

From: [S.T](#)
To: California.Transportation.Commission@CATC; wheeler.andrew@epa.gov; Nichols.Mary.D.@ARB
Subject: Public comment, agenda items/tabs 72, 74, 84. CTC meeting 8/12-8/13
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To the Chair and Commission members,

This public comment is for agenda/tab items 72, 74 and 84 on the California Transportation Commission (CTC) meeting agenda of 8/12 - 8/13.

For the past several years, the County of Santa Barbara, the City of Santa Barbara and CalTrans have been preparing EIR's and seeking permits for the Highway 101 HOV project that will widen the highway to 3 lanes in South Santa Barbara County. Representing myself and NGO's, I have given extensive public comment during the entire process.

In 2015, CalTrans was sued for preparing a faulty EIR for the HOV project. CalTrans was required by the court to prepare a revised EIR and develop mitigations for the project.

2 of the required mitigations are improvements at the intersections of San Ysidro and Jameson Lane and Olive Mill and Coast Village Road. In June, the Montecito Planning Commission approved a Coastal Development Permit (CDP) for the San Ysidro/Jameson Lane project. I filed an appeal of the approval, stating that the county failed to study a reduction in Vehicle Miles Traveled (VMT) as an alternative to the construction project. The California Coastal Act requires all public works projects in the coastal zone, "minimize" VMT. By Caltrans' and the county's own admission, the HOV project and the mitigations will induce increases in VMT.

Agenda items 72, 74 and 84 all seek funding for the HOV project. The HOV project cannot be completed before the mitigation projects are completed, per a court order. It is my belief that the safety and Level of Service (LOS) objectives of both the highway widening project and the court-ordered, mandatory mitigations can be met by reducing VMT, and that the construction of the VMT inducing HOV project and mitigations violate the Coastal Act.

In addition to violating the Coastal Act, construction of the VMT inducing HOV project and mitigations may demonstrate to the Federal Court of Appeals in Washington D.C., that the State of California is indeed acting in bad faith in their lawsuit against U.S. EPA and the U.S. Department of Transportation concerning California's emission waiver revocation, and the U.S. EPA and NHTSA SAFE rule. It is being argued that California can solve air quality/vehicle emissions issues by reducing VMT in the state, without requiring any new emission standards or CAFE standards.

If the CTC approves funding for the VMT inducing 101 HOV project, that approval may be used in a federal court of law as evidence that the state is making no effort to reduce VMT, proving the argument that the state is acting in bad faith before the U.S. Court of Appeals.

The CTC will be in Santa Barbara in October. I request the Commission delay any approval of funding for the 101 Highway HOV project and mitigations, until my appeal is heard in September. Then the Commission can discuss the issue here in Santa Barbara, with all the facts that are derived from my appeal available to the Commission.

Thank You,
Tom Becker
Buellton, CA
tsbecker069@gmail.com

CC: Andrew Wheeler, U.S EPA
Mary Nichols, CARB