



July 31, 2019

via email to: comments@valleylinkrail.com

Tri-Valley – San Joaquin Valley Regional Rail Authority (Authority)
Attn: Valley Link Rail Project
1362 Rutan Court, Suite 100
Livermore, CA 94551

RE: Draft Feasibility Report Comments

To Whom It May Concern:

On behalf of our members in both Alameda and San Joaquin Counties, the Sierra Club submits these comments and questions regarding the Draft “Feasibility Report” (the Report) prepared in response to AB 758 (Chapter 747, Statutes of 2017) regarding the proposed Valley Link Rail Project (hereinafter the Project).

We have previously written to you regarding the Notice of Preparation for the Draft Environmental Impact Report (EIR) for the proposed Project. Our concerns, questions, and observations in that letter, dated October 15, 2018, remain in full force and effect. A copy of today’s letter is being sent to all of the entities required by AB 758 to receive the Report upon its “completion and approval.”

Please note that the undersigned Eric Parfrey is a retired city planner and has lived in Stockton for nearly 30 years, and has previously worked in both the Central Valley and the Bay Area. The undersigned Matt Williams is a former elected transit agency Board member and was on the Board of the Alameda County Congestion Management Agency.

We note that AB 758 calls for “transit connectivity between BART’s rapid transit system and the Altamont Corridor Express rail service in the Tri-Valley” (emphasis added). Despite the name assigned to the Authority, nothing requires a rail transit connection, or the extension or expansion of any service into-or-from the Central Valley. The Report’s rush-to-judgment in favor of a Rail project, and its perfunctory dismissal of a Bus alternative, do not pass the “smell test” of objectivity, and they endanger the credibility of the EIR, which as we previously stated, may be subject to legal challenge.

General Comments and Questions

The general dictionary definition of “feasible” includes concepts such as “capable of being done, effected, or accomplished; probable, likely; and/or suitable.” Despite the title of the subject document, the “Feasibility Report” recently made available for public comment is deficient on basically all accounts, by failing to incorporate essential characteristics such as whether it is realistic and reasonable.

Although the Report’s Table of Contents matches the required elements of AB 758, the document seriously lacks any analysis that has not previously been presented to the Authority Board. The Sierra Club does not support the approach or conclusions of the “Feasibility Report” or its determination to move a rail project forward. It is our hope that the DEIR and its resulting EIR will be a more serious, substantive, inclusive, and compliant document. A credible public process must overcome the premature July 2018 decision by the Authority Board to adopt a “Purpose and Need” and a “Preferred Alternative” before any substantive information was available.

Financial Issues

The Report acknowledges, straightforwardly, that there is a funding gap to implement the proposed Project. How does this support “feasibility?” How will the proposed Project be economically, environmentally, and politically sustainable?

In particular, the “Funding & Finance Plan” for the Report assumes a “HIGH” Likelihood that Alameda County Measure BB funds designated for “BART to Livermore” can be reallocated to Valley Link (see especially pages 683-686 of the PDF). Since this is not what was approved by voters, it would presumably involve a request for an amendment to the Transportation Expenditure Plan (TEP). The lack of support for Measure BB by Tri-Valley voters does not ensure that they are automatically entitled to the majority of benefits of any “re-allocated” funds.

For Alameda County, Measure BB funds for BART-to-Livermore are subject to the voter-approved condition that:

“This project funds the first phase of a BART Extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange using the most effective and efficient technology. Funds for construction for any element of this first phase project shall not be used until full funding commitments are identified and approved, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternative assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.”

Even though the BART Board declined in May 2018 to proceed with that extension, it should be assumed that any potential “reallocation” must be subject to the same provisions. The Report does not provide supporting evidence of compliance with the needed conditions, including but not limited to full funding and environmental clearance.

Further, there is no guarantee, or even implication, that the funds should be transferred to a rail project, especially one that promotes interregional travel. Specifically, Implementing Guideline #22 of the Measure BB TEP requires in relevant part that:

“Should a planned project become undeliverable, infeasible, or unfundable due to circumstances unforeseen at the time the Plan was created, . . . funding for that project will be reallocated to another project or program of the same type, such as Transit, Streets, Highways, Community Development Investments, or Bicycle and Pedestrian Safety, at the discretion of Alameda CTC.”

For these purposes, the “Transit” type includes the full range of BART, Bus, Senior, and Youth Transit. Such funds are not restricted to any particular “Investment Category” as laid out in the TEP. Therefore, a wide range of options for reallocation of these funds should be considered to answer the question – what is in the best interest of the people of Alameda County?

In addition, the costs assigned to the proposed rail Project and service make it further questionable. Just using the simple summary of “Ridership and Cost Estimates” on page 151 of the PDF (Section 3 of the Report) shows projected operating and maintenance costs per passenger trip as of baseline 2025 of \$9.64 for Phase 1 Rail, but only \$2.50 for the Bus Alternative. The estimated capital cost for Rail is more than 4 times that of Bus, for fewer than double the number of estimated passengers. Given that the Report also estimates a farebox recovery of “over 40%,” how is this financially feasible for taxpayers who would be expected to support the subsidies? Even the memo entitled “Valley Link Ridership, Revenue, and Benefits Technical Memorandum” indicates that, for the modeled ridership and fares, “it is possible that these revenue estimates could overstate the actual fare revenue for the service.”

Transportation and Environmental Issues

If successful, the proposed Project may possibly decrease auto traffic in the subject Corridor. But other alternatives, especially to SOV usage, are available and should be fully considered and evaluated for public and decisionmaker review. While this is an essential task for the EIR, the current Report does a disservice by dismissing a robust Bus alternative. Further, the proposed rail Project relies far too heavily on auto access to parking at stations. At least one reference therein relies on a continuance of a 2014 ACE Study that assumed that “approximately 72% of Valley Link riders would drive to/from stations.” This is excessive, and would result in deleterious levels of vehicle cold starts, and in generally poor air quality areas. Instead, why not rely on robust local transit services and active transportation programs?

As noted in our Scoping comments last year, we continue to await a response to how this Project complies with the policies of SB 375 (Chapter 728, Statutes of 2008) to discourage inter-regional commutes, and to develop Sustainable Communities Strategies whereby people can reduce VMTs and GHGs by living and working in localized areas. How does the Valley Link proposal not violate MTC's 2014 Settlement Agreement with the Building Industry Association Bay Area to have the Regional Transportation Plan "have no increase in in-commutes?" Since the Report does not quantify the sprawl-inducing impacts likely to be fostered by Valley Link's expansionary tendencies, the EIR must do so.

Conclusion

The Sierra Club requests evaluations and documentation regarding all of the issues noted above. The comprehensiveness and reasonableness deficiencies of the Report must be addressed by the forthcoming DEIR. We urge that it be more objective than this subject Report.

If you have any questions or desire information regarding these comments and questions, please contact Eric Parfrey or Matt Williams at the e-mail addresses or phone numbers listed below.

Sincerely,

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