plans and the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative could be expected to result in increased deteriorations in traffic operations along other roadways in the vicinity of some of these projects (which could ultimately prove **significant and unavoidable** for some projects), design features which could result in a substantial increase in hazards, temporary interruptions of traffic which could impede emergency access, and some projects might not provide sufficient parking capacity to meet anticipated demand. Implementation of the three plans and the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative would generally be consistent with (and not in conflict with) the adopted policies, plans or programs of jurisdictions within Monterey, San Benito and Santa Cruz counties which support alternative transportation

modes, while the “No Build” alternative would not provide a similar level of support for transportation alternatives to the single-occupant vehicle.

### **Utilities and Service Systems**

The implementation of either the three plans, the “No Build” alternative, the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative would not be expected to result in any direct increase in the regional demand placed on the existing wastewater treatment capacity or solid waste disposal facilities. Some projects associated with the financially constrained Action Elements of the three plans, and with the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative could be expected to require project-related irrigation or storm drainage improvements which could entail significant environmental impacts. Construction activity associated with some of the projects identified in the three plans, and associated with the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative could be expected to result in temporary disruptions in utility service, although these impacts could be reduced to a level of less than significant with implementation of the identified mitigation measures.

### **Summary of Evaluation of Alternatives**

The term “environmentally superior” is not defined within CEQA Guidelines, and as a result, may be subject to different interpretations. In evaluating alternatives, different people may assign different values, or weights, to the relative importance of specific environmental impacts. For example, some might “give more weight” to potential land use plan consistency impacts in the alternatives analysis than to traffic-related impacts, while others may feel that traffic-related impacts should “carry more weight” in the analysis than air quality or noise impacts.

For the purposes of environmental analysis, the “No Build” alternative would be regarded as the “environmentally superior” alternative. Since it would require no new construction, this alternative would not entail any of the potentially significant construction-related impacts which might be associated with some of the projects identified in the financially constrained Action Elements of the three plans, or associated with the “Financially Unconstrained” alternative or the “Financially Constrained – No New Revenues” alternative (e.g., conversion of land in agricultural use, noise, dust, alteration in visual characteristics, disturbance of cultural resources, changes in drainage patterns, etc.). **However, the “No Build” alternative would not pursue the goals and strategies of the three plans, and would provide the least efficient and most congested transportation system of all alternatives examined (including the three plans).**

Under CEQA, when the “No Project” alternative has been identified as the “environmentally superior” alternative, it is necessary to identify another alternative which would represent the “environmentally superior” alternative in the absence of the “No Project” alternative. Since the “No Build” alternative represents the “No Project” alternative in this evaluation, another alternative must be identified as the “environmentally superior” alternative in the absence of the “No Build”

alternative. The three plans (with implementation of all transportation system improvement programs and projects identified in the financially constrained Action Element only), the “Financially Unconstrained” alternative and the “Financially Constrained – No New Revenues” alternative would all entail the same types of potential environmental impacts. However, the potential environmental impacts which may be associated with these alternatives are not identical.

The “Financially Unconstrained” alternative, with its expanded list of transportation system improvement projects, could be expected to entail more potentially significant construction-related impacts in a greater number of locations than the implementation of the projects identified in the financially constrained Action Elements of the three plans, although the basic character of these impacts (when viewed in terms of each individual project) would be expected to remain about the same. Since all of the projects identified in the financially constrained Action Elements of the three plans are included within the “Financially Unconstrained” alternative, and because the additional projects listed in the “Financially Unconstrained” alternative (see **Appendix C**) could be expected to entail similar types of impacts, but at an increased number of project sites, this would not be regarded as the “environmentally superior” alternative.

The “Financially Constrained – No New Revenues” alternative would result in the implementation of all of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans, but due to reduced availability of funding, it would be expected to take longer to complete these projects than currently anticipated. Although the type and magnitude of impacts associated with this alternative would be identical to those associated with the Project, delays in Action Element implementation might be expected to result in some reduction in the potential cumulative environmental impacts associated with project-specific construction activity when listed projects would otherwise be expected to be completed simultaneously within the same general areas (e.g., construction-related water quality impacts, construction-related air quality impacts, construction-related noise impacts, etc.). However, the delay in project completion resulting from funding constraints in the absence of new revenues could also be expected to result in some delays in obtaining the anticipated traffic congestion relief and related air quality benefits that may be associated with such projects. For this reason, the “Financially Constrained – No New Revenues” alternative would not be regarded as being “environmentally superior” to the full implementation of the financially constrained Action Element programs and projects identified in the three plans.

In the absence of the “No Build” alternative, the implementation of the three plans, including all projects identified in the financially constrained Action Element lists in these transportation plans, would be considered the “environmentally superior” alternative.

If the environmental impacts which may be associated with the implementation of the transportation system improvement programs and projects identified in the financially constrained Action Elements of the three plans are determined to outweigh the improvements in the regional transportation system which are anticipated, then the “No Build” alternative must be considered as the “environmentally superior” alternative. However, in balancing the environmental “costs” and transportation system improvement “benefits”, in the absence of the programs and projects

## CHAPTER 4 – ALTERNATIVES

identified in the financially constrained Action Elements of the three plans, traffic conditions would be expected to remain unacceptable and deficient along some local roadways. The environmental “costs” associated with the “No Build” alternative are the lowest of all the alternatives examined, but the “No Build” alternative also provides the lowest level of transportation system “benefits” of all the alternatives examined, and would still be associated with potentially significant adverse environmental impacts (most notably, a deterioration in air quality linked to increased traffic congestion).

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# OVERVIEW

## 5.1 INTRODUCTION

The three plans do not provide project designs or a construction schedule, and adoption of the three plans does not represent an approval action for any of the individual transportation programs and projects listed in the financially constrained Action Elements. While the adoption of the three plans is an essential first step in qualifying for the receipt of the funding necessary to permit the implementation of the financially constrained Action Elements of the three plans, this action, in itself, would not be sufficient to enable any of these programs or projects to proceed without additional actions on the part of the appropriate agencies responsible for the actual implementation of each individual program and project. The Program EIR is intended to focus on those probable regional environmental effects associated with the implementation of the financially constrained Action Elements of the three plans that can be identified now, while deferring analysis of those site-specific impacts which cannot be predicted prior to the preparation of detailed design and/or construction plans for the individual transportation system improvement projects which are identified in the three plans. Upon submittal of formal plans for the individual transportation system improvement projects which are identified in the three plans, the Lead Agency for each proposed project would need to determine whether or not the particular construction project would require additional project-level environmental review to define in detail how the impacts of that project might differ from those identified as resulting from the implementation of the three plans, as described in the Program EIR.

Because the act of adopting the three plans would not, in itself, result in the implementation of any transportation system improvement programs or projects identified in that document, no environmental impacts would be directly associated with this action. Although adoption of the three plans would not, in and of itself, result in any significant unavoidable adverse environmental impacts, full implementation of the three plans would result in the completion of a number of transportation system improvement projects, some of which would be built in areas where transportation facilities do not currently exist. The significance of potential environmental impacts which may be associated with each of the projects listed in the financially constrained Action Elements of the three plans will need to be evaluated on a project-level, site-specific basis by the appropriate agency responsible for the actual implementation of each individual project as it is proposed.

## **5.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS**

Some of the projects identified in the financially constrained Action Elements of the three plans may be expected to entail one or more of the following potentially significant environmental impacts which may prove to be unavoidable:

**IMPACT 3.1.1: Substantial Adverse Effects on Scenic Vistas**

**IMPACT 3.1.2: Substantial Damage to Scenic Resources**

**IMPACT 3.1.3: Substantial Degradation of Visual Character**

**IMPACT 3.2.1: Conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance**

**IMPACT 3.2.3: Potential Conflicts with Williamson Act Contracts**

**IMPACT 3.2.4: Fragmentation of Agricultural Lands and Changes in Land Uses Adjacent to Agricultural Lands**

**IMPACT 3.3.3: Toxic Air Contaminant Emissions**

**IMPACT 3.3.4: Increased Exposure to Diesel Exhaust Fumes**

**IMPACT 3.4.1: Modification of Habitat**

**IMPACT 3.4.2: Modification of Riparian Areas/Wetlands**

**IMPACT 3.4.3: Interference with Wildlife Movement**

**IMPACT 3.4.4: Conflicts with Protective Ordinances and Policies**

**IMPACT 3.8.3: Increased Impervious Surface/Storm Water Runoff**

**IMPACT 3.9.2: Conflict with Land Use Plans/Policies/Regulations**

**IMPACT 3.11.1: Increased Noise Related to Increased Traffic Volumes**

**IMPACT 3.11.2: Increased Noise Levels Along Rail Corridors**

**IMPACT 3.12.1: Indirect Growth Inducement**

**IMPACT 3.15.1: Deterioration in Traffic Operations**

**IMPACT 3.15.2: Temporary Increase in Traffic Congestion during Construction**

### 5.3 IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The act of adopting the three plans would not, in and of itself, entail any significant environmental impacts, since this action alone would not be sufficient to enable any of the individual transportation system improvement programs or projects listed in the financially constrained Action Elements to proceed. However, the program-level evaluation of potential impacts which may be associated with implementation of the programs and projects identified in the financially constrained Action Elements of the three plans indicates that these programs and projects would not be expected to:

- Conflict with or obstruct the implementation of the Air Quality Management Plan.
- Result in any exposure of sensitive receptors to substantial pollutant concentrations.
- Create any objectionable odors affecting a substantial number of people.
- Result in the destruction of any unique paleontological resource.
- Result in the destruction of any unique geological feature.
- Result in any development in areas where soils are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- Create a significant hazard to the public or the environment through the routine transportation, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Result in hazardous emissions within one-quarter mile of an existing or proposed school.
- Result in development in an area which has been identified as a native wildlife nursery.
- Result in the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Result in development located in an area covered by an airport land use plan (or, where such a plan has not been adopted, within two miles of a public airport or public use airport), if it would result in a safety hazard for people residing or working in the project area.
- Result in development within the vicinity of a private airstrip, if it would result in a safety hazard for people residing or working in the project area.
- Impair or physically interfere with the implementation of an adopted emergency response plan. Impair or physically interfere with the implementation of an adopted emergency evacuation plan.

- Expose people or structures to significant risk of loss, injury or death involving wildland fires (including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands).
- Place housing within a 100-year flood hazard area as mapped on the federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- Result in development located in an area covered by an airport land use plan (or, where such a plan has not been adopted, within two miles of a public airport or public use airport), which would result in exposure of people residing or working in the project area to excessive noise levels.
- Result in development within the vicinity of a private airstrip, which would result in exposure of people residing or working in the project area to excessive noise levels.
- Result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.
- Change air traffic patterns, resulting in substantial safety risks.
- Conflict with adopted policies, plans or programs supporting alternative transportation.
- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Result in the construction of new water or wastewater treatment facilities (or the expansion of existing facilities) which could cause significant environmental effects.
- Require new or expanded entitlements to water supply resources.
- Result in a determination by the wastewater treatment provider which serves (or may serve) the project sites that it would not have adequate capacity to serve the projects' anticipated demand in addition to the provider's existing commitments.
- Result in development which could not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Fail to comply with federal, state, and local statutes and regulations related to solid waste.

## 5.4 SIGNIFICANT IRREVERSIBLE MODIFICATIONS IN THE ENVIRONMENT

Adoption of the three plans would not, in and of itself, result in any irreversible environmental changes. However, full implementation of the three plans would result in the completion of a number of transportation system improvement projects, some of which would be built in areas where transportation facilities do not currently exist. The significance of the potential environmental impacts which may be associated with each of the projects listed in the financially constrained Action Elements of the three plans will need to be evaluated on a project-level, site-specific basis by the implementing agency for each individual project as it is proposed. However, the completion of some of the proposed transportation system improvement projects could result in irreversible environmental changes, including:

- The permanent modification of scenic vistas, scenic resources and the existing visual character of certain areas within the region.
- The permanent conversion of land currently in agricultural use to non-agricultural, transportation-related uses.
- The permanent modification of habitats, riparian areas and/or wetlands and wildlife migration routes.
- The disturbance of cultural resources.
- The permanent modification of existing drainage patterns.

Any and all of these effects could be considered irreversible adverse impacts associated with such projects, to the extent to which they would be unable to be mitigated.

Construction and operation of the transportation system improvement project identified in the financially constrained Action Elements of the three plans would irreversibly commit construction materials and non-renewable energy resources to the purposes of the projects. These energy resources would be used for construction, the heating and cooling of buildings, the transportation of people and goods, as well as lighting and other associated energy uses. Non-renewable and slowly renewable resources used by transportation system improvement project would include (but are not limited to) lumber and other forest products, sand and gravel, asphalt, petrochemical construction materials, steel, copper, lead and other metals, water, etc. A marginal increase in the commitment of facility maintenance services would also be required. Primary project impacts related to the consumption of non-renewable and slowly renewable resources are considered less than significant, because implementation of transportation system improvement projects would not be expected to require unusually high levels of energy or unusually large quantities of construction materials.

## 5.5 GROWTH INDUCING IMPACTS

A relatively high level of residential and non-residential development is anticipated within the region through the year 2030. Much of the anticipated growth is likely to occur regardless of the extent to which the three plans are implemented. Implementation of the programs and projects identified in the financially constrained Action Elements of the three plans is intended to provide a regional transportation system which can accommodate the projected level of travel more effectively than would be possible through the maintenance of the existing transportation system. While individual transportation system improvement projects identified in the financially constrained Action Elements of the three plans might, if completed, exert some influence on the location of projected residential and non-residential development within the region, adoption of the three plans, in itself, would not be expected to alter the projected magnitude of regional residential and non-residential growth.

Although the implementation of the three plans will not directly generate population (since these plans do not involve the construction of residential units), it does have the potential to facilitate population growth. Transportation system improvement projects identified in the three plans are expected to respond to growth anticipated by adopted local General Plans, but some of them may indirectly increase growth pressure by increasing transportation system capacity. Some projects identified in the financially constrained Action Elements of the three plans could also remove obstacles to growth if they were to provide the capacity to accommodate growth beyond that already planned for (in local General Plans or the Fort Ord Reuse Plan), if they were to be constructed before they are actually needed, or if they were to significantly improve vehicular access in areas where development is not currently anticipated.

## 5.6 CUMULATIVE IMPACTS

Although the adoption of the three plans, in and of itself, would result in no direct cumulative impacts, the implementation of the transportation system improvement projects listed in the financially constrained Action Elements of the three plans would contribute to:

- A cumulative reduction in the total area within the region that currently provides visual features associated with rural land uses;
- A cumulative reduction in the regional acreage in active agricultural uses;
- A cumulative reduction in the total area within the region that may currently provide wildlife habitat;
- A cumulative increase in the amount of paved surface area within the region;
- A cumulative increase in traffic-related or rail-related noise in the vicinity of some existing or proposed transportation facilities; and

- A cumulative increase in traffic congestion along some roadway segments or at some intersections within the region due to implementation of some projects which may lead to localized concentrations of additional traffic (i.e., rail stations, park and ride lots, etc.).

As indicated above, some of the transportation system improvement project identified in the financially constrained Action Elements of the three plans may indirectly contribute to a cumulative increase in growth pressure within the region by increasing transportation system capacity, or by removing existing growth constraints (particularly in areas where future development may currently be constrained by traffic congestion).

## 5.7 ENVIRONMENTAL JUSTICE

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low Income Populations) directs all federal agencies to identify and address the effects of all programs, policies and activities on minority and low-income populations. The Federal Highway Administration (FHWA) requires that all federally-funded transportation planning and actions involve an assessment of environmental justice issues that considers potential adverse effects on minority and low-income populations. The California Department of Transportation (Caltrans), AMBAG (as the Monterey Bay region's Metropolitan Planning Organization) and TAMC and SCCRTC (as the State-designated Regional Transportation Planning Agencies) are required to comply with this Federal Executive Order.

The FHWA environmental justice policy has three major elements:

- To avoid, minimize, or mitigate disproportionate high and adverse human health or environmental effects, including social and economic effects on minority populations, and low-income populations;
- To ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and;
- To prevent the denial of reduction in, or significant delay in, the receipt of benefits by minority populations and low-income groups.

As part of the transportation planning process, planners must: determine the benefits to, and potential negative impacts on, minority populations and low-income populations from proposed investment or actions; quantify the expected effects (total, positive, and negative); and determine the appropriate course of action, whether avoidance, minimization, or mitigation.

Under Executive Order 12898, minority populations include Hispanics (persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race), Blacks (persons having origins in any of the black racial groups of Africa), Asian Americans (persons having origins in any of the original peoples of the Far East, Southeast Asia, and the Indian

Subcontinent, or the Pacific Islands, and American Indians (persons having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

Low-income populations are defined in Executive Order 12898 as those households earning a combined income at or below the current U.S. department of Health and Human Services poverty guidelines.

Through public noticing, the staff and boards of AMBAG, SBtCOG, TAMC and SCCRTC have attempted to make contact with all residents of the three counties in their outreach and planning efforts.

Transportation system improvement projects identified in the three plans are located in most of the settled areas of Monterey County, San Benito County and Santa Cruz County, most frequently in areas where transportation infrastructure already exists. Adoption of each of these three plans, in itself, would not result in disproportionately high adverse health or environmental effects on minority or low-income populations, as this action would not result in any direct physical changes in the environment. For this reason, these three plans are considered to be consistent with the objectives of Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low Income Populations). However, some individual transportation system improvement projects identified in the transportation plans could have adverse effects on these populations, depending on the demographic characteristics of the area surrounding the proposed improvements at the time they are formally brought forward for environmental review. Potentially disproportionate adverse effects on minority or low-income populations would need to be evaluated on the project-by-project basis as appropriate during the environmental review process for each of the individual transportation system improvement projects identified in the three transportation plans.

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## REFERENCES

### 6.1 EIR PREPARERS

This Draft EIR has been prepared for the Association of Monterey Bay Area Governments, the Transportation Agency for Monterey County and the Santa Cruz County Regional Transportation Commission by Lamphier-Gregory, Urban Planning and Environmental Analysis:

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## CHAPTER 6 – REFERENCES

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## **APPENDIX A**

### **NOTICE OF PREPARATION AND RESPONSES TO NOTICE OF PREPARATION**





May 28, 2004

**NOTICE OF PREPARATION (NOP) of a  
DRAFT PROGRAM  
ENVIRONMENTAL IMPACT REPORT  
for the  
2005 Monterey Bay Area Metropolitan Transportation Plan,  
2005 Monterey County Regional Transportation Plan,  
and  
2005 Santa Cruz County Regional Transportation Plan**

The Association of Monterey Bay Area Governments (AMBAG) is the federally-designated Metropolitan Planning Organization (MPO) for Monterey, San Benito and Santa Cruz counties. The Monterey Bay Area Metropolitan Transportation Plan (MTP) is the metropolitan long-range transportation plan for Monterey, San Benito and Santa Cruz counties. The Santa Cruz County Regional Transportation Commission (SCCRTC) and the Transportation Agency for Monterey County (TAMC) are the state-designated Regional Transportation Planning Agencies (RTPAs) for Santa Cruz and Monterey Counties, respectively. The Regional Transportation Plan (RTP), prepared by each RTPA, is the respective county-level long-range transportation plan.

In partnership with SCCRCC and TAMC, AMBAG will be the lead agency for the preparation of one Environmental Impact Report (EIR) covering the three, aforementioned 2005 plans. AMBAG, SCCRCC and TAMC are collectively responsible agencies under the California Environmental Quality Act (CEQA). AMBAG, SCCRCC and TAMC hereby request your comments on the scope and content of the environmental information and assessment proposed in connection with the project, as described in the attached summary. As the three agencies have already agreed to prepare an EIR, an Initial Study is not attached.

EIR scoping meetings will be held June 22 and 24 in Santa Cruz and Monterey Counties, respectively. Your response to this Notice of Preparation is requested at the earliest possible date but no later than 30 days after the receipt of this notice, or Tuesday, July 6, 2004. Please send your written response to Kathy Urlie at the address above or deliver your comments to AMBAG between 8:00 AM and 5:00 PM, Monday through Friday. Please include the contact person in your agency regarding this EIR.

Signature:

Todd A. Muck  
Kathy Urlie, Principal Planner for

Date:

5/28/04

**2005**  
**Monterey Bay Area Metropolitan Transportation Plan,**  
**Monterey County Regional Transportation Plan,**  
**and**  
**Santa Cruz County Regional Transportation Plan**

The proposed actions are updates to the: a) federally-required Metropolitan Transportation Plan (MTP) covering the counties of Monterey, San Benito and Santa Cruz; b) the state-required Monterey County Regional Transportation Plan (RTP); and c) the state-required Santa Cruz County RTP. These updates will be conducted in consultation with the following partner agencies:

- ▶ Association of Monterey Bay Area Governments (AMBAG – Federal Metropolitan Planning Organization)
- ▶ California Air Resources Board (CARB)
- ▶ Caltrans, District 5
- ▶ Council of San Benito County Governments (SBtCOG – State RTPA)
- ▶ Environmental Protection Agency, Region IX (EPA)
- ▶ Federal Highway Administration, California Division (FHWA)
- ▶ Federal Transit Administration, Region IX (FTA)
- ▶ Local Jurisdictions
- ▶ Monterey Bay Unified Air Pollution Control District (MBUAPCD)
- ▶ Monterey-Salinas Transit (MST)
- ▶ Santa Cruz County Regional Transportation Commission (SCCRTC – State RTPA)
- ▶ Santa Cruz Metropolitan Transit District (SCMTD)
- ▶ Transportation Agency for Monterey County (TAMC – State RTPA)

The federally-required Metropolitan Transportation Plan (MTP) is a planning document that establishes the general goals, policies and strategies governing the conduct of a continuing, cooperative and comprehensive transportation program in effect for the three counties. In general, the MTP is a multimodal, financially constrained metropolitan transportation plan outlining the Monterey Bay region transportation direction for at least a twenty year-period. The purpose of the plan is to coordinate and facilitate the programming and budgeting of all transportation facilities and services within the three-county Monterey Bay region in accordance with Federal regulations. The MTP, upon adoption by the AMBAG Board of Directors, will become the basis for the Metropolitan Transportation Improvement Program (MTIP), the transportation projects financial programming document, for the three-county region.

The transportation projects enfolded into the MTP constrained and unconstrained elements are solicited, prioritized and selected by the Regional Transportation Planning Agencies (RTPAs) for their county-level, state-required RTPs. AMBAG receives the project lists from them and develops the MTP based on this collective list of constrained and unconstrained projects. For this environmental review, AMBAG and the Monterey and Santa Cruz County RTPAs (TAMC and SCCRTC, respectively) have elected to conduct one environmental document to cover their three long-range transportation plans.

The MTP and RTPs do not provide project designs or a construction schedule, and adoption of the MTP and RTPs does not represent an approval action for any of the individual transportation programs and projects listed in the financially constrained Action Element. Detailed site-specific alignment, location, design and scheduling of the improvement projects which are identified in the MTP and RTPs are not fixed by the MTP and RTPs, and these individual projects may be modified substantially from their initial description in the MTP and RTPs at the time at which they are implemented. The last environmental reviews for the MTP and RTPs were conducted as "program" ones.

As both SCCRTC and TAMC conducted substantive updates to their RTPs in 2001 and 2002, respectively, both agencies have indicated that their 2005 updates will be minor ones. We are experiencing delay in the timeframe of the implementation of various transportation projects in the region as originally projected in the 2001 and 2002 RTPs due to the State of California's unparalleled budget crisis. Consequently, much of the transportation revenue projected within the region has been either suspended or is no longer available in the earlier years of the former plans, making a shift to outlying years inevitable.

Monterey and Santa Cruz Counties are also considering the submittal of local transportation sales tax measures to their constituents at the November 2004 Presidential and General Elections. The measures are accompanied by an Expenditure Plan for the use of the revenue for specific projects if the measures are passed. Both Monterey and Santa Cruz Counties are currently undergoing, consistent with their Legal Counsels' opinions, environmental review specific to each of their Expenditure Plan project lists. The Expenditure Plans' projects become a subset of projects within each RTP and the MTP.

Although this project will include the assumption of passage of each County's sales tax measure and the resultant Expenditure Plan projects into the financially constrained Action Element of each respective RTP and the 2005 MTP itself, this project is more broad in scope than the Expenditure Plans as it includes all potential transportation projects, both funded and unfunded, in its universe of projects for Monterey, San Benito and Santa Cruz Counties through 2030.

AMBAG, SCCRTC and TAMC staff are projecting the need for a minimum four EIR alternatives (not in priority order): 1) no-build (no new projects); 2) financially constrained, including projects funded with sales tax measures funds; 3) financially constrained, not including sales tax measures funds; and 4) financially unconstrained (all projects, including those without an identified source of funding). The Recommended Plan (to be evaluated as the Project in the EIR) will be financially constrained to include projects funded with sales tax measures funds. The plan life is through the year 2030.

The 2002 MTP SEIR identified the following fifteen potential impacts, associated with the construction of several of the proposed transportation system improvement projects, which would not, or may not, be mitigated to a less than significant level:

- Substantial adverse effects on scenic vistas;
- Substantial damage to scenic resources;
- Substantial degradation of visual character;

- Conversion of prime farmland, unique farmland and farmland of statewide importance;
- Potential conflicts with Williamson Act Contracts;
- Fragmentation of agricultural lands and changes in land uses adjacent to agricultural lands;
- Modification of habitat;
- Modification of riparian areas/wetlands;
- Interference with wildlife movement;
- Conflicts with protective ordinances and policies;
- Increased impervious surface/storm water runoff;
- Increased noise related to increased traffic volumes;
- Increased noise levels along rail corridors;
- Indirect growth inducement; and
- Deterioration in traffic operations (due to the potential for increased localized congestion for several projects)

AMBAG refers the reviewer to the following documents as background for this proposed EIR if additional background information is required:

- *2002 Monterey Bay Metropolitan Transportation Plan Update*, May 8, 2002
- *Draft Supplemental Environmental Impact Report for the Monterey Bay Area Metropolitan Transportation Plan Update*, March 6, 2002
- *Final Supplemental Environmental Impact Report (Responses to Comments) for the Monterey Bay Area Metropolitan Transportation Plan Update*, May 8, 2002
- *2001 Santa Cruz County Regional Transportation Plan*, December 2001
- *Draft Environmental Impact Report for the 2001 Regional Transportation Plan* (Santa Cruz County), June 2001
- *Final Environmental Impact Report for the Santa Cruz County 2001 Regional Transportation Plan*, October 2001
- *2002 Monterey County Regional Transportation Plan*, February 27, 2002
- *Draft Program EIR Draft 2002 Regional Transportation Plan* (Monterey County), November 2001.
- *Final Program Environmental Impact Report Draft 2002 Regional Transportation Plan* (Monterey County), February 8, 2002
- *San Benito County Regional Transportation Plan*, March 7, 2002
- *Draft Environmental Impact Report for the San Benito County 2001 Regional Transportation Plan*, December 2001
- *Final EIR for the San Benito County 2001 Regional Transportation Plan*, March 7, 2002

These aforementioned documents are available at the following respective agency offices:

AMBAG (for MTP and SEIR and others): 445 Reservation Road, Suite G, Marina 831/883-3750  
 SBtCOG (for San Benito County RTP and EIR): 3216 Southside Road, Hollister 831/637-7665  
 SCCRTC (for Santa Cruz County RTP and EIR): 1523 Pacific Ave., Santa Cruz 831/460-3200  
 TAMC (for Monterey County RTP and EIR): 55-B Plaza Circle, Salinas 831/775-0903



Arnold  
Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Jan Boel  
Acting Director

**Notice of Preparation**

June 2, 2004

To: Reviewing Agencies

Re: 2005 Monterey Bay Area Metropolitan Transportation Plan, 2005 Monterey County Regional Transportation Plan, and 2005 Santa Cruz County Regional Transportation Plan  
SCH# 2004061013

Attached for your review and comment is the Notice of Preparation (NOP) for the 2005 Monterey Bay Area Metropolitan Transportation Plan, 2005 Monterey County Regional Transportation Plan, and 2005 Santa Cruz County Regional Transportation draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Kathy Urlie**  
Association of Monterey Bay Area Governments  
445 Reservation Rd., Ste. G  
P.O. Box 809  
Marina, CA 93933-0809

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

*Scott Morgan*  
for Scott Morgan  
Senior Planner, State Clearinghouse

Attachments  
cc: Lead Agency

## Document Details Report State Clearinghouse Data Base

**SCH#** 2004061013  
**Project Title** 2005 Monterey Bay Area Metropolitan Transportation Plan, 2005 Monterey County Regional Transportation Plan, and 2005 Santa Cruz County Regional Transportation  
**Lead Agency** Association of Monterey Bay Area Governments

<b>Type</b>	NOP Notice of Preparation
<b>Description</b>	The proposed actions are updates to the: a) federally-required Metropolitan Transportation Plan (MTP) covering the counties of Monterey, San Benito and Santa Cruz; b) the state-required Monterey County Regional Transportation Plan (RTP); and c) the state-required Santa Cruz County RTP.

### Lead Agency Contact

**Name** Kathy Urlie  
**Agency** Association of Monterey Bay Area Governments  
**Phone** 831 883-3750 **Fax** 831 883-3755  
**email**  
**Address** 445 Reservation Rd., Ste. G  
P.O. Box 809  
**City** Marina **State** CA **Zip** 93933-0809

## Project Location

*County* Monterey, Santa Cruz  
*City*  
*Region*  
**Cross Streets**  
*Parcel No.*  
**Township** *Range*

### Proximity to:

*Highways  
Airports  
Railways  
Waterways  
Schools  
Land Use*

**Project Issues** Aesthetic/Visual; Wetland/Riparian; Water Quality

Reviewing the California Coastal Commission's Office of Historic Preservation, Department of

Transportation Planning: California Highway Patrol; Caltrans, District 5; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 3

**Date Received** 06/02/2004      **Start of Review** 06/02/2004      **End of Review** 07/01/2004

## NOP Distribution List

County: Monterey/Santa Cruz SCH# 2004061013

<u>Resources Agency...</u>	<input type="checkbox"/> Dept. of Fish & Game Robert Floerke Region 3	<input type="checkbox"/> Public Utilities Com. Ken Lewis	<input type="checkbox"/> Dept. of Transportation 8 John Pagano District 8	Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Dept. of Fish & Game William Laudermark Region 4	<input type="checkbox"/> State Lands Commission Jean Sarino	<input type="checkbox"/> Dept. of Transportation 9 Gayle Rosander District 9	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> Dept. of Boating & Waterways Suzi Betzler	<input type="checkbox"/> Dept. of Fish & Game Don Chadwick Region 5, Habitat Conserv. Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Dept. of Transportation 10 Tom Dumas District 10	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Dept. of Fish & Game Gabrina Gatchel Region 6, Habitat Conserv. Program	<input type="checkbox"/> Business, Trans & Housing Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Dept. of Transportation 11 Mario Orso District 11	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<input type="checkbox"/> Dept. of Fish & Game Tammy Allen Region 6, Inyo/Mono Conservation Program	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> Dept. of Transportation 12 Bob Joseph District 12	<input type="checkbox"/> RWQCB 4 Jonathan Bishop Los Angeles Region (4)
<input type="checkbox"/> Dept. of Conservation Environmental Office Roseanne Taylor	<input type="checkbox"/> Dept. of Fish & Game George Isaac Marine Region	<input type="checkbox"/> California Highway Patrol John Olejnik Office of Special Projects	<input type="checkbox"/> Cal EPA Air Resources Board Jim Lerner	<input type="checkbox"/> RWQCB 5S Central Valley Region (5)
<input type="checkbox"/> California Energy Commission Environmental Office Allen Robertson	<input type="checkbox"/> Dept. of Fish & Game Cathy Creswell Housing Policy Division	<input type="checkbox"/> Housing & Community Development Cathy Creswell Housing Policy Division	<input type="checkbox"/> Airport Projects Kurt Karpers Transportation Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Dept. of Forestry & Fire Protection Allen Robertson	<input type="checkbox"/> Dept. of Transportation Hans Kreutzberg	<input type="checkbox"/> Dept. of Transportation Steve Shaffer Dept. of Food and Agri. Robert Sleppy Environmental Services	<input type="checkbox"/> Industrial Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input type="checkbox"/> Office of Historic Preservation Hans Kreutzberg	<input type="checkbox"/> Dept. of General Sci. Environmental Services Wayne Hubbard Dept. of Health/Dir. of Health	<input type="checkbox"/> Dept. of Transportation 1 Mike Eagan District 1	<input type="checkbox"/> California Integrated Waste Management Board Sue O'Leary	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Dept. of Parks & Recreation B. Noah Tilghman Environmental Stewardship Section	<input type="checkbox"/> Dept. of Health Services DeeDee Jones	<input type="checkbox"/> Dept. of Transportation 2 Don Anderson District 2	<input type="checkbox"/> State Water Resources Control Board Jim Hockenberry Division of Financial Assistance	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> Reclamation Board DeeDee Jones	<input type="checkbox"/> Independent Commissions Board Paul Edelman	<input type="checkbox"/> Dept. of Transportation 3 Jeff Pulverman District 3	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> Santa Monica Mountains Conservancy Paul Edelman	<input type="checkbox"/> Delta Protection Co. Debby Eddy	<input type="checkbox"/> Dept. of Transportation 4 Tim Sable District 4	<input type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam	<input type="checkbox"/> Office of Emergency Services John Rowden, Manager	<input type="checkbox"/> Dept. of Transportation 5 David Murray District 5	<input type="checkbox"/> State Water Resources Control Board Other _____	
<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Governor's Office of & Research State Clearinghouse	<input type="checkbox"/> Dept. of Transportation 6 Marc Birnbaum District 6	<input type="checkbox"/> Dept. of Toxic Substances Control Division of Water Rights	
<input type="checkbox"/> Fish and Game Environmental Services Division Donald Koch Region 1	<input type="checkbox"/> Native American He. Comm. Debbie Treadway	<input type="checkbox"/> Dept. of Transportation 7 Cheryl J. Powell District 7	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	Last Updated on 05/21/04
<input type="checkbox"/> Dept. of Fish & Game 2 Banky Curtis Region 2				



## DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500

JUN 14 2004



June 9, 2004

Ms. Kathy Urlie  
Association of Bay Area  
Governments  
Post Office Box 809  
Marina, CA 93933-0809

Dear Mr. Urlie:

2005 Monterey Bay Area Metropolitan Transportation Plan  
2005 Monterey County Regional Transportation Plan  
2005 Santa Cruz County Regional Transportation  
SCH # 2004061013

Department of Fish and Game personnel have reviewed the subject project, and we have the following comments.

A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats, should be provided. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). The assessment should identify any rare plants and rare natural communities, following DFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (revised May 8, 2000). The Guidelines are available at [www.dfg.ca.gov/whdab/pdfs/guideplt.pdf](http://www.dfg.ca.gov/whdab/pdfs/guideplt.pdf).

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and



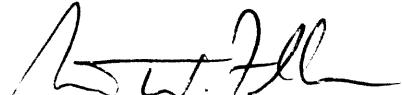
Ms. Kathy Urlie  
June 9, 2004  
Page 2

reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of SAAs is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the SAA notification process, please access our website at [www.dfg.ca.gov/1600](http://www.dfg.ca.gov/1600); or to request a notification package, contact the Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,



Robert W. Floerke  
Regional Manager  
Central Coast Region

cc: State Clearinghouse



## MONTEREY BAY

Unified Air Pollution Control District  
serving Monterey, San Benito, and Santa Cruz counties

JUN 15 2004

AIR POLLUTION CONTROL OFFICER  
Douglas Quetin

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

June 10, 2004

DISTRICT  
BOARD  
MEMBERS

CHAIR:  
Ellen Pine  
Santa Cruz  
County

VICE CHAIR:  
Jack Bartich  
Del Rey Oaks

Anna Caballero  
Salinas

Lou Calcagno  
Monterey County

Tony Campos  
Santa Cruz  
County

Bob Cruz  
San Benito  
County

Tony Gualtieri  
Capitola

Edith Johnsen  
Monterey County

Butch Lindley  
Monterey County

Arturo Medina  
San Juan  
Bautista

John Myers  
King City

Kathy Urlie  
Principal Planner  
AMBAG  
P.O. Box 809  
Marina, CA 93933-0809

SUBJECT: NOP FOR DEIR FOR MTP AND RTPS

*Kathy*  
Dear Ms. Urlie:

Staff has reviewed the referenced document and has the following recommendations for the scope of work for the air quality analysis:

1. Consistency determinations with the AQMP are used by the District to determine a project's impact on regional air quality. If a federal action is involved, a general conformity finding should be made, as well.
2. If the project might expose sensitive receptors in adjacent land uses to air quality problems such as odors or toxic air contaminants (e.g., diesel exhaust), the DEIR should include a qualitative assessment of these impacts.
3. Mitigation measures should be identified for any significant impacts on air quality. The EIR should quantify the emission reduction effectiveness of each measure, identify agencies responsible for implementation and monitoring, and conclude whether mitigation measures would reduce impacts below significance levels.
4. Since the project may not be specific enough to determine project level impacts, the DEIR should recommend the following be undertaken for subsequent projects:
  - Project construction PM<sub>10</sub> emissions should be quantified. If emissions would exceed 82 lb/day, the project would have a significant impact on air quality. However, PM<sub>10</sub> modeling could be undertaken to verify or dispute this finding per the District's CEQA Air Quality Guidelines. Additionally, diesel risk assessments may be needed at the project level to determine exposure of sensitive receptors to diesel exhaust.

- VOC and NO<sub>x</sub> emissions should be quantified for those construction activities not accommodate in the AQMP. Staff should be consulted regarding potential construction equipment to be used on the project.
- If project or cumulative traffic would cause LOS to decline from D or better to E or F, dispersion modeling should be undertaken to determine if carbon monoxide concentrations would violate ambient air quality standards at sensitive receptor locations.

The District's CEQA Air Quality Guidelines can be used to help prepare the air quality analysis. The Guidelines are available at the District's website - [www.mbuapcd.org](http://www.mbuapcd.org). Please do not hesitate to call if you have any questions.

Sincerely,



Janet Brennan  
Supervising Planner  
Planning and Air Monitoring Division

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET  
P. O. BOX 942873  
SACRAMENTO, CA 94273-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY (916) 651-6827

*JUN 18 2004*

June 10, 2004

Ms. Kathy Urlie  
Association of Monterey Bay Area Governments  
P.O Box 809  
Marina, CA 93933-0809

Dear Ms. Urlie:

Re: *Association of Monterey Bay Area Governments (AMBAG)'s Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the 2005 Monterey Bay Area Metropolitan Transportation Plan, 2005 Monterey County Regional Transportation, Plan and 2005 Santa Cruz County Regional Transportation Plan; SCH# 2004061013*

The California Department of Transportation (Department), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. The Division is a funding agency for airport projects and has permit authority for public use airports and heliports. We offer the following comments for your consideration.

1. The Association of Monterey Bay Area Governments (AMBAG) is the federally designated Metropolitan Planning Organization (MPO) for Monterey, San Benito and Santa Cruz Counties. The Monterey Bay Area Metropolitan Transportation Plan (MTP) is the metropolitan long-range transportation plan for Monterey, San Benito and Santa Cruz Counties. The Santa Cruz County Regional Transportation Commission (SCCRTC) and the Transportation Agency for Monterey County (TAMC) are the state-designated Regional Transportation Planning Agencies (RTPAs) for Santa Cruz and Monterey Counties, respectively. The Regional Transportation Plan (RTP), prepared by each RTPA, is the respective county-level long-range transportation plan.
2. In partnership with SCCRCC and TAMC, AMBAG will be the lead agency for the preparation of a DEIR to update the 2005 Monterey Bay Area MTP, 2005 Monterey County RTP and 2005 Santa Cruz County RTP.
3. Within Monterey, San Benito and Santa Cruz Counties are numerous public-use and personal-use airports and heliports. Aviation plays a significant role in California's transportation system. Strong and effective local, regional, and state policies minimize adverse impacts arising from the encroachment of incompatible land uses around

Ms. Kathy Urlie

June 10, 2004

Page 2

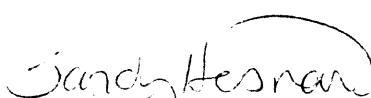
airports, adverse noise impacts on communities near airports, and congestion and/or delays related to airport ground access.

4. As discussed in the enclosed "Aviation Planning Guidance for Regional Transportation Plans (RTP)" prepared by the Division, the best way to preserve and improve airports and their associated economic and quality-of-life benefits is to take timely proactive measures. In addition, these policies help protect people and property both in the air and on the ground. Incompatible land uses around airports often result in public pressure to restrict operations (curfews, aircraft size limits, etc.), and impose noise, and growth controls. Failure to protect the airport may result in permanent closure, thereby reducing or eliminating its benefits. For questions concerning these guidelines, please contact the Division's liaison for Monterey and Santa Cruz Counties RTP review, Ms. Leslie Snow, at (916) 654-4380.
5. Airports are an economic asset that must be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a state issue, it is also a regional issue. Airport staff, Airport Land Use Commissions (ALUC) and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Coordinating the RTP with these other agencies should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We look forward to reviewing the DEIR. If you have any questions, please call me at (916) 654-5314.

Sincerely,

  
SANDY HESNARD  
Aviation Environmental Planner

Enclosure

c: State Clearinghouse

# Aviation Planning Guidance for Regional Transportation Plans (RTP)

*Prepared by: California Department of Transportation  
Division of Aeronautics  
December 2003*

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9% of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division of Aeronautics which is available at <http://www.dot.ca.gov/aeronautics>. Among other things, aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality-of-life.

Aviation should be addressed in RTPs not only because of the above roles, but it is also required under state and federal law. According to CA Government Code 65080(a), "Each transportation planning agency...shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including...**aviation facilities and services**." Title 23 Part 450, Section 316 of the U.S. Code of Federal Regulations, requires inclusion of access to airports is a factor that "shall be explicitly considered, analyzed as appropriate, and reflected in the planning process products." The California Transportation Commission's (CTC) 1999 RTP Guidelines prescribe the aviation mode however the extent that aviation is addressed in a RTP varies depending on each regional RTPA/MPO's interpretation. The Division of Aeronautics created the following guidelines to help transportation planners address aviation more comprehensively in the upcoming cycle of regional transportation plans and to increase understanding of aviation planning in general.

Prior to developing the aviation portion of the RTP, obtain some aviation background and ideas about transportation problems, needs and issues, by **reviewing pertinent plans**. The following plans should be reviewed for consistency, planned developments, and land use and noise compatibility:

- ❖ *Airport Master Plans*--the long-term airport planning document to support modernization of existing airports and creation of new airports, regardless of size, complexity, or role.
- ❖ *Aviation System Plans*--a composite of plans including: 1) California Aviation System Plan Elements (Policies, Inventory/Forecasts, System Requirements, and Capital Improvement Plan); 2) the aviation element of Regional Transportation Plans (RTPs); 3) Interregional Aviation System Plans; and 4) other aviation-related studies and reports.
- ❖ *Airport Land Use Compatibility Plans*--plans that "provide for the orderly growth of each public airport and area surrounding the airport within the jurisdiction of the commission" and "safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general."
- ❖ *Local, regional and state plans* (including General Plans)
- ❖ *Regional Transportation Plans* of adjoining regions for aviation-related issues, possible conflicts and potential mutual solutions.

**Early public involvement** is crucial to any good transportation plan. Contact airport managers and Airport Land Use Commissioners (if applicable) and invite these key representatives to participate in RTP planning meetings.

The best way to preserve and improve airports and their associated economic and quality-of-life benefits is to take timely proactive measures. Strong and effective local, regional, and state policies minimize adverse impacts arising from the encroachment of incompatible land uses around airports, adverse noise impacts on communities near airports, and congestion and/or delays related to airport ground access. In addition, these policies help protect people and property both in the air and on the ground. Incompatible land uses around airports often result in public pressure to restrict operations (curfews, aircraft size limits,

etc.), and impose noise, and growth controls. Failure to protect the airport may result in permanent closure, thereby reducing or eliminating its benefits. With this in mind, the **RTP Policy Element** should:

- Discuss applicable policies, goals and objectives in place to enhance the regional aviation system by strengthening support for airports and providing protection from encroachment, noise mitigation issues, ground access, etc. (these can be specific or general regarding land use, ground access, interconnectivity, multi-modalism, etc. that could be applied to the aviation mode). Policies should reflect support for possible growth through anticipated or planned infrastructure improvements. Policies regarding housing and circulation elements of local General Plans, congestion management programs, long range transit plans, significant redevelopment of large areas of the community, development agreements for large projects, airport master plans, Airport Land Use Compatibility Plans, and regional aviation system plans, etc. should all be consistent.
- Discuss and address regional aviation issues and needs.
- Identify and quantify regional needs and objectives in a short (ten-year) and long (twenty-year) term framework.

The **Action Element** identifies programs and actions to implement the RTP:

- Discuss **ground access**, and if the region includes a primary air-carrier airport with annual enplanements over 10,000, an Airport Ground Access Improvement Program per Government Code 65081.1 is required (see Attachment A for a list of current qualifying airports). This program shall address the development and extension of mass transit systems, including passenger rail service, major arterial and highway widening and extension projects and any other ground access improvement projects the planning agency deems appropriate.
- Include discussion of the regional airport system and provide a list of current facility information by airport such as based aircraft, enplanements, operations and cargo as well as future airport system capacity. To assist in determining future growth of airports, Caltrans Division of Aeronautics staff can provide the latest available information on file regarding airport based aircraft, enplanements, operations and cargo as well as future airport system capacity.
- From a local and regional perspective, identify and address issues, needs, and proposed actions for maintaining and/or improving the aviation system. Determine what infrastructure projects will be needed to satisfy future capacity demand at and around the airport. Include a discussion on multimodal needs (like rail and bus connections).
- If applicable, include a discussion on Goods Movement with regard to airports and other gateways as well as the interface issues between highway, air travel, maritime and rail. This discussion should include air cargo growth, forecasts, and expansion of cargo facilities and new technology deployment. (For example: address on and off airport intelligent transportation solutions to access, security, and signage problems, if applicable).

The **Financial Element** summarizes the cost of implementing the RTP based on realistic financial assumptions:

- Match action element projects with funding sources for inclusion in the Aviation Capital Improvement (financial) Plan and other programs.
- Include a short and long-range capital improvement plan, resolving aviation needs and linking projects to objectives.

The Division of Aeronautics has divided staff planning responsibilities by regions as reflected on the attached map (Attachment B). Please feel free to contact the Planner associated with your region for airport information and questions regarding aviation in general or these guidelines.

## ATTACHMENT A

PRIMARY COMMERCIAL SERVICE AIRPORTS  
With GREATER THAN 10K REPORTED ENPLANEMENTS (2002)

<u>County</u>	<u>Airport</u>	<u>Enplanements</u>
Alameda	<i>Metropolitan Oakland International</i>	6,377,132
Butte	<i>Chico Municipal</i>	18,667
Del Norte	<i>Jack McNamara Field</i>	10,066
Fresno	<i>Fresno-Yosemite International</i>	507,578
Humboldt	<i>Arcata</i>	89,261
Imperial	<i>Imperial County</i>	13,377
Kern	<i>Bakersfield Municipal</i>	96,411
Kern	<i>Inyokern</i>	11,284
Los Angeles	<i>Burbank-Glendale-Pasadena</i>	2,307,463
Los Angeles	<i>Long Beach (Daugherty)</i>	731,279
Los Angeles	<i>Los Angeles International</i>	28,056,607
Monterey	<i>Monterey Peninsula</i>	187,656
Orange	<i>John Wayne Airport, Orange County</i>	3,957,565
Riverside	<i>Palm Springs International</i>	555,381
Sacramento	<i>Sacramento International</i>	4,245,913
San Bernardino	<i>Ontario International</i>	3,260,289
San Clara	<i>San Jose International, Norman Y. Mineta</i>	5,565,034
San Diego	<i>McClellan-Palomar</i>	58,613
San Diego	<i>San Diego International</i>	7,471,644
San Joaquin	<i>Stockton Metropolitan</i>	24,092
San Luis Obispo	<i>San Luis Obispo County</i>	153,150
San Mateo	<i>San Francisco International</i>	15,417,578
Santa Barbara	<i>Santa Barbara Municipal</i>	369,405
Santa Barbara	<i>Santa Maria Public</i>	35,153
Shasta	<i>Redding Municipal</i>	53,671
Stanislaus	<i>Modesto City-County</i>	17,896
Ventura	<i>Oxnard</i>	22,829

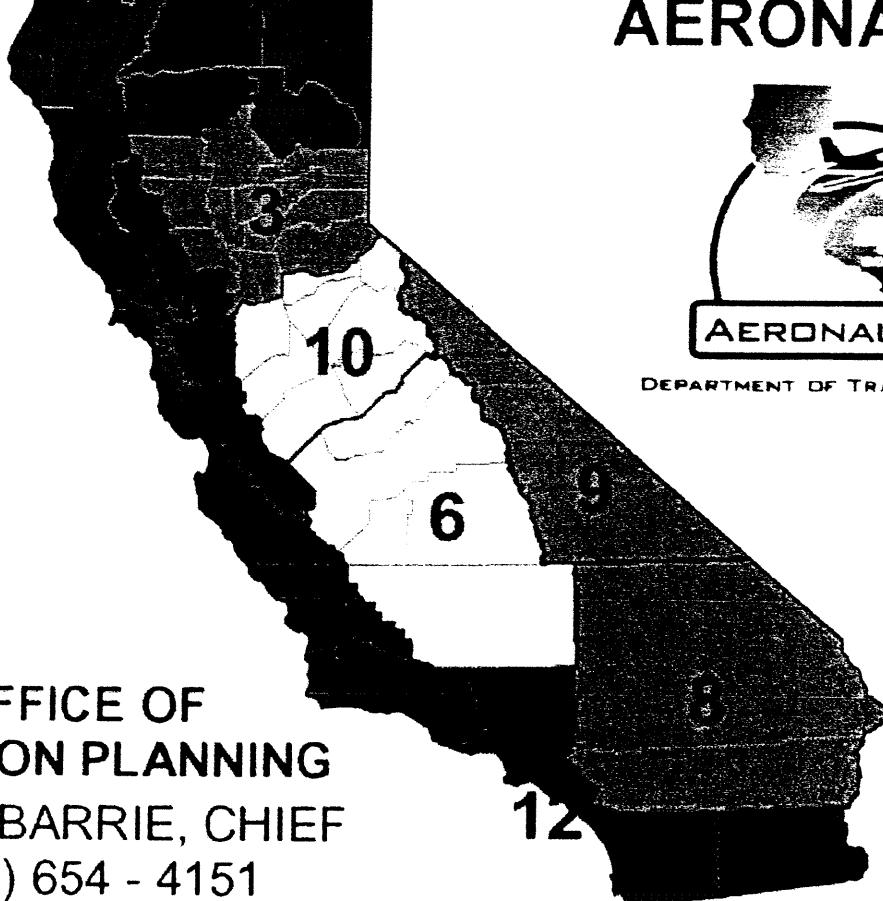
CALIFORNIA DEPARTMENT OF TRANSPORTATION

DIVISION OF  
AERONAUTICS



DEPARTMENT OF TRANSPORTATION

OFFICE OF  
AVIATION PLANNING  
TERRY BARRIE, CHIEF  
(916) 654 - 4151



June 2003

PLANNING STAFF AREAS OF RESPONSIBILITY

■	DISTRICTS 1 & 2	KEVIN RYAN <a href="mailto:kevin_ryan@dot.ca.gov">kevin_ryan@dot.ca.gov</a>	(916) 653-3012
■	DISTRICT 3	COLETTE ARMAO <a href="mailto:colette_armao@dot.ca.gov">colette_armao@dot.ca.gov</a>	(916) 654-5346
■	DISTRICTS 4 & 5	LESLIE SNOW <a href="mailto:leslie_snow@dot.ca.gov">leslie_snow@dot.ca.gov</a>	(916) 654-4380
■	DISTRICTS 6 & 10	DEBBIE NOZUKA <a href="mailto:debbie_nozuka@dot.ca.gov">debbie_nozuka@dot.ca.gov</a>	(916) 654-4389
■	DISTRICTS 8 & 9	PHILIP CRIMMINS <a href="mailto:philip_crimmins@dot.ca.gov">philip_crimmins@dot.ca.gov</a>	(916) 654-6223
■	DISTRICTS 7, 11 & 12	GLEN RICKELTON <a href="mailto:glen_rickelton@dot.ca.gov">glen_rickelton@dot.ca.gov</a>	(916) 654-4232

**From:** Gini Pineda [gpineda@sccrtc.org]  
**Sent:** Monday, June 14, 2004 11:22 AM  
**To:** Rachel Moriconi; Tegan Speiser  
**Subject:** FW: RTP EIR\_scoping meeting

-----Original Message-----

**From:** Stanley Thomas [mailto:Stan861013@worldnet.att.net]  
**Sent:** Thursday, June 10, 2004 5:19 PM  
**To:** Santa Cruz County Regional Transportation Commission  
**Subject:** Re: RTP EIR\_scoping meeting

Don't forget to include the environmental effects of traffic congestion and air pollution from stopped cars if this project is not built.

Buses will benefit from the car pool lane, and may look more attractive to drivers sitting in traffic. We need to consider commuter rail and any viable means of public transit in addition to expanding the roadways. But most of all, WE NEED TO DO SOMETHING, or gridlock will be in our future everyday.

**From:** Santa Cruz County Regional Transportation Commission

**To:** Interested Community Members  
**Sent:** Thursday, June 10, 2004 4:49 PM  
**Subject:** RTP EIR\_scoping meeting

[x]

*Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue, Santa Cruz, CA 95060  
phone (831) 460-3200 ~ fax (831) 460-3215  
email: [info@sccrtc.org](mailto:info@sccrtc.org) website: <http://www.sccrtc.org/>*

## NEWS RELEASE

<b>FOR IMMEDIATE RELEASE</b> <b>June 10, 2004</b>	<b>Contact:</b> <b>Pat Dillin or</b> <b>Rachel Moriconi 460-3200</b>
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### **Transportation Commission Seeks Input on the Scope of the Environmental Impact Report for the Regional Transportation Plan**

The Santa Cruz County Regional Transportation Commission (SCCRTC) invites public comment on the scope an Environmental Impact Report (EIR) for the long-range Regional Transportation

Plan (RTP). The Association of Monterey Bay Area Governments (AMBAG) will be the lead agency for the preparation of the Environmental Impact Report (EIR). The RTP lists over \$2 billion in transportation projects that are planned for Santa Cruz County through 2030. A public scoping meeting will be held in the SCCRTC Conference Room, 1523 Pacific Avenue, Santa Cruz, Tuesday, June 22, 2004, at 6:00 p.m. The Notice of Preparation for the EIR is available for review at the Commission offices and online at [www.sccrtc.org/rtp](http://www.sccrtc.org/rtp).

Please direct written comments regarding the scope of the EIR to Rachel Moriconi, SCCRTC, 1523 Pacific Avenue, Santa Cruz, CA 95060 or [info@sccrtc.org](mailto:info@sccrtc.org), by July 6, 2004. For more information about the Regional Transportation Plan (RTP) or if you need special assistance, please call SCCRTC @ 460-3200 or visit [www.sccrtc.org](http://www.sccrtc.org).

The Regional Transportation Commission is the transportation planning, financing and coordinating agency for the Santa Cruz County region.

# # # **END** # # #

*\\Rtcserv\\Shared\\PRESSKIT\\Press Releases\\Releases 2004\\RTP EIR\_scoping meeting.rtf*

**From:** Gini Pineda [gpineda@sccrtc.org]  
**Sent:** Monday, June 21, 2004 8:39 AM  
**To:** Karena Pushnik; Rachel Moriconi; Tegan Speiser  
**Subject:** FW: Scope of EIR for regional transportation plan

-----Original Message-----

**From:** Leeseve@aol.com [mailto:Leeseve@aol.com]  
**Sent:** Saturday, June 19, 2004 4:37 PM  
**To:** info@sccrtc.org  
**Subject:** Scope of EIR for regional transportation plan

The following are major concerns in regard to the scope of the EIR for the regional transportation plan, most of which are quality of life and environmental issues:

I'm extremely worried about any eradication of trees and plants, especially redwoods, coastal oaks, Monterey cypress, and all other native plants, for the sake of transportation improvements.

Similarly worried about further infringing on Santa Cruz long-toed salamander habitat. Their numbers, demographics, and migratory patterns are being decimated by road and housing development.

Very worried about noise and even vibration pollution in a potential hwy widening. Our house is approx. 1/2 mile from the highway, and noise emanating from it has already hit our level of tolerance.

On that note, am very worried about sound walls in a potential hwy widening: their looks, their efficacy, and the beautiful greenery they'd be replacing. Will sound walls actually increase noise in some neighborhoods?

Worried about lowering of air quality as well as watershed quality due to increased run-off of vehicle and road toxins.

Widening Hwy 1 could very well be growth inducing for South County as well as North Monterey County-- and thus nothing gained in lessening congestion.

Thus the major question concerning Hwy 1 widening: Will HOV lanes indeed improve traffic flow?

Surface streets would also probably experience an increase in congestion, both during AND after construction of Hwy 1 HOV lanes. Where does traffic go during the construction phase? Will there be a traffic management program? And what is the surface street solution to increased highway volume after construction?

Will Hwy 17 have to be widened to accommodate increased Hwy 1 traffic?

In lieu of major environmental upheavals, why not elongate/improve on-ramps and off-ramps both north and south: Morrissey, Soquel, 41st Ave, Bay Ave in particular. They're responsible for major delays.

Various issues of social-environmental justice:

Won't local financing for concerns other than transit be in jeopardy?

Will other transit projects suffer--especially when widening costs inevitably rise?

How reliable is the design-build approach in both reliability of construction of Hwy 1 HOV lanes and also response time for community input?

How much money is set aside for degraded property values along the widening corridor?

Won't North and South Counties' separation be further aggravated during construction of HOV lanes?  
How to mitigate this?

Economic issues dovetail environmental issues:

Do sales tax revenue projections take into account mobility disruptions during construction--i.e., fewer shoppers and fewer tourists due to construction?

How reliable are the cost estimates for construction?

How can our small county justify local funds for improving a STATE highway?

The upshot is this: What is to be gained by the widening? Won't we be sacrificing quality of life not only during construction but afterwards as well? Won't 5 - 8 years of construction risk the scenic corridor, endangered species, air and watershed quality, relative peace and quiet, socioeconomic well being, and arterial traffic flow--all for a dubious final outcome? I want to encourage a plan that takes the so-called "alternatives" and makes them the central core of our county's transportation needs--e.g., public transportation.

Thank you very much.  
Elissa Wagner  
528 Encino Dr., Aptos  
688-2339

Fyi-

WHAT ABOUT  
MISSING INTER-  
MODAL FACILITIES  
ON CENTRAL COAST  
REGION?

WHAT ABOUT  
PRIVATIZATION  
OF TRANSIT?

WHAT ABOUT  
WASTEFUL  
TRANSIT  
OPERATIONS,  
E.G., EMPTY  
SEAT TRANSIT?

SEE MY LETTER  
TO MR. POTTER.

Joe

P.S.  
AND MY LETTER  
TO RITA BOWLING,  
AND MY LETTER TO  
SAM FARR.

AMBAG IS NOT SOC'S MPO; COG IS. Joe

Public Notice	
AMBAG	
PUBLIC SCOPING MEETING	
2005 Metropolitan Transpor-	
tation Plan	
Environmental	
Impact Report	
<p>The 2005 Monterey Bay Metropolitan Transportation Plan (MTP) will include a multi-modal, long-range list of transportation projects for the Monterey Bay region counties: Monterey, San Benito, and Santa Cruz. The purpose of this public scoping meeting is twofold: 1) to provide background on the MTP; and 2) to solicit public input about environmental categories on which to focus during development of the program level EIR for the MTP.</p>	
<p>Please contact Kathy Urle of the Association of Monterey Bay Area Governments (AMBAG) at (831) 883-3750 if you have questions.</p>	
Date:	June 24, 2004
Time:	6:00 p.m.
Location:	Transportation Agency for Monterey County Conference Room (56-B Plaza Circle, Salinas)
Publish: June 17 & 21 2004 #H11598301	
FAX 50-335-4630	

BACKGROUND:

See my article  
"ISTEA REAUTORIZATIION  
AND THE NATIONAL  
TRANSPORTATION POLICY,"  
25 TRANS. L. J. (1997)  
pp. 57-etc seq.

WHICH IS NOW ON THE  
REQUIRED READING  
LIST AT U. DENVER'S  
TRANSPORTATION LAW  
PROGRAM.

Joe

COMPILE ALL MTPs  
TO FOLLOW G.A.A.P.  
IN FINANCIAL  
REPORTING.

Joe

Does "Scoping"  
MEAN SCREWING  
TAX PAYERS?

Joe

**Abraham Lincoln Learning Fortress  
for  
Responsible Enterprise Education**

—§—

**San Benito County Small Business Incubator**  
1760 Airline Highway #F-105  
Hollister, CA 95023  
E-mail: TransLaw@PacBell.Nct

Sept. 11, 2000

The Honorable Dave Potter, Chairman  
Rail Policy Committee  
Transportation Agency for Monterey County  
312 East Alisal Street  
Salinas, CA 93901-4371

Re: Rail Policy Committee Meeting Sept. 11, 2000

Dear Mr. Potter,

Thank you for allowing me to address the Committee today. Under the "announcements and correspondence" portion of your agenda for your next meeting on 10/23/2000, I believe it would be both helpful and informative to the members of the Committee, and the public, to acknowledge receipt of my transportation policy paper, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* 87 (1997). The short version, entitled "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," which was published in *Transportation Lawyer* (Dec. 1997), I distributed to the Committee members present today. This paper is now on the "required reading list" at the Nation's premier transportation law program at the University of Denver School of Law, which is home for the *Transportation Law Journal*. Also, please add to your public records my paper that I sent to VTA, which I wrote as a member of the Government Review Council of two local chambers of commerce, which is entitled "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101," copies of which I also handed out to the Committee's members today.

As a post-doctoral student of transportation law and policy, I know that I need not remind our elected representatives of the eternal truth in the words of John Stuart Mill:

*"But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race, posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."*

Honorable Dave Potter, Chair  
Sept. 11, 2000  
page 2

Regrettably, for those of us trying to establish sound, sustainable transportation in this Nation, this fundamental principle of good government has been, and is presently being, ignored by some of the managers of public-sector transportation agencies.

Asking this point of view to be included in the Committee's considerations and deliberations on transportation law and policy is, I believe, in keeping with the democratic process. However, and sadly, some of our local MPOs (metropolitan planning organizations) are controlled by self-interested people who have refused to accept the opposing viewpoint into their deliberations, contrary to the letter and spirit of the law. Mr. Justice Douglas reminded us, as I now remind you, that in the former USSR and Red China policy makers expended countless hours of debate, and forests of paper, debating their government's policies, including transportation policies. Yet, notwithstanding their "free speech," they never permitted anyone to question their foundation of communism. Douglas, William O., *The Right of the People* (1958), p. 9. Freedom of speech in America should not be so limited, even if it means that public-sector transportation agency managers will lose their jobs when the truth in transportation emerges from the debate. We owe it to ourselves and our posterity to prohibit "sacred cows" when we formulate transportation policy.

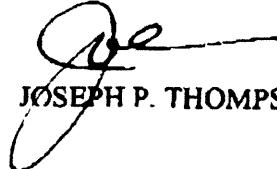
Our citizens rail advisory committee, I'm proud to say, did this in formulating our rail transportation policy in our County. If TAMC's rail advisory committee wants to achieve sound, sustainable transportation policy, I recommend that it admit to the discussion all private-sector solutions, which I believe are the only long-term sustainable solutions.

Please add my name to your mailing list for future announcements and agendas. In return, I will loan your Committee my copy of the seminal transportation policy study that has been written in the past decade, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash. D.C.: Brookings Institution, 1993).

Unfortunately, I could not stay for the entire Committee meeting yesterday because I was scheduled to address our Congressman at his Town Hall Meeting in Hollister. Also, again unfortunately, I will miss your next Committee meeting because I will be in Washington, D.C., for the 33rd annual Transportation Law Institute from Oct. 22 through 25, and afterwards I will be going into USDOT's Office of Intermodalism, and the Federal Railroad Administration, and some of the offices of our California Congressional Delegation, to continue to press for restoration of intermodal facilities for the Silicon and Salinas Valleys. The TLI is sponsored by the Transportation Lawyers Assn., the Association for Transportation Law, Logistics and Policy, the American Bar Association's Section of Administrative Law and Regulatory Practice, and the University of Denver's School of Law. I will also be returning to the Transportation Research Board's headquarters at Georgetown University to continue my post-doctoral study of transportation law and policy. Although I have now completed my term as co-chair of TLA's legislation committee, I remain dedicated to searching for the truth in transportation. I will advise you of the relevant transportation law and policy developments upon my return. Thank you.

Honorable Dave Potter, Chair  
Sept. 11, 2000  
page 3

Very truly yours,



JOSEPH P. THOMPSON, ESQ.

Encl.

cc: Rail Advisory Committees (both counties) [w/o encl.]  
cc: Council of Governments [w/o encl.]  
cc: MPOs (both counties) [w/o encl.]  
cc: Government Review Councils (both counties) [w/o encl.]

**JOSEPH P. THOMPSON**

Attorney at Law

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E-Mail: TransLaw@PacBell.Net

Website: <http://home.pacbell.net/translaw>

FAX (831) 424-7099

August 7, 2002

Honorable Sam Farr  
United States Congress  
100 W. Alisal Street  
Salinas, CA 93901

**Re: Transportation Policy and America's Future**

Dear Mr. Farr,

Thank you for coming to Hollister for your Town Hall meeting Aug. 1<sup>st</sup>. And thank you for representing our District in the Congress.

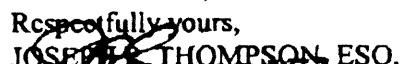
Confirming our conversation after the meeting, I could not disagree more with your idea that we should "nationalize the railroads" as part of "homeland security." The last time our government nationalized the railroads, during WWI, the bureaucrats proved what transportation men knew then, and still know today: government cannot run business. Your idea works if you want to confiscate private property, abolish our government, and convert us to a Marxist-Leninist state. Your idea could ruin the railroads, as the USSR did when it nationalized its industries. Read Solzhenitsyn's *The Gulag Archipelago, 1918-1956: An Experiment in Literary Investigation* (1973) for a Nobel Prize-winning eye-witness' account of what your idea could do here in America. Read "Nationalizing of Railroads: A Mistake America Cannot Afford to Make," *Traffic World*, March 31, 1975 and June 30, 1975. Will you nationalize all private property, e.g., our cars, homes, businesses? William Jennings Bryan's "Plumb Plan" to nationalize industry was rejected during the Progressive Era. We defeated the USSR, so why should we adopt their failed economic philosophy? If you start confiscating people's houses, why not start in the Carmel Valley and see what your neighbors think about your sanity? The worldwide "privatization revolution" during the past two decades has been widely reported. E.g., *Wall Street Journal*, 10/2/95. Our best thinkers have examined, and rejected, your idea. José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), written by two Harvard professors at the JFK School of Government. Only socialists, and transit welfare subsidy recipients determined to repeal the private property rights guaranteed to all Americans by the Founders, want nationalized transportation, and the revolutionaries in the Politico-Transit Alliance that you seem to favor. I thought that the idea of the Peace Corps was to teach someone how to build a fishing pole, not hold out his hand for government doles of fish? Spanish, and all other European, socialist transit is imposed with such ruthless, confiscatory tax rates that their countries' middle classes are hopelessly burdened. Productivity under socialist totalitarian regimes suffers. America's economic

success is directly related to our rejection of socialism. Read Nobel Prize winner Milton Friedman's *Capitalism and Freedom* (1962). Who else in Congress thinks that we should nationalize private property? Jefferson said it was intolerable when a tyrant confiscates our livelihood, our property, our homes, and the Bill of Rights guaranteed compensation for government taking. Yet you espouse "nationalization," i.e., confiscation of private property. That is a slap in the face to Brigham Young (UP's first shareholder), and all other shareholders of America's free enterprise businesses. On this 100<sup>th</sup> anniversary of the formation of the partnership of Vladimir I. Ulyanov, whose pen name was Lenin, and Lev Trotsky, and the creation of their Congress, I find it terribly ironic that you would come home from our Nation's capitol and preach Marxist-Leninist policy to your constituents.

Intermodal facilities are private-sector transportation operations where trailers and containers are placed onto and taken off of railroad flat cars. The remains of one is just to the left of the Amtrak depot as you face it in Salinas. They certainly are not what you called them. The scholarly literature refers to an "intra-modal" facility as a place where socialist bus transit riders get on or off socialist railroads. While I certainly do support intermodal facilities, I steadfastly oppose your Marxist-Leninist transit boondoggles. If you want to plan for solvent railroads, you need to remember how we did it in America the first time, i.e., combined freight and passenger revenues.

Land grant railroads were not given their right-of-ways, they paid for them. Measured in 1940 dollars, the taxpayers made a net \$560 million profit in the exchange for land. The consideration, i.e., *quid pro quo*, paid by the railroads was lower freight rates for government traffic as provided by Section 22 of the original Interstate Commerce Act. Subsidizing private sector transportation is very different from subsidizing communist, socialist, anti-American transit. The Amtrak debacle, where we spent \$24 billion in 31 years, short-changing our other transportation modes safety, e.g., airlines, highways, etc., can certainly be exceeded with communist Bullet-in-the-Brain Trains (High Speed Rail). Alternatively, as I said to the California HSR Commission in the five times that I testified, we could put enough FedEx, UPS and Postal Service tonnage aboard those trains so that we would not need to ask the taxpayers for a dime. But no, you want nationalization. If your idea worked, then why did Canada, Mexico, Great Britain, Australia, New Zealand, etc., all de-nationalize their railroads during the past 20 years? What can you be thinking? We need railroads, not Soviet-style horizontal elevators. Think: freight. Your predecessors did.

When you consider TEA-21's reauthorization in the next Congress, I hope that you will think about correcting Congress' mistake in 49 U.S.C. §14501(c), which the federal courts say deprives local government of jurisdiction to enforce highway safety rules (see my past letters to you on this and the case now pending in CA-9, *California Dump Truck Owners Assn., et al. v. Gray Davis, Bill Lockyear*). NAFTA's preemption of our national transportation laws (gross vehicle weight; long combination vehicles) is about ready to inflict real suffering in your District and across the Nation. You could always tell your fellow Congressmen about the case from Monterey County that proved that the federal government is no match for local law enforcement, when it comes to highway safety, *Sierra Valley Bus Lines*, which I've described in previous letters. I'm sorry that I won't see you when I'm in Washington for the Transportation Law Institute, Nov. 1-5. *Caveat Viatur!*

Respectfully yours,  
  
 JOSEPH R. THOMPSON, ESQ.

Encl.

# AMBIG + TRUE WORSHIP FALSE GOD SOCIALISM.

JOSEPH P. THOMPSON

Attorney at Law

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February 20, 1999

The Honorable Rita Bowling, Chairwoman  
 Council of San Benito County Govts.  
 3220 Southside Road  
 Hollister, CA 95023-9631

Re: Taxpayers and Transportation Policy

Dear Mrs. Bowling,

Thank you for allowing me to address the COG Board of Directors at their meeting on Feb. 18, 1999. Regarding the Report dated 2/18/99 from Mr. Walt Allen, Transportation Planner, to the COG, "Rail Service Study for Hollister/Gilroy Branch Line," I would like to take this opportunity to reply to Mr. Allen's Report.

**I. Assumptions.** At the threshold, your special duties that the voters entrusted to you require that you question basic assumptions upon which the Report is based, and the authorship source of the Report. If the underlying assumptions are unquestioned, then you are in danger of having your decision premised on faulty, irrational information fed to you by persons and entities with their own self-interest, rather than the best interest of the residents of the County, distorting the truth and misshaping the facts.

**1. The False God of Socialism Assumption: Public-Sector Transportation.** The authors' first unstated assumption is that government should provide transportation free, or nearly so, to the public. Nowhere in the Report is it revealed that such a philosophy of government has been shown by history to be ruinous for a society. If this assumption was correct, then the USSR would have won the Cold War. Blind acceptance of this assumption will condemn future generations to a sad fate where they will curse our memory. For an accurate description of the state of public-sector transportation erected on this False God of Socialism assumption, I urge you to read Solzhenitsyn, *The Gulag Archipelago* (1973), ch. 2, "The History of our Sewage Disposal System." The true cost of such a public-sector enterprise is not disclosed by the authors of the Report. In fact, so-called "senior transportation planners" at metropolitan planning organizations (MPOs) like MTC, VTA, TAMC, SCCRTC, etc., never include "negative externalities," i.e., adverse consequences, in their cost-benefit analyses, although they do include "positive externalities," e.g., congestion and smog reduction. Since the authors of those reports gain their income from the tax subsidies that all three

Hon. Rita Bowling, Chairwoman  
 Council of Governments  
 February 20, 1999  
 page 2

levels of government disburse, they conceal the adverse consequences to justify their work and their existence. A thinking person with a duty to the electorate must ask, "What about cognitive dissonance? Are these reports distorting the truth to justify their authors gaining money at taxpayers' expense? Is the lunch really as free as these authors are telling us? Is the "Free Light Rail Shuttle" really free? How much money do these authors receive for their "consulting" to us? Could they survive in a free-enterprise environment? If they did not gain their income from tax dollars, would they be here to advise us how to proceed?"

If the authors' first assumption was correct, then why have Canada, Mexico, Great Britain, Australia, New Zealand, and many other countries de-nationalized their public-sector transportation industries during the past two decades? If they were correct in their assumption, then the Internet would have remained a government-owned message center for the Department of Defense. If their assumption was correct, then the railroads would have been built originally by the government. The railroads would have remained nationalized as they were for 18 months during World War I. If their assumption was correct, they would not conceal the fact that the number of employees per mile of rail lines in socialized countries is substantially greater than in the United States.

Thinking persons with a duty to the electorate will recognize immediately that this assumption is false. The public-sector cannot outperform the private sector. Serious studies have examined this assumption and concluded as I have, and as you should, that the public is better served whenever we harness free-enterprise capitalism to do the job. Before you accept the false God of Socialism assumption, I urge you to read the seminal works of three Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), and John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

The authors' first assumption is contrary to human experience and common sense. If it was accurate, then public housing projects would be preferable to private home ownership. If they were correct, then Americans would have been emigrating to the USSR to live in concrete tilt-up "Dirodonominiums" along public-sector railroads. In truth, the residents of those Soviet-planners' high-rise concrete towers fled to their country farms (dachas) every chance they got. If the proponents of socialist transportation were correct in their assumption, the Berlin Wall would have been torn down by people trying to get into East Germany. Is that what happened?

Reliance on the public-sector solutions that the authors tout will cause you to violate the mandate of the Government Code that local government officials preserve past generations'

Hon. Rita Bowling, Chairwoman  
 Council of Governments  
 February 20, 1999  
 page 3

investment in our infrastructure. Worse than the Y2K bug on your computer's hard drive is socialism in your infrastructure. The California Transportation Commission (CTC) has recently recommended that local government base future transportation infrastructure on "user fees" rather than on new taxes. The authors' False God of Socialism assumption conveniently ignores both history and the CTC's instruction to local government. Will we learn from our history, or ignore it?

If the authors' False God of Socialism assumption is correct, John F. Kennedy would have said, "Ask not what you can do for your country. What can your country do for you?" If they were right about this, then the Populist Party platform plank, *viz.*, government ownership of railroads, telegraphs and telephones, would have carried the day during the elections of the 1890s decade, when public outcry to the Robber Barons crescend. Williams Jennings Bryan's Plumb Plan would have kept the railroads government-owned after WWI if the authors' premise was correct.

If the authors' False God of Socialism assumption was correct, then Abraham Lincoln would not have said in his Second Inaugural Address that no man should dare to ask a just God's blessing to wring his bread from the sweat of another man's brow.

If the False God of Socialism assumption was correct, then Governor Wilson would never have recommended the "Yellow Pages Test" of government as he did in *California Competes*.

The primary reason that the authors' Report omits mention of this assumption is that consultants and advocates for taxpayer-funded transit do not make any money unless they can convince elected officials, and dupe the public, into believing that there are no alternatives. If the tax dollars stopped, then they would be out of jobs. That is why you see them in the "revolving door" moving between MPOs and consultants' offices, milking the taxpayers by deceiving the elected representatives. As a general rule, they downplay the expense of public-sector transportation by an average of 50%, while at the same time they inflate "ridership" projections and anticipated revenues by an average of 50%. This finding was made after an exhaustive study of the previous 100 years of councils just like yours. Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978).

**2. The Pork Barrel Assumption: Politicians Know What's Best.** This assumption, which I also call "The MTBE Assumption," is not stated by the authors. Like the False God of Socialism Assumption, you must adopt it before you can accept the recommendations in the authors' Report. If this assumption, politicians know best, was true, then the taxpayers would not have had to pay the \$1+ trillion to bail out savings and loans after TEFRA, and the transportation industries would not

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have suffered 95% attrition through failures and bankruptcies as it did after Congress enacted deregulation legislation. If this assumption was correct, then MTBE would not be universally condemned as a mistake by our government. Since politicians can brag about bringing home their respective pork barrel projects, and make it seem like they are doing something positive for their constituents, the politico-transit alliance promotes the myth of this Pork Barrel Assumption. Many commentators have, however, recognized the fallacy of this assumption, e.g., Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991). Is TEA-21 really Jim Jones Koolaid for your constituents?

**3. The Spending Priorities Assumption: You'll Get Median Barriers When We Are Ready to Give Them to You and Not a Second Sooner.**

Another assumption that is not stated by the Report's authors is that unelected bureaucrats, who get their paychecks regardless of their performance, will establish spending priorities that are in the best interests of the greatest number of people. However, this assumption has been proven wrong, and is a primary reason why Mexico, Canada, Great Britain, Australia, New Zealand, and many other developed countries, have de-nationalized their industries, including transportation, during the past twenty years.

Just take the example of the VTA in Santa Clara County. What is the highest priority the VTA has? Let's judge them by what they do, not what they preach. If you guessed safety of the motoring public, you guessed wrong. The first thing on their priority list is their own job preservation. Their actions reveal that nothing is so important as that, no matter what the social cost imposed on society. While the county's transit agency is operated for the best interest of the union employees and agency managers, who have vastly higher pay scales and fringe benefits than you find in private sector transportation companies, the public is forced to wait for highway safety improvements. It matters not that many of us are killed or injured by lack of median barriers on the highways. So long as they can double the annual retainer of their federal lobbyists, so long as they can spend money for aesthetics, pensions, "Free Light Rail Shuttles," and other schemes and self-serving plans, then the public be damned. No sooner had the ink dried on the Supreme Court's decision denying a hearing to the taxpayers' challenge to the Court of Appeals' decision in the \$1.2 billion sales tax (Measure A&B) case, than the VTA's board of directors adopted a resolution doubling the \$620,000 annual retainer that they pay their Washington, D.C., lobbyists, raising it to \$1.2 million annually. This money is spent so that VTA can have more lobbying to get more taxpayers' dollars from Washington. The success of their lobbyists ensure that they get more of our tax dollars. Imagine that cycle repeated by all of the MPOs around the country every time reauthorization of transportation infrastructure is debated by Congress! Where will it end? Ask yourselves, if ISTE A reached \$168

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billion, and TEA-21 rose to \$218 billion, how many people, primarily middle-class taxpayers, will be forced to suffer declining standard of living in the future to support such abusiveness by our government and public servants?!?! Although there have been terrible highway crashes, taking a disgraceful toll of motorists of all ages, unborn, children, teens, adults, and elderly, VTA routinely transfers many millions of our transportation dollars to its employees bloated pension plans (most recently, January 1999, \$52.29 million to PERS). The authors would have us ignore the bureaucrats' spending priorities. Their assumption is that we must close our eyes to the human suffering which those selfish decision-makers at our MPOs like VTA make every day with our money.

Ask yourselves: "Why did Mayor Brown threaten to privatize Muni when it was revealed that they were operating nearly 50% of their bus fleet without meeting CHP's safety standards for passenger buses?" Was Mayor Brown admitting that the private sector could do a better job? Do you believe that he would ever fulfill such a threat when it would mean the loss of vast political patronage in San Francisco for the Mayor? Are you willing to establish that model for our County? Are you willing to accept the priorities revealed by the VTA?

**4. The Womb to Tomb Government Assumption: Unelected Bureaucrats Will Address Your Every Need.**

A related assumption which the authors fail to mention in their Report is that we can trust bureaucrats, unelected and unresponsive to the electorate, to make wise decisions for everything we need from the womb to the tomb. This fallacy must be rejected for the same reasons that you denounce the False God of Socialism Assumption. Until Christ's Golden Rule becomes part of human nature, this assumption is false.

**5. The Black Hole Government Assumption: Each Little Tax Increment Will be Painless for the Taxpayers.**

The next unstated assumption, which I call "The Black Hole Government Assumption," is one in which the authors expect that each "little" tax increment imposed on the taxpayers will have no adverse effect. They think it will be painless. Their thinking can be shown for what it is by imagining yourself exposed to the ravages of a blood-sucking leech. One leech, say on your foot, takes a few tablespoons of your blood, is satisfied, and falls off. You survive. Two leeches will take twice as much of your blood. Again you survive. Now, keep adding leeches to this thought experiment (don't try this at home!). If your body was totally covered with leeches, you would be dead. Somewhere between the first leech, and total body coverage, a fatal number of leeches, all sucking their own little sip of your blood, attach themselves to you. That number will depend on many factors. Suffice it to say that each person has such a number, but there are an infinite number of leeches.

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standing by ready to help themselves to everyone's blood.

A Black Hole Government has infinite gravitational pull that will cause it to grow indefinitely as long as it can suck-in more matter that comes within its grasp, just like its namesake in cosmology. The authors misguided assumption is that the leeches can be restrained, the black hole arrested, before the fatal point arrives for our society. In the interim, they may profit from the experience that society undergoes, until they, too, get a fatal dose of leeches or are bound irrevocably to the attraction of the black hole. But the authors, or their descendants, will suffer the same fate as the rest of us. Their thinking is, therefore, self-serving and short-sighted. We may excuse them as advocates for a theory, a philosophy, and all agree that in a democracy they have the right to express their opinion. But thinking persons with a duty to their constituents must see through their fallacies to the truth, and steer us away from the leeches, and clear of the Black Hole Government.

**6. The Malignant Tumor Government Assumption: It Won't Spread.** The authors next unspoken assumption that I call "The Malignant Tumor Government Assumption" presumes that we will keep this socialism from spreading to other parts of society. They say nothing about the malignancy spreading, for example, to retailing, food distribution, medical care, farms, etc. Their unstated assumption is that extending nationalized industry into transportation will not cause further spread of nationalization into other industries. The danger of the spread of socialism in our economy is taught to MBA candidates in our universities. It is widely accepted learning that in a global economy like ours children are facing only countries which restrict their spending to income producing activities will prevail in the intense competition. Dunning, *Multinational Enterprises and the Global Economy* (Addison-Wesley Pub., 1993), at p. 529. Until we have elected leaders with the wisdom and courage to stop the spread of this malignancy, the authors and others touting their philosophy may facilitate the spread of this evil throughout our society and forcing us to the same fate as befell the USSR.

**7. The Graffiti Taggers Assumption: Respect for Private Property.** The authors next unstated assumption is that public-sector property will earn the same respect as private property. But like graffiti taggers, who despoil and vandalize others' property, the draftsmen of the Report, like many of their cohorts around the country, fail to state the obvious fact that people have greater respect for something they own, than for what other people own. Just look at a street in your community with renters and owners. Who takes better care of the property? Are graffiti taggers spray-painting their belongings? Or are they lurking around spraying paint on public property, carving their incomprehensible acronyms in the glass doors and windows of our small businesses?

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**8. The Vacuum Assumption: This Scheme is the Only Thing Happening.** The next assumption that the authors fail to reveal in their Report is one wherein they pretend that no other tax-funded government program is already draining dollars from us, and that middle-class incomes have been increasing. As shown in the accompanying Petition, this assumption is false, and must be rejected for the same reasons as stated under the Black Hole Government Assumption. Many people have already reached the fatal number of leeches sucking their blood. Look at the number of bankruptcies and their rate of increase in this District. Look at the small business failure rate. Look at the sky-rocketing price of housing. If you have already been forced to tax the beds in our hospitals and convalescent homes to run the socialized buses, what will you have to tax to run socialized passenger trains?

**9. The Grantism Assumption: If the Money is Called a Grant Then it is Not a Tax Subsidy.** You will notice that the authors' Report distorts the meaning of words to conceal the truth as much as possible. For example, the use of the word "grant" instead of "taxpayers hard earned dollars," or "taxpayers' subsidy," is commonly used by authors like those of this Report. Whether the dollars from the taxpayers are called taxes, fees, grants, subsidies, or pork-barrel handouts from the Treasury, the effect is the same. And furthermore, the corollary assumption, that tax dollars from the federal government are somehow different from the taxpayers' dollars that are spent by local, regional and state governments is just as fallacious. The California Supreme Court has held that a fee is not a tax, and therefore, the Legislature need not comply with the California Constitution (2/3 supermajority requirement) whenever it enacts "fees" as opposed to enacting taxes. *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal.4th 866, 64 Cal.Rptr.2d 447, 937 P.2d 1350 (1997). This is contrary to the will of the people as shown by Proposition 13 and Proposition 218. So, it is vital that our local elected representatives voice our concern that the Constitution be enforced and that no new taxes be placed on the backs of the taxpayers. The impact of all these taxes by all the multiplicity of taxing authorities, joint power boards, redevelopment agencies, municipalities, regional authorities, etc., whose malignant growth can be seen in the explosive growth of our Public Utilities Code in California (which has doubled in size during twenty years of "deregulation" of the industries), may be seen if you read the accompanying Petition.

**10. The Trojan Horse Assumption: Beware of Greeks (and Transit Advocates) Bearing Gifts.** The most insidious assumption that the authors make is that this federal money has no strings attached. Hailed by the politico-transit alliance as "devolution," i.e., returning power to local and state government, all of the ISTEA (Intermodal Surface Transportation Efficiency Act) reauthorization legislation, e.g., BESTEA, NEXTEA, HOTTEA, etc., was laced with poison like Jim Jones' Koolaid. Although bipartisan supporters never once mentioned it, the draftsmen of TEA-21 inserted broad

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federal preemption language ("no state or local government shall enact or enforce any law or regulation . . ."). While this was no problem for the politico-transit alliance, who got unprecedented sums for their pet projects out of the deal, the Tenth Amendment in the Bill of Rights was further decimated. Using the Commerce Clause as justification, the Supreme Court has approved this federal incursion of the States' rights in a wide spectrum of the Nation's economy, e.g., *Kelley v. United States*, 116 S.Ct. 1566 (1996) [state regulation of intrastate trucking preempted by ICC Termination Act, Pub.L. No. 104-88], so TEA-21's draftsmen traded away the people's constitutional rights in exchange for the "demonstration projects" (pork barrel) that the politico-transit alliance sought. How does this work? For example, federal preemption of local government power by means of this language was recently approved by the Ninth Circuit Court of Appeals in the Stampede Pass Case (*City of Auburn v. Surface Transportation Board*), where the Court upheld Congressional prohibition of enforcement of environmental, zoning, and construction permit laws by the City of Auburn, Washington when the Burlington Northern Santa Fe Railroad decided to reopen its previously abandoned transcontinental route through the Stampede Pass without complying with their state laws. The federal formula also applies to airlines, 49 U.S.C. §41713(b)(4). Courts throughout the Nation have handed down similar decisions based on the broad federal preemption language. 18 *Harvard Journal of Law & Public Policy* 903, "Federal Preemption of State Consumer Fraud Regulations: *American Airlines, Inc. v. Wolens*," 115 S.Ct. 817 (1995).

The authors' Report never mentions this erosion of fundamental rights reserved to the people by the Bill of Rights. While temporary gifts are doled-out by campaign-fund, vote-hungry members of the politico-transit alliance, they are depriving future generations of the Founders' Constitution that we inherited from our fathers. I consider this to be the most egregious harm that is left unspoken by the Report. Acceptance of the Report by the COG Board will be a ratification of this violation of our constitutional rights. Since those rights have infinite value to America's unborn generations, whatever inducements are offered us in exchange are nothing more than an insult to democracy. Who has the courage to tell the Emperor that he is stark naked? What is more important, another glass of Kool Aid, or your grandchildrens' constitutional rights? A statesmen would rather fall on his sword; a politico-transit alliance comrade will lunge for the chum like sharks in a feeding frenzy.

**II. Recommendations.** I request that you give serious consideration to the accompanying Petition on behalf of the taxpayers, homeowners and small business owners of this County. I urge you to "do your homework" and read my paper for the background and evolution of this crucial issue facing us today, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law J.*, pp. 87-*et seq.* (1997). I have already given you copies of this paper, but to aid your decision making, I am enclosing a copy of a shorter version entitled "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities,"

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which was published in the *Transportation Lawyer* (1997). Your special duties to the electorate and residents of the County, and, equally important, your duties to future generations of County residents, require that you adopt strategic transportation planning that is in the best interests of the greatest number of people, not the best interest of consultants and others who feast off the taxpayers. In honor of the self-reliant pioneers from the Donner Party, ranchers and farmers who originally settled this County, you must be guided by the American virtues of independence, self-reliance, and respect for private property which they bequeathed to us, and for which our fathers fought to preserve for us. Rejecting all forms of socialist planning for our transportation infrastructure, I believe that you should adopt the following recommendations to guide us into the next century.

1. The COG Board must refuse to become a partner with another government because partners are responsible for each other's debts.
2. The COG Board must reject the philosophy of public-sector transportation advocates like the transit planners at VTA, TAMC, and other MPOs.
3. The COG Board must obey the mandate of the Government Code to preserve previous generations investment in our infrastructure, chief of which is capitalism.
4. The COG Board must reject invitations to spread socialism into this County, which are extended by self-serving promoters of taxpayer-funded programs that impose unacceptable burdens on the middle-class, homeowners, small business owners, and cause housing to become more unaffordable. COG must denounce the politico-transit alliance and Soviet-style planners.
5. The COG Board must obey the instructions of the CTC to plan infrastructure on "user fees" and not on new taxes. COG must place the taxpayers' well-being as its highest priority.
6. The COG Board must instruct the staff of the County transportation agency to include all negative externalities in their cost-benefit analyses, including small business failures and personal bankruptcies, and their human suffering, resulting from excessive taxation by all levels of government.
7. The COG Board must demand truth in transportation from the staff of the County transportation agency, and any other proponent of public-sector transportation in any mode, i.e., highway, railroad, etc., so that our elected representatives have an accurate factual basis upon which to make decisions for strategic transportation planning.

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**8.** The COG Board must discount the reports of consultants and proponents of public-sector transportation because their viewpoint is influenced by their desire to profit at the expense of the taxpayers. COG must not emulate Soviet-style models from wealthy, urban counties.

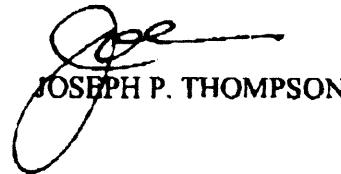
**9.** Before proceeding with any plan, the COG Board must find that it would be in the best interests of the taxpayers of this County to adopt the public-sector model of passenger train transportation and reject the free-enterprise model of the private sector.

**10.** The COG Board must consider the private-sector solution adopted in Stark County Ohio and the benefits for the commerce and business and tax base of this County that could be achieved if we followed their example and had a shortline railroad from the private sector build and operate an intermodal facility on the Hollister Branch Line near Highway 101, which is a NAFTA approved route under TEA-21. Tapping the substantial flow of intermodal traffic, Eastbound from the Salinas Valley, and Westbound into the Silicon Valley, will add tax revenues for the County, attract additional transportation business, reduce highway congestion, road maintenance expense, and improve air quality because of the traffic that is diverted off the highways to TOFC/COFC rail service. This intermodal traffic far exceeds any other available freight revenue that the Hollister Branch Line could offer a shortline railroad/intermodal facility operator.

**11.** The COG Board must adopt a policy of preferring free-enterprise transportation as the only long-term, sustainable transportation as history has shown, and reject public-sector, taxpayer funded transportation schemes promoted by people who delight in spending OPM ("other peoples' money) with no risk to themselves.

**III. Action Request.** Will you please include this reply to the Report, and the accompanying Petition, on your agenda for your meeting on March 18, 1999, at 1PM in Hollister, and consider it on behalf of the taxpayers, homeowners and small business owners of our County. Thank you for considering this request.

Respectfully yours,



JOSEPH P. THOMPSON

Encl.

*Firstie Loggetti,*  
 Regarding transport cost increases, Ag and other shippers  
 and receivers don't have the option of intermodal  
 Abraham Lincoln Learning Fortress  
 for  
 Responsible Enterprise Education  
 —§—  
 San Benito County Small Business Incubator  
 1760 Airline Highway #F-105  
 Hollister, CA 95023  
 E-mail: TransLaw@PacBell.Net  
 February 15, 2000

FAX: (831) 636-1359

Mr. Al Martinez, Executive Director  
 Economic Development Corporation  
 1131 San Felipe Road  
 P. O. BOX 1265  
 Hollister, CA 95024

Re: EDC San Benito County Transportation Policy

Dear Al,

Thank you for allowing me to address the EDC's Board of Directors at their meeting in Hollister today regarding transportation policy and the restoration of passenger train service between Gilroy and Hollister. Since EDC's Gilroy Executive Director Bill Lindsteadt sent me to UP's headquarters in Omaha in June of 1997, it has become obvious that neither the Salinas Valley nor the Silicon Valley will see restoration of intermodal facilities. As I said to your Directors, and as I have said to the Directors of our Council of Governments, and various elected officials, this means that San Benito County has an excellent opportunity presented to its residents to become the "Intermodal Gateway to Silicon Valley," and the "Intermodal Gateway from Salinas Valley." I urge your Directors to support the private sector solution about which I spoke. Your Directors could, if we are successful in this endeavor, rightfully claim credit for bringing this County the following benefits:

1. Facilitate Commerce and Trade
2. Improve Transportation (Passenger and Freight)
3. Stimulate Local Economy
4. Create Local Jobs
5. Increase Local Capital Spending and Investment
6. Reduce Highway Maintenance Expenses
7. Reduce Air Pollution and Improve Air Quality
8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
9. Improve Highway Safety and Reduce Accidents
10. Increase Local Government Tax Base
11. Create Transport Options for Growers, Packers & Shippers & Receivers
12. Improve Product Profitability During Truck Shortages
13. Reduce Border Crossing Delays for NAFTA Products Trade
14. Retain Affordable Housing by Reducing Traffic Impact Fees
15. Maintain Character and Environment of County

*and other shippers  
 and receivers don't have the option of intermodal  
 service on the  
 Central Calif Coast.  
 Why? Why don't  
 our local reporters  
 ever report on this  
 failure of our  
 government plan?  
 And now we will have  
 Mexican Trucker line  
 hauling our commerce  
 on our highways.*

*Joe*

Mr. Al Martinez  
February 15, 2000  
page 2

16. Preserve Agricultural Land and Small Farms
17. Reduce Fuel Consumption
18. Reduce Driver Fatigue-Related Accidents
19. More Responsive Management to Competitive Marketplace
20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

The variance in the population statistics between Santa Clara and San Benito Counties are not as dramatic as those of economic differences, which are reflected in the statistics I presented to your Directors. This evidence shows us that we cannot adopt the same transportation policy as that of our larger sister counties like San Francisco, San Mateo and Santa Clara. However, we do have a distinct advantage given the policy decisions that they have made. I urge your Board to seize this unique opportunity for this County and bring these benefits to our local residents (see my letter to the *Pinnacle* editor enclosed). Please let me know what I can do to help you in this fight.

Very truly yours,

JOSEPH P. THOMPSON

Encl.

cc: Rail Advisory Committee

*Kristine & Kocis & Loman*

**INSTEAD OF REPORTING OBVIOUS COST INCREASES FOR SHIPMENTS  
& REVENUES FOR CARRIERS' SERVICES, WHY NOT REPORT COG'S  
FAILURE TO INCLUDE INTERMODAL OPTIONS IN OUR TRANSPORT  
INFRASTRUCTURE.**

Attorney at Law

8339 Church Street, Suite 112, Gilroy, CA 95020

Post Office Box 154, Gilroy, CA 95021-0154

Telephone (408) 848-5506; Fax (408) 848-4246

E-mail: TransLaw@PacBell.Net

June 9, 2004

*I'VE ASKED THEM  
MORE THAN 50 TIMES,  
AT SO DIFFERENT COG  
AND THE MEETINGS,  
BUT THEY REFUSE.  
WHY?*

FAX (831) 636-4160

Hon. Richard Scagliotti, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

FAX (831) 637-9015

Mr. Thomas Quigley, Executive Director  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

*JOE*

**Re: COG & TAC Agendas June 2004—COG Rail Transport Policy & RTP**

Dear Mr. Scagliotti and Mr. Quigley,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for June, 2004, please refer to my previous letters to you about COG's rail transport policy, COG's RTP, and the decision announced Monday by the U.S. Supreme Court opening the border to the entry of Mexican trucks (see enclosed).

**Identity of Author.** I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

**Background.** I have previously given all of you copies of the materials that I received from UP's Industrial Development Department at the UP's Forum, and you were kind enough to permit me to show you the UP's videotape presentation to a COG meeting.

**Recommendations:**

**1. Agenda Item for June 2004—TAC and COG:**

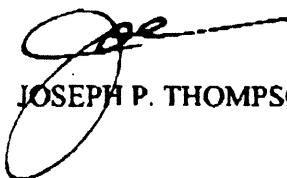
Introduction of Mexican trucks, as we saw with the introduction of Canadian trucks, will add further demands on local highways. Since we are in the largest region in the U.S. without an intermodal facility, the adverse consequences of this long-anticipated development will be especially

**COG & TAC Agendas for June 2004: How to Respond to Supreme Court's Decision  
Admitting Mexican Trucks on to Local Highways**

bad. I have repeatedly advised COG's Directors, and others, that we must restore intermodal facilities on the Central California Coast Region so that shippers and receivers have an alternative to truck movement. The best example is the UP's intermodal facility at Lathrop. If local ag and other shippers and receivers had this option, then we could lessen the number of Mexican long-haul truckers serving the Region. Local trucking jobs could be preserved because they would be engaged in draying inbound and outbound loads and empty containers to and from the piggyback ramp. Local tax revenues could be enhanced, whereas Mexican truckers will not pay local taxes. At present there are 4.5 million annual truck crossings at the border, but we inspect only one-half of one percent of them. Even if the CHP's promise is kept to triple the number of inspections, we will see only one and one-half of those trucks inspected. There will be adverse safety consequences on our highways. The Mexican truck fleet average age is 4-5 times the age of the U.S. fleet. Driver training and qualification is inferior to that of our drivers, who occupy the low end of the logistics supply chain. As a former truck dispatcher, I foresee many problems, e.g., fatigue, etc., for these drivers. Without terminals, they will be parking their rigs anywhere they find, and their choices will not always be safe ones. Many of them will not be able to read our street and highway signs. So, therefore, I recommend that the COG's Directors include this subject on their TAC and COG agendas, and take immediate action to add restoration of intermodal facilities in the RTP amendment now being drafted. Neither MTC nor AMBAG, and none of the other MPOs, i.e., VTA, TAMC, SCCRTC, have plans to restore intermodal facilities for the Central California Coast Region, so we have an excellent opportunity to capture this missing transportation infrastructure with all the positive benefits (see my letter to Mr. Al Martinez enclosed).

*Caveat viator!*

Respectfully yours,



JOSEPH P. THOMPSON

cc: COG Directors  
cc: SBC County Supervisors  
Encl.

# AMBAG's TRANSPORT PLANNERS

Petition to the Citizens Rail Advisory Committee and  
Council of Governments of San Benito County

by  
 Joseph P. Thompson, Esq.

*A Second Reply to the Caltrain Extension Working Paper*

"SCOPING  
 MEETING"

6-24-04

*Transportation cost-finding is an art, not a science. Transportation benefits cannot be precisely measured. R.L.Banks' Dr. Harvey Levine, National Transportation Policy: A Study of Studies (1978).*

*The national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives . . . to . . . make easier the development and improvement of coordinated service to be provided by private enterprise to the greatest extent feasible. . . National Transportation Policy Purpose, 49 U.S.C. §101.*

*It is the policy of the United States Government . . . to foster sound economic conditions in transportation and to ensure competition and coordination between rail carriers and other modes. National Rail Transportation Policy, 49 U.S.C. §10101.*

*To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States . . . it is the policy of the United States Government to oversee the modes of transportation and . . . to recognize and preserve the inherent advantage of each mode of transportation; to promote safe, adequate, economical, and efficient transportation; to encourage sound economic conditions in transportation, including sound economic conditions among carriers; . . . promote intermodal transportation; . . . National Transportation Policy, 49 U.S.C. §13101.*

*It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the United States to compete in the global economy, and will move individuals and property in an energy efficient way. . . The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion, and other aspects of the quality of life in the United States. National Intermodal Transportation System Policy, 49 U.S.C. §5501.*

*Private Sector Participation. Agencies shall seek private sector participation in infrastructure investment and management. Innovative public-private initiatives can bring about greater private sector participation in the ownership, financing, construction, and operation of the infrastructure programs referred to in section 1 of this order. Consistent with the public*

END SOCIALIST TRANSIT; PRIVATIZE!  
 RESTORE INTERMODAL FACILITIES!

*interest, agencies should work with State and local entities to minimize legal and regulatory barriers to private sector participation in the provision of infrastructure facilities and services.*

William J. Clinton, Exec. Order No. 12893, January 26, 1994.

*In the process of governing, the Government should not compete with its citizens. The competitive enterprise system, characterized by individual freedom and initiative, is the primary source of national economic strength. In recognition of this principle, it has been and continues to be the general policy of the Government to rely on commercial sources to supply the products and services the Government needs. Executive Office of the President, Office of Management and Budget, Circular A-76 (1983).*

*The crucial question in transportation today is: What should government do, and what should it leave to others? Norman Y. Mineta (1995).*

*Competitive capitalism—the organization of the bulk of economic activity through private enterprise operating in a free market—as a system of economic freedom and a necessary condition for political freedom. Milton Friedman, *Capitalism and Freedom* (1962).*

### Summary

The proposal by R.L. Banks, Washington, D.C., who are the chief consultants ("Consultants") retained by the San Benito County Council of Governments ("COG") should be rejected by the Citizens Rail Advisory Committee ("RAC") because it is not in the best interest of the citizens of San Benito County. Long-term sustainable transportation solutions are only found in the private sector, yet the Consultants' proposed plan for this small, rural county is that we mimic what large cities do. Rejecting the private sector solutions which are available, the Consultants propose that we tax ourselves out of our cars, into bankruptcy, and stick our children with less affordable housing and our grandchildren with unaffordable housing. The Consultants' plan is unacceptable, and for the reasons explained below, should be rejected by COG.

### Background

The following are incorporated by reference in this reply: *Petition to the Council of Governments of San Benito County: Reply to the Report dated Feb. 18, 1999 by Mr. Walt Allen, Transportation Planner, San Benito County* by Joseph P. Thompson (attached hereto as Appendix 1); *Petition to the Technical Advisory Committee of San Benito County: A Response to the Working Paper dated Dec. 27, 1999 entitled "Milestones to Gilroy-Hollister Train Service Implementation"* by Joseph P. Thompson (Appendix 2).

### Assumptions

The proposal by the Consultants is premised upon unstated assumptions which have been shown by the history of the Twentieth Century to be false. Truth in transportation demands that these assumptions be disclosed. When they have been, one can only conclude that the Consultants' proposal is wrong for our County, as it would be for any rural, agricultural county in America.

Lincoln said that we cannot survive half slave and half free; a house divided against itself cannot stand. Nothing in human nature has changed since he spoke these words. Yet today, America is half free-enterprise transportation, and half slave to publicly owned transportation. During the last century, every developed nation that had tried public sector transportation either fell in revolution, or, belatedly acknowledged its leaders' previous mistakes and denationalized their public sector transportation. Mexico, Canada, Great Britain, Australia, New Zealand, and many other countries privatized their nationalized industries, including transportation, in what the *Wall Street Journal* described as a "Privatization Revolution." Nevertheless, proponents of public sector transportation in this Country have besieged Congress into a "pork-barrel" travesty of transportation enterprise called "public transit."

Mr. Justice Douglas described free speech in the USSR and Red China in *The Right of the People* (1958) where they had "great debates" on the proper course to follow, filling the newspapers, etc., but never challenged communism as a system. Freedom of speech in America is different--we can, indeed must, question the assumptions upon which our government acts.

Unmasking the transit planners, whose boondoggles make the Robber Barons look like altar boys, and the truth emerges. Like Soviet planners, whose Five Year Plans were always described as a raging success until the USSR fell in revolution, transit planners never worry so long as they have the tax subsidies to keep their fiascoes running. Amtrak is a prime example. According to *Traffic World*, Jan. 17, 2000, from its first day of operation in 1971, Amtrak has been given \$23 billion in operating and capital subsidies. "If counted out in \$1,000 bills, that amount would reach more than 14,300 feet into the air, which is higher than 10 World Trade Centers stacked one atop the other. And Amtrak still has had to borrow more than \$1.6 billion in private markets to pay its bills. . . . It has been said that the American taxpayer would be better off if Amtrak trains didn't run and Amtrak passengers instead were provided a zero-price airline ticket and a three-martini lunch." *Id.*, p. 14.

A Brookings Institution study recently found that by 1995 the U.S. public transit operating deficit was approximately \$9 billion annually, that as much as 75% of federal spending on mass transit goes to transit workers (at above-market wages) or to suppliers of transit capital equipment (as profits and interest), and that just 25% goes to improve service and reduce fares. (See, Exhibit "B," Page 41, App. 2.)

So, the Consultants would have us ignore history, our national transportation policy, and worldwide trends in transportation, and nationalize an unremunerative dead-end branch line of the UPRR, give the UPRR about \$30 million, tax ourselves to pay for it and also the annual operating loss of several millions, pledge our children, grandchildren and future generations as co-obligors, so that about 200 people a day can have a ride to work. It would, of course, be much cheaper to hire limousines, pay the driver a \$20 tip, and give free drinks to the passengers, than to adopt the Consultants' plan.

In the San Francisco Bay Area's 9 Counties, all transit agencies combined average "farebox return" is only 30% according to the MTC. Applying generally accepted accounting principles ("GAAP") would produce a much smaller amount because capital costs are excluded from these data. Although California State law prohibits a transit agency from operating with a farebox return rate of less than 15%, Pub.Util.C. §§99238(b), 99401.5, our elected leaders often permit their transit managers to violate the law and look the other way. Citizens groups are

beginning to fight back against such mismanagement. E.g., *Hayward Area Planning Assn. v. Alameda County Transportation Agency*, 72 Cal.App.4th 95 (1999).

Blind adherence to the unstated assumptions that has brought us to the current state defies logic. Independent scholars have exposed the truth about them, exploding the myth that public transportation is a sustainable solution for any developed nation. Jose A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Brookings Institution, Wash., D.C.: 1993). These two Harvard professors' study concluded that experience with nationalized transportation falls into a continuum of ten distinct stages:

1. Entrepreneurial
2. Consolidation
3. Regulation of fares and franchises
4. Decline in profitability
5. Withdrawal of capital and services
6. Public takeover
7. Public subsidies
8. Declining efficiency
9. Dilemma of subsidy cuts, fare increases, and service cuts
10. Privatization

Between each stage of evolution of a society's transportation is unmeasurable human suffering. Whenever a country's leadership permits the evolution to continue, they inflict harm on each succeeding generation. Law and policy ought to be focused on keeping society in stage #1 to retain the advantages of sustainable transportation solutions. When our law and policies fail this goal, our children suffer, and their children will suffer even more, until the cycle goes around.

Others have made similar conclusions about the proper role of government, including Harvard Professor John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (1989); and University of Chicago Professor Emeritus Milton Friedman, *Capitalism and Freedom* (1962).

#### Bias and Prejudice

Urban transit solutions for cities and large metropolitan areas, e.g., New York, Washington, San Francisco, etc., are the chief preoccupation of the Consultants. Armed with massive appropriations from Congress, e.g., \$187 billion under ISTEA, \$218 billion under TEA-21, which require even greater tax revenues from the taxpayers to assemble for disbursement to what has become a socialistic Black Hole, public transit advocates of the Politico-Transit Alliance have "grown their business" so that it has become such big a drain on the economy as to make public housing seem modest in comparison. So biased and prejudiced are the Consultants to taxpayer-funded socialistic transit that they deem it best that we increase the tax burdens on ourselves, and worse, that we make it easier for proponents of higher taxes to impose them by amending our Constitution (by enacting Senate Constitutional Amendment No. 3) to repeal the supermajority (2/3) protections that presently exist. The Consultants, and proponents of socialistic transit, ignore Mr. Justice Marshall's warning that the power to tax is the power to

kill, just as they ignore the will of the voters as shown by Prop. 13 and Prop. 218, and most recently by the rejection of Prop. 26.

### Economic Reasons to Reject the Consultants' Proposal

The Consultants' proposal is basically to duplicate the Santa Clara County model in San Benito County. This is a bad idea because San Benito County lacks the economic foundation upon which to build such transportation.

**Economic Disparity.** San Benito County ranks 38th among California's counties, whereas the three neighboring counties to the North rank 2 (San Francisco), 3 (San Mateo) and 4 (Santa Clara) when measured by per capita income of their residents. In other words, the three member counties of the Peninsula Corridor Joint Powers Board ("Caltrain") are the wealthiest in California if you ignore Marin County (#1). Residents of the Caltrain counties have twice as much money, on average, as the residents of San Benito County. This County lacks the population and economy that Caltrain counties have. In a head-to-head comparison with Santa Clara County, this County ranks much smaller in every vital category. The Consultants' proposal to force upon San Benito County what the three giant counties do is a recipe for disaster. If their plan was adopted, then we would be inviting financial despair for our children and ruin for our grandchildren.

A review of key economic statistics for Santa Clara and San Benito Counties shows just what a wrong plan the Consultants have proposed (complete data appear in Appendix #3):

<u>Description</u>	<u>Santa Clara</u>	<u>San Benito</u>
Land Area, square kilometers	3,344	3,598
<i>②About equal in size</i>		
Population 1999	1,717,600	49,700
<i>③34.56 times greater population in Santa Clara</i>		
Population 1990	1,497,577	36,697
Population Change 1990-1999	+14.2%	+34.3%
<i>④San Benito grew faster in the '90s</i>		
Median Household Income 1989	\$48,115	\$36,473
Median Household Income 1995	\$53,490	\$39,729
Median Joint Adjusted Gross Income 1997	\$69,873	\$50,483
Median Individual Adjusted Gross Inc. 1997	\$35,762	\$26,282
% with \$100,000 or more 1989	11.4	4.8
% below Poverty Level 1995	9.1	11.8
<i>Poverty is on the rise in our County; shrinking in Santa Clara</i>		
Total Personal Income 1996, millions	\$56,218	\$848
<i>⑤Santa Clara's was 66.29 times greater</i>		
Total Personal Income 1997, millions	\$61,344.6	\$906.3
<i>Santa Clara's was 67.69 times greater</i>		
Per Capita Income 1989	\$20,423	\$13,933
<i>⑥Santa Clara's was 1.47 times greater</i>		
Per Capita Personal Income 1996	\$35,395	\$18,831

<i>⑧Santa Clara's was 1.88 times greater</i>		
Per Capita Personal Income 1997	\$37,856	\$19,485
<i>Santa Clara's was 1.94 times greater, and getting bigger each year</i>		
Wages & Salaries 1996, millions	\$46,581	\$353
<i>⑧Santa Clara had 132 times more</i>		
Ave. Earnings Per Job 1997	\$47,943	\$24,918
Ave. Wages Per Job 1997	\$47,977	\$23,195
<i>The average job in Santa Clara pays twice as much</i>		
Housing Units 1999	581,532	15,954
Median Value Owner Occupied " " 1990	\$289,400	\$206,600
Cost as % of Income (w/mortgage) " " '90	24.9	26.7
<i>⑧It is more expensive (relatively) to live in San Benito</i>		
Cost as % of Income (w/o mortgage) '90	11.5	12.3
<i>⑧Even with a paid-off mortgage San Benito is more expensive</i>		
Rent as % of Income 1990	27.4	25.2
<i>⑧Rent as a percentage of income was about equal in 1990</i>		
Civilian Labor Force 1997	936,453	26,694
<i>⑧Santa Clara had 35.08 times more</i>		
Civilian Labor Force 1999	962,700	26,410
<i>Santa Clara had 36.45 times more</i>		
Unemployment 1997	28,398	2,899
Unemployment Rate 1997	3.0	10.9
Unemployment 1999	29,200	2,120
Unemployment Rate 1999	3.0	8.0
<i>Unemployment is 2-3 times greater in our County</i>		
Total Civilian Employment 1990	806,917	16,800
<i>⑧Santa Clara had 48.03 times more employed workers</i>		
Total Civilian Employment 1999	933,500	24,290
<i>Santa Clara had 38.43 times more employed workers</i>		
Private Nonfarm Businesses 1996	41,596	828
<i>⑧Santa Clara had 50.24 times more nonfarm employers</i>		
Private Nonfarm Employment 1996	845,089	8,894
<i>⑧Santa Clara had 95.02 times greater nonfarm employees</i>		
Private Nonfarm Employment 1999	968,800	12,510
<i>Santa Clara had 77.44 times greater nonfarm employees</i>		
Manufacturing Employment 1996	258,419	1,906
<i>⑧Santa Clara had 135.58 times greater</i>		
Manufacturing Employment 1999	249,000	2,150
<i>Santa Clara had 115.81 times greater</i>		
Retail Trade Employment 1996	122,206	2,805
<i>⑧Santa Clara had 43.57 times greater</i>		
Retail Trade Employment 1999	189,800	3,740
<i>Santa Clara had 50.75 times greater</i>		

Finance, Ins. & R/E Employment 1996	29,675	309
<sup>⑧Santa Clara had 96.04 times more</sup>		
Finance, Ins. & R/E Employment 1999	32,800	430
<sup>Santa Clara had 76.28 times more</sup>		
Services Employment 1996	298,668	1,656
<sup>⑧Santa Clara had 180.36 times more</sup>		
Services Employment 1999	332,000	1,990
<sup>Santa Clara had 166.83 times more</sup>		
Private Nonfarm Annual Payroll '96, millions.	\$38,170	\$213
<sup>⑧Santa Clara had 179.20 times greater in 1996</sup>		
Private Nonfarm " " " Per Employee 1996	\$45,167	\$23,921
<sup>⑧Nonfarm annual wage nearly twice as much in Santa Clara</sup>		
Farms 1997	985	562
<sup>⑧Greater number of farms in Santa Clara</sup>		
Land in Farms 1997, thousands	319	512
<sup>⑧More farm acreage in San Benito</sup>		
<sup>" " " % Change 1992-97</sup>	-7.1	-14.7
<sup>⑧We are losing farmland twice as fast as Santa Clara</sup>		
Average Size Farm 1997, acres	324	910
<sup>⑧Larger farms in San Benito</sup>		
Ag Value of Products Sold 1997, millions	\$188	\$157
<sup>⑧Santa Clara value of farm goods sold was a little more</sup>		
Ag Value " " " Average Per Farm, 1997	\$191,355	\$278,838
<sup>⑧San Benito farmers had more sales per farm</sup>		
Total Manufacturing Businesses, 1992	3,455	59
<sup>⑧Santa Clara had 58.56 times more in 1992</sup>		
Value of Residential Construction Authorized by Building Permits, 1997:		
<sup>" " " New Construction, thousands</sup>	\$1,062,588	\$60,565
<sup>⑧Santa Clara had 17.54 times higher in 1997</sup>		
<sup>" " " Number of Housing Units</sup>	8,310	538
<sup>⑧Santa Clara had 15.45 times higher</sup>		
<sup>" " " % Single Family</sup>	51.2	98.9
<sup>⑧Almost all permits in San Benito were residential, but only half in S.C.</sup>		
Wholesale Trade Businesses 1992	3,240	43
<sup>⑧Santa Clara had 75.35 times more in 1992</sup>		
<sup>" " " Sales 1992, millions</sup>	\$43,705.9	\$127.5
<sup>⑧Santa Clara's was 342.79 times greater</sup>		
<sup>" " " Paid Employees 1992</sup>	58,951	533
<sup>⑧Santa Clara had 110.60 times more than us in 1992</sup>		
<sup>" " " Annual Payroll 1992, millions</sup>	\$2,425.3	\$14.6
<sup>⑧Retail Trade Businesses 1992</sup>	15,232	340
<sup>⑧Santa Clara had 44.80 times more</sup>		

**** Total Sales 1998, millions	\$15,000.7	\$211.5
<i>Santa Clara's was 70.93 times greater in 1998</i>		
Service Industries 1992	67,848	1,105
<i>②Santa Clara had 61.40 times more</i>		
**** Receipts 1992, millions	\$14,437.9	\$66.6
<i>②Santa Clara's was 216.79 times higher than ours</i>		
Total Local Govt Taxes 1992, millions	\$1,683.4	\$24.0
<i>②Santa Clara's was 70.14 times higher</i>		
Per Capita Local Government Taxes 1992	\$1,102	\$624
<i>②San Benito residents paid less for government</i>		
Per Capita Local Property Taxes 1992	\$789	\$491
<i>②San Benito residents paid less</i>		
Local Govt Direct Gen Expenditures '92, mil	\$4,535.3	\$106.9
<i>②Santa Clara government spending is prodigious-42.43 times more</i>		
Per Capita Local Govt Expenditures 1992	\$2,966	\$2,777
<i>②Per Person spending was about equal</i>		
Local Govt. Debt Outstanding 1992 millns.	\$3,011.5	\$37.6
<i>②Santa Clara government had 80.09 times greater debt</i>		
**** Per Capita 1992	\$1,971	\$976
<i>②Santa Clara was more than twice as much per person</i>		

These statistics show that San Benito County is tiny in comparison to Santa Clara County. We do not have the money or economic resources upon which they have erected their socialist transportation. Adding the tax bases of San Francisco and San Mateo Counties makes it clear that, like it or not, we are out of their league. They can all call upon tax sources that do not exist in any significant amount in this County. Even if we wanted to copy their plan, we do not have the base upon which to build their concept.

#### Social Reasons to Reject the Consultants' Proposal

Milton Friedman, senior research fellow at the Hoover Institution, winner of the Nobel Prize in Economics, concluded in *Capitalism and Freedom* (1962) that "a society which is socialist cannot also be democratic." The Consultants' proposal is detrimental to the social fabric and traditions of San Benito County. Proponents of public sector transportation justify their schemes by emphasizing the positive externalities (consequences), but they downplay, or just plain ignore, the negative externalities. Their greatest evil is that they condone sacrificing our heritage of freedom to achieve short-term advantages for public transit. Since the American heritage of freedom is infinitely valuable ( $\infty$ ) to the cause of democracy on Earth, all of the externalities they claim combined ( $x$ ) cannot equal or exceed it ( $\infty > x$ ). When our residents are paying historic high prices for fuel, it is unconscionable to also force them to pay 90% of transit riders' rides too. We are a self-help County, founded by survivors of the ill-fated Donner Party. Our priceless heritage of freedom and independence, defended by our men and women in the armed forces in every war since San Benito County was created in 1874, must not be traded away for quick-fix, short-lived public transit benefits. There are no "welfare to work" trains running in

the Soviet Union today. Not a single disabled rider gets a bus ride in the USSR, Romania, Bulgaria, East Germany, etc. History teaches us that society can take care of its needs better when it harnesses the powerful engine of capitalism, and that countries who opt for socialism do more damage than help to their citizens in the long run.

Winners and Losers.

The Union Pacific Railroad, a subsidiary of Union Pacific Corporation, is the 154th largest corporation in America according to the 1999 *Fortune* 500 list. UP makes more than \$10.5 billion annually, has tremendous value to its shareholders, and is part of our Nation's checkered history, forming a commercial backbone upon which we sought our Manifest Destiny, and which serves the Nation's commerce better than Adam Smith could have dreamed in his wildest dream. If we are going to nationalize part of it, why not seize the whole of it and then pay for the losses we sustain moving passengers with the profits we make moving freight? Is there something basically un-American about this idea? Did William Jennings Bryan and the Populist Party prevail a century ago with such ideas to nationalize industry? No. Did Mayor Brown merely give us some modern-day "jive" when he threatened to "privatize Muni" (when he was running for election and Muni's management permitted half its fleet of buses to run in violation of CHP's BART safety regulations)? UP will receive "corporate welfare" for having the market dominance and political muscle to cram-down on the taxpayers a perfect plan from their viewpoint.

So UP would be among the winners if COG adopts the Consultants' plan. Who else wins under that plan? The Consultants, who would be there to continue navigating this fatal collision course with history, would obviously benefit themselves with more, perhaps endless, consulting. The transit agency managers and employees, who will enjoy salaries and wages vastly greater than any comparable jobs in the private sector, as seen with managers and employees of BART, VTA, etc. Government employee unions are among the winners, as are suppliers to the "pork-barrel" schemes of the Politico-Transit Alliance. Transit riders, whose rides are paid mostly by their neighbors, which the Consultants number less than 200, will each have tax-free subsidies given to them. The amount of their subsidy depends on how you calculate it. If they equally split the \$30 million projected by the Consultants, then it comes to \$150,000 each. But if Dr. Levine's conclusion applies (costs are actually twice those estimated by planners), then each rider will get a \$300,000 subsidy. However, at the Highway Transit Funding Crisis Symposium at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at San Jose State University, Assemblyman Jim Cunneen ventured that it takes \$100 tax dollars paid to the federal government to receive back \$5 of transit subsidies ("grants"). If this Cunneen Hypothesis is correct, then the taxpayers must pay \$2.850 billion to the federal government to get back the \$30 million to pay our San Benito County Caltrain riders. At that rate, it would be cheaper to buy them houses in Palo Alto or Los Altos Hills than to adopt the Consultants' plan. Stanford Professor Tom Campbell, who is running for the U.S. Senate, has estimated that the Cunneen Hypothesis is closer to 50%, but even so the taxpayers would be better off buying the Caltrain riders a new Mercedes or Porsche than to give train rides. Amazingly, but predictably, the Consultants never mention this taxpayer subsidy overhead effect, yet they do support SCA-3 to exact more taxes.

What about the losers? Who loses under the Consultants' plan? Taxpayers, homeowners

and small business owners are those among us who will suffer the most, and as each generation passes the suffering will increase as housing prices sky-rocket as they are in Silicon Valley. Diverting the costs of the public sector transportation to "traffic impact fees," i.e., really "government impact fees," etc., will mean that fewer people will be able to afford houses because those fees are passed along by developers to buyers. This has been proven so in Silicon Valley since the nationalization of transit started there in the 1970's. The primary beneficiaries of Prop. 13 have been the homeowners and small business owners, yet the Consultants' recommendation is that we cast off that constitutional protection and plunge into Silicon Valley-style socialism.

If we subsidize bus operations in our County at the rate of approximately \$750,000.00 per year so that about 200 people can have rides, picking-up 90% of their fully amortized costs of transportation, should we adopt a plan which will make our bus-riders' tax subsidy small in comparison?

According to DOT's Bureau of Transportation Statistics' *Transportation Statistics Annual Report 1998*, only .2% (two-tenths of one percent) of Americans travel by rail for all passenger trips taken. And only 3.3% of all trips were aboard transit. More people took bicycles or walked (6.2%) than took transit. On the other hand, 86.6% of all trips in the Nation were by automobile. Logically, rural counties, where distances are greater and transit services fewer, experience is even more disparate in favor of private sector transportation. So, why should our County want to incur the expense of an urban transit plan? It is out-of-character for a rural county. It defies common sense and individual choice. Dreamers at transit agencies, who get paid regardless of their mistakes, might like to imagine all of our children living in concrete tilt-up, high-rise, Diodonominiums along Light Rail (Heavy Socialism) tracks, but do they think that future generations will enjoy them any more than the occupants of Soviet-style public housing? Between 1965 and 1995, while billions of dollars were being spent on transit, transit's share of urban travel dropped from 11% to 3%, yet our leaders divert badly-needed tax dollars from highways to transit. From 1991 through 1996, highway travel increased by a rate 9 times faster than transit. In a nationwide survey, 83% of Americans say they prefer a detached, single-family home in the suburbs over an equally priced urban townhouse near transit, even though the suburban home would mean longer distances to work and shopping.

Would we be better served by passing the hat and collecting \$30 million to donate to our local farmers? What about the other small business owners who need a little extra cash to offset losses? Would we be better served by a plan that retained the railroad line in the County's tax base, rather than nationalizing it as the Consultants recommend?

Do we want to become part of Silicon Valley? Why would we want to be like Los Angeles? New York? Or any other large city? Why is it that the Consultants think that we do? Do we live here because we desire to abide where life is different from the cities?

Would we have more money for schools, law enforcement, hospitals, etc., if we rejected the Consultants' plan? Does the government owe everyone a (nearly) free ride?

#### Private Sector Alternatives

Our goal should be to devise a long-term sustainable transportation solution that confers the greatest good to the most people, now and in the future. How does history teach us to do that? Do we give a few people the sweat off the brows of generations of taxpayers, and afford the

154th largest corporation in America the lion's share of \$30 million to aid its \$10.5 billion bottom line? Or do we reject the fate that befell the USSR and the Meyer-Gómez-Ibáñez' cycle?

**What is a sustainable solution for San Benito County?**

**A:** Adopting the recommendation of the COG transit consultants to "extend Caltrain" to Hollister by duplicating Silicon Valley's philosophy of taxing homeowners and small business owners to fund insolvent transit operations, growing the subsidy-dependent bureaucracies like VTA, so that Silicon Valley Manufacturers can make unconscionable profits; feeding the Black Hole Government that forces us to accept ACA-7 (formerly SCA-3) and repeal Prop. 13 just when the Baby Boomers thought that their retirements were safe; driving-out farmers and pushing small business owners into bankruptcy because their overhead expenses make it impossible to compete with their competitors in countries without such governmental overhead burdens; inducing rampant sprawl that over-extends local government resources beyond the breaking point; gives \$25-\$28 million tax dollars (about \$100,000 per person in the County) to the 154th largest corporation in the U.S., which last year earned more than \$10.5 billion.

**B.** Building an intermodal facility on the Hollister Branch Line, which can be purchased by a member of the American Short Line Railroad Association. The short line operator can capture a unique opportunity to have the only intermodal facility on the Central Coast (neither Silicon nor Salinas Valley have one, and their congestion management long range plans do not mention one), and with the profit it makes it can: (1) contract with Joint Powers Board to run the passenger trains; (2) improve local agribusiness opportunities to sell to the trans-Mississippi and NAFTA partner customers; (3) preserve the environment by reducing air pollution, highway congestion and road maintenance expenses (it takes 9,000 subcompacts to make as much pollution as 1 fully-loaded big-rig; axle weight is the single largest factor in highway damage); (4) improve highway safety; (5) reduce highway accident deaths and injuries (which cost Californians more than \$25 billion annually); (6) add to rather than detract from our local government tax base; (7) submit to local control (Congress has preempted local control over the Class 1 railroads like UP); (8) help us preserve the County for future generations to come.

**C.** Granting a Native American Tribe the vacant lot at Fourth and San Benito Streets upon which to construct a gambling casino on condition that they split the profits with us 50-50.

**D.** Deeding Pinnacles National Monument to the Native American Tribe if they build their casino there and split the profits with us 50-50.

**What is your final answer? (You can call a friend.)**

**The Lesser Evil**

No transportation plan is perfect. The *Titanic* was sinkable. Orbital velocity was never guaranteed to the *Challenger*. Transportation was, and always will be, risky. From rickshaws to bullet trains, human weaknesses forever remain. But while private sector sins made famous in Matthew Josephson's *Robber Barons* (1933) are, or can be, subservient to governmental remedies, public sector vices are more difficult to cure. So, we ought to view the past as prologue, and demand solutions that benefit more people than the plan recommended by the Consultants. Although not perfect, a private sector shortline railroad with an intermodal facility to harness intermodal traffic from nearby counties is preferable to the socialist plan of the Consultants. The shortline option would, if built, provide this County with the following benefits:

1. Facilitate Commerce and Trade
2. Improve Transportation (Passenger and Freight)
3. Stimulate Local Economy
4. Create Local Jobs
5. Increase Local Capital Spending and Investment
6. Reduce Highway Maintenance Expenses
7. Reduce Air Pollution and Improve Air Quality
8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
9. Improve Highway Safety and Reduce Accidents
10. Increase Local Government Tax Base
11. Create Transport Options for Growers, Packers & Shippers & Receivers
12. Improve Product Profitability During Truck Shortages
13. Reduce Border Crossing Delays for NAFTA Products Trade
14. Retain Affordable Housing by Reducing Traffic Impact Fees
15. Maintain Character and Environment of County
16. Preserve Agricultural Land and Small Farms
17. Reduce Fuel Consumption
18. Reduce Driver Fatigue-Related Accidents
19. More Responsive Management to Competitive Marketplace
20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

**Our Advantages Over Stark County and Greater Revenue Potential**

Unlike Stark County, Ohio, and its NEOMODAL facility, we have traffic flows that dwarf theirs because our population and tonnage is so much greater. With fuel prices escalating to unknown heights (while MTC is pushing for \$3/gallon taxes to fund transit, and the HSRA is launching its PR blitzkrieg for taxes to fund their Bullet Train in California), carriers like United Parcel Service, etc., and shippers like the perishable growers, packers and brokers in the Salinas Valley, are desperate for non-highway options. Loads are stuck on clogged freeways that could be spotted at docks after deramping at local intermodal facilities. The traffic flows, westbound into the Silicon Valley, and eastbound from the Salinas Valley (301 million pounds destined to Canada in 1997; 30.6 million pounds destined to Mexico in 1997; 238 million pounds of lettuce; 164 million pounds of broccoli; 90.1 million pounds of celery; 20.9 million pounds of strawberries; 24.1 million pounds of cauliflower; 21.9 million pounds of tomatoes; 7.6 million pounds of radicchio; 18.7 million pounds of onions; 7.2 million pounds of cabbage; and 5.8 million pounds of carrots; 1997 figures), are largely unexamined and untreated by the Consultants' analysis of the shortline option for the Hollister Branch Line that I proposed. A certain portion of this 836.3 million pounds is amenable to TOFC/COFC service when market conditions dictate the rail option, even if slower, because it is cheaper. California's wine industry is another source of revenue for the San Benito County shortline intermodal facility.

San Benito County could be the "intermodal gateway from the Salinas Valley," and the "intermodal gateway to the Silicon Valley," because the MPOs for each valley have abdicated

their transportation responsibilities for their residents. This has created an opportunity for uniquely-situated San Benito County. The Consultants did not address the potential traffic revenue that could be captured by such an operation on a shortline with an intermodal facility. Predictably, they overemphasize private sector problems because they get their pay from taxpayer-funded solutions, even if it means fulfilling Dr. Levine's predictions. The highway maintenance expense reduction, air pollution reduction, and congestion reduction that would happen if we had an intermodal facility on the Central California Coast are not included in the Consultants' analysis. They tell COG of the "cons," but fail to mention the "pros," which is what one would expect from navigators who have their own agenda and priorities in mind and not those of the citizens of the Central California Coast and San Benito County. For example, they failed to ask shippers and receivers in Silicon Valley and Salinas Valley how much tonnage would be diverted, and therefore how much freight revenue, to intermodal facilities on a shortline railroad built on the Hollister Branch Line. They did not ask any of the members of the American Shortline Railroad Association for a proposal. They even did not ask shippers and receivers in the immediate proximity of the proposed intermodal facility, e.g., Christopher Ranch, West Marine, Corbin Industries, what tonnage would be tendered to the shortline. Self-induced myopia scars their abilities when they ought to be thinking clearly, and this yields a conclusion detrimental to the best interest of this County.

#### A Mention of Tax Strategies

Tax strategies that benefit the largest corporations, and hurt small business owners and homeowners, may seem good to the Consultants, but if they lived here, owned their homes here, or a small business in San Benito County, would they in good faith propose their plan? While they mentioned the possibility of assessments (taxes) on real property in this County to fund their scheme's huge operating losses, they did not mention assessments on businesses (not real property) that could impose the taxes on large corporations and multinational conglomerates in proportion to the benefit conferred by the transportation system created for their benefit. They would have us repeal Prop. 13's protections for our homeowners, just when the Baby Boomers thought that they had their retirement plans intact, yet they would not propose taxing Silicon Valley Manufacturers in proportion to the amount of benefit conferred by the "infrastructure improvements" (to distort the historic meaning of the phrase as transit "gurus" do). Shifting the tax (assessment) burdens to those most able to afford it is now possible, even without a vote, under our Constitution. *Howard Jarvis Taxpayers' Assn. v. City of San Diego*, 72 Cal.App.4th 230, 84 Cal.Rptr.2d 804 (1999). But COG's Consultants are thinking as they are paid to do, not for the benefit of the people of this County, but for the benefit of the Politico-Transit Alliance. Tax-funded transportation is less desirable than private sector solutions emphasized by the National Transportation Policy, the President, the OMB, and better minds than mine. But if we are going to impose taxes to move these passengers, then let's place the tax on the largest corporations, the biggest employers, in Silicon Valley, whose billions pile up, whose employees become instant millionaires, yet not as fast as bankruptcies and business failures.

**Conclusion**

The RAC should adopt a resolution rejecting the Consultants' plan, and recommend that COG do likewise, and instruct County Counsel to sue to recover the taxpayers' money for the failure of the Consultants to prepare a plan in accordance with the needs of this County. Then the COG should discharge the Consultants and retain the services of someone willing and able to prepare a private sector solution for us.

Joseph P. Thompson, Esq.

( Atty -

See Jim Nicholas' letter

6-5-01 B CR + CADOT

Theme #6 —

"We Need More  
Intermodal  
Facilities in  
California."

Joe

Jean Brocklebank:

Doesn't this require NEPA review also, since federal money will be involved in some of the listed transportation system improvement projects?

Please be sure to evaluate:

- Impacts to endangered wildlife and plant species – how would they be impacted?
- Impacts to waterways, wetlands, creeks and watersheds
- Impacts to the marine environment from runoff related to transportation projects
- Air quality impacts, particularly human health impacts and related needs for increased transportation to obtain medical care as a result of deteriorating air quality
- Impacts to groundwater resources associated with increased paving/loss of permeability
- Impacts associated with the use of chemicals, particularly those related to standard rail transportation projects (wood treatment products and related effects on air quality and groundwater)
- Noise impacts (on humans and wildlife)
- Loss of coastal prairie (about 1 percent of California's remaining coastal prairie is in Santa Cruz County, and 63 percent of that is at Arana Gulch, which may provide critical habitat for the Santa Cruz Tarplant, which is a federal "threatened" and state "endangered" species)

Michael Lewis:

The development of the transportation system improvement lists for the project and all of the alternatives are all financially driven. Could the EIR evaluate an alternative that was based on environmental limitations? Can the EIR evaluate an alternative that would be informed by what we know about trends in global warming or reduced availability of oil in the future? For example, such an alternative might eliminate those listed projects in areas where future coastal erosion might be expected to jeopardize their long-term viability. (Mr. Lewis indicated that he would try to submit a written outline describing the major features of the type of alternative that he might have in mind.)

Is there a way for the EIR to address the opportunity costs associated with implementation of the projects listed, to evaluate how foregoing some projects could provide funds for non-transportation measures that could reduce the need for future system improvements (such as better urban planning to enhance land use patterns that decrease reliance on the transportation network)?

Lynn Robinson (will e-mail additional comments later):

EIR approach must be realistic – can't anticipate either utopia or keeping things just as they are now. Santa Cruz has been pro-active in promoting alternatives to the automobile, but things are not so different than they were 25 years ago. Instead of making a stretch to anticipate something else, the EIR needs to look at what is. Santa Cruz is not dealing with capacity needs very well (for example, shifting away from two travel lanes in each direction to only one travel lane in each direction). Land use decisions need care – they keep us the size that we want. Although City policy has tried to get people out of cars, we now have more cars per household than ever. Making transportation more efficient is not necessarily a bad thing. Cars are a chosen mode, and we need to factor in the need to move traffic. We have not gotten there yet with alternative transportation modes.

Jean Brocklebank:

The EIR needs rigorous analysis, not perfunctory analysis. Not just the listing of concerns, but analyzing these concerns in a working document for the decision-makers.

Lynn Robinson:

There has to be a shift in how we approach transportation – be sure to get that into the EIR. However, this shift will take place one person at a time.

Jean Brocklebank:

Can we make sure that roads will be wide enough so that a horse and buggy will be able to turn around?

Joseph P. Thompson:

We're doing things wrong, and we need to do something about it. Look at the Santa Clara County Grand Jury report on the VTA situation (copy enclosed with written comments).

Nationwide, 85 percent of MPOs have no expertise in freight planning.

Public sector transit should be abolished. Why are we moving empty seats? What are we doing?

What is an intermodal facility? Ports are, but they function on an international basis. The nearest intermodal facility is in Lathrop, and another one is being built in Sacramento. There are lots of trucks hauling agricultural products in the Salinas Valley, and a lot of that traffic could go to Union Pacific or Burlington Northern Santa Fe if we had an operational intermodal facility in this area. There is no Salad Bowl Express anymore.

It takes four times as much fuel to move a product on four tires on asphalt as it does to move the same product on steel wheels on steel rails.

Intermodal facilities should be on long-range congestion management plans. The public agencies said that we couldn't do anything to support the private sector. Do we pursue more bicycle paths or try to break down a barrier or two? We need to break out of this straight-jacket. We're going to have expensive fuel for a long time. Once truckers quotes start going higher, agriculture might get more interested in the use of rail, if it could save them 40 percent.

Think beyond transit, and break down false barriers. Think fresh. Where's your leadership? Consider the grass roots.

On that AMBAG freight study of 1995, it was chucked right after it was paid for. <sup>#</sup>

<sup>#</sup> AMBAG Staff Note: With respect to the *1995 Regional Freight Study*, AMBAG staff unsuccessfully applied over a 3-year period (FYs 2000 to 2002) for grant funding to assess the feasibility of a freight logistics center, the report's highest identified priority. The report also concluded that intermodal service, a mid-term recommendation, could serve niche market needs and should be supported as long as private sector interests led the effort.

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June 24, 2004

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Mr. Thomas Quigley, Executive Director  
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481 Fourth Street  
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Re: *AMBAG 2005 MTP Scoping Meeting 6/24/04---Public Comment*

Dear Messrs. Papadakis and Quigley,

Referring to AMBAG's notice of "scoping meeting" soliciting public input on which to focus development of the program level for the Metropolitan Transportation Plan (MTP) Environmental Impact Report (EIR), thank you for asking members of the public to comment on this vital subject. Please add these remarks to the official record of your proceedings so that history will know that you listened.

**Identity of Author.** I have been in transportation for 42 years, the last 25 of which I have spent representing carriers and their customers before state and federal courts and agencies. Previously, I was graveyard shift supervisor at the intermodal facility in San Jose (1964-1970) and diversion, expediting, tracing and complaint clerk for UP in San Jose (1970-1980). I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. I am founder of Mothers Against Damned Deregulation—Transportation Union Against Regulatory Destruction of Society, San Benito County Small Business Incubator, and past-president of Gilroy-Morgan Hill Bar Assn., and Vineyard Estates Mutual Water Co., Inc. I was formerly a member of two local chambers of commerce (Gilroy and Hollister) government review councils. In 1997 I received the Best Research Paper Award from the National Board of Directors of the AST&L. I have been doing post-doctoral research of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU, and at Transportation Research Board at Georgetown University, and at the Library of Congress. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student.

**AMBAG Scoping Meeting 6-24-04: Public Comments: Recommendations for  
2005 MTP EIR Programs and Policies**

**Background.** I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of AMBAG's proceedings. I am also enclosing my paper, "ISTEA Reauthorization and the National Transportation Policy," which I presented at the 68th Annual Meeting of the Association for Transportation Law, Logistics & Policy, Santa Fe, New Mexico, on June 25, 1997. It was published at 25 *Transportation Law Journal*, pp. 87-*et seq.* (1997), and in shortened version as "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," *Transportation Lawyer* (Dec. 1997). I am also enclosing a copy of my paper "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101," which I wrote while serving on Gilroy Chamber of Commerce's GRC in response to an invitation from VTA. Please include them in the official record of your proceedings.

**Program Level Recommendations:**

**1. Abolish Public-Sector Transport.**

A Santa Clara County Grand Jury report issued last week not only reveals structural integrity and systemic failures of VTA, it serves as an indictment of the Nation's MPO model. It confirms the conclusion of Harvard professors José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), that public-sector transit is less efficient, more expensive, and yields less transport, than private-sector transport. The indictment should be leveled at all our MPO's, not just VTA, because the VTA model is widely followed, including TAMC, SCCRTC, COG, etc. Notwithstanding subsidy recipients' and public-transit advocates' denials, in cities and counties all over the Nation, more transport for less money is furnished whenever privatization is adopted. The lessons of the last century in Great Britain, Canada, Mexico, Australia, New Zealand, and many other countries, not to mention the Soviet Bloc, reveal how much America could benefit if we joined what the *Wall Street Journal* called the "Privatization Revolution." Tearing down the Iron Curtain in American transport policy, returning to our heritage of freedom and private enterprise in transport, is the real remedy for the ills inherent in publicly-owned industry. MPOs, including those on the Central California Coast Region, err by including the for-hire carriage of passenger business with creation and maintenance of the transport infrastructure. We condemn future generations to unsustainable tax burdens by opting for the Iron Fist of Karl Marx, rather than the Invisible Hand of Adam Smith. Political patronage and public-sector union employees' pensions have, under our MPO model, come to have greater importance than efficient transportation, contrary to the express provisions of the National Transportation Policy in Title 49, United States Code. Until our leaders recognize this fact, we will, as a transportation lawyer once said, be a House Divided against ourselves. As he reminded us, we shall not remain both; we will become all one, or all the other. I recommend that we be free enterprise capitalists, not slaves to public-sector Black Holes. I am enclosing a copy of the Grand Jury Report. They recognized VTA's fundamental unsoundness, but in my opinion, they misdiagnosed the remedy. They remind me of a surgeon who finds an inoperable tumor, but prescribes a band-aide for it.

## **2. Deceptive, Misleading Financial Reports.**

Our Legislature requires businesses to use generally accepted accounting principles (“GAAP”). Corps. Code §114. However, it made an exception for transit agencies, whose financial reports need not be “in conformity” with GAAP. Consequently, transit agency directors, like those in our Region, cannot accurately assess the full extent of financial losses being sustained by their own agencies. This policy decision by our Legislature enriches urban areas at the expense of rural Californians. Donor rural counties’ residents send vast subsidies to cities’ transit riders, the donees of these subsidies. Although it would be cheaper for rural counties’ agencies to hire limousines for transit patrons, our agencies’ directors cannot find evidence for it in their own financial reports. This is because the Legislature, which is controlled by urban legislators, have a double-standard in place: private sector companies on GAAP financial reporting; public-sector not using GAAP. So, society ends-up paying the wasteful transit practices, which are blindly endorsed by local elected leaders. They can see the empty seats with their own eyes, but their agencies’ financial reports are manipulated to minimize the losses being sustained. Emperor Transit First is stark naked! We should believe our eyes, not our MPO’s financial statements.

## **3. Intermodal Facilities for Central California Coast Region.**

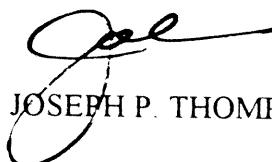
Many years ago I asked “senior transportation planners” at AMBAG and VTA why we did not have restoration of intermodal facilities on either Silicon Valley or Salinas Valley long-range congestion management plans. The universal response that I received was, “What is an intermodal facility?” To which I responded, “And you call yourself a transportation planner?” While working for SP’s PMT and for UP those 17 years, we operated the “Salad Bowl Express” via SP-Ogden-UP-Council Bluffs-CNW-Chicago-PC, offering seventh morning service for ag shippers and receivers. However, both Salinas Valley and Silicon Valley shippers and receivers no longer have an intermodal option. The closest ramp for NAFTA partner tonnage is UP’s new intermodal facility at Lathrop. Foreign tonnage must be drayed to the ports at either Oakland or Long Beach. In fact, Silicon Valley is the largest urban area in North America without an intermodal facility. Our MPO’s “senior planners” blame senior citizens driving their gas guzzlers to Safeway for causing smog, air pollution and highway congestion, yet it takes 9,000 subcompact cars to make as much air pollution as that of one fully-loaded big rig at today’s GVW (80,000 lbs.). And axle weight is the single largest factor in road surface and bridge support deterioration. Under proposed TEA-21 reauthorization legislation now in conference committee in Washington, we may soon see NAFTA “harmonized” GVW, either at the Canadian (101,000 lbs.) or Mexican (108,000 lbs.) limit. Furthermore, the power players in the economy are asking that the freeze be lifted on LCVs (long combination vehicles: triple 27-ft., double 53-ft. trailers pulled by one tractor) (they are presently legal in 17 states). And to make matters worse, the Southern California Association of Governments has resolved to build “truck-only” toll roads, even though it takes 4 times as much fuel to move a ton of freight with rubber tires on concrete or asphalt as it does to move that ton with steel wheels rolling on steel rails. At the end of WWII the Nation had more than 2,500 intermodal facilities, but now we have only about 250. Our MPOs give us wasteful public-sector transit, as the MIT study said about VTA’s worst-in-the-Nation transit system, but their “senior planners” do not even know what an intermodal facility is. I concur in AAR CEO’s remarks to the Transportation Table in Washington, reported in *Traffic World* (5/24/04, p. 14) that “85 percent of

the nation's Metropolitan Planning Organizations have no expertise in freight planning." (see enclosed **Traffic World** article). Salinas Valley and Silicon Valley MPOs prove his point. We are superior wasters of taxpayers money with boondoggles like Lite Rail, Amtrak, Caltrain, Bullet Train, but we ignore our job-creating commerce and business, just as AMBAG ash-canned its own **Freight Study**, which concluded, as I did separately, that we need an intermodal facility on the Central California Coast. Furthermore, I agree with Mr. Jim Nicholas, Chief Highway Programs, Caltrans, Sacramento, who told the CTC meeting at San Jose City Hall on 6/6/02 that California needs more intermodal facilities. At the invitation of the CTC, in December, 2002, I addressed them on the subject of intermodal facility financing, and gave them a copy of the white paper I drafted, together with a copy of the intermodal facility financing white paper from the Nation's newest one in Stark County, Ohio, called "NEOMODAL FACILITY."

#### **4. San Benito County Jurisdiction.**

San Benito County has its own MPO, namely, COG. Our COG's Directors have voted unanimously to reject extending Caltrain from Gilroy to Hollister. While recognizing the importance of rail commerce, COG's Directors recognize that to finance it we cannot afford the methods employed by San Francisco, San Mateo and Santa Clara Counties. Being donee counties, they also enjoy population and tax bases absent in our rural County, which is a donor county. Being a donor county, we send 89% of each tax dollar that we send to Sacramento to other counties, e.g., LA, SF, etc., and thus get back only 11 cents for each dollar. We get back even less from our federal taxes sent to Washington. In May of 2003 COG's Directors also unanimously voted to privatize County Transit, but so far have not yet implemented their idea. They will, once implemented, save our County's taxpayers and future residents millions of tax dollars that would otherwise be wasted by the Boondoggles Empty Seat Transporters Association (BESTA), like those in Monterey and Santa Cruz Counties. With such MPO wastefulness, it is no wonder that Monterey and Santa Cruz Counties have the least affordable housing in California. I hope and pray that our COG's Directors will not succumb to the socialist-communist philosophy that dominates our neighboring counties. *Caveat viator!*

Respectfully yours,



JOSEPH P. THOMPSON

cc: COG Directors  
cc: SBC County Supervisors  
Encl. [Letters; Papers; Grand Jury Report]

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June 9, 2004

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Mr. Thomas Quigley, Executive Director  
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481 Fourth Street  
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Re: ***COG & TAC Agendas June 2004—COG Rail Transport Policy & RTP***

Dear Mr. Scagliotti and Mr. Quigley,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for June, 2004, please refer to my previous letters to you about COG's rail transport policy, COG's RTP, and the decision announced Monday by the U.S. Supreme Court opening the border to the entry of Mexican trucks (see enclosed).

**Identity of Author.** I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

**Background.** I have previously given all of you copies of the materials that I received from UP's Industrial Development Department at the UP's Forum, and you were kind enough to permit me to show you the UP's videotape presentation to a COG meeting.

### **Recommendations:**

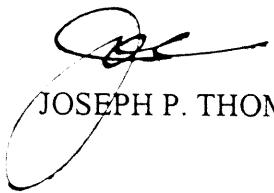
#### **1. Agenda Item for June 2004—TAC and COG:**

Introduction of Mexican trucks, as we saw with the introduction of Canadian trucks, will add further demands on local highways. Since we are in the largest region in the U.S. without an intermodal facility, the adverse consequences of this long-anticipated development will be especially

bad. I have repeatedly advised COG's Directors, and others, that we must restore intermodal facilities on the Central California Coast Region so that shippers and receivers have an alternative to truck movement. The best example is the UP's intermodal facility at Lathrop. If local ag and other shippers and receivers had this option; then we could lessen the number of Mexican long-haul truckers serving the Region. Local trucking jobs could be preserved because they would be engaged in draying inbound and outbound loads and empty containers to and from the piggyback ramp. Local tax revenues could be enhanced, whereas Mexican truckers will not pay local taxes. At present there are 4.5 million annual truck crossings at the border, but we inspect only one-half of one percent of them. Even if the CHP's promise is kept to triple the number of inspections, we will see only one and one-half of those trucks inspected. There will be adverse safety consequences on our highways. The Mexican truck fleet average age is 4-5 times the age of the U.S. fleet. Driver training and qualification is inferior to that of our drivers, who occupy the low end of the logistics supply chain. As a former truck dispatcher, I foresee many problems, e.g., fatigue, etc., for these drivers. Without terminals, they will be parking their rigs anywhere they find, and their choices will not always be safe ones. Many of them will not be able to read our street and highway signs. So, therefore, I recommend that the COG's Directors include this subject on their TAC and COG agendas, and take immediate action to add restoration of intermodal facilities in the RTP amendments now being drafted. Neither MTC nor AMBAG, and none of the other MPOs, i.e., VTA, TAMC, SCCRTC, have plans to restore intermodal facilities for the Central California Coast Region, so we have an excellent opportunity to capture this missing transportation infrastructure with all the positive benefits (see my letter to Mr. Al Martinez enclosed).

*Caveat viator!*

Respectfully yours,



JOSEPH P. THOMPSON

cc: COG Directors  
cc: SBC County Supervisors  
Encl.

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### *Re: COG & TAC Agendas April 2004—COG Policy Errors Compounding*

Dear Mr. Scagliotti and Mr. Quigley,

Confirming my statements to you last night at the COG meeting, thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for April, 2004, please refer to my previous letters to you (copies enclosed). I certainly do appreciate the patience that you have shown to me while we engage in the debate about COG's transport policy for SBC, and especially the lesson in tolerance that the COG's Directors send to the educators in COG's audience. Our friends and neighbors engaged in educating our children will undoubtedly have valuable lessons in civic duty and fighting apathy to teach to their students, just as I have as the bar's representative to the high school in Gilroy for many years now.

**Identity of Author.** I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

**Background.** I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to Resolution No. 04-06 (copy enclosed) about COG's Directors' RTP project list and planning goals.

**COG Resolution No. 04-06: Compounding COG's Policy Errors: Wasteful COG Public-Transit Undermining Transport Safety & Efficiency; Anti-Business Ramifications for SBC**

**Recommendations:**

**1. Resolution Objections:**

As I have said before, there are both procedural and substantive errors in COG's RTP, and they become obvious, and compounded, by COG's Directors' adoption of Resolution No. 04-06. Procedurally, formulation of these RTP project goals was done in violation of the due process and equal protection guarantees of the State and federal constitutions. COG's Directors furnished and invited "free" County Transit rides to COG's special meetings, thereby stuffing the chambers where COG's Directors conducted their hearings with subsidy recipients. At no time did COG's Directors fulfill their obligation to the subsidy payers to give equal treatment. Favoring one class of citizens above other classes of citizens is contrary to American democracy, and violates fundamental tenets of our State and federal constitutions. Additionally, Resolution No. 04-06 contains a mistake where it states that AMBAG is the metropolitan planning organization for SBC. AMBAG is regional metropolitan planning organization for the Monterey Bay Area, just as MTC is the regional metropolitan planning organization for the nine Bay Area Counties. As you know, COG is the metropolitan planning organization for SBC.

Substantively, COG's RTP project list and planning goals reflects COG's dysfunctional transport policy. For example, it states as a goal increased County Transit, which is detrimental to SBC and undermines private-sector, free enterprise transport in SBC. The RTP project list shows that SBC is going to waste money on bike paths nobody uses, while our #1 industry and #1 employer, ag, is afforded no benefits. Not a single mention of restoration of intermodal facilities, nor construction of a rail team track where ag can load and unload rail cars is mentioned. For the reasons that I have repeatedly stated to you, both in person during your meetings, and in numerous letters, this is a policy mistake that inflicts much suffering, far more suffering than the few benefits that public-sector transit brings to our County. For these reasons I hereby object to your formal action last night adopting Resolution No. 04-06. *Caveat viator!*

Respectfully yours,



JOSEPH P. THOMPSON

cc: COG Directors  
cc: SBC County Supervisors  
Encl. [Letters]

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March 30, 2004

FAX (831) 636-4160

Hon. Richard Scagliotti, Chairman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

FAX (831) 637-9015

Mr. Thomas Quigley, Executive Director  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

### **Re: *COG & TAC Agendas April 2004—Public Comment for COG & TAC Agendas***

Dear Mr. Scagliotti and Mr. Quigley,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for April, 2004, please add this to those agendas.

**Identity of Author.** I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

**Background.** I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to my letter to you dated 9/5/03, regarding vital policy matters that I recommended be included on COG's Agenda, and for which I did not have the courtesy of a reply (I have previously provided all of you with copies).

### **Recommendations for COG and TAC April 2004 Agendas:**

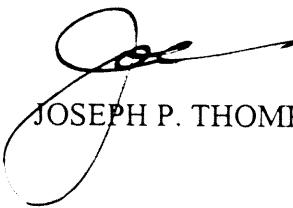
#### **1. Resolution Opposing Expanding County Transit on Southside Road:**

What if a County Transit bus had been hit head-on on Southside Road? What if it had been carrying school children? Refer to my many letters to COG and VTA regarding the head-on collision between a GUSD school bus and a big rig on Pacheco Pass Highway, and the *Dispatch* and *Free*

*Lance* photos of the school bus after the accident. All the justifications recited at the last COG meeting by SBC Board of Supervisors' Chairman Bob Cruz do not rebut the unreasonable, illogical and fiscally irresponsibility reasons why COG should not expand its socialistic, bankrupt County Transit on the dangerous Southside Road. It is not merely the predecessor to our new Janet Graham Bridge that justified rejecting socialist advocates extension of County Transit on Southside Road. Anyone who thinks differently is deluding themselves and trying to make COG's Directors contradict the COG's Directors' unanimous decision to privatize County Transit. Private sector PSC's (passenger stage corporations), TCP's (transportation charter parties), and shuttles should engage in the carriage of passenger business, not San Benito County. Voters abhor "flip-flop" policy makers, so be consistent with your decision from last May, and privatize County Transit to save money and stop fiscal irresponsibility in County government.

**2. Stop Concealing Truth About Wasteful Transportation.** COG's monthly transit reports conceal the truth about wasteful public-sector transit in SBC. To be truthful, COG's reports must answer these questions: What percentage of seats on transit buses are moved through town empty? What is the cost/seat/mile for these empty seats? How many empty seat miles/year do we run? What tons/mile of pollutants are spewed into SBC's air by this empty seat transportation? What are the adverse health affects for SBC's senior citizens and infants (and other age groups)? What is the farebox recovery rate for SBC routes, measured according to Generally Accepted Accounting Principles (not COG & VTA's Enron-style accounting)? How often (what percentage of total) are buses in town 100% empty (not a single paying passenger)? How much do we lose (and how much to public-sector union employees win)? When are you going to privatize our transportation? Do you give a damn about the bankruptcies that your policy causes? Please tell the SBC voters the truth about COG's wasteful public-sector transit. COG's reports conceal the truth, and that is bad government. Please put some sunshine on COG's County Transit, and end the deception and cover-up. Please tell the voters County Transit's "load factor"? It is nearly Zero, but COG's Directors never admit it. Why the cover-up? *Caveat viator!*

Respectfully yours,



JOSEPH P. THOMPSON

cc: COG Directors  
cc: SBC County Supervisors

# JOSEPH P. THOMPSON

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January 17, 2002

FAX (831) 636-4160

Honorable Rita Bowling, Chairwoman  
San Benito County Council of Government  
481 Fourth Street  
Hollister, CA 95023

FAX (831) 636-4310

Mr. George Lewis, Executive Director  
San Benito County Council of Government  
375 Fifth Street  
Hollister, CA 95023

Re: Public Comment on EIR for SBC 2001 RTP

Dear Mrs. Bowling and Mr. Lewis,

Thank you for inviting public comment on the Environmental Impact Report (EIR) for the San Benito County (SBC) 2001 Regional Transportation Plan.

Please add this letter to the responses to the EIR that form the public record of your proceedings, and instruct your staff to include copies of the 50 letters regarding SBC's transportation policy that I sent to COG's Directors between Jan. 21, 1999 and Dec. 29, 2001, together with the documents that I presented to you and the COG Directors and staff at the hearing.

**1. Author:** I am a member of the Association for Transportation Law, Logistics & Policy (formerly Interstate Commerce Commission Practitioners Association), Citizens for Reliable and Safe Highways (CRASH), Transportation Lawyers Association, Citizens Rail Advisory Committee, Safe Kids Coalition, SBC Citizens Transit Task Force, Conference of Freight Counsel, and other professional organizations. These remarks are personal and not made on behalf of a client or any professional or governmental organization to which I belong or for which I serve my community. I have done post-doctoral study of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies.

**2. Background Materials Supplementing These Remarks:** The background for these remarks may be found in my paper "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* pp. 87-*et seq.* (1997). Additional background for these remarks is found in my paper that I wrote while serving on the Government Review Council of two local chambers of commerce in response to Valley Transportation Authority's invitation for public response to the widening of U.S. 101 between San Jose and Morgan Hill, entitled, "*El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101.*" I previously gave copies of these two papers to each Director of COG, and will you please direct your staff to add them to these remarks for the formal record of these proceedings.

Additionally, as you know I wrote an extensive paper while serving on the SBC Citizens Rail Advisory Committee, entitled, "***INTERMODAL FACILITY for HOLLISTER BRANCH LINE: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century.***" I respectfully request that you direct your staff to add that paper, too, to the formal record of these proceedings.

**3. Major Flaws to EIR for SBC's 2001 RTP:** I have identified 22 major flaws in the EIR which justify your rejecting it, sending it back to TAC for revision, or else subjecting the County to substantial litigation expenses by a likely challenge to it for violation of the applicable law, e.g., California Environmental Quality Act (CEQA). Rather than approve a defective EIR and RTP, I urge you to see that these flaws are eliminated by further revision of the EIR and RTP.

1. The EIR is premised, like the RTP, on unstated assumptions, which are similar to those I pointed out to COG's Directors in my second reply to the COG's consultants' Caltrain extension working paper and my letter to you dated Feb. 20, 1999 (see copies in materials I handed to you at the public hearing).
2. The EIR and RTP do not mention private sector transportation alternatives based on presently-existing technology.
3. The EIR and RTP would impose an urban transit model on a rural, ag-based economy.
4. The EIR and RTP presume tax and population bases which do not exist here to support urban mass transit solutions based on taxpayer-funded public transit that history has shown do not work in the long run.
5. The EIR and RTP make no mention of international law, i.e., North American Free Trade Agreement (NAFTA) and its adverse consequences for SBC's residents.
6. The EIR and RTP make no mention of the High Speed Rail Authority's Bullet Train, which is proposed to run through this County (either over Panoche Pass or Pacheco Pass) and the tax burdens that it will impose on our residents.
7. The EIR and RTP make no mention of passenger stage corporations (PSC's) or transportation charter parties (TCP's), which are authorized by the California Public Utilities Code to perform for-hire carriage of people, nor does it mention private-sector shuttles.
8. The EIR and RTP make inadequate mention of the adverse effects that public-sector transportation has on local small businesses, and the adverse effect it has on affordable housing by imposition of additional "traffic impact fees" on house prices to support public-sector transit.
9. The EIR and RTP fail to distinguish between transportation infrastructure and transportation business operating on the infrastructure, i.e., for-hire carriage of property and people.

10. The EIR and RTP fail to mention restoration of intermodal facilities for this Region has recommended by Transportation Secretary Mineta, the Director of Caltrans Highway Programs, as I recommended to the California Transportation Commission (with positive response by the CTC's Chairman) at the CTC's meeting in December 2001 at the PUC in San Francisco.

11. The EIR and RTP propose an unfeasible transportation alternative in high-density apartments and condominiums (4,000 units in ten years) built around two railroad stations on the Hollister Branch Line north of Hollister, and fails to mention the cost of \$20-\$40 million that the taxpayers would be forced to absorb to refurbish the track to passenger-carrying condition, nor does it mention the massive annual operating subsidies required to operate the passenger service.

12. The EIR and RTP make no mention of viable alternatives available by reliance upon members of the American Shortline Railroad Association.

13. The EIR and RTP make no mention of the decision of the Amtrak Review Council to liquidate Amtrak, and the remarks of Senator John McCain of Arizona who said that Amtrak is a failed experiment, and that Caltrain is equally flawed as Amtrak, and doomed as is all socialist transportation in the long-run.

14. The EIR and RTP make no mention of the massive financial losses sustained each year by SBC's County Transit, and fails to disclose that in Year 1999-2000 County Express provided heavily-subsidized passenger service for only 101.6 people/day, nor does it reveal the fully-amortized cost of such public-sector transit, or that it would be cheaper to buy ever rider their own automobile, and that the government monopoly is anti-competitive, discriminatory, and prone to massive waste, especially if the operation is unionized (like BART, VTA, etc.). It does not disclose that the riders enjoy nearly free (99% fully-amortized costs paid by taxpayers, not fares) rides while forcing motorists to pay for all of their own transportation expenses, too.

15. The EIR and RTP make no mention of the \$24 billion losses sustained by Amtrak, nor reveals the losses sustained by Caltrain (*Mercury News*' Mr. Roadshow Gary Richards reported that only 11% of operating costs for Caltrain are paid for by fares--the percentage would be much lower if capital costs were included), yet it irrationally contains an alternative transportation plan to extend Caltrain to this relatively poor agricultural County.

16. There is no mention of the \$20-\$40 million estimated cost to refurbish the UP's Hollister Branch Line being imposed on taxpayers and given to the 154th largest corporation in America, which would be a disgraceful form of corporate welfare that would bankrupt every homeowner and small business owner in the County.

17. There is inadequate discussion of freight movement in SBC and on the Central California Coast Region, which is unacceptable to the public because axle weight is the single largest factor in road maintenance expenses.

18. There is no mention of the adverse effects from the federal government's decision to allow entry of Mexican trucks onto our highways, and US101 is a "NAFTA route" under TEA-21. Those big rigs from Mexico will use Highways 25 and 156 to travel between the Salinas and San Joaquin Valleys, right through our County.

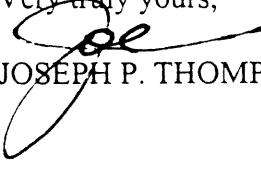
19. There is no mention of the U.S. Supreme Court's decisions supporting the federal governments preemption of commerce on our highways, e.g., (1) NAFTA-harmonized gross vehicle weights (GVW), and (2) long combination vehicles (LCVs), three 27-ft. trailers, or two 53-ft. trailers, pulled by one tractor.

20. There is no mention of the increase of GVW to Canadian or Mexican GVW, which is likely when TEA-21 is reauthorized (*Traffic World* is already reporting on "TEA-3"), effective in three years from now, and which will pulverize the inadequate new concrete being poured on the new lanes of US 101 north of Morgan Hill.

21. There is no mention of the adverse effects on ag-related business in the County or Region and what introduction of Mexican trucks with NAFTA-harmonized GVW and LCVs will have on local truckers, who will be driven into bankruptcy.

22. There is more attention given to endangered species of flora and fauna than to the adverse consequences for the human beings, e.g., SBC's gets only 11 cents back from Sacramento, similar to all rural counties, whose money is diverted to LA, SF, San Jose, Oakland, and other urban areas where their transit riders get about \$500,000 annual subsidies courtesy of the rural counties' taxpayers.

When I get a chance I will send you the additional minor flaws that I see in the EIR and RTP, e.g., "without bankrupting the family" should read "without bankrupting all the families in the County" (page 4 of RTP).

Very truly yours,  
  
JOSEPH P. THOMPSON

cc: COG Board of Directors  
cc: Citizens Rail Advisory Committee  
cc: SBC Board of Supervisors



work out differences in the versions on the Hill. Congress and the White House are still at an impasse over an overall spending number for the bill. Conference appointments are also hung up over a partisan dispute in the Senate about the general makeup of conference committees for major legislation -- a debate that extends far beyond the highway bill.

Still, NITL's Gatti believes that the political calendar will pressure lawmakers to get a bill passed. He says they will become increasingly eager to have federal checks in hand as they campaign for re-election, even if the final tally is lower than what they wanted.

"There are an awful lot of House members on both sides who want to see it

passed," Gatti said. "You don't get any bounce for it if you put it off until next year."

Waiting until next year also poses other challenges for Congress. Because next January will bring a new Congress, waiting until next year will mean essentially starting from scratch with a new bill and new political dynamics.

# Helping Intermodal Grow

BY JOHN GALLAGHER

## AAR's Hamberger calls for unified national transport policy supporting intermodal growth

**T**he rapid growth in the country's intermodal business isn't being matched by understanding of intermodalism in public policy. The lack of a unified view of transportation at the national and local levels is a roadblock to greater efficiency and coordination that would foster even greater intermodal growth.

According to Association of American Railroads president and CEO Edward R. Hamberger, 85 percent of the nation's Metropolitan Planning Organizations have no expertise in freight planning. "We have not recognized the need to be unified on the MPO level," Hamberger said at a Transportation Table talk in Washington, D.C.

Hamberger said his group has not "done as good a job as we could have" in convincing Congress of this need but said "we're trying to address that." He said the sentiment on Capitol Hill is changing and the "silo effect of looking at transportation mode by mode is breaking down."

Now that the intermodal's revenue has hit number one, Wall Street wants to this business make the next leap: demonstrate record profits. "Right now, intermodal falls somewhere in the middle of the railroads' other businesses in terms of profits, after being at the bottom not that long ago," said rail analyst Tony Hatch. "The next goal is to get intermodal to earn its cost of capital, which will help drive the entire industry."

**H**amberger's primary message was the growth of intermodal transportation. It has been the fastest-growing segment of the U.S. freight railroad industry over the past decade. Intermodal traffic grew from 3

million trailers and containers in 1980 to 9.9 million in 2003, and set volume records in 21 of the last 23 years. In 2003, intermodal accounted for 22 percent of industry revenue. Revenue is now split almost evenly between domestic and international trade.

Hamberger stressed that the growth in intermodal has not cost railroads' their



more traditional freight traffic. Carload freight has increased by more than 3 percent so far this year over last year, with grain traffic up 10 percent and coal up 3 percent.

As strong as intermodal has become, it is still fragile when one part of the supply chain breaks down. Most recently, a spate of drayage truck drivers strikes at ports around the country led the nation's biggest railroad, Union Pacific, to embargo unloading at several of its West Coast intermodal ramps. The result has been backups as far away as Chicago.

But the fact that intermodal companies like Hub Group can still hum along at 93.5 percent on-time performance, despite UP's problems, "is still pretty good," Hamberger said. "Reports that claim the railroads can't handle the business are a bit over the top."

There remains cause for concern, he said. Some utilities in the Eastern United States have allowed their coal inventories to drop lower than what the railroads consider to be a comfortable level. The AAR is talking to the companies to make sure there is ample supply to avoid brownouts this summer. "It's a crime that we are using significant amounts of natural gas from overseas when we have 250 years worth coal reserves right here."

Another issue is finding people to run trains and maintain track. Working for the railroad is not easy, Hamberger concedes. "It can be physically demanding, and the hours are not the best — railroads are the first 24/7 industry. We need people who are willing to work under adverse conditions."

The industry plans on spending \$6.1 billion this year on plant and equipment. But even with significant capital expenditures, finding the resources to address freight capacity growth of 70 percent in the next 20 years will be a challenge.

That's where old-fashioned economics will come in. Rates will rise as demand for service goes up, Hamberger said. In addition, public-private partnerships will get more money from federal, state and local governments for projects that have both railroad and public benefits.

Hamberger also anticipates more cooperation with trucks and expanding intermodal marketing relationships that are already in place.

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for  
Responsible Enterprise Education**

-§-

**San Benito County Small Business Incubator**

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Sept. 11, 2000

The Honorable Dave Potter, Chairman  
Rail Policy Committee  
Transportation Agency for Monterey County  
312 East Alisal Street  
Salinas, CA 93901-4371

Re: Rail Policy Committee Meeting Sept. 11, 2000

Dear Mr. Potter,

Thank you for allowing me to address the Committee today. Under the "announcements and correspondence" portion of your agenda for your next meeting on 10/23/2000, I believe it would be both helpful and informative to the members of the Committee, and the public, to acknowledge receipt of my transportation policy paper, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* 87 (1997). The short version, entitled "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," which was published in *Transportation Lawyer* (Dec. 1997), I distributed to the Committee members present today. This paper is now on the "required reading list" at the Nation's premier transportation law program at the University of Denver School of Law, which is home for the *Transportation Law Journal*. Also, please add to your public records my paper that I sent to VTA, which I wrote as a member of the Government Review Council of two local chambers of commerce, which is entitled "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101," copies of which I also handed out to the Committee's members today.

As a post-doctoral student of transportation law and policy, I know that I need not remind our elected representatives of the eternal truth in the words of John Stuart Mill:

*"But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."*

Honorable Dave Potter, Chair  
Sept. 11, 2000  
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Regrettably, for those of us trying to establish sound, sustainable transportation in this Nation, this fundamental principle of good government has been, and is presently being, ignored by some of the managers of public-sector transportation agencies.

Asking this point of view to be included in the Committee's considerations and deliberations on transportation law and policy is, I believe, in keeping with the democratic process,. However, and sadly, some of our local MPOs (metropolitan planning organizations) are controlled by self-interested people who have refused to accept the opposing viewpoint into their deliberations, contrary to the letter and spirit of the law. Mr. Justice Douglas reminded us, as I now remind you, that in the former USSR and Red China policy makers expended countless hours of debate, and forests of paper, debating their government's policies, including transportation policies. Yet, notwithstanding their "free speech," they never permitted anyone to question their foundation of communism. Douglas, William O., *The Right of the People* (1958), p. 9. Freedom of speech in America should not be so limited, even if it means that public-sector transportation agency managers will lose their jobs when the truth in transportation emerges from the debate. We owe it to ourselves and our posterity to prohibit "sacred cows" when we formulate transportation policy.

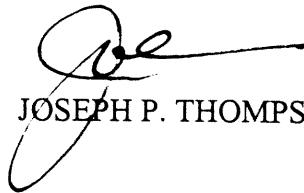
Our citizens rail advisory committee, I'm proud to say, did this in formulating our rail transportation policy in our County. If TAMC's rail advisory committee wants to achieve sound, sustainable transportation policy, I recommend that it admit to the discussion all private-sector solutions, which I believe are the only long-term sustainable solutions.

Please add my name to your mailing list for future announcements and agendas. In return, I will loan your Committee my copy of the seminal transportation policy study that has been written in the past decade, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993).

Unfortunately, I could not stay for the entire Committee meeting yesterday because I was scheduled to address our Congressman at his Town Hall Meeting in Hollister. Also, again unfortunately, I will miss your next Committee meeting because I will be in Washington, D.C., for the 33rd annual Transportation Law Institute from Oct. 22 through 25, and afterwards I will be going into USDOT's Office of Intermodalism, and the Federal Railroad Administration, and some of the offices of our California Congressional Delegation, to continue to press for restoration of intermodal facilities for the Silicon and Salinas Valleys. The TLI is sponsored by the Transportation Lawyers Assn., the Association for Transportation Law, Logistics and Policy, the American Bar Association's Section of Administrative Law and Regulatory Practice, and the University of Denver's School of Law. I will also be returning to the Transportation Research Board's headquarters at Georgetown University to continue my post-doctoral study of transportation law and policy. Although I have now completed my term as co-chair of TLA's legislation committee, I remain dedicated to searching for the truth in transportation. I will advise you of the relevant transportation law and policy developments upon my return. Thank you.

Honorable Dave Potter, Chair  
Sept. 11, 2000  
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Very truly yours,

A handwritten signature in black ink, appearing to read "Joe", followed by a horizontal line.

JOSEPH P. THOMPSON, ESQ.

Encl.

cc: Rail Advisory Committees (both counties) [w/o encl.]  
cc: Council of Governments [w/o encl.]  
cc: MPOs (both counties) [w/o encl.]  
cc: Government Review Councils (both counties) [w/o encl.]

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August 7, 2002

Honorable Sam Farr  
United States Congress  
100 W. Alisal Street  
Salinas, CA 93901

Re: Transportation Policy and America's Future

Dear Mr. Farr,

Thank you for coming to Hollister for your Town Hall meeting Aug. 1<sup>st</sup>. And thank you for representing our District in the Congress.

Confirming our conversation after the meeting, I could not disagree more with your idea that we should "nationalize the railroads" as part of "homeland security." The last time our government nationalized the railroads, during WWI, the bureaucrats proved what transportation men knew then, and still know today: government cannot run business. Your idea works if you want to confiscate private property, abolish our government, and convert us to a Marxist-Leninist state. Your idea could ruin the railroads, as the USSR did when it nationalized its industries. Read Solzhenitsyn's *The Gulag Archipelago, 1918-1956: An Experiment in Literary Investigation* (1973) for a Nobel Prize-winning eye-witness' account of what your idea could do here in America. Read "Nationalizing of Railroads: A Mistake America Cannot Afford to Make," *Traffic World*, March 31, 1975 and June 30, 1975. Will you nationalize all private property, e.g., our cars, homes, businesses? William Jennings Bryan's "Plumb Plan" to nationalize industry was rejected during the Progressive Era. We defeated the USSR, so why should we adopt their failed economic philosophy? If you start confiscating people's houses, why not start in the Carmel Valley and see what your neighbors think about your sanity? The worldwide "privatization revolution" during the past two decades has been widely reported. E.g., *Wall Street Journal*, 10/2/95. Our best thinkers have examined, and rejected, your idea. José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), written by two Harvard professors at the JFK School of Government. Only socialists, and transit welfare subsidy recipients determined to repeal the private property rights guaranteed to all Americans by the Founders, want nationalized transportation, and the revolutionaries in the Politico-Transit Alliance that you seem to favor. I thought that the idea of the Peace Corps was to teach someone how to build a fishing pole, not hold out his hand for government doles of fish? Spanish, and all other European, socialist transit is imposed with such ruthless, confiscatory tax rates that their countries' middle classes are hopelessly burdened. Productivity under socialist totalitarian regimes suffers. America's economic

success is directly related to our rejection of socialism. Read Nobel Prize winner Milton Friedman's ***Capitalism and Freedom*** (1962). Who else in Congress thinks that we should nationalize private property? Jefferson said it was intolerable when a tyrant confiscates our livelihood, our property, our homes, and the Bill of Rights guaranteed compensation for government taking. Yet you espouse "nationalization," i.e., confiscation of private property. That is a slap in the face to Brigham Young (UP's first shareholder), and all other shareholders of America's free enterprise businesses. On this 100<sup>th</sup> anniversary of the formation of the partnership of Vladimir I. Ulyanov, whose pen name was Lenin, and Lev Trotsky, and the creation of their Congress, I find it terribly ironic that you would come home from our Nation's capitol and preach Marxist-Leninist policy to your constituents.

Intermodal facilities are private-sector transportation operations where trailers and containers are placed onto and taken off of railroad flat cars. The remains of one is just to the left of the Amtrak depot as you face it in Salinas. They certainly are not what you called them. The scholarly literature refers to an "intra-modal" facility as a place where socialist bus transit riders get on or off socialist railroads. While I certainly do support intermodal facilities, I steadfastly oppose your Marxist-Leninist transit boondoggles. If you want to plan for solvent railroads, you need to remember how we did it in America the first time, i.e., combined freight and passenger revenues.

Land grant railroads were not given their right-of-ways, they paid for them. Measured in 1940 dollars, the taxpayers made a net \$560 million profit in the exchange for land. The consideration, i.e., *quid pro quo*, paid by the railroads was lower freight rates for government traffic as provided by Section 22 of the original Interstate Commerce Act. Subsidizing private sector transportation is very different from subsidizing communist, socialist, anti-American transit. The Amtrak debacle, where we spent \$24 billion in 31 years, short-changing our other transportation modes safety, e.g., airlines, highways, etc., can certainly be exceeded with communist Bullet-in-the-Brain Trains (High Speed Rail). Alternatively, as I said to the California HSR Commission in the five times that I testified, we could put enough Fedex, UPS and Postal Service tonnage aboard those trains so that we would not need to ask the taxpayers for a dime. But no, you want nationalization. If your idea worked, then why did Canada, Mexico, Great Britain, Australia, New Zealand, etc., all de-nationalize their railroads during the past 20 years? What can you be thinking? We need railroads, not Soviet-style horizontal elevators. Think: freight. Your predecessors did.

When you consider TEA-21's reauthorization in the next Congress, I hope that you will think about correcting Congress' mistake in 49 U.S.C. §14501(c), which the federal courts say deprives local government of jurisdiction to enforce highway safety rules (see my past letters to you on this and the case now pending in CA-9, ***California Dump Truck Owners Assn., et al. v. Gray Davis, Bill Lockyear***). NAFTA's preemption of our national transportation laws (gross vehicle weight; long combination vehicles) is about ready to inflict real suffering in your District and across the Nation. You could always tell your fellow Congressmen about the case from Monterey County that proved that the federal government is no match for local law enforcement, when it comes to highway safety, ***Sierra Valley Bus Lines***, which I've described in previous letters. I'm sorry that I won't see you when I'm in Washington for the Transportation Law Institute, Nov. 1-5. ***Caveat Viator!***

Respectfully yours,  
  
JOSEPH R. THOMPSON, ESQ.

Encl.

# AMONG + THERE WORSHIP FALSE GOD SOCIALISM.

JOSEPH P. THOMPSON

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February 20, 1999

The Honorable Rita Bowling, Chairwoman  
Council of San Benito County Govts.  
3220 Southside Road  
Hollister, CA 95023-9631

Re: Taxpayers and Transportation Policy

Dear Mrs. Bowling,

Thank you for allowing me to address the COG Board of Directors at their meeting on Feb. 18, 1999. Regarding the Report dated 2/18/99 from Mr. Walt Allen, Transportation Planner, to the COG, "Rail Service Study for Hollister/Gilroy Branch Line," I would like to take this opportunity to reply to Mr. Allen's Report.

**I. Assumptions.** At the threshold, your special duties that the voters entrusted to you require that you question basic assumptions upon which the Report is based, and the authorship source of the Report. If the underlying assumptions are unquestioned, then you are in danger of having your decision premised on faulty, irrational information fed to you by persons and entities with their own self-interest, rather than the best interest of the residents of the County, distorting the truth and misshaping the facts.

**1. The False God of Socialism Assumption: Public-Sector Transportation.** The authors' first unstated assumption is that government should provide transportation free, or nearly so, to the public. No where in the Report is it revealed that such a philosophy of government has been shown by history to be ruinous for a society. If this assumption was correct, then the USSR would have won the Cold War. Blind acceptance of this assumption will condemn future generations to a sad fate where they will curse our memory. For an accurate description of the state of public-sector transportation erected on this False God of Socialism assumption, I urge you to read Solzhenitsyn, *The Gulag Archipelago* (1973), ch. 2, "The History of our Sewage Disposal System." The true cost of such a public-sector enterprise is not disclosed by the authors of the Report. In fact, so-called "senior transportation planners" at metropolitan planning organizations (MPOs) like MTC, VTA, TAMC, SCCRTC, etc., never include "negative externalities," i.e., adverse consequences, in their cost-benefit analyses, although they do include "positive externalities," e.g., congestion and smog reduction. Since the authors of those reports gain their income from the tax subsidies that all three

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levels of government disburse, they conceal the adverse consequences to justify their work and their existence. A thinking person with a duty to the electorate must ask, "What about cognitive dissonance? Are these reports distorting the truth to justify their authors gaining money at taxpayers' expense? Is the lunch really as free as these authors are telling us? Is the "Free Light Rail Shuttle" really free? How much money do these authors receive for their "consulting" to us? Could they survive in a free-enterprise environment? If they did not gain their income from tax dollars, would they be here to advise us how to proceed?"

If the authors' first assumption was correct, then why have Canada, Mexico, Great Britain, Australia, New Zealand, and many other countries de-nationalized their public-sector transportation industries during the past two decades? If they were correct in their assumption, then the Internet would have remained a government-owned message center for the Department of Defense. If their assumption was correct, then the railroads would have been built originally by the government. The railroads would have remained nationalized as they were for 18 months during World War I. If their assumption was correct, they would not conceal the fact that the number of employees per mile of rail lines in socialized countries is substantially greater than in the United States.

Thinking persons with a duty to the electorate will recognize immediately that this assumption is false. The public-sector cannot outperform the private sector. Serious studies have examined this assumption and concluded as I have, and as you should, that the public is better served whenever we harness free-enterprise capitalism to do the job. Before you accept the false God of Socialism assumption, I urge you to read the seminal works of three Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), and John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

The authors' first assumption is contrary to human experience and common sense. If it was accurate, then public housing projects would be preferable to private home ownership. If they were correct, then Americans would have been emigrating to the USSR to live in concrete tilt-up "Dirodonominiums" along public-sector railroads. In truth, the residents of those Soviet-planners' high-rise concrete towers fled to their country farms (dachas) every chance they got. If the proponents of socialist transportation were correct in their assumption, the Berlin Wall would have been torn down by people trying to get into East Germany. Is that what happened?

Reliance on the public-sector solutions that the authors tout will cause you to violate the mandate of the Government Code that local government officials preserve past generations'

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investment in our infrastructure. Worse than the Y2K bug on your computer's hard drive is socialism in your infrastructure. The California Transportation Commission (CTC) has recently recommended that local government base future transportation infrastructure on "user fees" rather than on new taxes. The authors' False God of Socialism assumption conveniently ignores both history and the CTC's instruction to local government. Will we learn from our history, or ignore it?

If the authors' False God of Socialism assumption is correct, John F. Kennedy would have said, "Ask not what you can do for your country. What can your country do for you?" If they were right about this, then the Populist Party platform plank, *viz.*, government ownership of railroads, telegraphs and telephones, would have carried the day during the elections of the 1890s decade, when public outcry to the Robber Barons crested. Williams Jennings Bryan's Plumb Plan would have kept the railroads government-owned after WWI if the authors' premise was correct.

If the authors' False God of Socialism assumption was correct, then Abraham Lincoln would not have said in his Second Inaugural Address that no man should dare to ask a just God's blessing to wring his bread from the sweat of another man's brow.

If the False God of Socialism assumption was correct, then Governor Wilson would never have recommended the "Yellow Pages Test" of government as he did in *California Competes*.

The primary reason that the authors' Report omits mention of this assumption is that consultants and advocates for taxpayer-funded transit do not make any money unless they can convince elected officials, and dupe the public, into believing that there are no alternatives. If the tax dollars stopped, then they would be out of jobs. That is why you see them in the "revolving door" moving between MPOs and consultants' offices, milking the taxpayers by deceiving the elected representatives. As a general rule, they downplay the expense of public-sector transportation by an average of 50%, while at the same time they inflate "ridership" projections and anticipated revenues by an average of 50%. This finding was made after an exhaustive study of the previous 100 years of councils just like yours. Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978).

**2. The Pork Barrel Assumption: Politicians Know What's Best.** This assumption, which I also call "The MTBE Assumption," is not stated by the authors. Like the False God of Socialism Assumption, you must adopt it before you can accept the recommendations in the authors' Report. If this assumption, politicians know best, was true, then the taxpayers would not have had to pay the \$1+ trillion to bail out savings and loans after TEFRA, and the transportation industries would not

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have suffered 95% attrition through failures and bankruptcies as it did after Congress enacted deregulation legislation. If this assumption was correct, then MTBE would not be universally condemned as a mistake by our government. Since politicians can brag about bringing home their respective pork barrel projects, and make it seem like they are doing something positive for their constituents, the politico-transit alliance promotes the myth of this Pork Barrel Assumption. Many commentators have, however, recognized the fallacy of this assumption, e.g., Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991). Is TEA-21 really Jim Jones Koolaid for your constituents?

**3. The Spending Priorities Assumption: You'll Get Median Barriers When We Are Ready to Give Them to You and Not a Second Sooner.**

Another assumption that is not stated by the Report's authors is that unelected bureaucrats, who get their paychecks regardless of their performance, will establish spending priorities that are in the best interests of the greatest number of people. However, this assumption has been proven wrong, and is a primary reason why Mexico, Canada, Great Britain, Australia, New Zealand, and many other developed countries, have de-nationalized their industries, including transportation, during the past twenty years.

Just take the example of the VTA in Santa Clara County. What is the highest priority the VTA has? Let's judge them by what they do, not what they preach. If you guessed safety of the motoring public, you guessed wrong. The first thing on their priority list is their own job preservation. Their actions reveal that nothing is so important as that, no matter what the social cost imposed on society. While the county's transit agency is operated for the best interest of the union employees and agency managers, who have vastly higher pay scales and fringe benefits than you find in private sector transportation companies, the public is forced to wait for highway safety improvements. It matters not that many of us are killed or injured by lack of median barriers on the highways. So long as they can double the annual retainer of their federal lobbyists, so long as they can spend money for aesthetics, pensions, "Free Light Rail Shuttles," and other schemes and self-serving plans, then the public be damned. No sooner had the ink dried on the Supreme Court's decision denying a hearing to the taxpayers' challenge to the Court of Appeals' decision in the \$1.2 billion sales tax (Measure A&B) case, than the VTA's board of directors adopted a resolution doubling the \$620,000 annual retainer that they pay their Washington, D.C., lobbyists, raising it to \$1.2 million annually. This money is spent so that VTA can have more lobbying to get more taxpayers' dollars from Washington. The success of their lobbyists ensure that they get more of our tax dollars. Imagine that cycle repeated by all of the MPOs around the country every time reauthorization of transportation infrastructure is debated by Congress! Where will it end? Ask yourselves, if ISTEA reached \$168

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billion, and TEA-21 rose to \$218 billion, how many people, primarily middle-class taxpayers, will be forced to suffer declining standard of living in the future to support such abusiveness by our government and public servants?!?! Although there have been terrible highway crashes, taking a disgraceful toll of motorists of all ages, unborn, children, teens, adults, and elderly, VTA routinely transfers many millions of our transportation dollars to its employees bloated pension plans (most recently, January 1999, \$52.29 million to PERS). The authors would have us ignore the bureaucrats' spending priorities. Their assumption is that we must close our eyes to the human suffering which those selfish decision-makers at our MPOs like VTA make every day with our money.

Ask yourselves: "Why did Mayor Brown threaten to privatize Muni when it was revealed that they were operating nearly 50% of their bus fleet without meeting CHP's safety standards for passenger buses?" Was Mayor Brown admitting that the private sector could do a better job? Do you believe that he would ever fulfill such a threat when it would mean the loss of vast political patronage in San Francisco for the Mayor? Are you willing to establish that model for our County? Are you willing to accept the priorities revealed by the VTA?

#### **4. The Womb to Tomb Government Assumption: Unelected Bureaucrats Will Address Your Every Need.**

A related assumption which the authors fail to mention in their Report is that we can trust bureaucrats, unelected and unresponsive to the electorate, to make wise decisions for everything we need from the womb to the tomb. This fallacy must be rejected for the same reasons that you denounce the False God of Socialism Assumption. Until Christ's Golden Rule becomes part of human nature, this assumption is false.

#### **5. The Black Hole Government Assumption: Each Little Tax Increment Will be Painless for the Taxpayers.**

The next unstated assumption, which I call "The Black Hole Government Assumption," is one in which the authors expect that each "little" tax increment imposed on the taxpayers will have no adverse effect. They think it will be painless. Their thinking can be shown for what it is by imagining yourself exposed to the ravages of a blood-sucking leech. One leech, say on your foot, takes a few tablespoons of your blood, is satisfied, and falls off. You survive. Two leeches will take twice as much of your blood. Again you survive. Now, keep adding leeches to this thought experiment (don't try this at home!). If your body was totally covered with leeches, you would be dead. Somewhere between the first leech, and total body coverage, a fatal number of leeches, all sucking their own little sip of your blood, attach themselves to you. That number will depend on many factors. Suffice it to say that each person has such a number, but there are an infinite number of leeches

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standing by ready to help themselves to everyone's blood.

A Black Hole Government has infinite gravitational pull that will cause it to grow indefinitely as long as it can suck-in more matter that comes within its grasp, just like its namesake in cosmology. The authors misguided assumption is that the leeches can be restrained, the black hole arrested, before the fatal point arrives for our society. In the interim, they may profit from the experience that society undergoes, until they, too, get a fatal dose of leeches or are bound irrevocably to the attraction of the black hole. But the authors, or their descendants, will suffer the same fate as the rest of us. Their thinking is, therefore, self-serving and short-sighted. We may excuse them as advocates for a theory, a philosophy, and all agree that in a democracy they have the right to express their opinion. But thinking persons with a duty to their constituents must see through their fallacies to the truth, and steer us away from the leeches, and clear of the Black Hole Government.

**6. The Malignant Tumor Government Assumption: It Won't Spread.** The authors next unspoken assumption that I call "The Malignant Tumor Government Assumption" presumes that we will keep this socialism from spreading to other parts of society. They say nothing about the malignancy spreading, for example, to retailing, food distribution, medical care, farms, etc. Their unstated assumption is that extending nationalized industry into transportation will not cause further spread of nationalization into other industries. The danger of the spread of socialism in our economy is taught to MBA candidates in our universities. It is widely accepted learning that in a global economy like our children are facing only countries which restrict their spending to income producing activities will prevail in the intense competition. Dunning, *Multinational Enterprises and the Global Economy* (Addison-Wesley Pub., 1993), at p. 529. Until we have elected leaders with the wisdom and courage to stop the spread of this malignancy, the authors and others touting their philosophy may facilitate the spread of this evil throughout our society and forcing us to the same fate as befell the USSR.

**7. The Graffiti Taggers Assumption: Respect for Private Property.** The authors next unstated assumption is that public-sector property will earn the same respect as private property. But like graffiti taggers, who despoil and vandalize others' property, the draftsmen of the Report, like many of their cohorts around the country, fail to state the obvious fact that people have greater respect for something they own, than for what other people own. Just look at a street in your community with renters and owners. Who takes better care of the property? Are graffiti taggers spray-painting their belongings? Or are they lurking around spraying paint on public property, carving their incomprehensible acronyms in the glass doors and windows of our small businesses?

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**8. The Vacuum Assumption: This Scheme is the Only Thing Happening.** The next assumption that the authors fail to reveal in their Report is one wherein they pretend that no other tax-funded government program is already draining dollars from us, and that middle-class incomes have been increasing. As shown in the accompanying Petition, this assumption is false, and must be rejected for the same reasons as stated under the Black Hole Government Assumption. Many people have already reached the fatal number of leeches sucking their blood. Look at the number of bankruptcies and their rate of increase in this District. Look at the small business failure rate. Look at the sky-rocketing price of housing. If you have already been forced to tax the beds in our hospitals and convalescent homes to run the socialized buses, what will you have to tax to run socialized passenger trains?

**9. The Grantism Assumption: If the Money is Called a Grant Then it is Not a Tax Subsidy.** You will notice that the authors' Report distorts the meaning of words to conceal the truth as much as possible. For example, the use of the word "grant" instead of "taxpayers hard earned dollars," or "taxpayers' subsidy," is commonly used by authors like those of this Report. Whether the dollars from the taxpayers are called taxes, fees, grants, subsidies, or pork-barrel handouts from the Treasury, the effect is the same. And furthermore, the corollary assumption, that tax dollars from the federal government are somehow different from the taxpayers' dollars that are spent by local, regional and state governments is just as fallacious. The California Supreme Court has held that a fee is not a tax, and therefore, the Legislature need not comply with the California Constitution (2/3 supermajority requirement) whenever it enacts "fees" as opposed to enacting taxes. *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal.4th 866, 64 Cal.Rptr.2d 447, 937 P.2d 1350 (1997). This is contrary to the will of the people as shown by Proposition 13 and Proposition 218. So, it is vital that our local elected representatives voice our concern that the Constitution be enforced and that no new taxes be placed on the backs of the taxpayers. The impact of all these taxes by all the multiplicity of taxing authorities, joint powers boards, redevelopment agencies, municipalities, regional authorities, etc., whose malignant growth can be seen in the explosive growth of our Public Utilities Code in California (which has doubled in size during twenty years of "deregulation" of the industries), may be seen if you read the accompanying Petition.

**10. The Trojan Horse Assumption: Beware of Greeks (and Transit Advocates) Bearing Gifts.** The most insidious assumption that the authors make is that this federal money has no strings attached. Hailed by the politico-transit alliance as "devolution," i.e., returning power to local and state government, all of the ISTEA (Intermodal Surface Transportation Efficiency Act) reauthorization legislation, e.g., BESTEA, NEXTEA, HOTTEA, etc., was laced with poison like Jim Jones' Koolaid. Although bipartisan supporters never once mentioned it, the draftsmen of TEA-21 inserted broad

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federal preemption language ("no state or local government shall enact or enforce any law or regulation . . ."). While this was no problem for the politico-transit alliance, who got unprecedented sums for their pet projects out of the deal, the Tenth Amendment in the Bill of Rights was further decimated. Using the Commerce Clause as justification, the Supreme Court has approved this federal incursion of the States' rights in a wide spectrum of the Nation's economy, e.g., *Kelley v. United States*, 116 S.Ct. 1566 (1996) [state regulation of intrastate trucking preempted by ICC Termination Act, Pub.L. No. 104-88], so TEA-21's draftsmen traded away the people's constitutional rights in exchange for the "demonstration projects" (pork barrel) that the politico-transit alliance sought. How does this work? For example, federal preemption of local government power by means of this language was recently approved by the Ninth Circuit Court of Appeals in the Stampede Pass Case (*City of Auburn v. Surface Transportation Board*), where the Court upheld Congressional prohibition of enforcement of environmental, zoning, and construction permit laws by the City of Auburn, Washington when the Burlington Northern Santa Fe Railroad decided to reopen its previously abandoned transcontinental route through the Stampede Pass without complying with their state laws. The federal formula also applies to airlines, 49 U.S.C. §41713(b)(4). Courts throughout the Nation have handed down similar decisions based on the broad federal preemption language. 18 *Harvard Journal of Law & Public Policy* 903, "Federal Preemption of State Consumer Fraud Regulations: American Airlines, Inc. v. Wolens," 115 S.Ct. 817 (1995).

The authors' Report never mentions this erosion of fundamental rights reserved to the people by the Bill of Rights. While temporary gifts are doled-out by campaign-fund, vote-hungry members of the politico-transit alliance, they are depriving future generations of the Founders' Constitution that we inherited from our fathers. I consider this to be the most egregious harm that is left unspoken by the Report. Acceptance of the Report by the COG Board will be a ratification of this violation of our constitutional rights. Since those rights have infinite value to America's unborn generations, whatever inducements are offered us in exchange are nothing more than an insult to democracy. Who has the courage to tell the Emperor that he is stark naked? What is more important, another glass of Kool Aid, or your grandchildrens' constitutional rights? A statesmen would rather fall on his sword; a politico-transit alliance comrade will lunge for the chum like sharks in a feeding frenzy.

**II. Recommendations.** I request that you give serious consideration to the accompanying Petition on behalf of the taxpayers, homeowners and small business owners of this County. I urge you to "do your homework" and read my paper for the background and evolution of this crucial issue facing us today, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law J.*, pp. 87-*et seq.* (1997). I have already given you copies of this paper, but to aid your decision making, I am enclosing a copy of a shorter version entitled "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities,"

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which was published in the *Transportation Lawyer* (1997). Your special duties to the electorate and residents of the County, and, equally important, your duties to future generations of County residents, require that you adopt strategic transportation planning that is in the best interests of the greatest number of people, not the best interest of consultants and others who feast off the taxpayers. In honor of the self-reliant pioneers from the Donner Party, ranchers and farmers who originally settled this County, you must be guided by the American virtues of independence, self-reliance, and respect for private property which they bequeathed to us, and for which our fathers fought to preserve for us. Rejecting all forms of socialist planning for our transportation infrastructure, I believe that you should adopt the following recommendations to guide us into the next century.

1. The COG Board must refuse to become a partner with another government because partners are responsible for each other's debts.
2. The COG Board must reject the philosophy of public-sector transportation advocates like the transit planners at VTA, TAMC, and other MPOs.
3. The COG Board must obey the mandate of the Government Code to preserve previous generations investment in our infrastructure, chief of which is capitalism.
4. The COG Board must reject invitations to spread socialism into this County, which are extended by self-serving promoters of taxpayer-funded programs that impose unacceptable burdens on the middle-class, homeowners, small business owners, and cause housing to become more unaffordable. COG must denounce the politico-transit alliance and Soviet-style planners.
5. The COG Board must obey the instructions of the CTC to plan infrastructure on "user fees" and not on new taxes. COG must place the taxpayers' well-being as its highest priority.
6. The COG Board must instruct the staff of the County transportation agency to include all negative externalities in their cost-benefit analyses, including small business failures and personal bankruptcies, and their human suffering, resulting from excessive taxation by all levels of government.
7. The COG Board must demand truth in transportation from the staff of the County transportation agency, and any other proponent of public-sector transportation in any mode, i.e., highway, railroad, etc., so that our elected representatives have an accurate factual basis upon which to make decisions for strategic transportation planning.

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8. The COG Board must discount the reports of consultants and proponents of public-sector transportation because their viewpoint is influenced by their desire to profit at the expense of the taxpayers. COG must not emulate Soviet-style models from wealthy, urban counties.

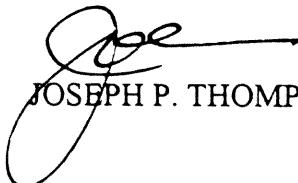
9. Before proceeding with any plan, the COG Board must find that it would be in the best interests of the taxpayers of this County to adopt the public-sector model of passenger train transportation and reject the free-enterprise model of the private sector.

10. The COG Board must consider the private-sector solution adopted in Stark County Ohio and the benefits for the commerce and business and tax base of this County that could be achieved if we followed their example and had a shortline railroad from the private sector build and operate an intermodal facility on the Hollister Branch Line near Highway 101, which is a NAFTA approved route under TEA-21. Tapping the substantial flow of intermodal traffic, Eastbound from the Salinas Valley, and Westbound into the Silicon Valley, will add tax revenues for the County, attract additional transportation business, reduce highway congestion, road maintenance expense, and improve air quality because of the traffic that is diverted off the highways to TOFC/COFC rail service. This intermodal traffic far exceeds any other available freight revenue that the Hollister Branch Line could offer a shortline railroad/intermodal facility operator.

11. The COG Board must adopt a policy of preferring free-enterprise transportation as the only long-term, sustainable transportation as history has shown, and reject public-sector, taxpayer funded transportation schemes promoted by people who delight in spending OPM ("other peoples' money) with no risk to themselves.

**III. Action Request.** Will you please include this reply to the Report, and the accompanying Petition, on your agenda for your meeting on March 18, 1999, at 1PM in Hollister, and consider it on behalf of the taxpayers, homeowners and small business owners of our County. Thank you for considering this request.

Respectfully yours,



JOSEPH P. THOMPSON

Encl.

*El Camino Real 2000: A Transportation Business and Logistics Perspective*  
*on the Proposed Widening of U.S. Highway 101*

by  
Joseph P. Thompson, Esq.



Aftermath of a head-on collision between a big-rig and a school bus on a State Highway, Gilroy, California, April 1994. Transportation planning must include consideration of the movement of goods and people.

This reply is gratefully offered at the invitation of the Valley Transportation Authority (VTA) to the public for comment on the proposed widening of U.S. Highway 101 between San Jose and Morgan Hill in Santa Clara County, California.

### ***The Author***

I volunteer this paper as a transportation policy student, not on behalf of any client, or for any association or organization to which I belong. Recently I have been doing some post-doctoral study of transportation policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at San Jose State University. I am a member of the Government Review Councils of two local chambers of commerce, Citizens for Reliable and Safe Highways, Citizens Rail Advisory Committee of San Benito County, Association for Transportation Law, Logistics & Policy (ATLLP), Transportation Lawyers Association (TLA), Safe Kids Coalition, Gavilan Employers Advisory Council, and other professional organizations within the geographical region of the proposed project. I am the President of the Morgan Hill-Gilroy Bar Association, and a candidate for the American Society for Transportation & Logistics (AST&L). In 1997 I received the National Directors' Best Research Paper Award from the AST&L. For more than 35 years I have been engaged in the transportation industry either directly as a truck dispatcher, intermodal facility supervisor and railroad complaint clerk or indirectly by representing carriers and their customers on the Central California Coast before federal and state courts and agencies as an attorney in the private practice of transportation law. My reply is my personal opinion and should not be viewed as that of any organization or association to which I belong, and I am solely responsible for its content.

### ***Summary***

Focusing on the movement of goods in the Hwy. 101 corridor, I conclude that the Central California Coast Region needs an intermodal facility. Movement of people and goods in the arteries of commerce inevitably increases when obstacles are abated, yet shippers and receivers in this Region lack a viable option to highways for their traffic. We must afford our commerce an economical and efficient option that presently existing technology has achieved in intermodal TOFC/COFC service.

### ***Background***

At least since the Roman roads were built, people and goods have moved together on highways. I will not dwell on the proposed project's consequences for commuters, except insofar as passenger travel on the highway is affected by the movement of goods. Democracy, transportation, environment, freedom, business and other major subjects of importance to society are undoubtedly intertwined in the proposed project, as are politics,

taxation, planning, zoning, housing, employment and myriad things that transportation touches in our lives. Leaving to others the difficulties inherent in those aspects of this project, giving VTA's talent pool its due, and other members of the public more knowledgeable than me about those things, I think that we owe it to ourselves and future generations of residents of this Region to consider what this project will mean for the movement of goods.

### ***History***

Since its creation by the Spanish missionaries, the El Camino Real has seen a steady increase of capacity. As the Interstate Highway System neared completion, Hwy. 101 was improved by previous generations from its trace down Monterey Road and old El Camino Real when the freeway portions were created east of Morgan Hill and Gilroy and northward to link with older freeway sections in south San Jose. Concurrently, population and commerce increased, swelling demand in the Region. During this period of highway construction in the Region, we abandoned our intermodal facilities in the Santa Clara and Salinas Valleys, while the rail option for travelers also ended. Automobile and truck traffic thus grew, no viable options being available. This Region was not alone in witnessing these trends, which have culminated in us realizing that we need non-highway transportation options.

During the Vietnam War, when I was the graveyard shift supervisor at San Jose's intermodal facility, local business owners could have their inbound loads spotted, deramped, and delivered to their doorsteps by 6AM. Cargoes as diverse as Trident missile sections and military material to domestic loads of every description moved long-haul segments of their trips to Piggyback Ramps. Examples included U.S. Mail and "swinging beef," two of the "hottest" commodities that we handled. Salinas Valley shippers and receivers also had the benefit of the less-expensive intermodal option, giving rise to the inclusion of Bud Antle's 500 refrigerated trailers to the consist of the "Salad Bowl Express."

### ***Today***

Today the loads business needed by 6AM may still be out on the highways leading into these Valleys on congested routes late into the morning. Although the Nation now utilizes the services of more than 3 million "owner-operators," Just-in-Time logistics is back-firing, and freight charges are escalating. The resurgence in passenger rail illustrates how we have gone back to the future, so to speak, in the movement of people in the Region. What about with goods movement? What are the options? To reach the airports and ports of San Francisco Bay, our business owners must use Hwy. 101. No water or air transportation options serve the Region even though agribusiness foreign sales dictate containerized freight. Even if shippers and receivers of overseas traffic utilize marine

container service, the local legs of those international trips are on the Region's highway connection with the San Francisco Bay ports. Trans-Mississippi tonnage moves OTR both EB and WB to and from this Region, mostly via long-haul trucks. Most of this tonnage is funneled onto the Hwy. 101 corridor, moving together with automobile traffic in what has become a badly congested route for both. Like other Bay Area highway corridors, e.g., Sunol Grade, Altamont Pass, etc., goods movement in our clogged arteries of commerce is a part of the problem generated by our unprecedented economic success in the Region. Free trade initiatives mean the trend will continue. If mass transit and passenger rail options deserve our respect, our attention, and our tax dollars, then what about options for movement of goods? Can we divert some of that tonnage to another mode?

### ***Intermodal Options***

Neither Silicon nor Salinas Valleys have intermodal facilities. San Jose has the distinction of being the largest urban area in North America without one. The closest ones are located in Richmond on the ATSF-BN and in Lathrop on the UP. Business must cope with the congested I-880 corridor to get traffic from our Region to ATSF-BN's ramp, or dray loads over the Gabilans through Pacheco Pass or Sunol Grade and Altamont Pass to catch UP's Lathrop intermodal facility. The former intermodal facility site on the SP at Taylor and Coleman Streets in San Jose is for sale. The former intermodal yard in Salinas adjacent to the Amtrak Station off Market Street has been partly built upon. UP, SP's successor by merger, offers no intermodal service from this Region. ***Union Pacific Railroad Company, Exempt Circular 20-B: Governing Publication of Rules and Charges Applying on TOFC/COFC Shipments*** (12/1/1997). So, as a result, the westbound tonnage to the Region moves primarily by highway, and the eastbound tonnage, mostly produce from the Salad Bowl of America--Salinas Valley, also goes by truck. These commodity flows are constantly increasing, along with the population of motorists competing for space on the subject route, among others, e.g., State Highways 152, 156, 129, & 25. Increasing the capacity of the 101 corridor will, like a wider drain, draw more of the same flows. How long can this go on?

### ***The Future***

Our regional metropolitan planning organizations (MPOs) Metropolitan Transportation Commission (MTC) and Association Monterey Bay Area Governments (AMBAG) have taken the position that they will not support residents' and GRC's efforts to restore intermodal facilities in the Region. MTC's 1999 ***Transportation Improvement Program for the Nine-County San Francisco Bay Area*** (9/23/98) mentions "multimodal" projects, but by this term it means only passenger transit operations linking, for example, transit buses with passenger trains and BART. The term "intermodal," which was the keystone of the Intermodal Surface Transportation Efficiency Act of 1991, Pub.L. 102-240 ("ISTEA"), supposedly renewed in the Transportation Efficiency Act for the 21st Century ("TEA-21"),

H.R. 2400, has received little or no attention. This artificial division between public-sector passenger transit planners and private-sector transportation is a source of waste and inefficiency in our Nation. In this regard we are, I believe, a House Divided against ourselves.

The long-range congestion management plans for both Silicon and Salinas Valleys do not mention intermodal facilities. This should not be surprising because their position has been, since their inception, that they cannot support private sector transportation solutions, and are, in fact, in competition with them. Even the California Transportation Commission's (CTC) 1999 study of California's transportation infrastructure needs for the next decade failed to mention them. We can continue to sacrifice countless hours of debate and forests of paper on how to achieve the best solution, private or public, but until we do, we will see future generations paying for this schizophrenic transportation policy, which I believe is the fundamental reason why we have arteriosclerosis in our arteries of commerce. Better minds than mine have reached this conclusion. For example, our former Mayor and Congressman, recently nominated by the President to become our next Secretary of Commerce, said in 1995: "The crucial question in transportation today is: What should government do? And what should it leave to others?" Quoted with my earlier thoughts on this in "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* 87-*et seq.* (1997).

This project, as all others, will not happen in a vacuum. National and international forces will affect it. We may see, for example: (1) fuel prices continue to increase, (2) commercial drivers hours of service regulations modified to worsen the Nation's driver shortage, (3) vehicle weights "harmonized" with those of our NAFTA "partner" Mexico (107,000 lbs. vs. our present limit of 80,000 lbs.), (4) long combination vehicles (LCVs), i.e., triple short trailers and "freeway doubles" 2-53 footers, nationwide, or rather, throughout North America under NAFTA's transportation "side agreements," and (5) more axles bearing greater concrete-cracking, bridge-buckling loads. Legislation now pending in Congress may make some of these developments arrive on our highways in the near future.

### ***Recommendations***

When there were more than 100 Class 1 railroads, the Nation had more than 2,000 intermodal facilities. Today we have 5 Class 1's and about 200 intermodal facilities. To garner 10% of our Nation's freight revenue (trucks currently take 77%), the railroad industry has been forced to contract to stay profitable. Although it takes four times as much fuel to move a ton with rubber tires over concrete highways than with steel wheels on steel rails, and although air pollution is vastly greater from one fully-loaded "big rig" than from an automobile, I do not see anyone at our MPOs promoting our intermodal options. Even studies like Jack Faucet & Associates 1995 *Freight Study* for AMBAG and Barton-Ashman Associates 1992 *I-880 Intermodal Corridor Study: Truck Travel in the*

**San Francisco Bay Area** for Caltrans District 4 and Alameda County miss their mark or, sadly, are disregarded by our MPOs. I believe that it is wrong to restrict our senior transportation planners at our MPOs from planning private sector options. While I do not find any legislative support for their position, that is a fundamental assumption on which they operate. I believe that we ought to untie their hands and let them harness the private sector solutions. I would recommend to our senior transportation planners and policy makers the TRB's Conference Proceedings No. 12, "National Conference on Setting an Intermodal Transportation Research Framework" (1997) for guidance on this strategy.

If the Southern California Association of County Governments can recommend "truck only" lanes, we in Northern California ought to show them a better solution, i.e., intermodal facilities. After all, the whole Nation looks to our Region as the leaders of the "new economy," so why not show us also to be brighter about transportation solutions? We ought to give our shippers and receivers an alternative to highways for their traffic, especially when truck brokers are claiming that "driver shortages" (real or imagined) exist, forcing-up the freight charges to sky-high rates. The freight savings can be passed along to the ultimate consumers.

### ***Conclusion***

We have here in our Region what NAFTA calls a "barrier to trade." This barrier is a result of our previous decisions and our existing transportation policy. I think we are smart enough to remove it. Therefore, I urge you to consider these ideas in your endeavor to seek solutions in your environmental impact report. My recent paper "Intermodal Facility for the Hollister Branch Line: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century," is attached hereto. I believe that the ramifications of the proposed project on Hwy. 101 ought to be mitigated by the restoration of intermodal facilities on the Central California Coast, and if neither MTC nor AMBAG want them in this Region, then I believe that the only place to build one would be on the Hollister Branch Line beyond their jurisdiction in San Benito County.

FRA's administrator for policy announced last week at ATLLP's 71st annual meeting in Montreal that TEA-21's RRIF and TIFIA (see §7203 of TEA-21) regulations were to be released (finally) by USDOT very shortly. When they are, then we ought to encourage a short line railroad to seek that "seed money" from the federal government and use it to acquire the Hollister Branch Line from the UP and build the Central California Coast an intermodal facility like the one that the UP has at Lathrop. If that is done then the proposed Hwy. 101 widening will not be so badly congested as it will be without one. I believe that we could show the rest of the Nation how to solve some of their highway congestion and road maintenance expenses if we did this.

Joseph P. Thompson

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July 2000

(ENDORSED)  
**F I L E D**  
JUN 18 2004

KIRI TORRE  
Chief Executive Officer  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI DEPUTY

## 2003-2004 SANTA CLARA COUNTY CIVIL GRAND JURY

### INQUIRY INTO THE BOARD STRUCTURE AND FINANCIAL MANAGEMENT OF THE VALLEY TRANSPORTATION AUTHORITY

#### Summary

The Valley Transportation Authority (VTA) faces significant financial challenges. Some are outside of the control of the VTA Board (Board), such as the recent short-term shortfalls of sales tax revenue due to the economic downturn and a less-than-efficient public transportation system due to widely dispersed housing and centers of commerce. Other challenges are the result of decisions made or accepted by the Board, some as a consequence of the structure of the Board itself. These include: low recovery of transit costs from fares; high employee costs per service rendered; over-promising of programs to voters; inefficient timing of expenditures; financial forecasts designed to support program plans rather than evaluate options (and as a consequence not identifying more optimal approaches); and decisions influenced by benefits to local districts rather than to the regional Santa Clara County (County) transportation system. The Grand Jury recommends changes in the size and composition of the Board to provide better governance of VTA finances in the future.

The overriding financial problem facing VTA at present is that it cannot afford the cost to build and operate a BART system to San Jose. Spending limited resources on BART could squander an opportunity to build, maintain, and operate a far larger network of transit options throughout the county as enabled by voters approving the  $\frac{1}{2}$  cent Measure A sales tax in 2000. The Grand Jury recommends delaying expenditures for BART to provide more immediate funding for other Measure A transit projects.

#### Background

In the mid-1950's, the County proposed a plan for a public transportation network throughout the entire region. It was to be an integrated approach, designed to be a convenient and efficient means of transporting people to critical destinations as the county grew in population. The integrated plan was based on local buses as feeders to congregation points for express transport to more distant destinations (either via light rail or buses), which would then also connect to regional high-speed lines such as BART or commuter rail. The plan (with the exception of BART and commuter rail completing the circle around the bottom of the Bay) was well accepted and funded in subsequent years, largely by sales tax levies passed by county voters.

Over the next decades, portions of the system were developed and the master plan was revised roughly every 10 years and updated between revisions. Compromises to the original vision were made over the years on a number of issues, due to funding constraints and politics. The number of users remained below that projected by the master plan, in part because of the incompleteness of the integrated plan, in part because of the reduced effectiveness of the system due to compromises in the constructed routes, and in major part because of the increased affordability and convenience of private motor vehicles and the investments VTA has made in freeways and expressways. Operating costs for the portions of the system that were built far exceeded fare-box revenues, with the rider-paid portion of the costs well below the national average of more than 20%. The VTA average fare box recoveries for 2002 and 2003 were only 11.6% and 12% of operating costs.

The Board of the VTA was authorized in its present form by state legislation in 1994. In the proposal originally presented to the State of California by the County Board of Supervisors, the Board was to be composed of five directly elected members (corresponding to the five County Supervisorial Districts) and eleven appointed members from various elected bodies in the County. The State enabling legislation, however, eliminated the directly elected directors. Instead, the Board membership was to be composed of 12 voting members, 5 alternates, and as many as two ex-officio members, all elected officials appointed to serve on the Board by the jurisdictions they represent. The two ex-officio members are the County's representatives to the Metropolitan Transportation Commission (MTC), the Bay Area transportation authority. The twelve voting members are:

- five San Jose City Council members;
- three city council members (one each from Sunnyvale and Santa Clara for eight out of ten years; the other member position and the remaining 2 out of 10-year slots are filled by Los Altos, Los Altos Hills, Mountain View, or Palo Alto, on a rotating basis);
- one city council member from either Gilroy, Milpitas, or Morgan Hill, on a rotating basis;
- one city council member from either Campbell, Cupertino, Los Gatos, Monte Sereno, or Saratoga, on a rotating basis;
- and two County Supervisors.

Board members serve a term of two years, with some serving more than one term, but not those from the positions that rotate between the smaller cities. Board members are not required to have a transportation background or other relevant expertise.

In the past year, the Board considered revising its composition in order to eliminate some of the rotating Board seats. This would be accomplished by increasing the number of Board seats, with San Jose and County Board members having more than one vote each to retain an equivalent voting weight as at present. This effort has now been tabled until 2005.

Some boards that govern public bodies in the County use board structures that are similar to VTA, that is, individual city councils select one of their own members to serve on a governing board for a different function. Examples of this type of board include the Association of Bay

Area Governments and the joint powers agreement board for the county library system. While these appointees are responsible and interested citizens, they are usually extremely busy with activities in their own city. These board members have neither the time nor the expertise to delve deeply into the problems facing them. The net result of this is a staff-driven organization. Thus, although the board has the ultimate authority for decisions, the specialized knowledge and dedicated time of the staff means that most of the strategy and tactics are set by staff. The staff spends much of its time bringing the board up to speed on decisions that the staff has already made. Board meetings characteristic of staff-driven organizations are generally passive informational meetings interspersed occasionally with strong reactions when staff has veered too far off course in the view of a board member. Alternatively, member-driven boards lead discussions in their board meetings on such matters as how the organization is doing against benchmarks, how to best utilize resources, and setting goals and direction for the staff to implement.

An example of a board in the County that is smaller and more dedicated to its role is the Santa Clara Valley Water District (SCVWD) Board. Five board members are elected to their roles by supervisory district, and two members are appointed by the Board of Supervisors. Although the SCVWD staff is every bit as involved as VTA staff in operating their business, the SCVWD Board does not have other governmental obligations and thus is more focused in providing governance, guidance, and oversight to the staff.

Other transportation agencies in California, as authorized by the state legislature, have a wide range of options for their boards. At least two transportation agencies, Santa Barbara and Stockton, have citizens appointed as board members by county and city governing bodies. Unlike VTA, those board members are not currently elected members of those bodies. Citizen members are chosen for their expertise, their interest in and commitment to transit matters, and their long-term community involvement. A few transit boards such as the board for BART are directly elected to that role. While others require the appointees to be elected officials (like VTA), Bakersfield explicitly requires them not to be elected officials. Board size ranges from 5 to 20 members. One VTA staff member has had previous, positive experience working with appointed citizen boards, and indicated that the members were in general more experienced, dedicated, and interested in transit issues.

A recent joint meeting of the VTA Board and the board that oversees the existing portions of BART clearly highlighted the different operating styles of the two groups. Following presentations, the VTA Board asked questions for clarification. The BART Board made suggestions and recommendations. For example, a VTA Board member asked about funding for the BART extension to Warm Springs (obviously required to continue the line to San Jose) and was surprised that it was in jeopardy. The money allocated for that project had been "borrowed" to pay for cost overruns on the BART link to the San Francisco Airport. The loan was to be repaid with operating surpluses from that link, which have not materialized. On the other hand, the BART Board suggested that VTA should prepare a contingency plan, given the shaky finances for BART to San Jose, which initially extends BART only to Milpitas or Berryessa. Even considering such a plan was quickly dismissed by a VTA Board member.

## Discussion

### VTA Board

The Grand Jury inquiry discovered that the Board, while composed of dedicated public servants, is not functioning well as the governing body for the VTA. It is too large, too political, too dependent on staff, too inexperienced in some cases, and too removed from the financial and operational performance of VTA. Some city council members expressed to the Grand Jury that they have chosen not to be appointed to the Board because of one or more of these problems. Past and existing Board members admit freely that VTA is very much a staff-driven rather than a board-managed organization.

VTA Board membership is not composed of members chosen specifically for their management, transportation, or business experience, but rather is a rotating collection of elected officials appointed from elected bodies in the County. These representatives often do not have business or transportation experience. The primary duty and focus of these officials is to the elected positions in the entity from which they are appointed. Voters would not normally be expected to choose their local elected officials on the basis of whether they have time or ability to represent the region's transportation interests on the VTA Board, even if they were aware of such a possibility for additional responsibility beyond the primary responsibilities of the elected office.

The commitment in time to provide effective oversight as Board members to VTA can be significantly beyond what is possible as a secondary appointment for an elected representative. There are more than 10 hours of public Board and committee meetings to attend each month. Each has staff-supplied material which should be reviewed before each meeting (but because of other commitments may not be reviewed, leading sometimes to elementary questions at the Board meetings). That time commitment is necessary just to be reactive; any proactive attempts at governance would require significant additional commitments in time.

It is important to understand that VTA is a major business with a \$350 million budget, has capital expenditures with major impact on construction jobs in the County, and serves a host of different constituencies. It is also a complex business, covering roads to paratransit, which is managed in other counties such as Alameda by three separate boards.

The Board is to be commended for the breadth and depth of their advisory committees, which collect excellent input from such constituencies as bicycle and rail commuters. However, the time that Board members devote to assessing public input from outside their districts is often the perfunctory acceptance of written reports without comment at meetings and listening to 90-second public comments at Board meetings.

Over the period 2000 to 2003, Board member attendance averaged a respectable 83%. That does mean, however, that on average two of the twelve voting Board members were absent from each of the twenty to twenty-four Board and workshop meetings held each year. Some had perfect attendance records; others were absent from the meetings more than half of the time. Attendance records are similar for the three main Board committees: 77%, or one in four Board members is absent on average at each committee meeting, scheduled once per month (however, as many as

and railroads. When the excesses of human nature grew unacceptable, during the age of the Robber Barons, regulation by government was the response of generations to those "felt necessities of the time." Private ownership of industry, however, was retained, except for those natural monopolies like water, sewer and power. Uniquely, America rejected the notion that the government would own our transportation industries.<sup>3</sup> Although the railroads were nationalized during WWI, even one of our most gifted orators, William Jennings Bryan, could not convince the American people that the "Plumb Plan" of joint federal-state ownership was preferable to privatization.<sup>4</sup> Despite its many faults, the American people chose capitalism rather than switching to statism or socialism. The Transportation Act of 1940 was the first express transportation policy by Congress. However, almost each session of Congress since has added to or altered transportation policy, yielding a result that one should expect when political decision-making seeks solutions pleasing every transportation need of a diverse, growing population. Consequently, the NTP is taught to transportation students as "somewhat vague" and containing "numerous conflicting provisions."<sup>5</sup> As Professors Coyle, Bardi and Novack conclude in their transportation textbook:

The federal government's policy toward transportation is a composite of these federal laws, rules, funding programs, and regulatory agencies; however, there is no unified federal transportation policy statement or goal that guides the federal government's actions.

In addition to the Congress and the president, there are more than 60 federal agencies and 30 congressional committees involved in setting transportation policy. There are two independent regulatory agencies that interpret transport law, establish operating rules, and set policy. Lastly, the Justice Department interprets statutes involving transportation and reconciles differences between the carriers and the public. Each of these groups has made decisions that have affected the development of transportation.<sup>6</sup>

Whether in war or peace, the NTP reflected rising concern with transportation problems in the United States and in other developed nations.<sup>7</sup>

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<sup>3</sup> See, generally, Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978), especially, Ch. 1 "National Transportation Policy;" and Ch. 4 "Policy Overview," and "Nature of Transportation Subsidies," and Ch. 5, "Research/Policy Connection;" Philip D. Locklin, *Economics of Transportation* (5th ed., Homewood: Richard D. Irwin, Inc., 1960), Ch. 2 "The Transportation System of the United States;" Dudley F. Pegrum, *Transportation Economics and Public Policy* (Homewood: Richard D. Irwin, Inc., 1963), Ch. 3 "Development of Transportation in the United States;" and Ch. 16 "Transportation as a National Problem;" and Ch. 20 "Regulation and Administration in Transport Policy;" Roy J. Sampson and Martin T. Farris *Domestic Transportation: Practice, Theory and Policy* (3d ed., Boston: Houghton Mifflin, 1975); George W. Wilson *Economic Analysis of Intercity Freight Transportation* (Bloomington: Indiana U. Press, 1980); Donald F. Wood and James C. Johnson, *Contemporary Transportation* (Tulsa: PPC Books, 1980), Ch. 1 "Transportation and the Economy;" Ch. 2 "Government as a Provider of Transportation Services and Facilities;"

<sup>4</sup> Robert W. Cherny, *A Righteous Cause, The Life of William Jennings Bryan* (Norman, Ok: University of Oklahoma Press, 1994), p. 159.

<sup>5</sup> John J. Coyle, et al., *Transportation* (West Pub.Co., St. Paul: 4th ed. 1994), Ch.4, "Transportation Policy," p. 104, 108 (hereafter COYLE).

<sup>6</sup> COYLE, p. 104.

<sup>7</sup> David Banister and Peter Hall, *Transport and Public Policy Planning* (London: Mansell Pub., Ltd., 1981); Joseph Berechman *Public Transit Economics and Deregulation Policy* (Amsterdam: Elsevier Science Pub., B.V., 1993); K.J. Button and D. Gillingwater, *Future*

### *Evolving Transportation Policy*

Of the many commentators, Professor James C. Nelson has given us enlightening perspective on the NTP's evolution.<sup>8</sup> Writing during the Kennedy administration, Professor Nelson said "recent studies of regulatory agencies and public policy in transportation attest eloquently to the continuing public interest in the long-standing issue of the appropriate role for government in the transportation sector of the economy." At that point in time he saw "little legislative action," but that was quickly changed as Congress tackled mass transit problems. However, Professor Nelson did raise the "Crucial Question" by saying, "[t]he question of the proper role of the government in the allocation of traffic and resources in transport" was worthy of "a general review and evaluation." He saw two roles for government in transportation, promotion and regulation.

In the United States, government shares with private enterprise the risks and costs of providing transport in a mixed system of public and private enterprise. Government usually participates by furnishing the basic ways (and some terminals) while private enterprise conducts carrier operations over public facilities. Mixed enterprise is characteristic of air, highway and water transport but not of pipeline and railway transport. As most countries operate railway under public enterprise, this country's mix of private and public enterprise is unique.

The Crucial Question presented itself time and again in the post-war era, and so many studies were made that studies of the studies appeared.<sup>9</sup> Every aspect of transportation has been examined and re-examined. Reflecting its importance to the economy and society, commissions and committees have devoted forests of paper and vast resources to this endeavor. Regardless of the report or study, they all recognize the role of federal tax dollars on our transportation systems.<sup>10</sup>

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*Transport Policy* (London: Croom Helm, Ltd., 1986); Paul W. Devore *Introduction to Transportation* (Worcester: Davis Pub. 1983); George M. Guess, ed., *Public Policy and Transit System Management* (NY: Greenwood Press, 1990) (hereafter GUESS); David W. Jones, Jr., *Urban Transit Policy: An Economic and Political History* (Englewood Cliffs, NJ: Prentice-Hall, 1985) (hereafter JONES); John B. Lansing *Transportation and Economic Policy* (New York: Free Press, 1966); Aurelio Menendez *Estimating Capital and Operating Costs in Urban Transportation Planning* (Westport, Ct.: Praeger, 1993); A.W.J. Thompson & L.C. Hunter, *The Nationalized Transport Industries* (Heinemann Educational Books, London, 1973).

<sup>8</sup>James C. Nelson, "Government's Role Toward Transportation," *Transportation Journal* (Summer 1962), reprinted in Martin T. Farris & Paul T. McElhiney, eds., *Modern Transportation Selected Readings* (Houghton Mifflin Co., Boston: 2d ed. 1973), p. 416-424 (hereafter NELSON).

<sup>9</sup>Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978), Ch. 2 "Chronology of Research Studies" (hereafter LEVINE).

<sup>10</sup>GUESS, pp. 1-2. Professor Guess concludes that "federal aid remains the dominant force in shaping activities by state and local transit agencies" but "the incentives provided are often irrational from the perspectives of efficiency and effectiveness." *Id.* See, also, David W. Jones, Jr., *Urban Transit Policy: An Economic and Political History* (Englewood Cliffs, NJ: Prentice-Hall, 1985). Professor Jones concludes that federal subsidies have "not stabilized the industry and that compound changes in transit's basic way of doing business are necessary if mass transit is to play a significant role in the future of urban transportation. . . . Subsidy for transit is necessary and appropriate, but endlessly increasing subsidy is both inappropriate and unrealistic. It is time, in short, to consider the reorganization alternative--as difficult and painful as it may be."

### *Transportation Subsidies and Policy*

Call it aid, grants, assistance, tax breaks, or subsidies, there is little difference from a policy perspective. However, since "subsidy" has become a dirty word, we seldom see it used. Instead, "private-public partnership" has emerged as a popular buzzword to make. How do transportation subsidies distort our transportation systems? First, however, can we agree on a definition of "subsidy"? It has been authoritatively said about subsidies:<sup>11</sup>

One remarkable attribute of Government subsidies is the capacity of the very words themselves to conjure up marvelously diverse images in different minds. To most economists the subsidy is a useful fiscal instrument whose major purpose is to improve the private sector's allocation of resources among their alternative uses. To many laymen, on the other hand, subsidies are an elusive and worrisome phenomenon, frequently hidden from the general view and often suspected of being used more for private gain than for the public good. These widely divergent viewpoints appear to come mainly from differing perceptions of the efficiency with which private markets function. To the laissez-faire enthusiast there is little or no legitimate role for subsidies since, as he sees the world, free markets do the best job of organizing production to satisfy present and future consumer demands. Others, worried about the lack of strong competitive pressures for efficiency in concentrated markets and perceiving pervasive externalities, both beneficial and harmful, which are not taken into account by private business, actively support extensive Government intervention, through subsidies and other means, in the operation of private markets.

And, another highly respected economist said in the same study:<sup>12</sup>

Congress is not always adequately equipped to evaluate expenditure programs; the device of holding hearings is far from being a complete substitute for objective evaluation. All too often hearings are dominated by the special interests who expect to benefit from them rather than by those who have to pay for them; thus representatives of nonfarm sectors are rarely heard by the congressional committees on agriculture. . . . Another reason why special benefit programs need particular attention is the inertia in our political system, which tends to preserve such programs long after their initial justification (if indeed there was one) has disappeared. These programs tend to create vested interests, whose anguished cries of ruin at the slightest suggestion of reform are usually loud enough to drown out the voice of reason. Even if a program is widely conceded to be unsatisfactory, Congress is likely to let sleeping dogs lie by extending it unchanged rather than reforming it; the recent extension of the Sugar Act is one example. The laxity of our rules concerning political contributions may well aggravate the problem of inertia. [emphasis added]

### *The Taxpayers' Ideal Subsidy*

These definitions of "subsidy" are as sound today as they were when those economists testified to the Joint Economic Committee of the Congress. Inducing private sector behavior with transportation subsidies has long been a feature of American politics and government. For the individual a particular subsidy may be "good" or "bad," depending on whether he pays for it or receives it. But for the Nation, a particular subsidy may diminish an "inherent advantage" of one mode of transportation to the advantage of a competing mode. We need to ask: Who actually benefits from the subsidy? The Grandfather of all transportation subsidies may have been the land grants to the railroads. In this case it was we taxpayers who enjoyed profits. Professor Nelson described the fiscal ramifications of the land

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<sup>11</sup>U.S. Congress, Joint Economic Committee, *The Economics of Federal Subsidy Programs* (Wash., D.C.: USGPO, 1972), p. 1, George F. Break (Prof. Econ., U.C.-Berkeley), "Subsidies as an Instrument for Achieving Public Economy Goals."

<sup>12</sup>*Id.*, Hendrick S. Houthakker (Prof. Economics, Harvard), "The Control of Special Benefit Programs," p. 8.

grants to the railroads, and other subsidies, in exchange for reduced freight rates (under former Section 22 of the Interstate Commerce Act) for government freight and military passengers. By June 30, 1943, the rail rate breaks for the taxpayers were estimated to be \$580 million, "a sum several times the value of the granted land at the time land grants were awarded and in excess of the sums derived by the railroads from the grants."<sup>13</sup> Thus, this precedent-setting transportation subsidy proved that the taxpayers could actually profit from a Congressional deal to promote transportation, *viz.*, infrastructure improvements. In other words, with private sector profit motives allowed to control, the promoters and the taxpayers (investors) both made huge profits. Have we learned from our history? Did subsequent Congressmen make equally advantageous agreements for later generations of taxpayers?

### ***Subsidies Distort Transportation Industry Results***

Before the railroad land grant subsidies, canals had been constructed by state agencies and operated with tolls recovering capital and operating costs. But just as highway subsidies would later affect the railroads' profitability, since about 1880, by which time the railroads had largely superseded the canals, the federal and state governments have provided improved waterways entirely free of user charges except on the St. Lawrence Seaway. Like a house of cards, tinkering with one card inevitably affects the whole transportation structure.

Even earlier, private turnpikes furnished main highways on a commercial basis; but, since 1850, highways have been provided by state and local governments, with ever-increasing federal aid (since 1916) for construction of limited federal-aid systems and with user fee support in the modern period.<sup>14</sup> Finally, the federal government early undertook to provide the civil airways and facilities, with the synergistic benefits accruing to the airlines. As he concluded, "Over the years, tremendous sums have been spent by government in making way and terminal facilities available for use by private carriers; in giving direct subsidies to certain classes of carriers; and in engaging in expensive scientific research, and development for national security, making as a by-product much valuable technology available to the air carriers without charge to them."<sup>15</sup>

The national purposes for giving financial assistance to transport development are relevant to evaluation. Clearly, railroad grants had the unique national objective of stimulating initial settlement of undeveloped lands in the West by rapid development of a new transport technique, greatly reducing long-distance costs and increasing service speeds. Air transport aids sought improved postal communication, rapid introduction of a new technology, adequate equipment, aircraft manufacturing facilities and skilled personnel for national defense. Federal highway aid had improvement of rural postal services and stimulation of interstate commerce as its principal purposes; in addition, an underlying national defense interest has existed in a highly developed system of interstate highways adequate for the needs of commerce and the military. State highway investment largely has been in response to the way-service demands of a rapidly multiplying ownership of motor vehicles. The principal objectives for inland waterway improvement, including the no-toll policy, have been to give landlocked areas lower freight rates and to furnish additional competition for the railroads. The overall historical record indicates that perhaps the strongest motive for federal transport subsidies has been to bring about, more rapidly than otherwise would occur, the economic and social benefits of improvements in transport service and of lowered transport costs when entirely new transport technology became available. This was true

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<sup>13</sup>NELSON, p. 423, fn. 3.

<sup>14</sup>Federal transportation outlays for all modes increased from \$23.961 billion in 1980 to \$39.064 billion in 1994, measured in current dollars. Bureau of Transportation Statistics, *National Transportation Statistics 1997* (Wash., D.C.: USDOT/BTS Dec. 1996), p. 98.

<sup>15</sup>NELSON, p. 418.

of federal aids for highway and air transport development. That motive also stimulated the land grants to railroads, but with the significant difference that a century ago far greater emphasis was necessarily placed on land settlement and resource development in pioneering areas. The introduction of modern air, highway and waterway transport came long after the railroads had already opened up most of the remote and under-developed regions of this country. The grant of subsidies to those modes was intended to exploit their technologies at a faster rate than market demand could accomplish so that the economy might earlier have the new types of services and competitive transport.<sup>16</sup>

Professor Nelson also concluded that as a broad generalization, the American system of mixed enterprise in transport has worked tolerably well. He said that it has produced a fully-developed, large-scale, multiservice and essentially competitive transport system that is the envy of most countries. Of course, when he wrote the United States was not the world's largest debtor nation!

In general, he stated, the promotional policies accomplished their purposes and the government has made a truly important contribution to the American transport system. But as government promotion also has created excess facilities and inefficient transport, this by no means implies that the best and most efficient system has resulted. Nor does it mean that past policies necessarily should be continued indefinitely.<sup>17</sup>

But, looking objectively at the justification for continuing subsidies to domestic transport, it seems clear that most historical reasons for subsidies have disappeared long ago. There is, he said, no present need for land grants to stimulate initial development of railways. Also, motor transport is now a mature and thriving industry, operating over highways with high-type surfaces throughout the land. Although expanding traffic and urban congestion obviously require highway expansion, plainly there is no longer any need for public subsidies to introduce the advantages of motor transport to the American economy! He believed that most needed highway development would come as rapidly as can be economically justified in response to effective demand on the basis of appropriate user fees and tolls. The quick additions of modern highways in congested areas by state-owned toll road authorities suggest that the required facilities would come sooner on a full commercial basis than under existing so-called free-road policies.

Air transport, he said, should no longer be regarded as an infant industry in need of developmental subsidies, except for non-economic subsidization of local and metropolitan airlines to give rural and urban communities more advantages of the air age. The rapid introduction of airline technology did not cease, nor even slacken, with cessation of air-mail subsidies to the trunk lines. He predicted that placing user fees on the civil airways over a period of time would not seriously impede beneficial innovations.

The traffic growth experienced by barge lines on well-located waterways suggests that free channel and lock services are no longer essential to intensive use of inland waterways. Since the traffic on marginal waterways does not rise to efficient levels without user fees, serious questions can be asked concerning the economic justification of continued investment in such waterways.<sup>18</sup>

Professor Nelson believed that the beneficial general results of this country's policy of stimulating economic development through encouraging adequate, efficient and competitive transport with subsidies have long ago been achieved. Today, he said, the problem of transport policy is radically different than during the 1830-1930 period. He also said, "Insufficient attention has been given to this fact in formulating transport policies in recent years."

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<sup>16</sup>NELSON, p. 418.

<sup>17</sup>NELSON, p. 418.

<sup>18</sup>*Id.*

The transport problem today, and in the foreseeable future, is to promote the right economic development of each of the five contending agencies, including coordinated services by two or more modes. The primary aim of policy can no longer be to foster initial economic development of the western regions, nor even to hasten the introduction of new transport industries by means of subsidies. This is not to say that transport modes now not visualized will never be invented. Rather, present-day policymakers face well-defined and critical questions growing out of the existing relations among carriers, the current promotional and regulatory policies, and the competitive structure of transport. Thus, it would seem wholly unreasonable to leave the question of what subsidies may be desirable for promoting rapid development of a new transport mode until someone invents it and operations appear to be practicable.<sup>19</sup>

### *The Past Government Role: Regulation*

The remaining general problem of government relations to transport is how best to promote adequate and efficient transport by self-sustaining modes, all paying appropriately adjusted user fees or providing their own way.<sup>20</sup> The concept of "self-sustaining modes" of transportation has, however, come to mean two completely different things, depending on whether the carrier is in the public or private sector. In the corporate form a carrier can seek out a variety of sources of income in the marketplace, whereas the public sector carrier lacks the freedom to engage in commercial activities. So, since farebox revenues are usually a small portion of total costs of operation (and a smaller portion of overall expenses), taxpayers subsidies are thought to be the only way to keep the operation moving. However, as recent calls for freight revenue for Amtrack reveal, if the public sector carriers were returned to the private sector, and enough other revenue attracted, e.g., freight revenues, then the need for taxpayers subsidies would diminish or cease altogether.

It is when we answer the Crucial Question by saying that transportation must solve social problems (e.g., Welfare to Work; Spare the Air; Rebuilding America) that we justify continued taxpayer subsidies.<sup>21</sup>

Professor Nelson asked: "How, then, can the role of government in transport be adjusted to serve a more economic purpose?" And he answered the Crucial Question in this way:

Is it assumed that government's role is ideal when it encourages provision of essential transport at the least total costs, including social costs.

Over the long run, the role of government can become more economic only to the extent that promotional and regulatory policies are designed to be fully consistent with achieving maximum overall economy in transport and high standards of efficiency in each of the several modes. The national transport problem of today is not to stimulate an initial supply of efficient techniques of transport nor to encourage development of vast underdeveloped land resources, but rather it consists of facilitating the right economic development of each mode of transport, including the essential public way and terminal facilities. Consequently, in the promotional sphere government should not continue subsidy after its economically valid purposes have been accomplished. And so

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<sup>19</sup> NELSON, p. 419.

<sup>20</sup> *Id.* For an overall, in depth discussion of the implications of deregulation of the transportation industry, see, Paul S. Dempsey, *The Social and Economic Consequences of Deregulation: The Transportation Industry in Transition* (New York: Quorum Books, 1989).

<sup>21</sup> According to an excellent study by Professor Don H. Pickrell, Harvard University, and Transportation Systems Center, U.S. Department of Transportation, Cambridge, Mass., transit subsidies are rapidly increasing to cover growing transit systems' operating losses all across the Nation. Don H. Pickrell, "Rising Deficits and the Uses of Transit Subsidies in the United States," *Journal of Transport Economics and Policy* (Sept., 1985), pp. 281-298.

much of the nation's capital is involved in public transport investments that they should be limited by fully economic investment criteria and by universal user fees, properly adjusted to the conditions of utilization and to require all transport alternatives and resource costs involved to be considered in expanding public transport facilities.<sup>22</sup>

After WWII a series of detailed government reports analyzed how we failed in practice to attain the goals of the NTP.<sup>23</sup> Professor Farris identified two types of NTP: "informal institutional policy" and "formal statutory policy."<sup>24</sup> In a detailed analysis which is equally valid today, he concluded that the NTP is incomplete and inconsistent and contains indefinable terms.<sup>25</sup> He concluded:

Undoubtedly the national transportation policy is a *fiction*. As stated in the declaration, it has many shortcomings. It is incomplete, inconsistent, and indefinable. From the point of view of containing generally acceptable ideas, the declaration of national transportation policy is a *fact*. It does contain acceptable goals and it does establish ideals to be sought. Although one may be critical of the goals and ideals, it is a fact that they are indeed present in the declaration. In a word, national transportation policy is both a *fact and a fiction*.<sup>26</sup>

Written when the USDOT was new, Professor Farris accurately predicted that "the executive branch will assume a larger and more forceful role than in the past."<sup>27</sup> Since then, the Crucial Question has been answered time and again by increasing the federal government's role in transportation.<sup>28</sup> For

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<sup>22</sup>NELSON, p. 422.

<sup>23</sup>The "Sawyer Report" of the U.S. Dept. of Commerce, *Issues Involved in a Unified and Coordinated Federal Program for Transportation* (Wash., D.C.: USGPO 1949); the "Weeks Report" (sometimes called the Cabinet Committee Report), Presidential Advisory Committee on Transportation Policy and Organization, *A Report to the President on Revision of Federal Transportation Policy* (Wash., D.C.: USGPO 1955); the "Mueller Report," U.S. Dept. of Commerce, *Federal Transportation Policy and Program* (March 1960); and the "Doyle Report," prepared for the U.S. Senate, Committee on Interstate and Foreign Commerce, 87th Cong., 1st Sess., by the Special Study Group on Transportation Policies in the United States, *National Transportation Policy* (Wash., D.C.: USGPO 1961).

<sup>24</sup>FARRIS, p. 425.

<sup>25</sup>*Id.*, p. 427-431.

<sup>26</sup>*Id.*, p. 432.

<sup>27</sup>*Id.*, p. 425.

<sup>28</sup>Federal preemption by Congressional action (e.g., Airline Deregulation Act of 1978, Pub.L. No. 91-504, 92 Stat. 1705, Trucking Industry Regulatory Reform Act of 1994, Pub.L. No. 103-311, 108 Stat. 1683, Federal Aviation Administration Authorization Act of 1994, Pub.L. No. 103-305, 108 Stat. 1604, and the Interstate Commerce Commission Termination Act of 1995, Pub.L. No. 104-88, 109 Stat. 803), and Supreme Court construction of the Commerce Clause, the Supremacy Clause, and the Tenth Amendment, have exploded the myth of "private-public partnerships" and "state-federal partnerships" in transportation today. 49 U.S.C. §§14501, 41713; *Morales v. Trans World Airlines*, 504 U.S. 374 (1992), *American Airlines v. Wolens*, 513 U.S. 219 (1995), *Kelley v. U.S.*, 69 F.3d 1503 (10th Cir. 1995), *cert. denied*, \_\_\_\_ U.S. \_\_\_, 116 S.Ct. 1566, 134 L.Ed.2d 665 (1996); see, generally, Robert E. McFarland, "Section 601 Redux," 4 *The Transportation Lawyer* 23 (1995), and "The Preemption of Tort and Other Common Causes of Action Against Air, Motor, and Rail Carriers," 24 *Transportation Law Journal* 155 (1997); "Federal Preemption of State Consumer

example, the President's Executive Order No. 12893, Jan 26, 1994,<sup>29</sup> requires the agencies to "seek private sector participation in infrastructure investment and management," but reliance on taxes, rather than user fees, e.g., farebox revenues (the passengers' "co-pay" in current parlance) is the choice our elected representatives make as they promise to satisfy everyone's transportation needs. Meanwhile, these criticisms of the NTP remain accurate.<sup>30</sup> There are so many exceptions made to the NTP in the demands of our political process that we honor it more in the breach than the observance.<sup>31</sup> We give lip service to the goal, but reveal our selfish selves by our conduct. Our elected representatives summon us to attack the "federal pot of funds." Ironically, we demand unlimited transportation services at the same time that we demand that government balance its budget. How can we have both? Are we in effect a society "trapped in a preoccupation with the public rather than the private" in seeking transportation problem solutions?<sup>32</sup>

### ***Intermodal Surface Transportation Efficiency Act***

ISTEA "broke new ground" in how America's States and metropolitan regions approach transportation planning and investment decision-making, according to the USDOT.<sup>33</sup> According to President George Bush, it was a "jobs" bill, as he said at the ISTEА signing ceremony.<sup>34</sup> ISTEА's hallmarks may be found in its "Declaration of Policy," the very first paragraph of which states:

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Fraud Regulations: American Airlines, Inc. v. Wolens, 115 S.Ct. 817 (1995), 18 *Harvard Journal of Law & Public Policy* 903 (1996).

<sup>29</sup>Executive Order No. 12893, Jan. 26, 1994, "Principles of Federal Infrastructure Investments," §2(c): Private Sector Participation. "Agencies shall seek private sector participation in infrastructure investment and management. Innovative public-private initiatives can bring about greater private sector participation in the ownership, financing, construction, and operation of the infrastructure programs referred to in section 1 of this order. Consistent with the public interest, agencies should work with State and local entities to minimize legal and regulatory barriers to private sector participation in the provision of infrastructure facilities and services." No definition of "public-private initiatives" is found, or how they may differ from "private-public partnerships."

<sup>30</sup>George Eads, "Economists versus Regulators," *Perspectives on Federal Transportation Policy* (Wash, D.C.: American Enterprise Institute for Public Policy Research, 1975), pp. 101-109. Professor Eads' "conviction" is that "the market, though imperfect, works better than the sort of regulation society is likely to get, barring commissions composed of omnipotent, omniscient, benevolent dictators." *Id.*, p. 108. See, also, Thomas A. Till, "National Transportation Policy: The Need for a Clear Concept," *Proceedings: Fifteenth Annual Meeting Transportation Research Forum* (Oxford, Ind.: Richard B. Cross Co., 1974), pp. 18-22; and Herman Mertins, Jr., *National Transportation Policy in Transition* (Lexington, Mass.: D.C. Heath & Co., 1972), Ch. 8 "Perspective on National Transportation Policy."

<sup>31</sup>Donald L. Barlett and James B. Steele, *America: What Went Wrong?* (Kansas City: Andrews & McMeel, 1992), Ch. 6 "The High Cost of Deregulation," p. 105.

<sup>32</sup>Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991), p. 1 (hereafter MALLOY).

<sup>33</sup>USDOT, Report on the U.S. Dept. of Transportation's Outreach on Reauthorization of the Intermodal Surface Transportation Efficiency Act, *How to Keep America Moving: ISTEА-Transportation for the 21st Century*, Jan. 20, 1997, p. 1.

<sup>34</sup>*Traffic World*, Dec. 9, 1991, p. 4.

It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient, environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.<sup>35</sup>

As Professor Farris recognized, the internal inconsistency of the NTP of trying to be economically efficient while satisfying all of the transportation expectations of every person in the Nation continues to make impossible an acceptable answer to Mr. Mineta's Crucial Question. Advocates of competing modes and needs want the available funds spent on their "felt necessities" and not those of someone else. Transportation thus becomes a means to an end, e.g., urban redevelopment, air pollution mitigation, unemployment reduction, infrastructure improvement, etc. Transferring "social costs" to transportation systems to solve myriad social problems and achieve non-transport goals distorts the reality of transportation.<sup>36</sup> Taxpayers want to know what the government is doing taking over the responsibility for unprofitable transportation systems when a free enterprise solution exists in an equitable division of freight revenues between the various modes.<sup>37</sup>

#### ***"ISTEA, NEXTEA, BESTEA, HOTTEA, or Jim Jones' Koolaid"***

NEXTEA seeks to "continue the successful federal role in developing a national intermodal surface transportation system through programs that ensure the safe and efficient movement of people and goods, improve economic productivity, preserve the environment, and strengthen partnerships among all levels of the government and the private sector."<sup>38</sup> Of course, if by "success" you mean increasing tax burdens to finance nationalized industry, then NEXTEA could become a "successful" successor to ISTEА. The public debate on ISTEА reauthorization curiously omits mention of the Crucial Question. The "web of alliances and interests"<sup>39</sup> clash with coalitions in what *Traffic World* describes as a "titanic struggle" over the federal Pot 'o Funds to be appropriated in the "mother of all transportation bills."<sup>40</sup> Each coalition accuses the other of being "self-serving," while touting their own proposal as best for the public. However, all of them urge greater government subsidies, and therefore, higher tax burdens. Underlying this struggle lies the Crucial Question and the internal inconsistencies in the NTP. The "Divided House" of transportation policy continues to worsen as ever larger taxpayer subsidies (ISTEА-type "investments") are required to fund what would otherwise be bankrupt businesses. It seems as if an "Iron Curtain" has been erected by those advocates of taxpayer funded transportation, creating an

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<sup>35</sup> 49 U.S.C. §5501(a).

<sup>36</sup> Patrick O'Sullivan, *Transport Policy: Geographic, Economic and Planning Aspects* (Totowa, NJ: Barnes & Noble Books, 1980), Ch. 4 "Transport Problems and Policies," pp. 82-107. The author calls nationalization a form of "constitutional intervention" and a "widely anathematized fate worse than death for private enterprise." It has, however, often been seen as a solution "sought eagerly by owners anxious to convert the failing yield of an ailing enterprise into the secure return of government bonds offered in compensation for their ancient property." Id., p. 108.

<sup>37</sup> Robert Heilbroner & Lester Thurow, *Economics Explained* (New York: Simon & Schuster rev. 1994), Ch. 8 "The Economics of the Public Sector," and "Private v. Public Debts." p. 114.

<sup>38</sup> S. 468, 105th Cong., 1st Sess., March 18, 1997, p. 1. The full text is found on the Internet at <http://ftp.loc.gov/pub/thomas/c105/s468.res.txt>. A section-by-section analysis is also available. One coalition, the Surface Transportation Policy Project has written at Website at <http://www.istea.org>.

<sup>39</sup> *Congressional Quarterly*, March 8, 1997, p. 583.

<sup>40</sup> *Traffic World*, March 24, 1997, p. 6-7.

artificial barrier between nationalized transportation and free enterprise transportation. While a privatization revolution is occurring around the world, private sector transportation in the United States is being consumed by politically fueled notions of public ownership which history has shown are not sustainable over the long haul.<sup>41</sup> Metropolitan Planning Organization (MPO) transportation planners say that they are prohibited from even considering private transportation options. Why argue the "Question of Money"<sup>42</sup> when we should be focusing on a sustainable NTP? How can we justify our NTP if we fail to debate Mr. Mineta's Crucial Question? Mr. Justice Douglas said, "there is no free speech in the full meaning of the term unless there is freedom to challenge the very postulates on which the existing regime rests."<sup>43</sup> Some say that we cannot question public ownership of transportation, and any mention of it is "off limits." Artificial barriers to truth, insulating the "untouchables" of their adherents, precludes our ability to attain our goals, warps the notion of the "public interest" to something short of it, deflects tax dollars for private gain, and traps us behind a politicized Iron Curtain and in a "House Divided" against ourselves. Mr. Justice Douglas reminds us of John Stuart Mill's famous logic:

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race: posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.<sup>44</sup>

Our debate on ISTE A reauthorization, and the NTP, must first answer the Crucial Question because until we decide if we want the public sector or the private sector to handle our transportation needs we are going to suffer the ills of fundamentally inconsistent policy and conflicting goals, and all the adverse financial consequences which follow from them.<sup>45</sup> If we fail to have a sound foundation upon which to erect our transportation systems, why should our fate not be the same as that of the Soviet Union? A debate which does not address the primary issue, which skirts the Crucial Question, is not what we should expect in America.<sup>46</sup>

To those who say they refuse to discuss the Crucial Question, we should reply in President Jefferson's philosophy, stoutly maintained by generations of Americans over the years that "Truth is the proper and sufficient antagonist to error." On January 16, 1787, he wrote:

I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors; and even their errors will tend to keep them to the true principles of the institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. The way to prevent these irregular interpositions of the people, is to give them

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<sup>41</sup>John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

<sup>42</sup>*Traffic World*, May 19, 1997, p. 11.

<sup>43</sup>William O. Douglas, *The Right of the People* (1958), Ch. 1, "The Philosophy of the First Amendment," p. 9 (hereafter DOUGLAS).

<sup>44</sup>DOUGLAS, p. 14.

<sup>45</sup>See, e.g., *Suburban Trails, Inc. v. New Jersey Transit Corp.*, 620 F.Supp. 1383 (D.N.J. 1985), and also *Westport Taxi Service, Inc. v. Adams*, 571 F.2d 697 (2d Cir. 1978), *cert. denied*, 439 U.S. 829 (1978)(cited by Paul Stephen Dempsey and William E. Thoms, *Law and Economic Regulation in Transportation* (New York: Quorum Books 1986), p. 322-327).

<sup>46</sup>DOUGLAS, p. 9.

full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people. The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.<sup>47</sup>

We debate everything else in the NTP, e.g., how to raise the taxes, where the subsidies will go, what demonstration projects will each Congressman win for his district, but we won't touch Mr. Mineta's Crucial Question. NEXTEA proposes to encourage "private sector participation" in accomplishing ISTEA's goals.<sup>48</sup> While the world is experiencing a privatization revolution,<sup>49</sup> we torture ourselves about balancing the federal budget while we encumber ourselves with nationalized transportation.

***"Ask Not What You Can Do For Your Country; What Can Your Country Do for You"***

As a philosophy of government, ISTEA is diametrically opposite to that contained in President Kennedy's Inaugural Address, Jan. 20, 1961. Our democratic split personality, legislative hypocrisy, akin to subsidizing tobacco farmers while financing lung cancer research, appears to be a primary philosophy underlying ISTEA. We raise a double standard, saying as we deregulate transportation that only market conditions will set prices, while subsidies to public sector carriers continually increase. Each of the currently pending proposals include the unstated presumption that publicly-owned transportation industries are acceptable. These are (1) the Administration's National Economic Crossroads Transportation Efficiency Act (NEXTEA), S.468, H.R.1268; (2) the Streamlined Transportation Efficiency Program for the 21st Century (STEP 21) by Sen. John W. Warner, R-Va., and Rep. Tom DeLay, R-Tex., S.335, H.R.674; (3) the Surface Transportation Authorization and Regulatory Streamlining Act (STARS 2000), by Sen. Max Baucus, D-Mont., S.532; and (4) the ISTEA Reauthorization Act, by Sen. John H. Chafee, R-R.I., S.586. According to the Federal Highway Administration estimates, the following sums are the average yearly federal subsidies that we will spend under these four proposals, compared with ISTEA<sup>50</sup>:

<u>ISTEA</u>	\$18,221,367,000
<u>NEXTEA</u>	\$20,063,973,000
<u>STEP 21</u>	\$25,516,563,000
<u>STARS 2000</u>	\$25,895,529,000
<u>S.586</u>	\$24,327,204,000

A late entry is "BESTEA," the "Building Efficient Surface Transportation and Equity Act," proposed by House Transportation Infrastructure Committee Chairman Bud Shuster (R-Pa.). Which portions, if any, of these competing bills passes and then emerges unscathed from Conference Committee remains in doubt as this is written. The simultaneous outcry is that America must invest in its infrastructure and

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<sup>47</sup>DOUGLAS, p. 11.

<sup>48</sup>49 U.S.C. §5303; S. 468, p. 81. See, Letter from Transportation Secretary Rodney Slater to Speaker of the House Newt Gingrich, March 12, 1997, transmitting the Administration's bill to the Congress, found at the Internet site for NEXTEA (see footnote 37).

<sup>49</sup>*Wall Street Journal*, Oct. 2, 1995, pp. R1-4. See, generally, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), Ch. 2, "The Privatization-Regulation Cycle" (hereafter GOING PRIVATE).

<sup>50</sup>*Congressional Quarterly*, May 10, 1997, p. 1067.

balance its budget. If we default to a nationalized industry platform, premised upon tax revenues to fund operations, how can we do both? If nationalized housing did not succeed, why should we expect nationalized transportation to be successful? There are, of course, many proper things that government should do for transportation.<sup>51</sup> But, "what should it leave to others?"

### ***Rickshaws, Lunar Escalator and Bullet Trains***

Recent history has shown that planning by Big Brother, with the adhesion of the federal government, and even with the support of a totalitarian dictatorship, is not sustainable over the long run. Only Adam Smith's "Invisible Hand" has emerged as the supreme, although imperfect, platform for successful social structure.<sup>52</sup> Transportation policy as a vehicle for accomplishing other social goals distorts transportation efficiency, yielding problems which the Invisible Hand would have avoided.<sup>53</sup> If transportation is used to achieve our Manifest Destiny, or to promote national security, then you will have trains through buffalo grazing lands and Defense Highways to move MX Missiles. Solving inner city decay, air pollution, unemployment, infrastructure entropy, poverty, discrimination, or tax inequities are all admirable social goals, but adding the cost of doing so to passenger and freight fares distorts the truth about transportation. There is a difference between what we can do and what we ought to do. If we gave rickshaws to the unemployed we might get some people out of their cars and reduce the welfare rolls, but would that be acceptable in a democracy? If we ignored the cost and built a lunar escalator for sightseers and vacationers, we might please builders, engineers and the tourist industry but what offset would there be in terms of increased tax burdens on small business? If the rider's "co-pay" (farebox contribution) covers only 2% of the fully amortized costs of his trip on the Bullet Train, then 98% must be coming from the rest of us. The rider may think he has transportation freedom, but it is only at the price of enslaving his society.

### ***Political Means Transportation Policy vs. Marketplace***

Professor Robin Paul Malloy has suggested a result of such policy. In defense of liberty, human dignity, and freedom, Professor Malloy has set forth a theory of law, economics, and the state which applies as well as to transportation as it does to urban development.<sup>54</sup> Focusing on social distortions in urban planning when citizens face wrestling with The 800 Pound Gorilla called City Hall, Professor Malloy shows us what can happen whenever public ownership prevails over private ownership of property.

Just as monopolies can be bad for consumers of gasoline or cameras, so too can they be bad for individuals when a coercive power is a person (a parent over a child for instance), a group (the mafia or a collusion of chemical companies), or the state itself. A capitalist system of private

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<sup>51</sup>General Accounting Office, Report to Congressional Committees, *Surface Transportation: Research Funding, Federal Role, and Emerging Issues* (Sept. 1996), p. 3. The GAO found that the USDOT provided \$2.9 billion for surface transportation research programs from fiscal 1992 through fiscal 1996, which was about 2% of the Department's total budget for surface transportation programs. About \$2.1 billion went to FHWA, which allocated nearly half of the funds for the Intelligent Transportation Systems program's projects. The GAO has also reported to Congress on the benefits of attracting investment funds from the private sector. GAO Report to Congressional Requesters, *State Infrastructure Banks: A Mechanism to Expand Federal Transportation Financing* (Oct. 1996).

<sup>52</sup>GOING PRIVATE, p. 281. The case studies "provide strong evidence of private sector cost reductions in labor-intensive services."

<sup>53</sup>"Nationalizing of Railroads: A Mistake America Cannot Afford to Make," *Traffic World*, March 31, 1975, pp. 71-72 (Part I), and June 30, 1975, pp. 72-74 (Part II).

<sup>54</sup>MALLOY, p. 39.

ownership is, therefore, an essential element of a free society, because it is the only context in which the necessary balance between public and private can be maintained.<sup>55</sup>

According to Professor Malloy, competing sources of power are essential for the preservation of an environment favorable to creativity, freedom, and spontaneous social order. He identifies marketplace competition as the essential element and the adverse affects upon it made by public ownership.

When the product is government, competition means protecting the individual from the tyranny of the state while providing an institutional means, via government, for protecting the individual from private coercion. But as a competitive construct this model tells us something more. It says that there will be constant conflict between the competitive roles or boundaries of the private versus the public domain. Concepts such as public/private partnerships tend to break down and destroy these boundaries. The breakdown of such boundaries is detrimental because tension can produce positive externalities. As in the commercial marketplace, however, losing the will or means to compete can leave one increasingly at the mercy of other, more powerful players.<sup>56</sup>

He concludes that in the Nation today we have witnessed a loss of both will and means in the private sector because our values have changed or are being changed as we look to political means and the "expansion of the state" to accomplish goals like urban development.<sup>57</sup> We are witnessing, he concludes, "the inevitable progression toward statism."

Without a commitment to a strong private sector as a counterbalance to the public sector, the power of the state is unlikely to be adequately restrained. Thus, the impersonal and spontaneous social order of the marketplace will give way to the pervasive intrusion of state planning and increasing reliance on the political rather than the economic means for the allocation of rights and resources in our society. Such a process of setting the political means over the economic means results in the elevation of personal status over impersonal market outcomes and leads to a new age of serfdom in which *individual* rights are subservient to the group, institutional, and organizational claims of the state.<sup>58</sup>

#### *ISTEA Goals v. Marketplace*

Accepted learning for graduate business students holds that too much expenditure on nonwealth creating activities by government may lower the capacity of a nation to create wealth out of which the former activities are financed.<sup>59</sup> Thus, our push toward statism and nationalized transportation undermines our ISTEAGoal of enabling the United States to "compete in the global economy."<sup>60</sup> So, if we opt for public sector solutions, i.e., nationalization, we fall into the trap of mortgaging our children's future so that we can have "cheap" transportation now. What is likely to follow from such a

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<sup>55</sup> MALLOY, p. 32.

<sup>56</sup> MALLOY at p. 34.

<sup>57</sup> MALLOY, p. 35.

<sup>58</sup> MALLOY, p. 37.

<sup>59</sup> Dunning, *Multinational Enterprises and the Global Economy* (Addison-Wesley Pub., 1993). Professor Dunning concludes, "The fact of the globalization of business and the implications this has for the competitiveness of countries, may then force some societies to reappraise their orders of priorities of resource allocation--particularly between wealth-creating and other activities." *Id.*, at p. 529.

<sup>60</sup> 49 U.S.C. §5501(a).

policy? Professors Gómez-Ibáñez and Meyer have shown that in both developed and developing countries, a "fairly similar cycle of private and public involvement" was found to occur in stages identified as follows:

1. Entrepreneurial
2. Consolidation
3. Regulation of fares and franchises
4. Decline in profitability
5. Withdrawal of capital and services
6. Public takeover
7. Public subsidies
8. Declining efficiency
9. Dilemma of subsidy cuts, fare increases, and service cuts
10. Privatization

### *A House Divided Against Itself Cannot Stand*

The double standard we have accepted for transportation in the United States has created a "House Divided." We tell the private sector that they must be deregulated; no more government "Nanny" to protect carriers. Let insolvency reap its grisly toll. Bankruptcy Court waits with open doors. *Laissez faire* and *caveat viator!* Concurrently, no subsidy is spared for the public sector carriers. Transportation "entitlements" mean that the taxpayers will give everyone a "free" ride (or nearly so). Can we exist with both? Massive numbers of bankruptcies are acceptable in the private sector, while the taxpayers offer passengers "free" transit, e.g., "Free Light Rail Shuttle." Taxpayers as "investors" in transportation "industry" accept systems that are insolvent from conception. Have we defeated the Soviet Union only to adopt their mistakes?

### **Where Are We Heading?**

Executive Order No. 12893 directs the agencies to carefully examine all of the factors that our infrastructure investments cause in the economy and society. Section 2(a)(5) states:

(5) Analyses should consider not only quantifiable measures of benefits and costs, but also qualitative measures reflecting values that are not readily quantified.

Economists and planners urge decisions based upon concrete results of past operations, or sound predictions of future events based upon scientific analyses. Planned urban development has become the entrenched model form of government. But we need to ask what "values that are not readily quantified" by economists and planners are being ignored as we plunge ahead with statism and nationalization of transportation systems in the United States. We need to re-think our policies in terms of our capitalistic roots. A new unit of measurement designated as the equivalent of our heritage of freedom, which we may call the "Jefferson," ought to be required of our infrastructure investment decision-makers under the President's Executive Order. The significance of this precious "not readily quantified" value is seen in Abraham Lincoln's tale of his first transportation enterprise. The institution of private property is the paramount characteristic of capitalism. This vital fact is the most crucial element of our successful economic philosophy, and has had immeasurable impact on our historical survival as a democracy. Lincoln certainly thought so.

For the rest of his life, Lincoln remembered the day he earned his first dollar. It opened up for him the possibilities of heading out on his own, not just to survive but to succeed.

"You never heard, did you, how I earned my first dollar? I was about eighteen years of age. I was contemplating my new flatboat, when two men came down to the shore in carriages with trunks. "Will you," said one of them, "take us and our trunks out to the steamer?" I was very glad to have the chance of earning something. I supposed that each of them would give me two or three bits. I sculled them out to the steamboat.

Each of them took from his pocket a silver half-dollar, and threw it on the floor of my boat. I could scarcely believe my eyes as I picked up the money. You may think it was a very little thing, but it was a most important incident in my life. I could scarcely believe that I, a poor boy, had earned a dollar in less than a day--that by honest work I had earned a dollar. The world seemed wider and fairer before me. I was a more hopeful and confident being from that time.<sup>61</sup>

### *Conclusion*

How many "flatboatmen," transportation "Horatio Algers," future free enterprise transportation leaders, and private sector transportation entrepreneurs among the living, and in future generations of Americans, will we deny ourselves by accepting statism and nationalization of our transportation industries? What value should we place upon each one of them? Yes, difficult to quantify, but can we afford to ignore it as we formulate our NTP? How would the President have answered Mr. Mineta's Crucial Question? The American people must insist that our government adhere to both the letter and to the spirit of the President's Executive Order in our NTP for the next century. Let's put the "Jefferson" into our cost-benefit analysis for infrastructure investments at all three levels of our government so that we may achieve the correct answer to the **Crucial Question**.

A handwritten signature in cursive ink, appearing to read "J. P. Thompson".

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<sup>61</sup> Phillip B. Kundhardt, Jr., et al., *Lincoln: An Illustrated Biography* (New York: Knopf, 1992), p. 43. What did free enterprise transportation teach the President about free government? See, Honore Morrow, *Great Captain* (New York: Wm. Morrow & Co., 1927), pp. 392-94.

# AMBAG's TRANSPORT PLANNERS

Petition to the ~~Citizens Rail Advisory Committee and~~  
~~Council of Governments of San Benito County~~

by  
Joseph P. Thompson, Esq.

*A Second Reply to the Caltrain Extension Working Paper*

\*\*\*\*\*

"SCOPING  
MEETING"

6-24-04

*Transportation cost-finding is an art, not a science. Transportation benefits cannot be precisely measured. R.L.Banks' Dr. Harvey Levine, **National Transportation Policy: A Study of Studies** (1978).*

*The national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives . . . to . . . make easier the development and improvement of coordinated service to be provided by private enterprise to the greatest extent feasible; . . . National Transportation Policy Purpose, 49 U.S.C. §101.*

*It is the policy of the United States Government . . . to foster sound economic conditions in transportation and to ensure competition and coordination between rail carriers and other modes. National Rail Transportation Policy, 49 U.S.C. §10101.*

*To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States . . . it is the policy of the United States Government to oversee the modes of transportation and . . . to recognize and preserve the inherent advantage of each mode of transportation; to promote safe, adequate, economical, and efficient transportation; to encourage sound economic conditions in transportation, including sound economic conditions among carriers; . . . promote intermodal transportation; . . . National Transportation Policy, 49 U.S.C. §13101.*

*It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the United States to compete in the global economy, and will move individuals and property in an energy efficient way. . . The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion, and other aspects of the quality of life in the United States. National Intermodal Transportation System Policy, 49 U.S.C. §5501.*

*Private Sector Participation. Agencies shall seek private sector participation in infrastructure investment and management. Innovative public-private initiatives can bring about greater private sector participation in the ownership, financing, construction, and operation of the infrastructure programs referred to in section 1 of this order. Consistent with the public*

END SOCIALIST TRANSIT; PRIVATE!  
RESTORE INTERMODAL FACILITIES!

*interest, agencies should work with State and local entities to minimize legal and regulatory barriers to private sector participation in the provision of infrastructure facilities and services.*

William J. Clinton, Exec. Order No. 12893, January 26, 1994.

*In the process of governing, the Government should not compete with its citizens. The competitive enterprise system, characterized by individual freedom and initiative, is the primary source of national economic strength. In recognition of this principle, it has been and continues to be the general policy of the Government to rely on commercial sources to supply the products and services the Government needs.* Executive Office of the President, Office of Management and Budget, Circular A-76 (1983).

*The crucial question in transportation today is: What should government do, and what should it leave to others?* Norman Y. Mineta (1995).

*Competitive capitalism--the organization of the bulk of economic activity through private enterprise operating in a free market--as a system of economic freedom and a necessary condition for political freedom.* Milton Friedman, ***Capitalism and Freedom*** (1962).

### **Summary**

The proposal by R.L. Banks, Washington, D.C., who are the chief consultants ("Consultants") retained by the San Benito County Council of Governments ("COG") should be rejected by the Citizens Rail Advisory Committee ("RAC") because it is not in the best interest of the citizens of San Benito County. Long-term sustainable transportation solutions are only found in the private sector, yet the Consultants' proposed plan for this small, rural county is that we mimic what large cities do. Rejecting the private sector solutions which are available, the Consultants propose that we tax ourselves out of our cars, into bankruptcy, and stick our children with less affordable housing and our grandchildren with unaffordable housing. The Consultants' plan is unacceptable, and for the reasons explained below, should be rejected by COG.

### **Background**

The following are incorporated by reference in this reply: *Petition to the Council of Governments of San Benito County: Reply to the Report dated Feb. 18, 1999 by Mr. Walt Allen, Transportation Planner, San Benito County* by Joseph P. Thompson (attached hereto as Appendix 1); *Petition to the Technical Advisory Committee of San Benito County: A Response to the Working Paper dated Dec. 27, 1999 entitled "Milestones to Gilroy-Hollister Train Service Implementation"* by Joseph P. Thompson (Appendix 2).

### **Assumptions**

The proposal by the Consultants is premised upon unstated assumptions which have been shown by the history of the Twentieth Century to be false. Truth in transportation demands that these assumptions be disclosed. When they have been, one can only conclude that the Consultants' proposal is wrong for our County, as it would be for any rural, agricultural county in America.

Lincoln said that we cannot survive half slave and half free; a house divided against itself cannot stand. Nothing in human nature has changed since he spoke these words. Yet today, America is half free-enterprise transportation, and half slave to publicly owned transportation. During the last century, every developed nation that had tried public sector transportation either fell in revolution, or, belatedly acknowledged its leaders' previous mistakes and denationalized their public sector transportation. Mexico, Canada, Great Britain, Australia, New Zealand, and many other countries privatized their nationalized industries, including transportation, in what the *Wall Street Journal* described as a "Privatization Revolution." Nevertheless, proponents of public sector transportation in this Country have besieged Congress into a "pork-barrel" travesty of transportation enterprise called "public transit."

Mr. Justice Douglas described free speech in the USSR and Red China in *The Right of the People* (1958) where they had "great debates" on the proper course to follow, filling the newspapers, etc., but never challenged communism as a system. Freedom of speech in America is different--we can, indeed must, question the assumptions upon which our government acts.

Unmasking the transit planners, whose boondoggles make the Robber Barons look like altar boys, and the truth emerges. Like Soviet planners, whose Five Year Plans were always described as a raging success until the USSR fell in revolution, transit planners never worry so long as they have the tax subsidies to keep their fiascoes running. Amtrak is a prime example. According to *Traffic World*, Jan. 17, 2000, from its first day of operation in 1971, Amtrak has been given \$23 billion in operating and capital subsidies. "If counted out in \$1,000 bills, that amount would reach more than 14,300 feet into the air, which is higher than 10 World Trade Centers stacked one atop the other. And Amtrak still has had to borrow more than \$1.6 billion in private markets to pay its bills. . . . It has been said that the American taxpayer would be better off if Amtrak trains didn't run and Amtrak passengers instead were provided a zero-price airline ticket and a three-martini lunch." *Id.*, p. 14.

A Brookings Institution study recently found that by 1995 the U.S. public transit operating deficit was approximately \$9 billion annually, that as much as 75% of federal spending on mass transit goes to transit workers (at above-market wages) or to suppliers of transit capital equipment (as profits and interest), and that just 25% goes to improve service and reduce fares. (See, Exhibit "B," Page 41, App. 2.)

So, the Consultants would have us ignore history, our national transportation policy, and worldwide trends in transportation, and nationalize an unremunerative dead-end branch line of the UPRR, give the UPRR about \$30 million, tax ourselves to pay for it and also the annual operating loss of several millions, pledge our children, grandchildren and future generations as co-obligors, so that about 200 people a day can have a ride to work. It would, of course, be much cheaper to hire limousines, pay the driver a \$20 tip, and give free drinks to the passengers, than to adopt the Consultants' plan.

In the San Francisco Bay Area's 9 Counties, all transit agencies combined average "farebox return" is only 30% according to the MTC. Applying generally accepted accounting principles ("GAAP") would produce a much smaller amount because capital costs are excluded from these data. Although California State law prohibits a transit agency from operating with a farebox return rate of less than 15%, Pub.Util.C. §§99238(b), 99401.5, our elected leaders often permit their transit managers to violate the law and look the other way. Citizens groups are

beginning to fight back against such mismanagement. E.g., *Hayward Area Planning Assn. v. Alameda County Transportation Agency*, 72 Cal.App.4th 95 (1999).

Blind adherence to the unstated assumptions that has brought us to the current state defies logic. Independent scholars have exposed the truth about them, exploding the myth that public transportation is a sustainable solution for any developed nation. Jose A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Brookings Institution, Wash., D.C.: 1993). These two Harvard professors' study concluded that experience with nationalized transportation falls into a continuum of ten distinct stages:

1. Entrepreneurial
2. Consolidation
3. Regulation of fares and franchises
4. Decline in profitability
5. Withdrawal of capital and services
6. Public takeover
7. Public subsidies
8. Declining efficiency
9. Dilemma of subsidy cuts, fare increases, and service cuts
10. Privatization

Between each stage of evolution of a society's transportation is unmeasurable human suffering. Whenever a country's leadership permits the evolution to continue, they inflict harm on each succeeding generation. Law and policy ought to be focused on keeping society in stage #1 to retain the advantages of sustainable transportation solutions. When our law and policies fail this goal, our children suffer, and their children will suffer even more, until the cycle goes around.

Others have made similar conclusions about the proper role of government, including Harvard Professor John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (1989); and University of Chicago Professor Emeritus Milton Friedman, *Capitalism and Freedom* (1962).

### **Bias and Prejudice**

Urban transit solutions for cities and large metropolitan areas, e.g., New York, Washington, San Francisco, etc., are the chief preoccupation of the Consultants. Armed with massive appropriations from Congress, e.g., \$187 billion under ISTEA, \$218 billion under TEA-21, which require even greater tax revenues from the taxpayers to assemble for disbursement to what has become a socialistic Black Hole, public transit advocates of the Politico-Transit Alliance have "grown their business" so that is has become such big a drain on the economy as to make public housing seem modest in comparison. So biased and prejudiced are the Consultants to taxpayer-funded socialistic transit that they deem it best that we increase the tax burdens on ourselves, and worse, that we make it easier for proponents of higher taxes to impose them by amending our Constitution (by enacting Senate Constitutional Amendment No. 3) to repeal the supermajority (2/3) protections that presently exist. The Consultants, and proponents of socialistic transit, ignore Mr. Justice Marshall's warning that the power to tax is the power to

kill, just as they ignore the will of the voters as shown by Prop. 13 and Prop. 218, and most recently by the rejection of Prop. 26.

### **Economic Reasons to Reject the Consultants' Proposal**

The Consultants' proposal is basically to duplicate the Santa Clara County model in San Benito County. This is a bad idea because San Benito County lacks the economic foundation upon which to build such transportation.

**Economic Disparity.** San Benito County ranks 38th among California's counties, whereas the three neighboring counties to the North rank 2 (San Francisco), 3 (San Mateo) and 4 (Santa Clara) when measured by per capita income of their residents. In other words, the three member counties of the Peninsula Corridor Joint Powers Board ("Caltrain") are the wealthiest in California if you ignore Marin County (#1). Residents of the Caltrain counties have twice as much money, on average, as the residents of San Benito County. This County lacks the population and economy that Caltrain counties have. In a head-to-head comparison with Santa Clara County, this County ranks much smaller in every vital category. The Consultants' proposal to force upon San Benito County what the three giant counties do is a recipe for disaster. If their plan was adopted, then we would be inviting financial despair for our children and ruin for our grandchildren.

A review of key economic statistics for Santa Clara and San Benito Counties shows just what a wrong plan the Consultants have proposed (complete data appear in Appendix #3):

<b>Description</b>	<b>Santa Clara</b>	<b>San Benito</b>
Land Area, square kilometers	3,344	3,598 
<i>☺About equal in size</i>		
Population 1999	1,717,600	49,700 
<i>☺34.56 times greater population in Santa Clara</i>		
Population 1990	1,497,577	36,697
Population Change 1990-1999	+14.2%	+34.3% 
<i>☺San Benito grew faster in the '90s</i>		
Median Household Income 1989	\$48,115	\$36,473
Median Household Income 1995	\$53,490	\$39,729 
Median Joint Adjusted Gross Income 1997	\$69,873	\$50,483
Median Individual Adjusted Gross Inc. 1997	\$35,762	\$26,282
% with \$100,000 or more 1989	11.4	4.8
% below Poverty Level 1995	9.1	11.8 
<i>Poverty is on the rise in our County; shrinking in Santa Clara</i>		
Total Personal Income 1996, millions	\$56,218	\$848 
<i>☺Santa Clara's was 66.29 times greater</i>		
Total Personal Income 1997, millions	\$61,344.6	\$906.3
<i>Santa Clara's was 67.69 times greater</i>		
Per Capita Income 1989	\$20,423	\$13,933 
<i>☺Santa Clara's was 1.47 times greater</i>		
Per Capita Personal Income 1996	\$35,395	\$18,831 

<i>☺Santa Clara's was 1.88 times greater</i>			
Per Capita Personal Income 1997	\$37,856	\$19,485	
<i>Santa Clara's was 1.94 times greater, and getting bigger each year</i>			
Wages & Salaries 1996, millions	\$46,581	\$353	☺
<i>☺Santa Clara had 132 times more</i>			
Ave. Earnings Per Job 1997	\$47,943	\$24,918	
Ave. Wages Per Job 1997	\$47,977	\$23,195	
<i>The average job in Santa Clara pays twice as much</i>			
Housing Units 1999	581,532	15,954	
Median Value Owner Occupied " " 1990	\$289,400	\$206,600	
Cost as % of Income (w/mortgage) " " '90	24.9	26.7	☺
<i>☺It is more expensive (relatively) to live in San Benito</i>			
Cost as % of Income (w/o mortgage) '90	11.5	12.3	☺
<i>☺Even with a paid-off mortgage San Benito is more expensive</i>			
Rent as % of Income 1990	27.4	25.2	
<i>Rent as a percentage of income was about equal in 1990</i>			
Civilian Labor Force 1997	936,453	26,694	☺
<i>☺Santa Clara had 35.08 times more</i>			
Civilian Labor Force 1999	962,700	26,410	
<i>Santa Clara had 36.45 times more</i>			
Unemployment 1997	28,398	2,899	
Unemployment Rate 1997	3.0	10.9	☺
Unemployment 1999	29,200	2,120	
Unemployment Rate 1999	3.0	8.0	
<i>Unemployment is 2-3 times greater in our County</i>			
Total Civilian Employment 1990	806,917	16,800	☺
<i>☺Santa Clara had 48.03 times more employed workers</i>			
Total Civilian Employment 1999	933,500	24,290	
<i>Santa Clara had 38.43 times more employed workers</i>			
Private Nonfarm Businesses 1996	41,596	828	☺
<i>☺Santa Clara had 50.24 times more nonfarm employers</i>			
Private Nonfarm Employment 1996	845,089	8,894	☺
<i>☺Santa Clara had 95.02 times greater nonfarm employees</i>			
Private Nonfarm Employment 1999	968,800	12,510	
<i>Santa Clara had 77.44 times greater nonfarm employees</i>			
Manufacturing Employment 1996	258,419	1,906	☺
<i>☺Santa Clara had 135.58 times greater</i>			
Manufacturing Employment 1999	249,000	2,150	
<i>Santa Clara had 115.81 times greater</i>			
Retail Trade Employment 1996	122,206	2,805	
<i>☺Santa Clara had 43.57 times greater</i>			
Retail Trade Employment 1999	189,800	3,740	
<i>Santa Clara had 50.75 times greater</i>			

Finance, Ins. & R/E Employment 1996	29,675	309	
$\textcircled{S} \text{ Santa Clara had 96.04 times more}$			
Finance, Ins. & R/E Employment 1999	32,800	430	
$\textcircled{S} \text{ Santa Clara had 76.28 times more}$			
Services Employment 1996	298,668	1,656	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 180.36 times more}$			
Services Employment 1999	332,000	1,990	
$\textcircled{S} \text{ Santa Clara had 166.83 times more}$			
Private Nonfarm Annual Payroll '96, millns.	\$38,170	\$213	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 179.20 times greater in 1996}$			
Private Nonfarm " " " Per Employee 1996	\$45,167	\$23,921	$\textcircled{S}$
$\textcircled{S} \text{ Nonfarm annual wage nearly twice as much in Santa Clara}$			
Farms 1997	985	562	
$\textcircled{S} \text{ Greater number of farms in Santa Clara}$			
Land in Farms 1997, thousands	319	512	
$\textcircled{S} \text{ More farm acreage in San Benito}$			
" " " % Change 1992-97	-7.1	-14.7	$\textcircled{S}$
$\textcircled{S} \text{ We are losing farmland twice as fast as Santa Clara}$			
Average Size Farm 1997, acres	324	910	
$\textcircled{S} \text{ Larger farms in San Benito}$			
Ag Value of Products Sold 1997, millions	\$188	\$157	
$\textcircled{S} \text{ Santa Clara value of farm goods sold was a little more}$			
Ag Value " " " Average Per Farm, 1997	\$191,355	\$278,838	
$\textcircled{S} \text{ San Benito farmers had more sales per farm}$			
Total Manufacturing Businesses, 1992	3,455	59	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 58.56 times more in 1992}$			
Value of Residential Construction Authorized by Building Permits, 1997:			
" " " New Construction, thousands	\$1,062,588	\$60,565	
$\textcircled{S} \text{ Santa Clara had 17.54 times higher in 1997}$			
" " " Number of Housing Units	8,310	538	
$\textcircled{S} \text{ Santa Clara had 15.45 times higher}$			
" " " % Single Family	51.2	98.9	$\textcircled{S}$
$\textcircled{S} \text{ Almost all permits in San Benito were residential, but only half in S.C.}$			
Wholesale Trade Businesses 1992	3,240	43	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 75.35 times more in 1992}$			
" " " Sales 1992, millions	\$43,705.9	\$127.5	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara's was 342.79 times greater}$			
" " " Paid Employees 1992	58,951	533	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 110.60 times more than us in 1992}$			
" " " Annual Payroll 1992, millions	\$2,425.3	\$14.6	$\textcircled{S}$
Retail Trade Businesses 1992	15,232	340	$\textcircled{S}$
$\textcircled{S} \text{ Santa Clara had 44.80 times more}$			

“”“ Total Sales 1998, millions	\$15,000.7	\$211.5	
	<i>Santa Clara's was 70.93 times greater in 1998</i>		
Service Industries 1992	67,848	1,105	“”
	<i>☺Santa Clara had 61.40 times more</i>		
“”“ Receipts 1992, millions	\$14,437.9	\$66.6	“”
	<i>☺Santa Clara's was 216.79 times higher than ours</i>		
Total Local Govt Taxes 1992, millions	\$1,683.4	\$24.0	“”
	<i>☺Santa Clara's was 70.14 times higher</i>		
Per Capita Local Government Taxes 1992	\$1,102	\$624	“”
	<i>☺San Benito residents paid less for government</i>		
Per Capita Local Property Taxes 1992	\$789	\$491	“”
	<i>☺San Benito residents paid less</i>		
Local Govt Direct Gen Expenditures '92, mil	\$4,535.3	\$106.9	“”
	<i>☺Santa Clara government spending is prodigious-42.43 times more</i>		
Per Capita Local Govt Expenditures 1992	\$2,966	\$2,777	
	<i>☺Per Person spending was about equal</i>		
Local Govt. Debt Outstanding 1992 millns.	\$3,011.5	\$37.6	
	<i>☺Santa Clara government had 80.09 times greater debt</i>		
“”“ Per Capita 1992	\$1,971	\$976	
	<i>☺Santa Clara was more than twice as much per person</i>		

These statistics show that San Benito County is tiny in comparison to Santa Clara County. We do not have the money or economic resources upon which they have erected their socialist transportation. Adding the tax bases of San Francisco and San Mateo Counties makes it clear that, like it or not, we are out of their league. They can all call upon tax sources that do not exist in any significant amount in this County. Even if we wanted to copy their plan, we do not have the base upon which to build their concept.

### **Social Reasons to Reject the Consultants' Proposal**

Milton Friedman, senior research fellow at the Hoover Institution, winner of the Nobel Prize in Economics, concluded in *Capitalism and Freedom* (1962) that “a society which is socialist cannot also be democratic.” The Consultants’ proposal is detrimental to the social fabric and traditions of San Benito County. Proponents of public sector transportation justify their schemes by emphasizing the positive externalities (consequences), but they downplay, or just plain ignore, the negative externalities. Their greatest evil is that they condone sacrificing our heritage of freedom to achieve short-term advantages for public transit. Since the American heritage of freedom is infinitely valuable ( $\infty$ ) to the cause of democracy on Earth, all of the externalities they claim combined ( $x$ ) cannot equal or exceed it ( $\infty > x$ ). When our residents are paying historic high prices for fuel, it is unconscionable to also force them to pay 90% of transit riders’ rides too. We are a self-help County, founded by survivors of the ill-fated Donner Party. Our priceless heritage of freedom and independence, defended by our men and women in the armed forces in every war since San Benito County was created in 1874, must not be traded away for quick-fix, short-lived public transit benefits. There are no “welfare to work” trains running in

the Soviet Union today. Not a single disabled rider gets a bus ride in the USSR, Romania, Bulgaria, East Germany, etc. History teaches us that society can take care of its needs better when it harnesses the powerful engine of capitalism, and that countries who opt for socialism do more damage than help to their citizens in the long run.

#### Winners and Losers.

The Union Pacific Railroad, a subsidiary of Union Pacific Corporation, is the 154th largest corporation in America according to the 1999 *Fortune* 500 list. UP makes more than \$10.5 billion annually, has tremendous value to its shareholders, and is part of our Nation's checkered history, forming a commercial backbone upon which we sought our Manifest Destiny, and which serves the Nation's commerce better than Adam Smith could have dreamed in his wildest dream. If we are going to nationalize part of it, why not seize the whole of it and then pay for the losses we sustain moving passengers with the profits we make moving freight? Is there something basically un-American about this idea? Did William Jennings Bryan and the Populist Party prevail a century ago with such ideas to nationalize industry? No. Did Mayor Brown merely give us some modern-day "jive" when he threatened to "privatize Muni" (when he was running for election and Muni's management permitted half its fleet of buses to run in violation of CHP's BIT safety regulations)? UP will receive "corporate welfare" for having the market dominance and political muscle to cram-down on the taxpayers a perfect plan from their viewpoint.

So UP would be among the winners if COG adopts the Consultants' plan. Who else wins under that plan? The Consultants, who would be there to continue navigating this fatal collision course with history, would obviously benefit themselves with more, perhaps endless, consulting. The transit agency managers and employees, who will enjoy salaries and wages vastly greater than any comparable jobs in the private sector, as seen with managers and employees of BART, VTA, etc. Government employee unions are among the winners, as are suppliers to the "pork-barrell" schemes of the Politico-Transit Alliance. Transit riders, whose rides are paid mostly by their neighbors, which the Consultants number less than 200, will each have tax-free subsidies given to them. The amount of their subsidy depends on how you calculate it. If they equally split the \$30 million projected by the Consultants, then it comes to \$150,000 each. But if Dr. Levine's conclusion applies (costs are actually twice those estimated by planners), then each rider will get a \$300,000 subsidy. However, at the Highway Transit Funding Crisis Symposium at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at San Jose State University, Assemblyman Jim Cunneen ventured that it takes \$100 tax dollars paid to the federal government to receive back \$5 of transit subsidies ("grants"). If this Cunneen Hypothesis is correct, then the taxpayers must pay \$2.850 billion to the federal government to get back the \$30 million to pay our San Benito County Caltrain riders. At that rate, it would be cheaper to buy them houses in Palo Alto or Los Altos Hills than to adopt the Consultants' plan. Stanford Professor Tom Campbell, who is running for the U.S. Senate, has estimated that the Cunneen Hypothesis is closer to 50%, but even so the taxpayers would be better off buying the Caltrain riders a new Mercedes or Porsche than to give train rides. Amazingly, but predictably, the Consultants never mention this taxpayer subsidy overhead effect, yet they do support SCA-3 to exact more taxes.

What about the losers? Who loses under the Consultants' plan? Taxpayers, homeowners

and small business owners are those among us who will suffer the most, and as each generation passes the suffering will increase as housing prices sky-rocket as they are in Silicon Valley. Diverting the costs of the public sector transportation to “traffic impact fees,” i.e., really “government impact fees,” etc., will mean that fewer people will be able to afford houses because those fees are passed along by developers to buyers. This has been proven so in Silicon Valley since the nationalization of transit started there in the 1970's. The primary beneficiaries of Prop. 13 have been the homeowners and small business owners, yet the Consultants' recommendation is that we cast off that constitutional protection and plunge into Silicon Valley-style socialism.

If we subsidize bus operations in our County at the rate of approximately \$750,000.00 per year so that about 200 people can have rides, picking-up 90% of their fully amortized costs of transportation, should we adopt a plan which will make our bus-riders' tax subsidy small in comparison?

According to DOT's Bureau of Transportation Statistics' *Transportation Statistics Annual Report 1998*, only .2% (two-tenths of one percent) of Americans travel by rail for all passenger trips taken. And only 3.3% of all trips were aboard transit. More people took bicycles or walked (6.2%) than took transit. On the other hand, 86.6% of all trips in the Nation were by automobile. Logically, rural counties, where distances are greater and transit services fewer, experience is even more disparate in favor of private sector transportation. So, why should our County want to incur the expense of an urban transit plan? It is out-of-character for a rural county. It defies common sense and individual choice. Dreamers at transit agencies, who get paid regardless of their mistakes, might like to imagine all of our children living in concrete tilt-up, high-rise, Dirodonominiums along Light Rail (Heavy Socialism) tracks, but do they think that future generations will enjoy them any more than the occupants of Soviet-style public housing? Between 1965 and 1995, while billions of dollars were being spent on transit, transit's share of urban travel dropped from 11% to 3%, yet our leaders divert badly-needed tax dollars from highways to transit. From 1991 through 1996, highway travel increased by a rate 9 times faster than transit. In a nationwide survey, 83% of Americans say they prefer a detached, single-family home in the suburbs over an equally priced urban townhouse near transit, even though the suburban home would mean longer distances to work and shopping.

Would we be better served by passing the hat and collecting \$30 million to donate to our local farmers? What about the other small business owners who need a little extra cash to offset losses? Would we be better served by a plan that retained the railroad line in the County's tax base, rather than nationalizing it as the Consultants recommend?

Do we want to become part of Silicon Valley? Why would we want to be like Los Angeles? New York? Or any other large city? Why is it that the Consultants think that we do? Do we live here because we desire to abide where life is different from the cities?

Would we have more money for schools, law enforcement, hospitals, etc., if we rejected the Consultants' plan? Does the government owe everyone a (nearly) free ride?

### Private Sector Alternatives

Our goal should be to devise a long-term sustainable transportation solution that confers the greatest good to the most people, now and in the future. How does history teach us to do that? Do we give a few people the sweat off the brows of generations of taxpayers, and afford the

154th largest corporation in America the lion's share of \$30 million to aid its \$10.5 billion bottom line? Or do we reject the fate that befell the USSR and the Meyer-Gómez-Ibáñez' cycle?

**What is a sustainable solution for San Benito County?**

**A:** Adopting the recommendation of the COG transit consultants to "extend Caltrain" to Hollister by duplicating Silicon Valley's philosophy of taxing homeowners and small business owners to fund insolvent transit operations, growing the subsidy-dependent bureaucracies like VTA, so that Silicon Valley Manufacturers can make unconscionable profits; feeding the Black Hole Government that forces us to accept ACA-7 (formerly SCA-3) and repeal Prop. 13 just when the Baby Boomers thought that their retirements were safe; driving-out farmers and pushing small business owners into bankruptcy because their overhead expenses make it impossible to compete with their competitors in countries without such governmental overhead burdens; inducing rampant sprawl that over-extends local government resources beyond the breaking point; gives \$25-\$28 million tax dollars (about \$100,000 per person in the County) to the 154th largest corporation in the U.S., which last year earned more than \$10.5 billion.

**B.** Building an intermodal facility on the Hollister Branch Line, which can be purchased by a member of the American Short Line Railroad Association. The short line operator can capture a unique opportunity to have the only intermodal facility on the Central Coast (neither Silicon nor Salinas Valley have one, and their congestion management long range plans do not mention one), and with the profit it makes it can: (1) contract with Joint Powers Board to run the passenger trains; (2) improve local agribusiness opportunities to sell to the trans-Mississippi and NAFTA partner customers; (3) preserve the environment by reducing air pollution, highway congestion and road maintenance expenses (it takes 9,000 subcompacts to make as much pollution as 1 fully-loaded big-rig; axle weight is the single largest factor in highway damage); (4) improve highway safety; (5) reduce highway accident deaths and injuries (which cost Californians more than \$25 billion annually); (6) add to rather than detract from our local government tax base; (7) submit to local control (Congress has preempted local control over the Class 1 railroads like UP); (8) help us preserve the County for future generations to come.

**C.** Granting a Native American Tribe the vacant lot at Fourth and San Benito Streets upon which to construct a gambling casino on condition that they split the profits with us 50-50.

**D.** Deeding Pinnacles National Monument to the Native American Tribe if they build their casino there and split the profits with us 50-50.

**What is your final answer? (You can call a friend.)**

**The Lesser Evil**

No transportation plan is perfect. The *Titanic* was sinkable. Orbital velocity was never guaranteed to the *Challenger*. Transportation was, and always will be, risky. From rickshaws to bullet trains, human weaknesses forever remain. But while private sector sins made famous in Matthew Josephson's *Robber Barons* (1933) are, or can be, subservient to governmental remedies, public sector vices are more difficult to cure. So, we ought to view the past as prologue, and demand solutions that benefit more people than the plan recommended by the Consultants. Although not perfect, a private sector shortline railroad with an intermodal facility to harness intermodal traffic from nearby counties is preferable to the socialist plan of the Consultants. The shortline option would, if built, provide this County with the following benefits:

1. Facilitate Commerce and Trade
2. Improve Transportation (Passenger and Freight)
3. Stimulate Local Economy
4. Create Local Jobs
5. Increase Local Capital Spending and Investment
6. Reduce Highway Maintenance Expenses
7. Reduce Air Pollution and Improve Air Quality
8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
9. Improve Highway Safety and Reduce Accidents
10. Increase Local Government Tax Base
11. Create Transport Options for Growers, Packers & Shippers & Receivers
12. Improve Product Profitability During Truck Shortages
13. Reduce Border Crossing Delays for NAFTA Products Trade
14. Retain Affordable Housing by Reducing Traffic Impact Fees
15. Maintain Character and Environment of County
16. Preserve Agricultural Land and Small Farms
17. Reduce Fuel Consumption
18. Reduce Driver Fatigue-Related Accidents
19. More Responsive Management to Competitive Marketplace
20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

#### **Our Advantages Over Stark County and Greater Revenue Potential**

Unlike Stark County, Ohio, and its NEOMODAL facility, we have traffic flows that dwarf theirs because our population and tonnage is so much greater. With fuel prices escalating to unknown heights (while MTC is pushing for \$3/gallon taxes to fund transit, and the HSRA is launching its PR blitzkrieg for taxes to fund their Bullet Train in California), carriers like United Parcel Service, etc., and shippers like the perishable growers, packers and brokers in the Salinas Valley, are desperate for non-highway options. Loads are stuck on clogged freeways that could be spotted at docks after deramping at local intermodal facilities. The traffic flows, westbound into the Silicon Valley, and eastbound from the Salinas Valley (301 million pounds destined to Canada in 1997; 30.6 million pounds destined to Mexico in 1997; 238 million pounds of lettuce; 164 million pounds of broccoli; 90.1 million pounds of celery; 20.9 million pounds of strawberries; 24.1 million pounds of cauliflower; 21.9 million pounds of tomatoes; 7.6 million pounds of radicchio; 18.7 million pounds of onions; 7.2 million pounds of cabbage; and 5.8 million pounds of carrots; 1997 figures), are largely unexamined and untreated by the Consultants' analysis of the shortline option for the Hollister Branch Line that I proposed. A certain portion of this 836.3 million pounds is amenable to TOFC/COFC service when market conditions dictate the rail option, even if slower, because it is cheaper. California's wine industry is another source of revenue for the San Benito County shortline intermodal facility.

San Benito County could be the "intermodal gateway from the Salinas Valley," and the "intermodal gateway to the Silicon Valley," because the MPOs for each valley have abdicated

their transportation responsibilities for their residents. This has created an opportunity for uniquely-situated San Benito County. The Consultants did not address the potential traffic revenue that could be captured by such an operation on a shortline with an intermodal facility. Predictably, they overemphasize private sector problems because they get their pay from taxpayer-funded solutions, even if it means fulfilling Dr. Levine's predictions. The highway maintenance expense reduction, air pollution reduction, and congestion reduction that would happen if we had an intermodal facility on the Central California Coast are not included in the Consultants' analysis. They tell COG of the "cons," but fail to mention the "pros," which is what one would expect from navigators who have their own agenda and priorities in mind and not those of the citizens of the Central California Coast and San Benito County. For example, they failed to ask shippers and receivers in Silicon Valley and Salinas Valley how much tonnage would be diverted, and therefore how much freight revenue, to intermodal facilities on a shortline railroad built on the Hollister Branch Line. They did not ask any of the members of the American Shortline Railroad Association for a proposal. They even did not ask shippers and receivers in the immediate proximity of the proposed intermodal facility, e.g., Christopher Ranch, West Marine, Corbin Industries, what tonnage would be tendered to the shortline. Self-induced myopia scars their abilities when they ought to be thinking clearly, and this yields a conclusion detrimental to the best interest of this County.

#### **A Mention of Tax Strategies**

Tax strategies that benefit the largest corporations, and hurt small business owners and homeowners, may seem good to the Consultants, but if they lived here, owned their homes here, or a small business in San Benito County, would they in good faith propose their plan? While they mentioned the possibility of assessments (taxes) on real property in this County to fund their scheme's huge operating losses, they did not mention assessments on businesses (not real property) that could impose the taxes on large corporations and multinational conglomerates in proportion to the benefit conferred by the transportation system created for their benefit. They would have us repeal Prop. 13's protections for our homeowners, just when the Baby Boomers thought that they had their retirement plans intact, yet they would not propose taxing Silicon Valley Manufacturers in proportion to the amount of benefit conferred by the "infrastructure improvements" (to distort the historic meaning of the phrase as transit "gurus" do). Shifting the tax (assessment) burdens to those most able to afford it is now possible, even without a vote, under our Constitution. *Howard Jarvis Taxpayers' Assn. v. City of San Diego*, 72 Cal.App.4th 230, 84 Cal.Rptr.2d 804 (1999). But COG's Consultants are thinking as they are paid to do, not for the benefit of the people of this County, but for the benefit of the Politico-Transit Alliance. Tax-funded transportation is less desirable than private sector solutions emphasized by the National Transportation Policy, the President, the OMB, and better minds than mine. But if we are going to impose taxes to move these passengers, then let's place the tax on the largest corporations, the biggest employers, in Silicon Valley, whose billions pile up, whose employees become instant millionaires, yet not as fast as bankruptcies and business failures.

### **Conclusion**

The RAC should adopt a resolution rejecting the Consultants' plan, and recommend that COG do likewise, and instruct County Counsel to sue to recover the taxpayers' money for the failure of the Consultants to prepare a plan in accordance with the needs of this County. Then the COG should discharge the Consultants and retain the services of someone willing and able to prepare a private sector solution for us.

Joseph P. Thompson, Esq.



June 30, 2004

Association of Monterey Bay Area Governments (AMBAG)  
445 Reservation Rd., Ste. G  
Marina, CA 93933  
Attn: Kathy Urlie  
Fax: 831-883-3755

RE: Review of Preparation of a draft program Environmental Impact Report  
For 2005 Monterey County Regional Transportation Plan and  
2005 Santa Cruz County Regional Transportation Plan  
Location: Monterey County & Santa Cruz County  
Notice Date: May 28, 2004  
PG&E File : 40322848-y04-MR-99

Dear Ms Urlie:

Thank you for the opportunity to review the Preparation of a draft program Environmental Impact Report for the referenced project at the above location.

PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.



We would also like to note that continued development consistent with the Counties' General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

We also encourage the Planning Office of the Counties include information about the issue of electric and magnetic fields (EMF) in the Notice of Preparation. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity--in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.



**Pacific Gas and  
Electric Company**

Land Rights Office

111 Almaden Boulevard, Room 814  
P.O. Box 15005  
San Jose, CA 95115-0005

PG&E remains committed to working with the Counties to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (408) 282-7401.

Sincerely,

Alfred Poon  
Land Agent  
South Coast Area

JUL 07 2004

# MONTEREY COUNTY

## PLANNING AND BUILDING INSPECTION DEPARTMENT

240 CHURCH STREET, SALINAS, CALIFORNIA 93901 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487

MAILING ADDRESS: P.O. BOX 1208, SALINAS, CALIFORNIA 93902

COASTAL OFFICE, 2620 1st Avenue, MARINA, CALIFORNIA 93933 PLANNING: (831) 883-7500 BUILDING: (831) 883-7501 FAX: (831) 384-3261



July 6, 2004

Kathy Urlie, Principal Planner  
Association of Monterey Bay Area Governments  
PO Box 809  
Marina, CA 93933-0809

**SUBJECT: Notice of Preparation for Draft Program EIR for the 2005 Regional and Metropolitan Transportation Plans**

Dear Ms. Urlie:

Thank you for the opportunity to comment on the Notice of Preparation. With County and City development in the former Fort Ord, circulation between the Monterey Peninsula and Salinas area needs to be improved. The County requests that the EIR ensure that the improvement(s) known as the Marina-Salinas Corridor remain under consideration as a needed improvement for anticipated growth in the region, inside and outside of the former Fort Ord. Impacts of these improvements need to be studied and the alternatives analysis should not consider deletion of these improvements.

The County is preparing Specific Plans for Rancho San Juan (northeast of Salinas) and East Garrison (former Fort Ord). In addition, Community Plans are being prepared for the Boronda area (northwest Salinas) and Castroville. These plans should be considered as part of the potential growth areas analyzed in the document.

Should you have any questions or need additional information, please feel free to call Mike Novo at (831) 883-7518.

Sincerely,

A handwritten signature in black ink that reads "Scott Hennessy".

Scott Hennessy  
Director

cc: File

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



July 13, 2004

Ms. Kathy Urlie  
AMBAG (Association of Monterey Bay Area Governments)  
P.O. Box 809  
Marina, CA 93933-0809

Subject: **NOP for 2005 Monterey Bay Area Metropolitan Transportation Plan**

Dear Ms. Urlie:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the consolidated Environmental Impact Report for the *2005 Monterey Bay Area Metropolitan Transportation Plan (MTP)*, the *2005 Monterey County Regional Transportation Plan*, and the *2005 Santa Cruz County Regional Transportation Plan*. We view this as an excellent opportunity to comprehensively examine Monterey Bay area transportation issues in a regional context.

Our hope is that the *2005 MTP* will provide a baseline reference that we can use in carrying out our own agency responsibilities. This will be true not only for particular transportation projects in the coastal zone, but also when we review Local Coastal Programs (LCPs) and LCP amendments submitted by local governments; when we periodically review and make recommendations on the already-certified LCPs; and, under the federal consistency process, when we review non-coastal zone projects and plans with the potential for "spillover" impacts on the coastal zone. A regional evaluation will help determine what transportation infrastructure improvements are actually needed to meet (but not exceed) allowable buildout levels; what alternative transportation measures would be effective and feasible; and, which elements of the transportation system should (or must) be located in the coastal zone. And, we believe an understanding of the regional context is absolutely essential before we approve major new transportation projects in the Monterey Bay area coastal zone.

As such, we suggest that the *Metropolitan Transportation Plan* and accompanying environmental impact report address the following points:

Consideration of Coastal Act policies and consistency with local coastal programs:

We would hope that the overall objectives of the transportation plans embody Coastal Act principles of concentrated development, prevention of adverse environmental impacts, and promotion of coastal access, among others. Within the coastal zone part of the Monterey Bay Metropolitan Area, the assumptions, analyses, and recommended strategies for meeting future transportation needs should be consistent with the applicable California Coastal Act and LCP policies. Similarly, the projected kinds, locations, and densities of allowable development should accurately reflect what is allowed in the LCP Land Use Plans.

The Coastal Commission has certified Land Use Plans (LUPs) for all or part of each local government's coastal zone area within the Metro Area. They represent local application of Coastal Act policies, and are part of local general plans. However, these LUPs were individually certified over a long span of years, each on their own merits, with only the most limited capacity to account for regional relationships and impacts. Accordingly, we strongly applaud the *2005 MTP* process not only as an opportunity to update existing transportation plans, but also to comprehensively analyze--from the larger regional perspective--the cumulative impacts of buildout under all these plans together.

Another good reason for ensuring the alignment of the MTP with Coastal Act and LCP policies, is that the majority of transportation development projects within the coastal zone require a coastal development permit (CDP). In areas that comprise or once comprised State tidelands, submerged lands, and/or public trust lands—for example, the Elkhorn and Moro Cojo Slough complex around Moss Landing--the standard of review for CDP approval is the set of policies contained in Chapter 3 of the Coastal Act. The same standard of review applies within local jurisdictions and areas that do not have certified complete Local Coastal Programs (i.e., an LUP *and* implementing ordinances). These include the City of Carmel, as well as the coastal zone portions of the former Ft. Ord, and the coastal zone within the Cities of Pacific Grove, Monterey and Seaside.

The majority of the Monterey Bay area coastal zone, however, falls within an area covered by a certified LCP. In these areas, the standard of review is the certified LCP, along with the Coastal Act's public access and recreation policies. Therefore, projects contemplated in the MTP within certified LCP areas should be evaluated for their consistency with local coastal programs and the applicable Coastal Act public access and recreation policies. At this point we are aware of at least one potential MTP/Monterey County RTP project that is inconsistent with Coastal Act policies: widening of Highway One in North Monterey County to four lanes (see our December 2003 Monterey County periodic review report, Issue LU-14; and, our November 30, 2000 letter to Caltrans).

Evaluation on a corridor or area basis:

The EIR evaluation should be of project groupings involving specific corridors or areas, such as the Highway One corridor in southern Santa Cruz and northern Monterey Counties. The EIR should address the cumulative and growth-inducing impacts from such sets of projects, using a regional model. Where the sum total of projects may lead to adverse impacts, including inconsistencies with adopted LCPs, then mitigation measures should not only focus on individual project changes, but also on alternatives to some of the projects, prioritization of the projects, and interrelationships among the projects, considering all of the transportation modes. This means that the focus should not just be on physical construction issues but also on institutional strategies to ensure, for example, that highest priority projects are actually built and problematic projects are not. Such an analysis should be based on current and projected trip origins and destinations and address how successful the various projects can be in addressing trip patterns.

Specific corridors and areas merit study, and have particular meaning with respect to the Coastal Act's public access and recreation policies. These policies call for maximizing such opportunities for *all* the

people<sup>1</sup>, insuring that new projects provide for public access *to* and *along* the shoreline<sup>2</sup>, and distribution of parking and other access facilities to mitigate against the impacts of overuse or overcrowding.<sup>3</sup> Accordingly, in the Monterey Bay Metro Area, the most obvious regional corridor requiring study is the Santa Cruz/Watsonville-Monterey/Carmel corridor (both Hwy.1 & non-automobile alternatives). This corridor is essential for mobility and distribution of use *along* the coast.

Equally important are those corridors that provide connections from population centers *to* the coast, as exemplified by this list:

- a. San Jose/Gilroy-Monterey Peninsula (roads & rail)
- b. San Jose-Santa Cruz beaches (Hwy.17 & non-automobile alternatives)
- c. Salinas/Hwy.101 to Santa Cruz (roads & rail).

In addition, several population centers in the Metro Area have adequate road access to their associated beach areas, but lack a good bicycle, trail or transit connection. Three such potential study corridors include:

- a. Salinas to its beaches (emphasis on providing non-automobile alternatives)
- b. Castroville to its beaches (emphasis on providing non-automobile alternatives)
- c. Watsonville to its beaches (emphasis on providing non-automobile alternatives).

Yet other sub-regional areas may have existing road and other transportation facilities, but are in need of enhancement to maximize public access in the coastal zone. For example, this would apply to the more urban areas within the study zone that are situated directly along the shoreline (e.g., Santa Cruz through Capitola, Monterey through Pacific Grove, etc.) as well as other visitor destinations (e.g., Big Sur, Moss Landing, north coast Santa Cruz County, etc.).

Special attention needed for the Highway 1 Moss Landing corridor (the 2-lane subset of the Santa Cruz-Carmel Hwy.1 corridor):

Section 30254 of the Coastal Act requires that "...State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road." The segment of Highway 1 between Castroville and the Salinas Road intersection, referred to as the Moss Landing corridor, matches this description. The addition of through travel lanes would potentially result in major impacts on coastal zone resources, particularly with respect to wetlands, environmentally sensitive habitats, agriculture, archaeological sites, and scenic rural character. Therefore, a future four-lane configuration *cannot* be assumed.

Instead, we believe the MTP will need to identify a suite of strategies that will: 1) get the most effective capacity possible from the roadway facility while retaining its overall two-lane rural character; 2) discourage development patterns that would burden the corridor with increased traffic congestion<sup>4</sup>; 3)

<sup>1</sup> Coastal Act section 30210

<sup>2</sup> Coastal Act section 30212

<sup>3</sup> Coastal Act section 30212.5

<sup>4</sup> The Coastal Act requires new residential, commercial and industrial development to be concentrated in or close to existing developed areas that have adequate services to accommodate such uses. (ref: Public Resources Code sec. 30250)

retain adequate transportation facilities and capacity for Coastal Act priority uses, such as agriculture and recreational travel along the coast<sup>5</sup>; 4) encourage non-coastal traffic to use more direct routes inland from Elkhorn Slough<sup>6</sup>; and, 5) maximize the potential of transit bus, freight and passenger rail, and non-motorized transportation alternatives to meet transportation needs along the Monterey Bay shoreline<sup>7</sup>. Then, the MTP should identify which of these strategies will be feasible within the given funding scenarios. And, we need the MTP to answer this question: assuming all the feasible measures are implemented together, what will it take (in terms of funding or legislation) to meet long-range transportation needs in the Highway 1 Moss Landing corridor, without making it four lanes?

An important first step will be to describe and analyze an alternative Highway 1 Moss Landing corridor improvement project that is fully consistent with Coastal Act policies. In order to clarify what type of improvements would be potentially approvable, our staff in its recent report on the Periodic Review of Monterey County Local Coastal Program recommended that specific policy language be added to the LCP to guide the design of such an alternative. Please see Appendix A for text detail.

Evaluation of meaningful alternatives:

It appears that the proposed alternative analysis would not render useful information. In formulating alternatives by numbers of projects, the resulting conclusions are obvious: the more projects contained in the alternative, the more impacts. What would be more meaningful and, hopefully, more useful for decision-makers, would be a comparison of alternative sets of projects each based on the same financial assumption (e.g., the total amount of money available most likely available in the next 25 years).

Following from the comment above, one alternative could be the set of projects that are consistent with the Coastal Act and are not problematic. Another alternative could encompass those projects that promote non-automotive circulation. Again, it would be useful to undertake such an alternatives analysis by subregion.

Environmental impact analysis of specific projects that could have major impacts on coastal zone resources:

While we understand that these will be programmatic EIRs, there are a substantial number of projects with the potential to cause significant impacts, either individually or cumulatively, within our coastal region; examples are listed in Appendix B, attached.

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<sup>5</sup> The Coastal Act states: "Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development." (ref: Public Resources Code sec. 30254)

<sup>6</sup> For example, the G12 corridor represents a relatively direct alternative for Santa Cruz-to-Salinas/101 south traffic, that relieves demand on the Moss Landing-Hwy. 183 corridor. Other alignments may be feasible as well.

<sup>7</sup> This would be consistent with Coastal Act policies that support public access to the coast by means of transit service and public transportation, and call for minimizing energy consumption and vehicle miles traveled. (ref: Public Resources Code sections 30252 & 30253(4))

**Ms. Kathy Urlie**  
**Comments on MTP EIR**  
**July 13, 2004**  
**Page 5**

Adoption of regional mitigation and enhancement measures that can be appropriately applied throughout the Monterey Bay region:

The prospect of regional-wide mitigation and enhancement programs is a particularly promising aspect of the MTP. Accordingly, we have listed a number of potential programs for consideration in the DEIR document; see Appendix C, attached.

We look forward to reviewing the draft EIR, which will hopefully address the above issues and include the suggested region-wide mitigation measures. In the meantime we are available to discuss the points in this letter in more detail and furnish what relevant information that we possess. Please list me as our agency's primary contact person for this EIR.

Sincerely,

Lee Otter  
District Chief Planner/Transportation & Development Liaison  
Central Coast District

Cc: Santa Cruz Regional Transportation Commission  
Transportation Agency of Monterey County  
AMBAG Clearinghouse  
OPR Clearinghouse

**Appendix A:**  
**Design alternative for Highway 1 Moss Landing corridor, Castroville to Salinas Road (assuming 4 lanes not approvable or not feasible)**

Excerpts from the staff report on the Periodic Review of Monterey County Local Coastal Program (LCP), which recommended that the following specific policy language be added to the LCP:

“Necessary safety improvements that do not add travel lanes may be permitted, provided that the overall rural and scenic character of the roadway is not substantially altered. Safety improvements may include: alignment of Dolan Road with the Moss Landing Road intersection with some possible grade separation; improvement of the Springfield Road intersection with some possible grade separation; widening the existing motor vehicle travel lanes to a full 12 feet; paving shoulders up to 8 feet in each direction; adding or improving turnouts, paved pullouts, vista points, rest stops, trailhead parking areas, bus stops, shoulder tapers at intersecting roads, left turn safety pockets, merge lanes, access control features (i.e., frontage roads, median barriers, right-of-way fencing), and park-and-ride facilities.”

“Also permitted are projects that maintain the existing scenic and rural character of the area and restore beneficial tidal circulation to the maximum extent feasible with a net restoration of productive wetlands the Elkhorn Slough system, including highway realignment to avoid wetland encroachments (e.g., at Truve Pond); replacing long sections of wetland fill with causeways (e.g., at Bennett Slough and Moro Cojo Slough); and/or installing a new bridge span across Elkhorn Slough to provide the opportunity to reduce tidal flux to less-damaging pre-1946 levels...”

“Notwithstanding North County Land Use Plan policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish incidental safety improvements or restoration projects...is permitted provided there is no feasible less environmentally damaging alternative and feasible mitigation measures have been incorporated to minimize adverse environmental effects. Required compensatory mitigation ... shall favor restoration of wetland areas filled from past construction on Highway One in the vicinity of the proposed work...”

**Appendix B:**  
**Specific projects that could have major impacts on coastal zone resources**  
**in the Monterey Bay Metro Area**

While this is certainly not intended to be an all-inclusive list, project examples that we are immediately aware of include:

Highway 1 Moss Landing corridor widening (discussed in main body of letter);

Interchange improvements at Highway One and Harkins Slough Road (potential wetlands, environmentally sensitive habitat, agricultural conversion and growth-inducing impacts). Letters have been sent on this project to the SCCRTC dated November 3, 1988, February 24, 1992, February 5, 1998, December 2, 1998, January 4, 2000, and February 3, 2000.

Highway One capacity improvements in Santa Cruz County, from the Hwy.17 intersection at "The Fishhook" to Larkin Valley Rd. (potential growth inducement, agricultural, hydrologic and water quality impacts, see our April 30, 2004 letter to Caltrans).

Interchange improvements at Highway One and Salinas Road (potential growth-inducing, agricultural, visual, rural road-character and wetland issues; see our December 2003 Monterey County periodic review report; Issue LU-14). Note: We have been regularly represented at the community advisory group (CAG) and project development team (PDT) meetings; accordingly, the project design appears to be evolving in a way that will likely result in these impacts being reduced to a less-than-significant level.

Interchange improvements at Highway One and Route 183 (potential wetland, environmentally sensitive habitat, viewshed, and agricultural impacts, see our December 2003 Monterey County periodic review report; Issue LU-14).

Widening of Highway 156 (potential wetland, environmentally sensitive habitat, viewshed, and agricultural impacts, see our December 2003 Monterey County periodic review report; Issue LU-14; our letter of Dec 2, 1999 to Caltrans; our letter of February 2, 1998 to TAMC)

Widening of Highway 68, along Monterey Peninsula skyline (potential impacts to Monterey pine forest).

Improvements needed to revive passenger rail service on the Monterey branch line, including platform and parking facilities (potential impacts on agricultural acreage, viewshed, environmentally sensitive habitat).

Improvements needed to revive passenger rail service on the Pajaro-Davenport branch line, or portions thereof, including any platform and parking facilities (potential impacts currently being assessed by

CEQA study); and, additional improvements needed to accommodate a bicycle trail within or parallel to the branch line.

## **Appendix C:** **Suggested regional mitigation and enhancement measures**

The following are mitigation and enhancement measures can be implemented as regional programs, and appropriately applied throughout the Monterey Bay coastal area:

Adequate pedestrian and bicyclist access facilities on all bridge projects, or (better) provision of a separate off-roadway crossing where a facility of equal or better quality can be feasibly provided;

Improvement of paved shoulder widths on all roadways that serve bicycle traffic;

Provision of sidewalk, or footpath physically separated (e.g., by landscaping, berthing, etc.) from motorized traffic, wherever the California Coastal Trail or other planned trail alignment must be located within a roadway or rail right-of-way;

Full implementation of the Monterey Bay Sanctuary Scenic Trail, as a multi-mode, bicycle-friendly recreational travel route along the shoreline from Davenport Landing through Pacific Grove (including a connection from Monterey to the southern Monterey County coast via Hatton Canyon);

See-through bridge rail and guardrail designs, wherever enjoyment of scenic resources from the roadway vantage point would be enhanced (e.g., the steel-backed wood beam guardrail proposed by Caltrans for the Hermitage Slope wall project in Big Sur);

Provision of visitor recreational amenities and scenic resource enhancement measures along the first through public road nearest the coast, including but not limited to: vista points, rest stops, beach access parking, benches, recreational trailheads, and interpretation of the Monterey Bay National Marine Sanctuary and other coastal resources. Also includes preservation of scenic landscapes and historic features enjoyed by the traveling public; and, remediation of degraded scenic corridors, through measures such as undergrounding of utility lines and removal of excessive sign clutter.<sup>8</sup>

Advance planning measures for storm damage, including loss of roadways and other transportation infrastructure from shoreline erosion, landslides, and floods—the objective being

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<sup>8</sup> Emphasis should be placed on designated State Scenic Highways, including Hwy. 1 along the Big Sur Coast—which is also a designated National Scenic Byway and All-American Road. Specific guidance can be found in some of the certified LCPs LUPs and in the recently updated Coast Highway Management Plan Corridor Management Plan and Guidelines for Corridor Aesthetics (Caltrans Dist. 5, 2004).

to minimize impacts from shoreline armoring, emergency disposal of landslide materials into ocean waters, and sediment flux from collapsed fill slopes<sup>9</sup>;

Preservation and restoration of environmentally sensitive habitat areas adjacent to transportation corridors, including design or maintenance practice exceptions to protect landmark redwoods and other significant trees adjacent to the highway, barriers to protect rare plant and/or animal habitats located within or adjacent to the public right-of-way, restoration of native plant cover that stabilizes dune formations, removal of fill from coastal wetlands, and cooperative invasive plant eradication programs.<sup>10</sup>

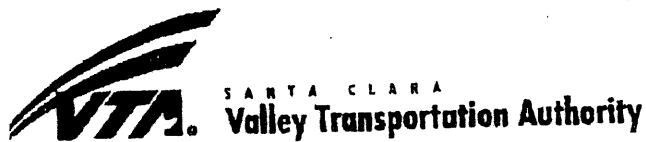
Drainage improvements for the reduction of non-point source pollution from roadway runoff (e.g., vegetated filter strips along paved roadways).<sup>11</sup>

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<sup>9</sup> Highway 1 locations with a history of such problems include Waddell Bluffs at the Santa Cruz-San Mateo County line, the Big Sur Coast, and the floodplains of the Pajaro, Salinas and Carmel Rivers. Specific guidance for the Big Sur Coast can be found in the Coast Highway Management Plan Corridor Management Plan and Guidelines for Landslide Management & Storm Damage Response (Caltrans Dist. 5, 2004).

<sup>10</sup> Specific guidance for the Big Sur Coast can be found in the Coast Highway Management Plan Corridor Management Plan and Guidelines for Vegetation Management (Caltrans Dist. 5, 2004).

<sup>11</sup> Generally, the recommended water quality Best Management Practices (BMPs) should be observed wherever applicable. Additional information available through Regional Water Quality Control Board and Coastal Commission water quality specialist staff.



July 21, 2004

AMBAG  
P. O. Box 809  
Marina, CA 93933

Attention: Kathy Urlie

Subject: 2005 Regional Transportation Plan

Dear Ms. Urlie:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for the project referenced above to update the 2005 Regional Transportation Plan for Monterey and Santa Cruz counties. We have no comments at this time but we would like to review the EIR when it is available.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read 'RM'.

Roy Molseed  
Senior Environmental Planner

RM:kh

**Monterey County Constrained (Funded) Project List**

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)				Mode	TCM
				Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity Non-Exempt		
AMB001	AMBAG	Monterey Bay Sanctuary Trail	Trail Planning	\$ 8,886	\$ -	\$ 8,886		BP	Yes
AMB003	AMBAG	Ridesharing	Provide ridesharing services	\$ 5,778	\$ -	\$ 5,778		TDM	Yes
CT001	Caltrans	Archaeological roadside inventory	Inventory of archaeological roadside features	\$ 196	\$ -	\$ 196		O	
CT002	Caltrans	Countywide ITS Projects	Changeable message signs, closed circuit televisions, highway advisory radios, ramp meters and loop detectors	\$ 16,960	\$ -	\$ 16,960		TF	
CT003	Caltrans	SR 1 - Big Sur Pitkin's Curve	Curve Realignment	\$ 20,000	\$ -	\$ 20,000		M	
CT004	Caltrans	SR 1 - Big Sur Vista Pt	Install Ecological Plaques	\$ 6	\$ -	\$ 6		O	
CT008	Caltrans	SR 1 - Carmel Operational Improvement	Construct an extended northbound right turn lane on Highway 1 from Carmel Valley Road to Rio Road and provide intersection improvements at both Carmel Valley Road and Rio Road.	\$ 2,500	\$ -	\$ 2,500	Yes	VF	
CT014	Caltrans	SR 1 - Salinas Rd Interchange	Build a new interchange at Highway 1 and Salinas Road and add frontage roads to improve local circulation.	\$ 43,000	\$ -	\$ 43,000	Yes	VF	
CT015	Caltrans	SR 1 - Sand City Corridor	Widen Highway 1 from Fremont Avenue to at least Canyon Del Rey and make interchange and related local road improvements in the vicinity of Canyon Del Rey and Fremont Avenues.	\$ 45,000	\$ -	\$ 45,000	Yes	VF	
CT017	Caltrans	Route 68 (Holman Hwy - access to Community Hospital)	Widen Holman Highway 68 from CHOMP to Hwy 1 to 4 lanes and make operational improvements at the Hwy 68 – Hwy 1 interchange.	\$ 14,000	\$ -	\$ 14,000	Yes	VF	
CT018	Caltrans	SR 68 - Operational Improvements	Add turn lanes, approach lanes etc. to improve operations between SR 1 and Salinas, including improvements at Corral de Tierra; Los Laureles Grade; Torero Drive and San Benancio Roads	\$ 10,000	\$ -	\$ 10,000	Yes	TF	
CT023	Caltrans	SR 68 - Traffic Monitor/Driver Info	ITS: sensors, counters, CMS	\$ 260	\$ -	\$ 260		TF	
CT024	Caltrans	US 101 - Airport Blvd. I/C	Rebuild the interchange at US 101 and Airport Blvd and make related improvements to assist traffic circulation on nearby local roads and intersections.	\$ 74,800	\$ -	\$ 74,800	Yes	VF	
CT029	Caltrans	US 101 - Prunedale Freeway	Construct a 4 lane bypass or add new capacity to existing US 101 from Echo Valley Road to Russell/Espinosa Roads. Improve interchanges and reroute nearby local roads to coordinate with new capacity.	\$ 421,000	\$ -	\$ 421,000	Yes	VF	
CT030	Caltrans	US 101 - Salinas Corridor	Address north/south roadway capacity through Salinas	\$ 177,442	\$ -	\$ 177,442	Yes	VF	
CT031	Caltrans	US 101 - Salinas to King City	Safety and operational improvements including combining of crossings to limit access, creation of frontage roads, improve left turn pockets	\$ 30,000	\$ -	\$ 30,000	Yes	TF	
CT032	Caltrans	US 101 - San Juan Road I/C	US 101 construct new interchange (MON-101-100/101.3) - Programmed through PA/ED	\$ 50,000	\$ -	\$ 50,000	Yes	VF	
CT036	Caltrans	SR 156 - West Corridor	Widen existing highway to 4 lanes and upgrade highway to Freeway status with appropriate interchanges. Interchange modification at US 156 and 101	\$ 223,000	\$ -	\$ 223,000	Yes	VF	
CT037	Caltrans	SR 183 rehabilitation	Rehab project	\$ 7,300	\$ -	\$ 7,300		M	
CT040	Caltrans	State Highway Safety and Rehab.	Unspecified SHOPP projects	\$ 362,600	\$ -	\$ 362,600		M	
CT041	Caltrans	US 101 Prunedale Improvement Project	Construct a 4 lane bypass or add new capacity to existing US 101 from Echo Valley Road to Russell/Espinosa Roads. Improve interchanges and reroute nearby local roads to coordinate with new capacity.	\$ 224,560	\$ -	\$ 224,560	Yes	VF	

Monterey County Constrained (Funded) Project List

All Figures in '000s (thousands of dollars)

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Mode	TCM
							Non-Exempt		
CT042	Caltrans	SR 68 - York Road	Intersection improvements	\$ 2,000	\$ -	\$ 2,000		TF	
CT043	Caltrans	SR 156 at Oak Hills Community access improvements	Safety and operational improvements	\$ 1,500	\$ -	\$ 1,500		S	
CAR001	Carmel	Bike Kiosks	Install bike kiosks at entrance points to the city	\$ 13	\$ -	\$ 13		BP	Yes
CAR002	Carmel	Carmel to Pebble Beach Bike/Ped Facility	Construct Class I or Class II bike facility	\$ 86	\$ -	\$ 86		BP	Yes
CAR005	Carmel	Rio Road parking facility	Construct Rio Road off site parking facility w/jitney pick up station	\$ 20	\$ -	\$ 20		P	
CAR007	Carmel	San Carlos Streetscaping	Install streetscaping	\$ 155	\$ -	\$ 155		O	
CAR009	Carmel	San Carlos Rehabilitation	San Carlos St. between Ocean Ave. and 6th Ave. in Carmel-by-the-Sea. Removing concrete and repaving and rehab /improvements to: curb and gutter, replace storm drain lines, and sidewalk.	\$ 100	\$ -	\$ 100		M	
CAR010	Carmel	Mission Street Rehabilitation	Rehabilitate Mission Street including repaving street and curb, gutter and sidewalk improvements	\$ 338	\$ -	\$ 338		MM	
CAR011	Carmel	5th Ave Rehabilitation	Repave and sidewalk repairs	\$ 110	\$ -	\$ 110		M	
FRA005	County	Blanco - Imjin Connector	Construct new 4 lane arterial (FORA CIP FO4)	\$ 4,956	\$ -	\$ 4,956	Yes	VF	
FRA016	County	East Garrison Gateway Improvements	Construct gateway improvements (FORA CIP FO1)	\$ 1,063	\$ -	\$ 1,063	Yes	VF	
FRA022	County	Reservation Road Widening	Construct new 4-lane connector bet Reservation Rd from easterly boundary of UC MBEST E Campus to Watkins Gate intersection on Reservation Rd. (FORA CIP 4C)	\$ 6,169	\$ -	\$ 6,169	Yes	VF	
MYC002	County	Alta St. Pavement Rehabilitation	Resurface Alta Street	\$ 701	\$ -	\$ 701		M	
MYC007	County	Bridge Barrier Rail Replacement	Replace and Rehab 5 bridges (match Fed funds)	\$ 400	\$ -	\$ 400		M	
MYC008	County	Bridge Seismic Retrofit and Replacement	For various bridges throughout the county	\$ 30,000	\$ -	\$ 30,000		M	
MYC010	County	Carmel Valley Rd at Dorris Dr	Safety Improvements	\$ 2,000	\$ -	\$ 2,000		S	
MYC011	County	Carmel Valley Rd Passing Lanes	Construct passing lanes	\$ 10,000	\$ -	\$ 10,000	Yes	VF	
MYC012	County	Carmel Valley Rd Shoulder Improvements	Shoulder widening	\$ 2,000	\$ -	\$ 2,000		TF	
MYC013	County	Carmel Valley Road at Laureles Grade Rd	Construct intersection improvements	\$ 3,000	\$ -	\$ 3,000		TF	
MYC014	County	Carmel Valley Road Bike Path	Install bike path from Valley Greens Drive to SR 1 (funded for prelim engineering)	\$ 2,141	\$ -	\$ 2,141		BP	Yes
MYC016	County	Castroville - Elkhorn Road Bikeway	Install Class I to III bikeway	\$ 1,750	\$ -	\$ 1,750		BP	Yes
MYC018	County	Castroville Blvd. Bike Path Connect under RR	Install bike/ped undercrossing	\$ 750	\$ -	\$ 750		BP	Yes
MYC021	County	Davis Road Bike lanes	Install bike path	\$ 986	\$ -	\$ 986		BP	Yes
MYC022	County	Davis Road Bridge Replacement	Replace bridge over Salinas River with new bridge with shoulders	\$ 12,000	\$ -	\$ 12,000	Yes	VF	
MYC023	County	Castroville Blvd widening	Widen to 4 lanes and install signal at Dolan Rd	\$ 12,200	\$ -	\$ 12,200	Yes	VF	
MYC025	County	Elkhorn Road - Werner Road	Install traffic signal and construct intersection improvements	\$ 600	\$ -	\$ 600		TF	
MYC035	County	Hall Road - Sill Road	Intersection Improvements	\$ 747	\$ -	\$ 747		TF	
MYC037	County	Hall Road - Willow Road	Intersection Improvements	\$ 703	\$ -	\$ 703		TF	
MYC038	County	Hall Road - Elkhorn Road	Intersection Improvements - Improve shoulders and construct signal	\$ 1,600	\$ -	\$ 1,600		TF	
MYC048	County	Los Laureles Grade Climbing Lanes	Install climbing lanes	\$ 2,500	\$ -	\$ 2,500	Yes	VF	
MYC056	County	Monte Road Bike Path	Install bike paths	\$ 973	\$ -	\$ 973		BP	Yes
MYC058	County	Moss Landing Dunes Bike Path	Install bike path	\$ 2,673	\$ -	\$ 2,673		BP	Yes
MYC062	County	Old Stage Road	Shoulder widening and channelization at intersections	\$ 8,616	\$ -	\$ 8,616		TF	
MYC063	County	Old Stage Road Bikeway	Install Class III bikeway	\$ 37	\$ -	\$ 37		BP	Yes
MYC064	County	Pajaro River Levee to San Juan Road Bike Lanes	2000' of Class II/III on east side of road	\$ 73	\$ -	\$ 73		BP	Yes
MYC067	County	Pine Canyon & Jolon Signal	Install traffic signal	\$ 724	\$ -	\$ 724		TF	
MYC068	County	Porter Road Bike Lanes	Install bike path on bridge connect.	\$ 29	\$ -	\$ 29		BP	Yes
MYC070	County	Prunedale South. Bike lanes	Install bike path (Class II)	\$ 1,890	\$ -	\$ 1,890		BP	Yes
MYC071	County	Rail Trail	Install bikeway along rail line	\$ 350	\$ -	\$ 350		BP	Yes
MYC072	County	Reservation Road	Resurface Reservation Rd	\$ 4,124	\$ -	\$ 4,124		M	
MYC076	County	River Road Widening	Widen to 4 lanes	\$ 1,800	\$ -	\$ 1,800	Yes	VF	

Monterey County Constrained (Funded) Project List

All Figures in '000s (thousands of dollars)

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Mode	TCM
							Non-Exempt		
MYC079	County	Russell Rd Improvements	Install traffic signals at Van Buren St Intersection and Main St Intersection and widen to 4-6 lanes between US 101 and San Juan Grade	\$ 1,800	\$ -	\$ 1,800		VF	
MYC081	County	Salinas Road - Werner Road	Install traffic signal and construct intersection improvements	\$ 900	\$ -	\$ 900		TF	
MYC085	County	San Juan Grade Road Bike Lanes	Install bike lanes	\$ 950	\$ -	\$ 950		BP	Yes
MYC087	County	San Juan Road channelization and signal installation	Install traffic signal and construct intersection improvements	\$ 4,400	\$ -	\$ 4,400		TF	
MYC093	County	Carmel City Limits to Carmel River State Park Bike Lanes	Install Class II/III bikeway including River State Park Bridge	\$ 195	\$ -	\$ 195		BP	Yes
MYC094	County	Schulte Road Bridge #501	Replace Deficient Bridge	\$ 4,600	\$ -	\$ 4,600	Yes	VF	
MYC100	County	Carmel River - Point Lobos Bikeway	Install Class III bikeway	\$ 6	\$ -	\$ 6		BP	Yes
MYC103	County	Spreckels - Portola Bike Lane and Bridge	Install bike lanes	\$ 4,400	\$ -	\$ 4,400		BP	Yes
MYC108	County	Thorne Road Bridge	Construct Bridge over Arroyo Seco River	\$ 1,746	\$ -	\$ 1,746	Yes	VF	
MYC119	County	Abbott Street Overlay	Overlay Street	\$ 2,130	\$ -	\$ 2,130		M	
MYC120	County	Hall Road Overlay	Overlay Road	\$ 3,753	\$ -	\$ 3,753		M	
MYC121	County	Tarpy Rd Improvements	LT Channelization and improve shoulders	\$ 400	\$ -	\$ 400		TF	
MYC122	County	Porter Street Bridge	Improve existing bridge or provide additional crossing over Pajaro River	\$ 5,700	\$ -	\$ 5,700	Yes	VF	
MYC123	County	Spreckles Blvd Improvements	Lt Channelization and shoulder improvements	\$ 500	\$ -	\$ 500		TF	
MYC124	County	Harris Road Improvements	Lt Channelization and shoulder improvements	\$ 600	\$ -	\$ 600		TF	
MYC125	County	Espinosa Rd widening	Widen to 4 lanes and minor alignment adjustments	\$ 10,600	\$ -	\$ 10,600	Yes	VF	
MYC126	County	Natividad Rd widening	Widen to 4 lanes	\$ 1,800	\$ -	\$ 1,800	Yes	VF	
MYC127	County	San Juan Grade Rd Widening and Intersection Improvements	Widen to 4 lanes between Rogge and Crazy Horse and LT channelization Signal at Rogge and Hebert	\$ 7,500	\$ -	\$ 7,500	Yes	VF	
MYC128	County	Harris Rd (outside Rancho San Juan) improvements	Lt Channelization, minor alignment change and shoulder improvements	\$ 2,100	\$ -	\$ 2,100		TF	
MYC128	County	Old Stage Road Widening	Widen to 4 lanes between Natividad and Hebert, LT channelization, Heritage Corridor improvements between Williams and Natividad	\$ 5,800	\$ -	\$ 5,800	Yes	VF	
MYC129	County	Hebert Road widening	widen to 4 lanes	\$ 4,200	\$ -	\$ 4,200	Yes	VF	
MYC140	County	Salinas Rd Traffic Signal	Install Traffic Signal	\$ 485	\$ -	\$ 485		TF	
MYC141	County	Rossi Rd Extension	Construct new road to connect with Boronda	\$ 4,026	\$ -	\$ 4,026	Yes	VF	
MYC142	County	Boronda Rd - Calle Del Adobe Intersection Improvements	Intersection Improvements	\$ 92	\$ -	\$ 92		TF	
MYC151	County	Marina - Salinas Corridor	This project will address the roadway capacity between Marina and Salinas. It is not limited to the specific scope that was used to derive the estimated costs and will need a Project Study Report to determine the best alignment.	\$ 35,000	\$ -	\$ 35,000	Yes	VF	
DRO002	Del Rey Oaks	Carlton Drive Resurfacing	Resurface Carlton Drive	\$ 99	\$ -	\$ 99		M	
DRO003	Del Rey Oaks	Work Avenue Resurfacing	Resurface street	\$ 55	\$ -	\$ 55		M	
GON001	Gonzales	5th Street - Fano Road	Install signal improvements	\$ 270	\$ -	\$ 270		TF	
GON002	Gonzales	5th Street - US 101 #ST-02	Signal Installation/Improvements at ramps	\$ 600	\$ -	\$ 600		TF	
GON009	Gonzales	Bike Lockers	Install bike lockers	\$ 1	\$ -	\$ 1		BP	Yes
GON10	Gonzales	Bike Racks	Install Bike Racks	\$ 1	\$ -	\$ 1		BP	Yes
GON11	Gonzales	Park and Ride Lot	Construct Park and Ride Lot	\$ 100	\$ -	\$ 100		P	

Monterey County Constrained (Funded) Project List

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)				Total Project Cost	Conformity	Mode	TCM
				Constrained Funding	Unconstrained Funding	Total	Non-Exempt				
GON012	Gonzales	River Rd. Bike Lane	Construct Class II Bike Lane	\$ 5	\$ -	\$ 5				BP	Yes
GON013	Gonzales	Winery - Alta St. Bike Signs	Sign Class III Bike Lanes	\$ 3	\$ -	\$ 3				BP	Yes
GON014	Gonzales	Widen 5th St. Over US-101	Widen 5th St. over US-101 (#ST-01)	\$ 3,000	\$ -	\$ 3,000			Yes	VF	
GON015	Gonzales	Modify US-101 Interchange at Gloria Rd.	Modify US-101 Interchange at Gloria Rd. (#ST-05 and other operational improvements)	\$ 15,000	\$ -	\$ 15,000			Yes	VF	
GRN001	Greenfield	Apple Avenue Bridge over US 101	Construct new bike/pedestrian bridge parallel to existing overpass	\$ 1,548	\$ -	\$ 1,548				BP	Yes
GRN002	Greenfield	El Camino Real	Provide left turn pockets, median improvements incl. Landscaping	\$ 700	\$ -	\$ 700				TF	
GRN005	Greenfield	Thorne Road Bridge over US 101	Construct new bike/pedestrian bridge parallel to existing overpass	\$ 1,548	\$ -	\$ 1,548				BP	Yes
GRN006	Greenfield	Thorne Road roadway realignment at US 101	Realign Thorne Road and add traffic signal	\$ 5,300	\$ -	\$ 5,300			Yes	TF	
GRN007	Greenfield	Traffic Signal Installations	Install traffic signals at:	\$ 1,600	\$ -	\$ 1,600				TF	
GRN008	Greenfield	Widen Walnut Bridge at US-101	Widen Walnut Bridge to six-lanes	\$ 6,000	\$ -	\$ 6,000			Yes	VF	
GRN010	Greenfield	12th St. Bike Lanes	Construct Class II Bike lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN011	Greenfield	13th St. Bike Lanes	Construct Class II Bike Lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN012	Greenfield	2nd Ave. Bike Lanes	Construct Class II Bike Lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN013	Greenfield	3rd St. Bike Lanes	Construct Class II Bike Lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN014	Greenfield	7th St. Bike Lanes	Construct Class III Bike Lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN015	Greenfield	El Camino Real Exit Bike Lane	Construct Class III Bike Lane	\$ 1	\$ -	\$ 1				BP	Yes
GRN016	Greenfield	Elm Ave. Bike Lanes	Construct Class II Bike Lanes	\$ 1	\$ -	\$ 1				BP	Yes
GRN017	Greenfield	Pine Ave. Bike Lanes	Construct Class II	\$ 1	\$ -	\$ 1				BP	Yes
GRN018	Greenfield	Walnut Ave. Bike Lanes	Construct Class II Bike Lane	\$ 1	\$ -	\$ 1				BP	Yes
GRN019	Greenfield	Oak Avenue Pavement Overlay	Overlay Street	\$ 276	\$ -	\$ 276				M	
KCY003	King City	Bitterwater Road	Reconstruct road	\$ 1,500	\$ -	\$ 1,500				M	
KCY008	King City	Airport Rd. Bike Lane	Sign Class III	\$ 1	\$ -	\$ 1				BP	Yes
KCY009	King City	Metz Rd. Bike Lane	Stripe Class II, restripe roadway	\$ 100	\$ -	\$ 100				BP	Yes
KCY011	King City	Railroad Grade Separation	Construct RR Grade Separation and close one at-grade crossing	\$ 7,000	\$ -	\$ 7,000				R	
KCY012	King City	First Street and Bridge Rehabilitation	Rehabilitation of First Street and Bridge on First Street	\$ 2,800	\$ -	\$ 2,800				M	
KCY013	King City	South Second Street Reconstruction	Reconstruct street	\$ 639	\$ -	\$ 639				M	
FRA003	Marina	8th Street	Upgrade/construct 2-lane arterial (FORA CIP F05)	\$ 3,946	\$ -	\$ 3,946			Yes	VF	
FRA004	Marina	Abrams Road	Construct a new 2-lane arterial (FORA CIP F02)	\$ 732	\$ -	\$ 732			Yes	VF	
FRA009	Marina	California Ave - Phase II	Construct new 2-lane arterial (FORA CIP F010)	\$ 2,200	\$ -	\$ 2,200			Yes	VF	
FRA010	Marina	Crescent Court	Extend existing Crescent Court southerly to join proposed Abrams Drive on the former Fort Ord (FORA CIP off-site 8)	\$ 875	\$ -	\$ 875			Yes	VF	
FRA023	Marina	Salinas Avenue	Construct new 2 lane arterial (FORA CIP F011)	\$ 2,930	\$ -	\$ 2,930			Yes	VF	
FRA025	Marina	2nd Avenue Phase 2	Construct new arterial road (FORA CIP F08)	\$ 2,000	\$ -	\$ 2,000			Yes	VF	
FRA026	Marina	2nd Avenue Phase 3	Construct new arterial road (FORA CIP F08)	\$ 2,000	\$ -	\$ 2,000			Yes	VF	
MAR002	Marina	Imjin Parkway - 3rd Avenue Signal	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR004	Marina	2nd Ave - 1st St	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR005	Marina	2nd Ave - 3rd St	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR006	Marina	2nd Ave - 8th St	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR007	Marina	2nd Ave - 10th St	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR009	Marina	Abdy Way, Cardoza to Healy	Construct new sidewalk and pavement	\$ 300	\$ -	\$ 300				BP	Yes
MAR018	Marina	California Ave - Reservation Rd	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR019	Marina	California Ave extension	Construct new road	\$ 1,500	\$ -	\$ 1,500			Yes	VF	
MAR020	Marina	California Ave rehab	Construct new sidewalk and pavement	\$ 600	\$ -	\$ 600				M	
MAR022	Marina	California Ave - Reindollar	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR025	Marina	California Extension - 8th Ave	Install new traffic signal	\$ 250	\$ -	\$ 250				TF	
MAR030	Marina	Crescent Ave Bike Lanes, Sidewalk	Construct missing sidewalk and bike lanes	\$ 1,000	\$ -	\$ 1,000				BP	Yes

**Monterey County Constrained (Funded) Project List**

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Mode	TCM
MAR047	Marina	Imjin Parkway Widening	Widen Imjin Parkway and install new signal at Abrams Rd - Imjin Parkway	\$ 5,000	\$ -	\$ 5,000	Yes	VF	
MAR059	Marina	Pavement Mgmt. System	Evaluate pavement needs citywide	\$ 20	\$ -	\$ 20		M	
MAR064	Marina	Reservation Rd - California Signal	Install new traffic signal	\$ 208	\$ -	\$ 208		TF	
MAR112	Marina	California Ave Bike Path and Lanes	Construct bike path or lanes	\$ 300	\$ -	\$ 300		BP	Yes
MAR113	Marina	Abrams Road extension	Construct 2 lane road with bike path or lanes and sidewalk	\$ 2,000	\$ -	\$ 2,000	Yes	VF	Yes
MAR114	Marina	Del Monte Blvd. widening	Widen to 4 lanes	\$ 5,000	\$ -	\$ 5,000	Yes	VF	
MAR115	Marina	Imjin Parkway full widening	Widen from 4 lanes to 6 lanes and construct turning lanes	\$ 5,000	\$ -	\$ 5,000	Yes	VF	
MAA002	Marina Airport	Airport Land Use Plan	Update Airport Land Use Plan	\$ 150	\$ -	\$ 150		A	
MAA005	Marina Airport	Comprehensive Land Use Plan	Update Plan	\$ 35	\$ -	\$ 35		A	
MAA006	Marina Airport	Environmental Assessment	Conduct Environmental assessment for construction improvements	\$ 150	\$ -	\$ 150		A	
MAA007	Marina Airport	Exhibit "A" Update	Update Exhibit "A"	\$ 3	\$ -	\$ 3		A	
MAA012	Marina Airport	Obstruction Marking, Water Tower	Lower obstruction marking water tower	\$ 40	\$ -	\$ 40		A	
MAA013	Marina Airport	Runway Ends	Reconstruct Runway Ends	\$ 516	\$ -	\$ 516		A	
MAA018	Marina Airport	Segmented circle and windsock	Relocate segmented circle and wind sock	\$ 70	\$ -	\$ 70		A	
MAA020	Marina Airport	Taxiway A, B, C, D Lighting and Signage Improvements	Construct Taxiway A, B, C, D Lighting and Signage Improvements	\$ 814	\$ -	\$ 814		A	
MAA021	Marina Airport	Taxiway A, B, D, D overlay and markings	Install Taxiway A, B, D, D overlay and markings	\$ 680	\$ -	\$ 680		A	
MAA025	Marina Airport	West T-Hangar Drainage Improvements	Drainage Improvements (west T-Hangars)	\$ 80	\$ -	\$ 80		A	
MDR001	Mesa Del Rey Airport	Airport Master Plan	Update Airport Master Plan	\$ 35	\$ -	\$ 35		A	
MDR002	Mesa Del Rey Airport	East apron drainage system	Install east apron drainage system	\$ 175	\$ -	\$ 175		A	
MDR003	Mesa Del Rey Airport	East apron overlay	Overlay east apron	\$ 200	\$ -	\$ 200		A	
MDR004	Mesa Del Rey Airport	Overlay east TW	Overlay east TW	\$ 150	\$ -	\$ 150		A	
MDR005	Mesa Del Rey Airport	Overlay Runway	Overlay Runway	\$ 500	\$ -	\$ 500		A	
MDR006	Mesa Del Rey Airport	Pave tie down apron area	Pave tie down apron area	\$ 250	\$ -	\$ 250		A	
MDR007	Mesa Del Rey Airport	Pavement management	Pavement Maintenance Management Program	\$ 10	\$ -	\$ 10		A	
MDR008	Mesa Del Rey Airport	Rotating Beacon Light	Replace Rotating Beacon Light	\$ 30	\$ -	\$ 30		A	
MDR009	Mesa Del Rey Airport	Service Road, Clear Zone	Construct airport service road; acquire clear zone	\$ 90	\$ -	\$ 90		A	
MRY003	Monterey	Del Monte - Washington Improvements	Construct pedestrian bridge over Del Monte and traffic signal improvements	\$ 1,935	\$ -	\$ 1,935		TF	
MRY004	Monterey	Del Monte Avenue - El Estero to Sloat	Add eastbound lane from El Estero to Sloat Ave. Intersection improvements to Sloat Ave and Aguajito Ave including addition of left turn lanes and signal operations improvements.	\$ 30,000	\$ -	\$ 30,000	Yes	VF	

### Monterey County Constrained (Funded) Project List

All Figures in '000s (thousands of dollars)

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Mode	TCM
							Non-Exempt		
MRY005	Monterey	Fremont - Aguajito Intersection Improvements	Widen north leg for left turn pocket; modify signal to 8-phase operations; provide median landscaping	\$ 500	\$ -	\$ 500		TF	
MRY007	Monterey	Fremont North Improvements @ Casanova	Reconstruct intersection to realign roadway and install signal	\$ 387	\$ -	\$ 387		TF	
MRY011	Monterey	Mar Vista and Soledad Storm Drains	Extend storm drains to Mar Vista and Soledad	\$ 774	\$ -	\$ 774		M	
MRY012	Monterey	Multi-modal WAVE ITS	Install advanced traveler info kiosks and related equipment in four buses	\$ 670	\$ -	\$ 670		TDM	Yes
MRY013	Monterey	Munras Abrego - Webster Improvements	Widen roadway from 36' to 48' curb to curb w/improvements on both sides of road	\$ 650	\$ -	\$ 650		TF	
MRY014	Monterey	Pacific Street	Traffic flow and bike/ped improvements	\$ 552	\$ -	\$ 552		TF	Yes
MRY017	Monterey	Recreation Trail Improvements	Widening and rehabilitation of recreation trail	\$ 10,000	\$ -	\$ 10,000		BP	Yes
MRY026	Monterey	Window on the Bay	New bikeway and pedestrian facilities	\$ 7,000	\$ -	\$ 7,000		BP	Yes
MRY027	Monterey	Del Monte - Figueroa intersection improvements	Safety and operational improvements	\$ 750	\$ -	\$ 750		S	
MRY028	Monterey	Downtown signal ITS	Install new signal boxes and opticom signal detectors	\$ 500	\$ -	\$ 500		TF	
MRY031	Monterey	York Road Improvements	Road rehabilitation, widening, bikelanes and signal installations and modification	\$ 2,000	\$ -	\$ 2,000		MM	Yes
MRY032	Monterey	Sloat - Mark Thomas intersection improvements	New left turn lane and intersection improvements	\$ 400	\$ -	\$ 400		TF	
MRY034	Monterey	Citywide Street Overlay (Phases 1-13)	Street overlay program phases 1-13	\$ 8,880	\$ -	\$ 8,880		M	
MRY035	Monterey	Citywide Street Reconstruction (Phases 1 and 2)	Street Reconstruction (Phases 1 and 2)	\$ 1,170	\$ -	\$ 1,170		M	
MRY036	Monterey	Citywide Street Panel Replacement (Phases 1 and 2)	Street Panel Replacement (Phases 1 and 2)	\$ 1,225	\$ -	\$ 1,225		M	
MPA001	Monterey Pen Airport	10L28R Runway Extension BA/EA	Conduct environmental assessment for 10L28R extension	\$ 500	\$ -	\$ 500		A	
MPA003	Monterey Pen Airport	28L service road - BA/EA	Conduct environmental assessment for 28L service road	\$ 375	\$ -	\$ 375		A	
MPA005	Monterey Pen Airport	Airport Road extension Phase II	Airport Road extension, phase 2 connection to SR 218	\$ 1,000	\$ -	\$ 1,000		A	
MPA012	Monterey Pen Airport	Garden Rd. property acquisition	Acquire Garden Rd. property for airport offices and parking	\$ 4,000	\$ -	\$ 4,000		A	
MPA013	Monterey Pen Airport	Maintenance Department	Improve and Expand maintenance department	\$ 400	\$ -	\$ 400		A	
MPA014	Monterey Pen Airport	North airport road extension BA/EA	Conduct environmental assessment for north airport road extension	\$ 375	\$ -	\$ 375		A	
MPA015	Monterey Pen Airport	On-Airport Road Projects	CEQA process for 3 on-airport road projects	\$ 300	\$ -	\$ 300		A	
MPA017	Monterey Pen Airport	Parking lot #3 expansion	Expand parking lot #3 and overflow and employee parking expansion area	\$ 250	\$ -	\$ 250		A	
MPA018	Monterey Pen Airport	Passenger lift	Install passenger lift	\$ 350	\$ -	\$ 350		A	
MPA028	Monterey Pen Airport	Sky Park - Fred Kane Drive connection	Construct new road connecting Sky Park Drive to Fred Kane Drive	\$ 1,000	\$ -	\$ 1,000		A	
MPA034	Monterey Pen Airport	Terminal Elevator	Install elevator to upper mezzanine	\$ 300	\$ -	\$ 300		A	
MPA038	Monterey Pen Airport	Terminal Painting	Paint terminal interior and exterior	\$ 100	\$ -	\$ 100		A	
MPA039	Monterey Pen Airport	Terminal Modernization	Renovate terminal	\$ 4,300	\$ -	\$ 4,300		A	
MPA041	Monterey Pen Airport	Terminal Road Circulation Improvements	Construct Road Circulation improvements to Terminal Entrance and road	\$ 1,000	\$ -	\$ 1,000		A	
MPA043	Monterey Pen Airport	Vegetation/wildlife management plan	Create vegetation/wildlife management plan	\$ 150	\$ -	\$ 150		A	
MPA045	Monterey Pen Airport	Residential Soundproofing Phase 8	Insulate residential soundproofing, Phase 8	\$ 2,000	\$ -	\$ 2,000		A	

**Monterey County Constrained (Funded) Project List**

*All Figures in '000s (thousands of dollars)*

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Mode	TCM
							Non-Exempt		
MPA046	Monterey Pen Airport	Residential Soundproofing Phase 9	Insulate residential soundproofing, Phase 9	\$ 2,000	\$ -	\$ 2,000		A	
MPA047	Monterey Pen Airport	Residential Soundproofing Phase 10	Insulate residential soundproofing, Phase 10	\$ 2,000	\$ -	\$ 2,000		A	
MPA048	Monterey Pen Airport	Residential Soundproofing Phase 11	Insulate residential soundproofing, Phase 11	\$ 2,000	\$ -	\$ 2,000		A	
MPA049	Monterey Pen Airport	Land Acquisition Environmental Mitigation	Acquire off airport property for environmental mitigation	\$ 3,000	\$ -	\$ 3,000		A	
MPA050	Monterey Pen Airport	New Terminal Building	Construct new terminal building east of the existing terminal	\$ 8,000	\$ -	\$ 8,000		A	
MLG001	Moss Landing Harbor District	Moss Landing Area Bike Path	Construct bike path through harbor area	\$ 675	\$ -	\$ 675		BP	Yes
FRA020	MST	Fort Ord Intermodal Centers	Project includes 3 elements: 1. Intermodal Transportation Center @ 1st. Avenue South of 8th Street 2. Park and Ride Facility @ 12th Street and Imjin and 3. Park and Ride Facility @ 8th Street and Giggling (FORA CIP T22)	\$ 4,615	\$ -	\$ 4,615		T	Yes
MST001	MST	Building and Ground Equipment	Acquire new equipment	\$ 47	\$ -	\$ 47		T	Yes
MST002	MST	Bus Purchases - DART	Purchase mini-buses for replacements and growth in service	\$ 6,400	\$ -	\$ 6,400		T	Yes
MST003	MST	Bus Purchases - Fixed Route for New Growth	Purchase buses for growth in services	\$ 48,474	\$ -	\$ 48,474		T	Yes
MST004	MST	Bus Purchases - Fixed Route Replacements	Replace aging buses for fixed route service	\$ 61,600	\$ -	\$ 61,600		T	Yes
MST005	MST	Bus Purchases - RIDES	Purchase wheelchair accessible mini-buses for replacements and growth in service	\$ 5,600	\$ -	\$ 5,600		T	Yes
MST006	MST	Bus Retrofit for Clean Diesel	Retrofit buses for clean diesel operations	\$ 740	\$ -	\$ 740		T	Yes
MST007	MST	Bus Stop ADA Compliance	Improve bus stops for disabled access	\$ 6,500	\$ -	\$ 6,500		T	Yes
MST008	MST	Bus Stop/Shelters Upgrades	Upgrades and improvements to bus stops and shelters, including new benches	\$ 10,200	\$ -	\$ 10,200		T	Yes
MST009	MST	Caltrain Commuter Connection	Bus service between Salinas and Gilroy train station	\$ 860	\$ -	\$ 860		T	Yes
MST010	MST	Capital Maintenance	Minor maintenance for capital facilities	\$ 90	\$ -	\$ 90		T	Yes
MST011	MST	Capital Needs - short-term emerging	Capital purchases for administrative purposes	\$ 750	\$ -	\$ 750		T	Yes
MST013	MST	Component Overhauls - Major	Hardware and software upgrades to workstations	\$ 107	\$ -	\$ 107		T	Yes
MST014	MST	Computer replacement/upgrade	Hardware and software upgrades to workstations	\$ 107	\$ -	\$ 107		T	Yes
MST016	MST	Fort Ord Operations and Fueling Facility	Construct new operations and fueling facility at Fort Ord transit center	\$ 32,755	\$ -	\$ 32,755		T	Yes
MST017	MST	Intelligent Transportation System	Install ITS features at transit centers, including real time bus info kiosks and bus tracking devices	\$ 10,000	\$ -	\$ 10,000		T	Yes
MST019	MST	Maintenance, Tools and Shop Equipment	Purchase maintenance tools and equipment	\$ 78	\$ -	\$ 78		T	Yes
MST020	MST	Marina Transit Station	Construct transit center in Marina	\$ 4,000	\$ -	\$ 4,000		T	Yes
MST021	MST	Methane Detection System	Replacement of Equipment	\$ 35	\$ -	\$ 35		T	Yes
MST022	MST	MIS system	Upgrade to management information system	\$ 204	\$ -	\$ 204		T	Yes
MST023	MST	Monterey Transit Plaza Upgrades	Improvements to Monterey Transit Plaza	\$ 7,500	\$ -	\$ 7,500		T	Yes
MST025	MST	North County Transit Center	Construct new north county transit center	\$ 12,000	\$ -	\$ 12,000		T	Yes
MST026	MST	Office Equipment and Furnishings	Purchase new office equipment	\$ 200	\$ -	\$ 200		T	Yes
MST027	MST	Planning activities	Short-range and route planning	\$ 1,600	\$ -	\$ 1,600		T	Yes
MST029	MST	Revenue collection equipment	Install new fareboxes and related equipment	\$ 2,500	\$ -	\$ 2,500		T	Yes
MST030	MST	Safety/Security/Customer/ADA enhancements	Upgrades of safety, security and ADA facilities at transit station	\$ 13,500	\$ -	\$ 13,500		T	Yes
MST032	MST	Salinas Transit Center Employee Enhancements	Improve employee facilities at Salinas transit center	\$ 500	\$ -	\$ 500		T	Yes
MST033	MST	Salinas Transit Center Improvements	Construct improvements at the existing center, including landscaping and beautification (TEA)	\$ 350	\$ -	\$ 350		T	Yes
MST034	MST	Service - Existing Fixed Route	Existing fixed route operations	\$ 416,000	\$ -	\$ 416,000		T	Yes
MST035	MST	Service - Existing Paratransit	Existing paratransit operations	\$ 38,792	\$ -	\$ 38,792		T	Yes

**Monterey County Constrained (Funded) Project List**

*All Figures in '000s (thousands of dollars)*

RTP Id	Agency	Project Title	Project Description	Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Non-Exempt	Mode	TCM
MST038	MST	South County Transit Center	Construct new south county transit center	\$ 12,000	\$ -	\$ 12,000			T	Yes
MST039	MST	Traffic Signal Pre-emption	Traffic Signal Pre-emption and organization	\$ 215	\$ -	\$ 215			T	Yes
MST040	MST	Transit Signs	Replace and/or purchase new signs	\$ 38	\$ -	\$ 38			T	Yes
MST042	MST	Salinas Intermodal Center	Construct new intermodal Center at Train Station	\$ 8,183	\$ -	\$ 8,183			T	Yes
MST045	MST	Replace support vehicles	Replace two bus stop service vehicles and on RU	\$ 120	\$ -	\$ 120			T	Yes
MST046	MST	Add support vehicle	One vehicle to be used in bus stop shelter cleaning	\$ 35	\$ -	\$ 35			T	Yes
MST047	MST	Replace steam cleaners	Replace steam cleaners and steam cleaner recycling systems	\$ 65	\$ -	\$ 65			T	Yes
MST048	MST	Upgrade City of Monterey CARS station	Upgrade City of Monterey CARS station	\$ 82	\$ -	\$ 82			T	Yes
MST049	MST	Portable hoists	Replace or add 3 portable hoists	\$ 105	\$ -	\$ 105			T	Yes
MST050	MST	Standby/emergency generators	Replace Standby/emergency generators	\$ 87	\$ -	\$ 87			T	Yes
MST051	MST	Repaint buses	Repaint nine 1000 series buses and four 800 series buses	\$ 110	\$ -	\$ 110			T	Yes
MST052	MST	Facility improvements	Improvements to both TDA and CJW facilities	\$ 44	\$ -	\$ 44			T	Yes
MST053	MST	Bus brake drum lathes	Replace Bus brake drum lathes	\$ 100	\$ -	\$ 100			T	Yes
MST054	MST	Upgrade bus washers	Upgrade bus washers, wheel cleaners and air dryers	\$ 35	\$ -	\$ 35			T	Yes
MST055	MST	Refurbish historical bus #80	Refurbish bus	\$ 24	\$ -	\$ 24			T	Yes
MST056	MST	Refurbish historical bus #93	Refurbish bus	\$ 42	\$ -	\$ 42			T	Yes
MST057	MST	TDA bus Yard rehabilitation	Patch pavement and restripe	\$ 15	\$ -	\$ 15			T	Yes
MST058	MST	Miscellaneous bus and infrastructure upgrades and repairs	0	\$ 2,900	\$ -	\$ 2,900			T	Yes
PGV002	Pacific Grove	Congress Ave. Sidewalks	Construct curb, gutter, and sidewalks	\$ 350	\$ -	\$ 350			BP	Yes
PGV003	Pacific Grove	Eardley - Central Ave. Signal installation	Install new signal	\$ 250	\$ -	\$ 250			TF	
PGV005	Pacific Grove	Lighthouse Ave. Resurfacing	Resurface Street	\$ 500	\$ -	\$ 500			M	
PGV006	Pacific Grove	Patterson Lane Sidewalks	Install Sidewalk, curb, and gutter	\$ 200	\$ -	\$ 200			BP	Yes
PGV010	Pacific Grove	SR 68 - Bishop to Sunset	Mobility Improvements including sidewalks, lighting, landscaping, and roadways overlay	\$ 10,502	\$ -	\$ 10,502			MM	
PGV011	Pacific Grove	Recreational Trail Repairs	Repair failing sections of recreational trail	\$ 1,000	\$ -	\$ 1,000			BP	Yes
RWD009	Regionwide	Prop 42 Region Wide Road Maintenance	Road Maintenance	\$ 202,048	\$ -	\$ 202,048			M	
RWD010	Regionwide	Congestion Mitigation & Air Quality Program (CMAQ)	Future Congestion Mitigation & Air Quality Program (CMAQ) funds	\$ 63,810	\$ -	\$ 63,810			BP	Yes
RWD011	Regionwide	Safe Routes to School (SR2S)	Future Safe Routes to School (SR2S) funds	\$ 9,501	\$ -	\$ 9,501			BP	Yes
RWD012	Regionwide	Roadway Maintenance	Local Maintenance for streets and roads	\$ 540,834	\$ -	\$ 540,834			M	
RWD013	Regionwide	Airport Safety Improvements	Unspecified local airport improvements	\$ 69,300	\$ -	\$ 69,300			A	
SNS003	Salinas	ADA Access Ramp Installations	Install ADA access ramp locations throughout city, annual project	\$ 4,800	\$ -	\$ 4,800			BP	Yes
SNS004	Salinas	Airport Boulevard Improvements	Widen Airport Blvd. From Elks Lodge to US 101 and extend bike lanes	\$ 245	\$ -	\$ 245	Yes	MM	Yes	
SNS006	Salinas	Alvin Drive - SR101 overpass/underpass and Bypass	Construct overpass/underpass and 4 lane street structure	\$ 14,000	\$ -	\$ 14,000	Yes	VF		
SNS007	Salinas	Alvin Drive Bike Lanes	Install bike lanes along Alvin between McKinnon and Natividad	\$ 86	\$ -	\$ 86			BP	Yes
SNS011	Salinas	Boronda - Main Improvements	Construct interchange improvements and widen road by 12' for 200'	\$ 231	\$ -	\$ 231	Yes	VF		
SNS012	Salinas	Boronda Rd. Widening	Widen to 6 lanes from San Juan Grade Rd to Williams Rd.	\$ 15,671	\$ -	\$ 15,671	Yes	VF		
SNS013	Salinas	Boronda Road Widening	Widen to 6 lanes from San Juan Grade Rd. to Natividad Rd.	\$ 6,000	\$ -	\$ 6,000	Yes	VF		
SNS014	Salinas	Bridge Street Bike Lanes	Install bike lanes along entire length of Bridge Street	\$ 419	\$ -	\$ 419			BP	Yes
SNS018	Salinas	Davis Road Bike Lanes	Install bike lanes from Central to Blanco Road	\$ 500	\$ -	\$ 500			BP	Yes
SNS019	Salinas	Davis Road Bike Path	Install .57 mile bike path	\$ 350	\$ -	\$ 350			BP	Yes

Monterey County Constrained (Funded) Project List

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)				Mode	TCM
				Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity Non-Exempt		
SNS020	Salinas	Davis Road (North) Landscaping	Install Landscaping on (North) Davis Road	\$ 195	\$ -	\$ 195		O	
SNS022	Salinas	East Salinas, reconstruct streets	Reconstruct various streets in East Salinas	\$ 1,740	\$ -	\$ 1,740		M	
SNS024	Salinas	Elvee Drive	Construct 44' wide culvert and extend two lanes between Work to Elvee	\$ 1,407	\$ -	\$ 1,407	Yes	VF	
SNS026	Salinas	Harkins Rd., Salinas Road Xing Improvements	Construct at-grade improvements at RR Crossings	\$ 290	\$ -	\$ 290		TF	
SNS031	Salinas	Kip Drive	Install .15 mile bike path from Chaparral to end of Kip	\$ 200	\$ -	\$ 200		BP	Yes
SNS032	Salinas	Laurel Drive - Davis road Signal Interconnect	Install signal interconnect to coordinate traffic signals	\$ 40	\$ -	\$ 40		TF	Yes
SNS034	Salinas	Laurel Drive West Widening	Widen from 2 lanes to 4 lanes from N Main Street to Adam St	\$ 1,687	\$ -	\$ 1,687	Yes	VF	
SNS036	Salinas	Main Street (North) Bike Lanes	Install bike lanes from San Juan Grade to Alvin	\$ 890	\$ -	\$ 890		BP	Yes
SNS037	Salinas	Main Street (North) Widening	Widen to 6 lanes from Market to Casentini	\$ 5,520	\$ -	\$ 5,520	Yes	VF	
SNS038	Salinas	Main St. South and Blanco Intersection Improvements	Modify median and curb, gutter and sidewalk for dual left and dedicated right turn lane	\$ 452	\$ -	\$ 452		TF	
SNS039	Salinas	Main Street (Downtown) Parking Garage	Construct a parking garage at 100 block of Main Street	\$ 7,000	\$ -	\$ 7,000		P	
SNS040	Salinas	Martella and Preston Streets	Reconstruction of deteriorated streets	\$ 650	\$ -	\$ 650		M	
SNS042	Salinas	Natividad - Laurel Intersection	Widen intersection to add one right turn lane	\$ 490	\$ -	\$ 490		TF	
SNS048	Salinas	Romie Lane Widening	Widen from 2 lanes to 4 lanes between S. Main to East of California Street	\$ 1,218	\$ -	\$ 1,218	Yes	VF	
SNS050	Salinas	Russell Rd Widening	Widen Street from US 101 to San Juan Grade Rd	\$ 1,700	\$ -	\$ 1,700	Yes	VF	
SNS051	Salinas	Sanborn - Elvee - Work - Terven Signal Interconnect	Install Signal Interconnect to coordinate traffic signals	\$ 40	\$ -	\$ 40		TF	Yes
SNS053	Salinas	San Juan Grade Widening	Widen from 2 to 4 lanes	\$ 3,821	\$ -	\$ 3,821	Yes	VF	
SNS059	Salinas	Williams Road Widening	Widen from 2 to 4 lanes	\$ 4,473	\$ -	\$ 4,473	Yes	VF	
SNS062	Salinas	Arcadia Way Bike route	Install Class III Bikeway signage	\$ 3	\$ -	\$ 3		BP	Yes
SNS064	Salinas	Calle Del Adobe / West Laurel Dr Bikelanes	Install Class II Bikelanes	\$ 156	\$ -	\$ 156		BP	Yes
SNS065	Salinas	Carr Lake Bikeways	Construct Class I and Class II Bikeways	\$ 5,000	\$ -	\$ 5,000		BP	Yes
SNS066	Salinas	East Alisal St (Future St) and Freedom Parkway (Future St) Bikelanes	Install Class II bikelanes	\$ -	\$ -	\$ -		BP	Yes
SNS069	Salinas	Hemingway Drive Bikelanes	Install Class II Bikelanes	\$ 8	\$ -	\$ 8		BP	Yes
SNS070	Salinas	Highway 68 - South Main Bikelanes	Install Class II bikelanes	\$ 78	\$ -	\$ 78		BP	Yes
SNS071	Salinas	John Street Class III Bikeway	Install Class III bikeway signage	\$ 5	\$ -	\$ 5		BP	Yes
SNS073	Salinas	Market Street Class III Bikeway	Install Class III bikeway signage	\$ 1	\$ -	\$ 1		BP	Yes
SNS074	Salinas	Moffett St Class III Bikeway	Install Class III bikeway signage	\$ 6	\$ -	\$ 6		BP	Yes
SNS075	Salinas	N Madera / King St Class III Bikeway	Install Class III bikeway signage	\$ 1	\$ -	\$ 1		BP	Yes
SNS076	Salinas	N Madera / Saint Edwards Ave Class III Bikeway	Install Class III bikeway signage	\$ 5	\$ -	\$ 5		BP	Yes
SNS078	Salinas	Natividad Creek Bike Path	Install new bike path	\$ 680	\$ -	\$ 680		BP	Yes
SNS081	Salinas	Rossi St Class II Bikelanes	Install Class II Bikelanes	\$ 300	\$ -	\$ 300		BP	Yes
SNS082	Salinas	Rossi Street (9122) Class II Bikelane	Install Class II Bikelanes	\$ 448	\$ -	\$ 448		BP	Yes
SNS083	Salinas	Russell Rd Class II Bikelanes	Install Class II Bikelanes	\$ 155	\$ -	\$ 155		BP	Yes
SNS084	Salinas	San Juan Grade Class II Bikelanes	Install Class II Bikelanes	\$ 230	\$ -	\$ 230		BP	Yes
SNS085	Salinas	Schilling PI Class III Bikeway	Install Class III bikeway signage	\$ 4	\$ -	\$ 4		BP	Yes
SNS088	Salinas	Towt St Class III Bikeway	Install Class III bikeway signage	\$ 2	\$ -	\$ 2		BP	Yes
SNS090	Salinas	Russell Road Extension	Extend 4 lane arterial	\$ 17,557	\$ -	\$ 17,557	Yes	VF	
SNS092	Salinas	San Juan - Natividad Collector	Construct an east - west 2 lane collector roadway	\$ 3,635	\$ -	\$ 3,635	Yes	VF	
SNS093	Salinas	Independence Boulevard Extension	Extend as 2 lane collector	\$ 1,374	\$ -	\$ 1,374	Yes	VF	
SNS095	Salinas	Constitution Boulevard Extension	Construct 4 lane street	\$ 9,556	\$ -	\$ 9,556	Yes	VF	
SNS096	Salinas	Sanborn Road Extension	Construct 4 lane arterial	\$ 6,895	\$ -	\$ 6,895	Yes	VF	
SNS097	Salinas	Williams Russell Collector	Construct new north - south connection	\$ 8,115	\$ -	\$ 8,115	Yes	VF	
SNS098	Salinas	Alisal Street Extension	Extend as 2 lane collector street with bike lanes	\$ 5,119	\$ -	\$ 5,119	Yes	MM	Yes
SNS099	Salinas	Moffett Street Extension	Extend as 4 lane collector	\$ 3,336	\$ -	\$ 3,336	Yes	VF	
SNS100	Salinas	Rossi Street Widening	Widen to 4 Lanes	\$ 1,231	\$ -	\$ 1,231	Yes	VF	

**Monterey County Constrained (Funded) Project List**

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)				Mode	TCM
				Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity Non-Exempt		
SNS101	Salinas	Bernal Drive Extension	Extend as 4 lane arterial	\$ 6,976	\$ -	\$ 6,976	Yes	VF	
SNS102	Salinas	Constitution Boulevard Extension	Construct new 2 lane street	\$ 3,403	\$ -	\$ 3,403	Yes	VF	
SNS103	Salinas	Williams Road Widening	Widen from 3 to 4 lanes	\$ 2,975	\$ -	\$ 2,975	Yes	VF	
SNS104	Salinas	Alisal Street Widening	Widen from 2 to 4 lanes	\$ 2,908	\$ -	\$ 2,908	Yes	VF	
SNS105	Salinas	Abbott Street Improvements	Improve street surfacing and add bike lanes	\$ 1,381	\$ -	\$ 1,381		BP	Yes
SNS106	Salinas	Alisal Street Improvements	Add left turn channelizations at major intersections	\$ 33	\$ -	\$ 33		TF	
SNS107	Salinas	John Street Improvements	Add left turn channelization and eliminate on street parking	\$ 766	\$ -	\$ 766		TF	
SNS108	Salinas	Laurel Drive Widening	Widen to 6 lanes and add left turn channelization east of Constitution	\$ 2,161	\$ -	\$ 2,161	Yes	VF	
SNS109	Salinas	San Juan Grade - Russell Rd intersection improvements	Install Signal	\$ 371	\$ -	\$ 371		TF	
SNS110	Salinas	San Juan Grade - Boronda Rd intersection improvements	Install signal	\$ 737	\$ -	\$ 737		TF	
SNS111	Salinas	Boronda Rd - Natividad Rd intersection improvements	Install Signal	\$ 542	\$ -	\$ 542		TF	
SNS112	Salinas	Boronda Rd -East Constitution intersection improvements	Install Signal	\$ 546	\$ -	\$ 546		TF	
SNS113	Salinas	Boronda Rd - Sanborn Rd intersection improvements	Install Signal	\$ 501	\$ -	\$ 501		TF	
SNS114	Salinas	Boronda Rd - Williams Rd intersection improvements	Install Signal	\$ 490	\$ -	\$ 490		TF	
SNS115	Salinas	Natividad Rd - Russell Rd intersection improvements	Install Signal	\$ 440	\$ -	\$ 440		TF	
SNS116	Salinas	Sanborn Rd - Alisal Street intersection improvements	Install Signal	\$ 218	\$ -	\$ 218		TF	
SNS119	Salinas	Sanborn Rd. Improvement Project	Reconstruct failed pavement, widen and restripe for third northeast-bound through lane	\$ 3,014	\$ -	\$ 3,014	Yes	VF	
SNS120	Salinas	Salinas ITC Station Improvements	Upgrades to passenger terminal and freight buildings	\$ 1,200	\$ -	\$ 1,200		R	
SNS121	Salinas	McKinnon Street Extension	Extend 2 lane collector	\$ 3,710	\$ -	\$ 3,710	Yes	VF	
SAP022	Salinas Airport	T-Hangar Taxiways (Phase II)	Construction of new taxiways-East Area hangars	\$ 1,746	\$ -	\$ 1,746		A	
SAP023	Salinas Airport	VORTAC Relocation	Relocation of VORTAC off-airport	\$ 972	\$ -	\$ 972		A	
SAP025	Salinas Airport	Runway 13/31 Overlay (constr)	Construct overlay of Runway 13/31	\$ 1,500	\$ -	\$ 1,500		A	
SAP026	Salinas Airport	Master Plan Env'l Assessment	Perform NEPA/CEQA environmental process	\$ 300	\$ -	\$ 300		A	
SAP027	Salinas Airport	East Area Development	Construction of East Area infrastructure	\$ 3,500	\$ -	\$ 3,500		A	
SAP028	Salinas Airport	Miscellaneous	Placement of reflectors, directional signs, various locations on airport	\$ 52	\$ -	\$ 52		A	
SAP029	Salinas Airport	Avigation Easement Acquisition; RPZ	Acquisition of aviation easements for Rwy 8, Rwy13 Runway Protection Zones	\$ 30	\$ -	\$ 30		A	
SAP030	Salinas Airport	T-Hangar Taxiways (Phase I)	Engineering for new taxiways-East Area	\$ 300	\$ -	\$ 300		A	
SAP031	Salinas Airport	North -Hangar Twy Reconstruction (Phase I)	Engineering for reconstruction of all taxiways in the North Area of the Airport	\$ 47	\$ -	\$ 47		A	
SAP032	Salinas Airport	North T-Hangar Utilities Reconstruction (Phase I)	Engineering for replacement of water, sewer, storm water facilities in the North Area of the Airport	\$ 25	\$ -	\$ 25		A	
SAP033	Salinas Airport	Airport Gate/Fencing Upgrades (Phase II)	Engineering for four emergency generators for airport access gates	\$ 36	\$ -	\$ 36		A	
SAP034	Salinas Airport	North T-Hangar Taxiway Reconstruction (Phase II)	Reconstruction of all taxiways in Airport North Area (construction)	\$ 203	\$ -	\$ 203		A	

**Monterey County Constrained (Funded) Project List**

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)					Mode	TCM
				Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Non-Exempt		
SAP035	Salinas Airport	North T-Hangar Utilities Reconstruction (Phase II)	Reconstruct North T-Hangar water, sewer, storm water facilities (construction)	\$ 120	\$ -	\$ 120			A	
SAP036	Salinas Airport	Airport Gate/Fencing Upgrades (Phase III)	Construction of additional emergency generators for airport access gates	\$ 163	\$ -	\$ 163			A	
SCY003	Sand City	California - Playa Signal	Install new traffic signal	\$ 225	\$ -	\$ 225			TF	
SCY008	Sand City	Bike Racks	Install Bicycle racks and other conveniences improvements	\$ 20	\$ -	\$ 20			BP	Yes
SCY009	Sand City	Bike path Lighting	Install Lighting on existing Class I path	\$ 325	\$ -	\$ 325			BP	Yes
SCY012	Sand City	Class III bikeways	Install Class III bikeway signage	\$ 15	\$ -	\$ 15			BP	Yes
SCY013	Sand City	California Avenue Pavement Overlay	Overlay street	\$ 156	\$ -	\$ 156			M	
SCY014	Sand City	Contra Costa Realignment	Realign Contra Costa to at Del Monte	\$ 500	\$ -	\$ 500			TF	
SCY015	Sand City	Tioga widening	Widen Tioga at Del Monte	\$ 600	\$ -	\$ 600	Yes		VF	
FRA015	Seaside	Eucalyptus Road	Upgrade to 2-lane collector (FORA CIP FO12)	\$ 3,498	\$ -	\$ 3,498	Yes		VF	
FRA017	Seaside	General Jim Moore Blvd.	Widen from 2 lanes to 4 lanes from Normandy to Coe, and rehab two lane road from Coe to Rte 218 (FORA CIP FO9)	\$ 12,040	\$ -	\$ 12,040	Yes		VF	
SEA005	Seaside	Fremont - Broadway	Roadway improvements, utility relocation, ADA ramps, landscaping and signal upgrade	\$ 387	\$ -	\$ 387			MM	
SEA006	Seaside	Fremont and Del Monte interconnect upgrades	Battery backup, street signs, cabinet replacement @ 11 intersections, overlay and conduits	\$ 3,975	\$ -	\$ 3,975			TF	
SEA010	Seaside	Class I along Railroad	Install Class I bike path	\$ 150	\$ -	\$ 150			BP	Yes
SEA016	Seaside	General Jim Moore Blvd/Coe Ave-Eucalyptus Rd Improvements	Consider realigning Coe Ave and Eucalyptus Rd to create a four-legged intersection with General Jim Moore Blvd. Traffic signalization may be warranted.	\$ 400	\$ -	\$ 400	Yes		TF	
SEA017	Seaside	General Jim Moore Blvd/San Pablo improvements	New signal and channelization	\$ 500	\$ -	\$ 500			TF	
SEA018	Seaside	General Jim Moore Blvd/Broadway Ave	New signal and channelization	\$ 400	\$ -	\$ 400			TF	
SEA019	Seaside	General Jim Moore Blvd/Hilby Ave improvements	New signal and channelization	\$ 500	\$ -	\$ 500			TF	
SEA020	Seaside	1st Ave/Lightfighter Dr improvements	Modify Signal and intersection improvements	\$ 300	\$ -	\$ 300			TF	
SEA022	Seaside	2nd Ave/Seaside Development Parcel	New Signal and channelization	\$ 200	\$ -	\$ 200			TF	
SEA023	Seaside	2nd Ave/1st St improvements	New signal and channelization	\$ 200	\$ -	\$ 200			TF	
SEA024	Seaside	Del Monte Blvd/Tioga Ave improvements	Modify existing channelization and signal to add a fourth leg as new access to the Seaside Auto Mall.	\$ 250	\$ -	\$ 250	Yes		TF	
SEA025	Seaside	Del Monte Blvd/Auto Mall Entrance improvements	Signalization and channelization. Should function as one of the primary entrances to the Auto Mall.	\$ 200	\$ -	\$ 200			TF	
SEA026	Seaside	Del Monte Boulevard improvements	Implement channelization improvements at specific intersections and Del Monte Rehab	\$ 5,000	\$ -	\$ 5,000			TF	
SEA027	Seaside	Fremont Boulevard Signal Installation	Install signal interconnect conduit	\$ 500	\$ -	\$ 500			TF	Yes
SEA028	Seaside	West Broadway Ave Corridor improvements	Corridor rehabilitation including intersection improvements, bikeways, road rehab	\$ 5,000	\$ -	\$ 5,000			M	Yes
SOL001	Soledad	East-Front Street Signals	Install new traffic signal	\$ 125	\$ -	\$ 125			TF	
SOL007	Soledad	Bicycle Racks and Lockers	Install Bicycle Racks and Lockers	\$ -	\$ -	\$ -			BP	Yes
SOL009	Soledad	Front Street Realignment (Fee Program #1)	Realign Front Street to new Gablin Dr US 101 ramps (Fee Program #1)	\$ 1,630	\$ -	\$ 1,630	Yes		TF	

**Monterey County Constrained (Funded) Project List**

RTP Id	Agency	Project Title	Project Description	All Figures in '000s (thousands of dollars)					Mode	TCM
				Constrained Funding	Unconstrained Funding	Total Project Cost	Conformity	Non-Exempt		
SOL016	Soledad	Gabilin Dr - US 101 connection (Fee Program #7)	Realign interchange ramps at Gabilin Dr - Front Street and US 101	\$ 3,900	\$ -	\$ 3,900	Yes	VF		
SOL023	Soledad	Front Street widening (Fee Program #14)	Widen front street to 4 lanes	\$ 2,955	\$ -	\$ 2,955	Yes	VF		
SOL024	Soledad	South Soledad interchange (Fee Program #15)	Realign US 101 interchange ramps at S. Front Street interchange	\$ 2,600	\$ -	\$ 2,600	Yes	TF		
SOL025	Soledad	Park and Ride Lot	Construct park and ride lot	\$ 262	\$ -	\$ 262		BP	Yes	
TAM001	TAMC	Rural Planning	Funds for staff to oversee administration of funds and to conduct planning activities	\$ 6,890	\$ -	\$ 6,890		O		
TAM006	TAMC	Castroville Rail Station	Construct new platform and park and ride lot where tracks intersect with Castroville Blvd.	\$ 11,150	\$ -	\$ 11,150		R		
TAM007	TAMC	Commuter Rail Operations	Operating Costs to run two round trips per day between Gilroy and Salinas; to increase to four trips within 10 years	\$ 64,900	\$ -	\$ 64,900	Yes	R		
TAM009	TAMC	Commuter Rail Track Access	Track improvements between Gilroy and Salinas in order to operate commuter rail service	\$ 5,000	\$ -	\$ 5,000		R		
TAM011	TAMC	Freeway Service Patrol	Annual Operating Costs for tow truck services on SR 1 (SR 68 west to SR156) US 101 (Boronda Rd. to San Benito Co. Line)	\$ 4,420	\$ -	\$ 4,420		TF		
TAM012	TAMC	Gilroy Yard Improvements	Construct improvements to Gilroy Yard required to accommodate rail service to Salinas	\$ 3,170	\$ -	\$ 3,170		R		
TAM013	TAMC	Monterey Bay Rail Stations	Construct new platform and stations	\$ 7,500	\$ -	\$ 7,500		R		
TAM014	TAMC	Monterey Branch line grade crossing improvements	At-grade improvements and signals along Monterey branch Line road crossings	\$ 2,520	\$ -	\$ 2,520		R		
TAM016	TAMC	Pajaro Rail Station	Construct new platform and parking near Salinas Rd; Rehabilitate and/or relocate station building; relocate tracks for connection to Santa Cruz County rail service	\$ 11,585	\$ -	\$ 11,585		R		
TAM018	TAMC	Project Monitoring	5% Planning, Programming, and Monitoring funds from the STIP to monitor project delivery	\$ 13,000	\$ -	\$ 13,000		O		
TAM023	TAMC	SAFE Program Operations	Annual operating and maintenance costs for callbox program on state highways	\$ 8,450	\$ -	\$ 8,450		S		
TAM024	TAMC	Salinas Station	Construct layover facility at West Market Street; construct additional commuter parking at Station Place	\$ 31,577	\$ -	\$ 31,577		R		
TAM029	TAMC	Railroad Grade Crossing improvements	upgrade multiple grade crossings with cement panel surfaces and replace signal controls and gates	\$ 1,800	\$ -	\$ 1,800		R		
TAM030	TAMC	Sales Tax Project Management	Management of Sales Tax projects	\$ 9,800	\$ -	\$ 9,800		O		
TAM031	TAMC	Sales Tax Salaries and Benefits	Sales Tax Administration	\$ 3,500	\$ -	\$ 3,500		O		

Total Funding: \$ 4,174,115 \$ - \$ 4,174,115