

**MEMORANDUM**

**ITEM IV-B**

**DATE:** June 21, 2017

**TO:** MCTC Policy Board

**FROM:** Dylan Stone, Regional Planning Supervisor  
Madera County Transportation Commission

**RE:** Addendum Environmental Impact Report – Amendment No. 1 and 2014 Madera County Regional Transportation/Sustainable Communities Strategy – Resolution 14-07 Amendment No.1

**I. Requested Action:**

Adopt Addendum to Environmental Impact Report and Approve Amendment Number 1 to the 2014 Madera County Regional Transportation/Sustainable Communities Strategy– Resolution 14-07 Amendment No.1

**II. Summary:**

The Madera County Transportation Commission (MCTC) has prepared an Amendment to the previously adopted 2014 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The Amended RTP/SCS is accompanied by an Addendum to the previously certified Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). More specifically, the amended RTP/SCS utilizes the same project list and Federal air quality conformity findings as documented in the 2016 Federal Transportation Improvement Program and Corresponding Conformity Analysis, and does not propose any changes in the RTP/SCS land use scenarios. The only change to the RTP/SCS is to confirm that, based on updated modeling and calibration efforts undertaken in consultation with the California Air Resources Board (CARB), the RTP/SCS will achieve the Greenhouse Gas reduction targets set by CARB under Senate Bill 375. The Addendum prepared for this Amendment confirms that no impacts beyond those already analyzed and disclosed in the EIR will result and, in fact, potential impacts related to Greenhouse Gases will be less than those identified in the prior EIR.

MCTC held a public hearing on the SCS/RTP Amendment on April 19, 2017 at 3:00pm at the MCTC office building at 2001 Howard Road, Madera, CA 93637.

The purpose of the public hearing was to receive public comments on the Amended 2014 RTP/SCS, which is a long-term coordinated transportation/land use strategy to meet Madera County transportation needs out to the year 2040 and the accompanying EIR Addendum.

A 55-day public review and comment period for the Amended 2014 RTP/SCS took place between March 17, 2017 and May 16, 2017. The Amendment documents are available for review at the MCTC office building at 2001 Howard Road, Madera, CA 93637 and on the MCTC RTP/SCS webpage at [www.maderactc.org/rtpscs/](http://www.maderactc.org/rtpscs/). Public comments were open until 5:00 pm on May 16, 2017.

Comments received during the public review period have been attached along with MCTC response. Links to download the draft documents can be found at on the MCTC website: <http://www.maderactc.org/rtpscs/>

After considering comments received, the EIR Addendum will be considered for adoption, and the RTP/SCS documents will be considered for approval by the MCTC Policy Board at the regularly scheduled meeting to be held on June 21, 2017. The documents will then be submitted to state and federal agencies for approval.

**III. Fiscal Impact:**

No Impact to Fiscal Year 2016/2017 Budget



1           **WHEREAS**, The Amended RTP/SCS is accompanied by an Addendum to the previously  
2 certified Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act  
3 (CEQA); and  
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5           **WHEREAS**, the amended RTP/SCS utilizes the same project list and Federal air quality  
6 conformity findings as documented in the 2016 Federal Transportation Improvement Program and  
7 Corresponding Conformity Analysis, and does not propose any changes in the RTP/SCS land use  
8 scenarios; and  
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10           **WHEREAS**, The only change to the RTP/SCS is to confirm that, based on updated  
11 modeling and calibration efforts undertaken in consultation with the California Air Resources Board  
12 (CARB), the RTP/SCS will achieve the Greenhouse Gas reduction targets set by CARB under Senate  
13 Bill 375; and  
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15           **WHEREAS**, The Addendum prepared for this Amendment confirms that no impacts beyond  
16 those already analyzed and disclosed in the EIR will result and, in fact, potential impacts related to  
17 Greenhouse Gases will be less than those identified in the prior EIR; and  
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19           **WHEREAS**, pursuant to State CEQA Guidelines section 15164(a), a lead agency shall  
20 prepare an addendum to a previously certified EIR if some changes or additions are necessary but  
21 none of the conditions described in State CEQA Guidelines section 15162 calling for preparation of a  
22 subsequent EIR have occurred; and  
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24           **WHEREAS**, the MCTC has caused an Addendum to the previously certified EIR be  
25 prepared, which analyzes the impacts of the 2014 Regional Transportation Plan  
26 Amendment/Sustainable communities Strategy No.1;  
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28           **WHEREAS**, it has been determined that none of the circumstances identified in State CEQA  
29 Guidelines section 15162 have arisen, and that an Addendum to the EIR is appropriate; and  
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31           **WHEREAS**, pursuant to State CEQA Guidelines section 15164(c), the Addendum is not  
32 required to be circulated for public review; and  
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34           **WHEREAS**, the the MCTC, at a duly-noticed public meeting on June 21, 2017,  
35 independently reviewed and considered the Addendum together with the previously certified EIR and  
36 other documents in the record before it; and  
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38           **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.  
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40 **NOW, THEREFORE, BE IT RESOLVED** by the MCTC Policy Board:  
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42           Section 1.       The matters set forth in the recitals to this Resolution are true and correct  
43 statements and by this reference incorporated herein and made findings and determinations of the  
44 MCTC Policy Board.  
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46           Section 2.       As the decision-making body for the the MCTC, the the MCTC has reviewed  
47 and considered the information contained in the Addendum, EIR, and all supporting documentation,  
48 copies of which are on file at the MCTC office and are incorporated by reference as though set forth  
49 fully herein. Based on this review, the MCTC finds that the Addendum, EIR, and supporting

1 environmental documentation contain a complete, objective, and accurate reporting of those potential  
2 impacts, and that these findings reflect the independent judgment and analysis of the MCTC.

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4 Section 3. The MCTC finds that the documents have been completed in compliance  
5 with CEQA. The Agency further finds that any comments received regarding the Project have been  
6 examined and determined to not modify the conclusions of the EIR. The Agency further finds that  
7 no additional feasible mitigation measures within the MCTC's authority are necessary to reduce the  
8 environmental impacts of the Project, because all impacts are either less than significant or will be  
9 mitigated to a level of less than significant through the imposition of enforceable mitigation. Finally,  
10 based on the substantial evidence set forth in the record, including but not limited to the Addendum,  
11 the MCTC finds that none of the conditions triggering the need for subsequent environmental review  
12 have occurred. Specifically, the MCTC finds that no subsequent environmental review is required  
13 pursuant to State CEQA Guidelines section 15162 because:

- 14  
15 a. No substantial changes are proposed in the Project which will require major revisions of the  
16 EIR due to the involvement of new significant environmental effects or a substantial increase  
17 in the severity of previously identified significant effects;  
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19 b. No substantial changes have occurred with respect to the circumstances under which the  
20 Project is being undertaken which will require major revisions of the EIR due to the  
21 involvement of new significant, environmental effects or a substantial increase in the severity  
22 of previously identified significant effects; and  
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24 c. No new information of substantial importance, which was not known and could not have  
25 been known with the exercise of reasonable diligence at the time the EIR was certified,  
26 shows that: (i) either the Project will have one or more new significant effects; (ii) significant  
27 effects examined in the EIR will be substantially more severe; (iii) mitigation measures or  
28 alternatives previously found not to be feasible would in fact be feasible and would  
29 substantially reduce one or more significant effects, but the Agency declined to adopt the  
30 measure or alternative; or (iv) mitigation measures or alternatives which are considerably  
31 different from those analyzed in the EIR would substantially reduce one or more significant  
32 effects on the environment, but the Agency declines to adopt the measure or alternative.

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34 Section 4. The Agency hereby approves and adopts the Addendum to the EIR prepared  
35 for the Project.

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37 Section 5. The Agency hereby approves the Project.

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39 Section 6. The documents and materials that constitute the record of proceedings on  
40 which this Resolution and the above findings have been based are located at the offices of the  
41 Agency.

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44 The foregoing resolution was adopted this 21st day of June 2017 by the following vote:

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46 Commissioner Ahmed voted: \_\_\_\_\_  
47 Commissioner Rodriguez voted: \_\_\_\_\_  
48 Commissioner Frazier voted: \_\_\_\_\_  
49 Commissioner Oliver voted: \_\_\_\_\_  
50 Commissioner Medellin voted: \_\_\_\_\_

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Commissioner Wheeler voted: \_\_\_\_\_

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Chairman, Madera County Transportation Commission

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Executive Director, Madera County Transportation Commission



May 16, 2017

[SENT VIA EMAIL: DYLAN@MADERACTC.ORG]

Dylan Stone  
Regional Planning Supervisor  
Madera County Transportation Commission  
2001 Howard Road, Suite 201  
Madera, CA 93637

**RE: Draft 2014 Regional Transportation Plan And Sustainable Communities Strategy Amendment #1**

Dear Mr. Stone:

Thank you for the opportunity to comment on the draft 2014 Regional Transportation Plan (“RTP”) and Sustainable Communities Strategy (“SCS”) Amendment #1 (the “Amendment” or “draft Amendment”). Unfortunately, for the reasons set forth below, the Amendment does not comply with the requirements of SB 375, and thus should not be adopted by the Madera County Transportation Commission (“MCTC”). Instead, the undersigned organizations believe that the Commission should direct staff to prepare and alternative planning strategy that complies with SB 375 and that achieves the greenhouse gas reduction targets set by the California Air Resources Board (“CARB”).

**A. The Public Process Related To The Amendment Is Insufficient.**

Government Code § 65080(b)(2)(F) provides, in part, that each “municipal planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

- (i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations;

...

Here, in terms of outreach efforts, the Amendment does not set forth an adequate public participation plan, stating only that “materials regarding the upcoming workshop and Roundtable meeting have been distributed at various Town Halls conducted by Madera County Supervisors.” (Amendment, p. 2-19.)

This short statement does not demonstrate compliance with the strict outreach requirements set forth in SB 375, and MCTC has not conducted sufficient outreach to garner public input in this important regional transportation process. In fact, we believe that very few residents know that this process has even taken place. We further believe that MCTC should conduct multiple workshops throughout the County of Madera and publicize these with bilingual flyers, distributed to residents with enough time to allow residents to prepare to effectively contribute.

MCTC should also provide translation services and workshop agendas in Spanish, and create mechanisms that allow for ongoing feedback. (See Gov. Code, §§ 7293, 7295 [Bilingual Services Act].) With an over 40% Spanish speaking population in the county, we want to ensure that MCTC is effectively engaging all residents in a language they understand. By not providing interpretation services at all meetings and community outreach events, MCTC is preventing the community from effectively engaging in decision-making processes that have the potential of benefiting them the most.

Finally, we do not believe that holding a workshop at Madera Ranchos constitutes a public workshop accessible to all residents, and we recommend that additional workshops be planned and organized to take input and participation of residents. Additional workshops in accessible locations will allow for fruitful discussions about long-term sustainable solutions for Madera County.

**B. The Amendment Does Not Adequately Set Forth A Forecasted Development Pattern To Reduce Greenhouse Gas Emissions.**

A sustainable communities strategy must, among other things, “set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board.” (Gov. Code § 65080(b)(2)(B).)

The Amendment does not set forth such a development pattern. Instead, it describes in summary fashion revisions to the forecasting model utilized by MCTC in the 2014 RTP/SCS. Specifically, the Amendment states that MCTC staff began an analysis following adoption of the 2014 RTP/SCS, and concluded that “tools used by MCTC for the adopted 2014 RTP/SCS to account for GHG emissions could be enhanced to greatly improve accuracy in the reporting of emission results, particularly for the 2013/2014 forecasting model.” (p. 1-2.) The Amendment further states that “[a]n extensive effort was undertaken to review the input data used in the transportation model. (*Id.*)

This effort was apparently focused on revisions to the model that would show a reduction in GHG emissions that met the CARB’s 5% reduction target. In fact, the Amendment states as much, acknowledging that staff focused on the base and comparison years – in an effort to develop a model that showed higher emissions for those years such that reductions were easier to achieve. (*See* pp. 1-3 [“The bulk of the MCTC staff review focused on how land use and socioeconomic data (SED) was allocated in the model’s base year and SB 375 comparison year (2010 and 2005 respectively), the significant roadway network utilized in the model, and the boundaries of traffic

analysis zones (TAZs) used to distinguish individual geographic areas in Madera County.”]; 2-19 [same].)

The flaw in MCTC’s approach and reasoning is that it assumes a false premise – that the initial modeling results were “anomalous” because they did not meet reduction targets “despite Madera County and its cities proposing the most feasible aggressive SCS strategy deemed feasible.” (Amendment, p. 2-36.) First, it is far from clear that MCTC proposed the most aggressive SCS strategy that is actually feasible, especially given the tens of thousands of new housing units planned in Madera County’s unincorporated areas far from existing employment and commercial opportunities. And second, even if the “Hybrid” scenario were the most aggressive feasible approach, the answer is not to produce a revised model in effort to show targets were in fact met. The correct approach is to develop an alternative planning strategy and include new policies to reduce emissions to required levels.

We recommend that MCTC, either by way of an alternative planning strategy or a substantive amendment,<sup>1</sup> analyze and adopt a scenario that more aggressively reduces greenhouse gas emissions. The scenario should incorporate, at a minimum, the following:

1. Further prioritize infill and growth in existing communities;
2. Increase housing density for new growth;
3. Take all available steps to prevent and/or reduce new development in unincorporated portions of Madera County outside of existing communities, and reallocate that growth to existing communities;
4. Prioritize funding for complete street projects on existing corridors;
5. Explore funding sources to incentivize jurisdictions to reduce greenhouse gas emissions (including a grant program);
6. Conduct a needs assessment and link it to the countywide health assessment;
7. Include additional plans for transit between the incorporated and unincorporated communities within the County, as well as new transit lines to other counties;
8. Improve efficiency and usability of presently operative transit lines;

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<sup>1</sup> As noted below in Section C, there is no legal authority for an amendment to an adopted RTP/SCS. However, to the extent that CARB permits MCTC to amend the RTP/SCS, the revision must be substantive rather than mere changes to the modeling inputs.

9. Include additional strategies to improve active transportation infrastructure; and
10. Take water sustainability into account in developing sustainable communities strategies, including but not limited to coordination with implementation of the Sustainable Groundwater Management Act.

Rather than artificially adjusting the modeling, MCTC should make substantive revisions to the 2014 RTP/SCS through an alternative planning strategy, or through an amendment to the SCS that alters its strategies and scenarios to reduce greenhouse gas emissions.

**C. There Is No Authority For An Amendment To An SCS. MCTC Must Instead Prepare An Alternative Planning Strategy.**

In 2011, CARB issued a 5% greenhouse gas reduction target for MCTC. (Amendment, p. 1-2.) In response, MCTC prepared a RTP/SCS, which was adopted by MCTC on July 24, 2014. (Amendment, p. 1-1.) However, the 2014 RTP/SCS “did NOT meet the established emission reduction targets for either target year.” (*Id.*)

In the event an SCS does not meet the greenhouse gas reduction target set by the ARG, SB 375 mandates that “the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.” (Gov. Code § 65080(b)(2)(I).) SB 375 does not provide any authority for the preparation of an amendment to an adopted SCS, and the Amendment provides no such authority. Rather, the Amendment states only that given the failure to meet reduction targets, “it was appropriate for MCTC to review the transportation VMT reductions and the transportation model in its effort to meet the targets. (Amendment, p. 1-1.)

That an APS is required here was acknowledged by MCTC staff in their presentation on the original 2014 RTP/SCS in a “Clarification of Roles and Responsibilities.” (*See* <http://www.maderactc.org/wp-content/uploads/2014/07/2014-MCTC-Final-RTP-SCS-and-PEIR-PPT-072314-GV07.pdf>, p. 36; [“That is exactly why MCTC would be required by SB 375 to next move forward with the preparation of an APS, to develop other strategies for reducing GHGs.”]; p. 37 [“Here, the next step for MCTC would be to prepare an APS to address alternative means of reducing GHGs.”].)

As no authority exists for an amendment to an SCS, and (as acknowledged by MCTC) Government Code § 65080 instead requires that it prepare an alternative planning strategy, the Board should not adopt the amendment.<sup>2</sup> Instead, it must direct staff to prepare an alternative planning strategy that complies with the requirements of § 65080(b)(2)(I).

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<sup>2</sup> We anticipate that MCTC may point to the RTP/SCS amendment prepared by Merced County Association of Governments as precedent for its own amendment. However, MCAG’s RTP/SCS

**D. Inadequate Data To Support Review**

As noted above, the Amendment does not include any substantive revision to the development pattern, policies or strategies set forth in the original draft of the 2014 RTP/SCS. Rather, the Amendment consists only of changes required as a result of certain “MCTC Transportation Model enhancements.” (Amendment, p. 1-5.) Despite the fact that the only changes included in the Amendment were to MCTC’s modeling, no raw data was provided to the public with the Amendment. Without the raw data and technical information regarding the revisions to the modeling, the public has no way to determine whether the revisions did “improve accuracy” as the Amendment claims. (Amendment, p. 1-2.) Though the Amendment states that additional detail is “available” from MCTC, all data needed to evaluate the Amendment should have been provided as an addendum without the need for a separate request. We are disappointed with the lack of transparency, and believe the public has the right to access all data relevant to the Amendment without making a separate request.

\* \* \* \* \*

Based on the foregoing, MCTC should not adopt the Amendment, and should instead instruct staff to begin development of an alternative planning strategy consistent with the recommendations set forth above in Section B. Additionally, by this correspondence the undersigned organizations request “[f]urther detail regarding how the transportation model was enhanced” as offered by the Amendment on page 2-19, including all raw data and inputs used in the revised transportation model.

Best Regards,



Michael K. Claiborne, Esq.  
Leadership Counsel for Justice & Accountability

Bruce Gray  
Madera Oversight Coalition

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amendment is distinguishable for several reasons: (a) MCAG received permission from CARB for the amendment; (b) the amendment was requested by the public in lieu of an APS so that MCAG could make more significant and impactful changes to the original document; and (c) the amendment contained substantive policy revisions. Moreover, the fact that one municipal planning organization amended its RTP/SCS does not serve as authority for the conclusion that such an amendment complies with SB 375.

## **2014 REGIONAL TRANSPORTATION PLAN No. 1 COMMENT RESPONSE**

### **Leadership Counsel for Justice and Accountability Comments (received May 16, 2017):**

#### **A. The Public Process Related to the Amendment is Insufficient.**

Government Code § 65080(b)(2)(F) provides, in part, that each “municipal planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

(i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations;

Here, in terms of outreach efforts, the Amendment does not set forth an adequate public participation plan, stating only that “materials regarding the upcoming workshop and Roundtable meeting have been distributed at various Town Halls conducted by Madera County Supervisors.” (Amendment, p. 2-19.)

This short statement does not demonstrate compliance with the strict outreach requirements set forth in SB 375, and MCTC has not conducted sufficient outreach to garner public input in this important regional transportation process. In fact, we believe that very few residents know that this process has even taken place. We further believe that MCTC should conduct multiple workshops throughout the County of Madera and publicize these with bilingual flyers, distributed to residents with enough time to allow residents to prepare to effectively contribute.

MCTC should also provide translation services and workshop agendas in Spanish, and create mechanisms that allow for ongoing feedback. (See Gov. Code, §§ 7293, 7295 [Bilingual Services Act].) With an over 40% Spanish speaking population in the county, we want to ensure that MCTC is effectively engaging all residents in a language they understand. By not providing interpretation services at all meetings and community outreach events, MCTC is preventing the community from effectively engaging in decision-making processes that have the potential of benefiting them the most.

Finally, we do not believe that holding a workshop at Madera Ranchos constitutes a public workshop accessible to all residents, and we recommend that additional workshops be planned and organized to take input and participation of residents. Additional workshops in accessible

locations will allow for fruitful discussions about long-term sustainable solutions for Madera County.

## MCTC Response

It should first be clarified that MCTC has not revised the land use and transportation scenarios, but merely revised the analysis of the SCS and the conclusion regarding its compliance with CARB's GHG reduction requirements. As noted beginning on Page 1-2 of the Amendment:

*Following the adoption of the 2014 RTP/SCS, MCTC staff immediately began analyzing what led to the greenhouse gas (GHG) emission results achieved during development of the adopted 2014 RTP/SCS. Given the wide gap between emissions results and emissions targets, despite pursuing the most feasibly aggressive SCS strategy proposed, MCTC staff began to analyze the planning tools utilized in the RTP/SCS emissions reporting process; in particular, the 2013/14 Madera County Transportation Model. This analysis concluded the tools used by MCTC for the adopted 2014 RTP/SCS to account for GHG emissions could be enhanced to greatly improve accuracy in the reporting of emission results, particularly for the 2013/14 forecasting model. An extensive effort was undertaken to review the input data used in the transportation model.*

*The bulk of the MCTC staff review focused on how land use and socioeconomic data (SED) was allocated in the model's base year and SB 375 comparison year (2010 and 2005 respectively), the significant roadway network utilized in the model, and the boundaries of traffic analysis zones (TAZs) used to distinguish individual geographic areas in Madera County. With these improvements to the model, the MCTC model validates better across the wide range of validation metrics that are required per the California RTP Guidelines. Further detail regarding how the transportation model was enhanced is provided in Section 2 of this Amendment.*

*A great amount of effort has gone into making sure MCTC possesses the most adequate and accurate planning tools possible for utilization in the 2014 RTP/SCS Amendment No. 1 development process. The results of this effort have proven beneficial. All changes made to the model have been scrutinized to make sure that nothing implemented is inconsistent with the established and adopted measures prescribed in the preferred SCS scenario.*

*It should be noted that none of the multimodal improvement projects listed in the adopted 2014 RTP/SCS have been changed as a result of the enhanced modeling efforts described above.*

In short, the SCS scenarios were not revised in any way, and transportation projects contained in the RTP were also not revised. The only revisions made by MCTC were to the technical transportation modeling tools and modeling process.

With respect to the outreach process, significant outreach was conducted to develop and review the 2014 RTP/SCS alternative scenarios and projects, as noted beginning on Page 1-1 of the Amendment:

*Development of the 2014 Madera County RTP/SCS was a collective effort, which required meaningful collaboration with each of the three local governments (cities of Chowchilla and Madera and Madera County), State and federal agencies, local tribal governments, community interest groups, and public stakeholders to identify land-use and transportation opportunities within the region that will address the needs of the growing population and ensure compliance with State and federal requirements. As a result of this effort, MCTC developed varying planning scenarios built-up from a status quo planning assumption. Each scenario introduced new planning principles and parameters meant to address the intent of SB 375 and reduce GHG generated in Madera County.*

*At all levels of outreach, the most aggressive planning scenario developed was received amiably and recommended to be forwarded in the process. This aggressive planning scenario would be selected as the preferred planning scenario of the 2014 RTP/SCS. The preferred scenario calls for a variety of shifts in planning parameters including, but not limited to, a demographic shift in housing share, changes to lot sizes, shift in employment share, enhancements to public transit systems, and enhancement of the non-motorized transportation network. These principles are most heavily emphasized in Madera County's established or planned urban cores and less emphasized in rural areas, which lack adequate population densities. The parameters of the preferred RTP/SCS Scenario were utilized in the then newly developed Madera County Transportation Model at that time or in 2013/14. Unfortunately, the technical results of the modeling effort yielded GHG reduction results opposite of their anticipated outcome. The 2014 Madera County RTP/SCS was adopted with emission results that did NOT meet the GHG budgets established by the California Air Resources Board (CARB).*

As described on page 2-55 of the Amendment, the 2014 RTP/SCS provided for a thorough review of public participation efforts. Multiple workshops and hearings were held prior to adopting the 2014 RTP/SCS in July 2014 in accordance with Section 65080(b)(2)(E). Further, consistent with Section 65080(b)(2)(F), MCTC has a Public Participation Plan, which has recently been updated and placed on its website referencing the requirements of SB 375 (see Public Participation Plan Page 15 available at: <http://www.maderactc.org/wp-content/uploads/2016/07/PPP-July-2016-Final2.pdf>).

Public outreach conducted for the 2014 RTP/SCS involved the following:

✓ *RTP and SCS Roundtable*

*MCTC formed the 2014 RTP and SCS Roundtable in October 2012. Over the 20-month RTP and SCS development process, the Roundtable met five (5) times to assist MCTC with preparation of the document. Specifically, the Roundtable reviewed the traffic and land use modeling processes, the project prioritization process, development of the SCS alternative scenarios, review of alternative scenario modeling results and performance measures, and provided a recommendation of the preferred RTP and SCS scenario to the MCTC Policy Board. The Roundtable will meet following public and agency review of the*

*Draft RTP, SCS and PEIR. This meeting will be held to review the specific comments submitted and how MCTC plans to respond. Finally, the Roundtable will recommend approval of the 2014 RTP and SCS and PEIR to the MCTC Policy Board.*

✓ *RTP and SCS Public Workshops*  
*Series 1*

*The first series of public workshops to review the 2014 RTP, SCS, and PEIR development process and to identify transportation and land use needs and environmental issues was held in the Oakhurst, the Ranchos area, in the City of Madera, and in the City of Chowchilla in February 2013 after an extensive public outreach campaign including newspaper advertisements, email invitations, and a notice on the MCTC website. To make public participation as convenient as possible, staff felt it was important to have a number of different workshops throughout the County. The selected time for each workshop was between 6:00 and 8:30 p.m. to make attendance more accessible. A synopsis of this workshop series is provided in Appendix D.*

*Series 2*

*MCTC conducted a workshop in Madera on March 24 to review the alternative land use and transportation scenarios with the public and stakeholders prior to approval of a preferred scenario by the MCTC Policy Board.*

*Series 3*

*The third series of public workshops was held during the Draft RTP, SCS, and PEIR public review process between May and June 2014. The workshop series focused on receiving comment from stakeholders and the public regarding the Draft documents. MCTC held the **third series** of public workshops on the following dates and within the following subregions*

- *June 10, 2014 – City of Madera, CA*
- *June 11, City of Chowchilla, CA*
- *June 12, Oakhurst, CA – Foothill Communities*

*Two public hearings were also held and noticed including:*

- *June 18, 2014 at MCTC offices, Madera, CA*
- *June 23, 2014 at MCTC offices, Madera, CA*

*The following events or presentations were also held to review the Draft RTP and SCS:*

- *June 21, 2014, Camarena Health Center, Madera, CA (Environmental Justice Workshop)*
- *June 26, 2014, Oakhurst Community Alliance, Oakhurst, CA (Presentation)*

Finally, the MCTC Board will consider certification of the PEIR, FTIP, Conformity Finding, and the 2014 RTP and SCS on July 23, 2014, MCTC Offices, Madera CA.

✓ *MCTC Web-Based Tool*

*In addition to the public workshops and other outreach efforts, MCTC desired to receive input regarding the alternative RTP and SCS scenarios from a wide variety of residents, employees, stakeholders, and others from within and outside of the Madera region. The web-based tool was posted to the MCTC website in mid-March 2014 and continues to be available to receive input. The web-based tool was advertised throughout Madera County on billboards and in newspapers. Prior to approval of the preferred RTP and SCS scenario by the MCTC Policy Board, approximately 312 people completed the web-based tool process providing vital input in English and 91 in Spanish. Based upon the results, the Hybrid Scenario was identified as the most preferred scenario by those who provided their opinion using the tool.*

✓ *RTP and SCS Environmental Justice Community Outreach*

*MCTC conducted two Environmental Justice (EJ) events to receive input from the EJ community in the City of Madera. The first event focused on the conduct of a workshop in Spanish at the Camarena Health Center. The second event was held on Earth Day at the Madera Community Garden. The outdoor event was conducted in Spanish and MCTC received significant feedback from a variety of Madera residents and employees.*

✓ *RTP and SCS, and PEIR Approvals*

*The MCTC Policy Board may certify the PEIR and approve the 2014 RTP and SCS on July 23, 2014. A copy of the notice is provided in Appendix E. (note: the hearing was held and the Commission adopted the 2014 RTP/SCS on that date)*

The 2014 RTP/SCS outreach effort listed above was in response to requirements related to SB 375 and requirements set forth in the MCTC Public Participation Plan.

Since MCTC did not revise the SCS, it believes that the outreach process outlined in the MCTC Public Participation Plan for the Amendment is not required. MCTC did not change or revise the SCS or the RTP in any way; the SCS and RTP remain in-tact and consistent with input received during development of the 2014 RTP/SCS. Furthermore, the MCTC Public Participation Plan does not specifically require a public outreach process for technical amendment to the RTP/SCS.

However, MCTC decided to conduct additional outreach for the technical Amendment, as noted on Page 2-60 of the Amendment:

*Finally, MCTC will conduct a workshop and Roundtable meeting on March 9, 2017 to review the amendment to the 2014 RTP/SCS (Amendment No. 1) and to discuss the upcoming 2018 RTP/SCS. In addition, materials regarding the upcoming workshop and Roundtable meeting have been distributed at various Town Halls conducted by Madera County Supervisors.*

*The MCTC Board is scheduled to certify the Addendum PEIR for the 2014 RTP/SCS Amendment No. 1 on May 17, 2017 at a noticed public hearing.*

MCTC held a workshop regarding the Amendment on March 9, 2017, in Madera Ranchos, at a centrally located venue within Madera County (Webster Elementary School) so that interested residents, agencies and other individuals could attend from throughout the region including cities and communities such as Chowchilla, Madera, Oakhurst, North Fork, and others. MCTC and VRPA Technologies staff thoroughly explained the purpose for the amendment and the process to enhance the transportation modeling process to all attendees including a representative from LCJA.

The workshop was noticed in the Madera Tribune, Fresno Bee and Sierra Star and Sierra On-Line. The notice was also provided in Spanish in the Madera Tribune. Noticing was also completed via E-blast to an extensive stakeholder database for the MCTC 2014 RTP/SCS process. A Spanish version of the notice was included with all completed Eblast noticing. Spanish translation was available at the workshop if it had been needed via a remote translation service; however, the translation services were not required. Fliers were also available and distributed in Spanish describing the Amendment.

In addition, MCTC held a public hearing on April 25, 2017, to receive comment and input on the RTP/SCS Amendment. The hearing was again noticed in accordance with the MCTC Public Participation Plan.

Finally, MCTC noticed a meeting on May 17, 2017, to approve the RTP/SCS Amendment, which has been rescheduled for June or July 2017 to provide an opportunity for MCTC to discuss LCJA comments addressed in this response letter.

Thus, as described above, MCTC has followed the requirements of SB 375 regarding the public participation process, complied with outreach requirements set forth in its Public Participation Plan, and decided to again apply the requirements to the amendment process in its effort to fully inform the public related to technical amendment of the 2014 RTP/SCS.

## LCJA Comment:

### **B. The Amendment Does Not Adequately Set Forth a Forecasted Development Pattern to Reduce Greenhouse Gas Emissions.**

A sustainable communities strategy must, among other things, “set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board.” (Gov. Code § 65080(b)(2)(B).)

The Amendment does not set forth such a development pattern. Instead, it describes in summary fashion revisions to the forecasting model utilized by MCTC in the 2014 RTP/SCS. Specifically, the Amendment states that MCTC staff began an analysis following adoption of the 2014 RTP SCS, and concluded that “tools used by MCTC for the adopted 2014 RTP/SCS to account for GHG emissions could be enhanced to greatly improve accuracy in the reporting of emission results, particularly for the 2013/2014 forecasting model.” (p. 1-2.) The Amendment further states that “[a]n extensive effort was undertaken to review the input data used in the transportation model. (Id.)

This effort was apparently focused on revisions to the model that would show a reduction in GHG emissions that met the CARB’s 5% reduction target. In fact, the Amendment states as much, acknowledging that staff focused on the base and comparison years – in an effort to develop a model that showed higher emissions for those years such that reductions were easier to achieve. (See pp. 1-3 [“The bulk of the MCTC staff review focused on how land use and socioeconomic data (SED) was allocated in the model’s base year and SB 375 comparison year (2010 and 2005 respectively), the significant roadway network utilized in the model, and the boundaries of traffic analysis zones (TAZs) used to distinguish individual geographic areas in Madera County.”]; 2-19 [same].)

The flaw in MCTC’s approach and reasoning is that it assumes a false premise – that the initial modeling results were “anomalous” because they did not meet reduction targets “despite Madera County and its cities proposing the most feasible aggressive SCS strategy deemed feasible.” (Amendment, p. 2-36.) First, it is far from clear that MCTC proposed the most aggressive SCS strategy that is actually feasible, especially given the tens of thousands of new housing units planned in Madera County’s unincorporated areas far from existing employment and commercial opportunities. And second, even if the “Hybrid” scenario were the most aggressive feasible approach, the answer is not to produce a revised model in effort to show targets were in fact met. The correct approach is to develop an alternative planning strategy and include new policies to reduce emissions to required levels.

We recommend that MCTC, either by way of an alternative planning strategy or a substantive amendment,<sup>1</sup> analyze and adopt a scenario that more aggressively reduces greenhouse gas emissions. The scenario should incorporate, at a minimum, the following:

1. Further prioritize infill and growth in existing communities;
2. Increase housing density for new growth;
3. Take all available steps to prevent and/or reduce new development in unincorporated portions of Madera County outside of existing communities, and reallocate that growth to existing communities;
4. Prioritize funding for complete street projects on existing corridors;
5. Explore funding sources to incentivize jurisdictions to reduce greenhouse gas emissions (including a grant program);
6. Conduct a needs assessment and link it to the countywide health assessment;
7. Include additional plans for transit between the incorporated and unincorporated communities within the County, as well as new transit lines to other counties;
8. Improve efficiency and usability of presently operative transit lines;
9. Include additional strategies to improve active transportation infrastructure; and
10. Take water sustainability into account in developing sustainable communities strategies, including but not limited to coordination with implementation of the Sustainable Groundwater Management Act.

Rather than artificially adjusting the modeling, MCTC should make substantive revisions to the 2014 RTP/SCS through an alternative planning strategy, or through an amendment to the SCS that alters its strategies and scenarios to reduce greenhouse gas emissions.

<sup>1</sup> As noted below in Section C, there is no legal authority for an amendment to an adopted RTP/SCS. However, to the extent that CARB permits MCTC to amend the RTP/SCS, the revision must be substantive rather than mere changes to the modeling inputs.

#### **MCTC Response:**

MCTC has been working with the California Air Resources Board (CARB) since adoption of the 2014 RTP/SCS in July 2014 to determine why the 2014 RTP/SCS did not meet SB 375 targets established by CARB. MCTC has had well over ten (10) conference calls with CARB over the past 2-years to discuss and review results of the 2014 MCTC RTP/SCS emission reductions versus targets. During those discussions, CARB was informed of the need to make technical revisions and enhancements to the transportation model, the specific revisions/enhancements made, and forwarded all requested modeling data and files to CARB for its review. CARB was also informed of the amendment process MCTC is conducting and has been in agreement with that process. Correspondence with CARB is attached for reference. As noted above in MCTC's response to LCJA Comment A, the issue with the emission results was not a result of the preferred scenario chosen to include in the 2014 RTP/SCS or the projects and land use strategies and patterns documented in that scenario; the issue was the transportation

modeling tools applied to evaluate and assess the preferred scenario and other alternative scenarios.

MCTC's modeling results were vastly different than any of the other modeling results of other counties within the San Joaquin Valley. This led MCTC staff to believe that there were issues with the MCTC modeling tools; especially since MCTC's preferred scenario was more aggressive than many of the other scenarios adopted by the other seven counties in the Valley but was not performing in term of meeting the SB 375 targets.

MCTC made significant enhancements to the transportation model "consistent with standard modeling practice." As noted in the Amendment on Page 1-3:

*The bulk of the MCTC staff review focused on how land use and socioeconomic data (SED) was allocated in the model's base year and SB 375 comparison year (2010 and 2005 respectively), the significant roadway network utilized in the model, and the boundaries of traffic analysis zones (TAZs) used to distinguish individual geographic areas in Madera County. With these improvements to the model, the MCTC model validates better across the wide range of validation metrics that are required per the California RTP Guidelines. Further detail regarding how the transportation model was enhanced is provided in Section 2 of this Amendment.*

As stated in Section 65080(b)(2)(I):

*If the sustainable communities strategy, prepared in compliance with subparagraph (B) or (D), **is unable to reduce greenhouse gas emissions** to achieve the greenhouse gas emission reduction targets established by the state board, the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The alternative planning strategy shall be a separate document from the regional transportation plan, but it may be adopted concurrently with the regional transportation plan.*

As stated in SB 375 above, an Alternative Planning Strategy (APS) is required when **emission targets cannot be met**. In MCTC's case, the Amendment demonstrates that the targets can be met utilizing the same adopted preferred land use and transportation scenario referenced in the 2014 RTP/SCS.

Furthermore, nothing in SB 375 precludes MCTC from revising the RTP when warranted. Such revisions are even encouraged. See Section 65080(b)(2)(J)(iii) (if an SCS does not meet the GHG targets, an MPO must either adopt an alternative planning strategy or "revise its strategy"). Further, MCTC has been in consultation with CARB since July 2014 regarding the modeling tools and the process to amend the RTP/SCS to reflect results of the enhanced modeling process. CARB has agreed to the amendment process versus development of an APS.

By way of comparison, the Merced County Association of Governments (MCAG) prepared an amendment to its 2014 RTP/SCS, which has been adopted and accepted by CARB. MCAG was not required to prepare an APS, even though the MCAG 2014 RTP/SCS did not meet SB 375 targets at the time that it was first adopted by the MCAG Board in 2014.

**LCJA Comment:**

**C. There is No Authority for an Amendment to an SCS. MCTC Must Instead Prepare an Alternative Planning Strategy.**

In 2011, CARB issued a 5% greenhouse gas reduction target for MCTC. (Amendment, p. 1-2.) In response, MCTC prepared a RTP/SCS, which was adopted by MCTC on July 24, 2014. (Amendment, p. 1-1.) However, the 2014 RTP/SCS “did NOT meet the established emission reduction targets for either target year.” (*Id.*)

In the event an SCS does not meet the greenhouse gas reduction target set by the ARG, SB 375 mandates that “the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.” (Gov. Code § 65080(b)(2)(I).) SB 375 does not provide any authority for the preparation of an amendment to an adopted SCS, and the Amendment provides no such authority. Rather, the Amendment states only that given the failure to meet reduction targets, “it was appropriate for MCTC to review the transportation VMT reductions and the transportation model in its effort to meet the targets. (Amendment, p. 1-1.)

That an APS is required here was acknowledged by MCTC staff in their presentation on the original 2014 RTP/SCS in a “Clarification of Roles and Responsibilities.” (See <http://www.maderactc.org/wp-content/uploads/2014/07/2014-MCTC-Final-RTP-SCS-and-PEIR-PPT-072314-GV07.pdf>, p. 36; [“That is exactly why MCTC would be required by SB 375 to next move forward with the preparation of an APS, to develop other strategies for reducing GHGs.”]; p. 37 [“Here, the next step for MCTC would be to prepare an APS to address alternative means of reducing GHGs.”].)

As no authority exists for an amendment to an SCS, and (as acknowledged by MCTC) Government Code § 65080 instead requires that it prepare an alternative planning strategy, the Board should not adopt the amendment.<sup>2</sup> Instead, it must direct staff to prepare an alternative planning strategy that complies with the requirements of § 65080(b)(2)(I).

<sup>2</sup> We anticipate that MCTC may point to the RTP/SCS amendment prepared by Merced County Association of Governments as precedent for its own amendment. However, MCAG’s RTP/SCS amendment is distinguishable for several reasons: (a) MCAG received permission from CARB for the amendment; (b) the amendment was requested by the public in lieu of an APS so that MCAG could make more significant and impactful changes to the original document; and (c) the amendment contained substantive policy revisions. Moreover, the fact that one municipal planning organization amended its RTP/SCS does not serve as authority for the conclusion that such an amendment complies with SB 375.

### **MCTC Response:**

Reference Response to LCJA Comment B. Moreover, the amended SCS prepared by MCAG, and which the commenter acknowledges is appropriate, went even further than the Amendment prepared here in that MCAG's amendment amended the SCS itself through policy revisions and other measures. Here, MCTC's Amendment does not alter the SCS itself, but rather is an amendment to the technical modeling and analysis of the SCS's impacts.

## LCJA Comment:

### D. Inadequate Data to Support Review

As noted above, the Amendment does not include any substantive revision to the development pattern, policies or strategies set forth in the original draft of the 2014 RTP/SCS. Rather, the Amendment consists only of changes required as a result of certain “MCTC Transportation Model enhancements.” (Amendment, p. 1-5.) Despite the fact that the only changes included in the Amendment were to MCTC’s modeling, no raw data was provided to the public with the Amendment. Without the raw data and technical information regarding the revisions to the modeling, the public has no way to determine whether the revisions did “improve accuracy” as the Amendment claims. (Amendment, p. 1-2.) Though the Amendment states that additional detail is “available” from MCTC, all data needed to evaluate the Amendment should have been provided as an addendum without the need for a separate request. We are disappointed with the lack of transparency, and believe the public has the right to access all data relevant to the Amendment without making a separate request.

## MCTC Response:

The Amendment contains significant detail regarding the enhancements and revisions made to the MCTC Transportation Model. Beginning on Page 2-36 and concluding on Page 2-43, MCTC has fully documented the process applied to develop the enhanced model.

There are three major components of the transportation model including the model software, the model network or system of streets and highways and other transportation systems, and the socioeconomic data (SED), which is a very large dataset reflective of the various stratified types of existing and future population, employment, and housing data allocated within traffic analysis zones (TAZs). The network and SED files are reviewed for accuracy and approved for use by the local jurisdictions within Madera County (cities of Chowchilla and Madera and Madera County). These jurisdictions are responsible for making land use decisions and they are consulted to identify where new growth and development throughout the County will occur. It is not possible to provide raw data to the public outside of MCTC offices given the proprietary software needed to run the model, the need to review the existing and planned transportation networks using the model or printing large computer generated plots, or to review the extent and allocation of SED to hundreds of TAZs. On request, MCTC is always open to consulting with interested parties and reviewing its model network and SED within MCTC offices.