

OCTA

June 14, 1999

Kathleen E. O'Leary
Presiding Judge, Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

The Honorable Kathleen E. O'Leary:

The Orange County Transportation Authority (OCTA) has received and reviewed the recent Grand Jury report, "Orange County Transportation Authority and Light Rail Planning." As with all input, we welcome your comments concerning the urban rail project and our public outreach efforts, and we will incorporate the report into the public record.

Introduction:

First and foremost, the Grand Jury may not appreciate that the OCTA Board of Directors is planning rail as part of our commitment to the voters given their approval of Measure M in 1990. Measure M promised a program of balanced transportation improvements, which included an advanced rail transit system (Attachment A). The purpose was, and continues to be, to provide a wide range of travel choices and to provide a high-capacity transit option in central Orange County where housing and employment densities are greatest.

OCTA must keep its promise to the voters. In a similar instance involving the Alameda County Transportation Authority (ACTA) and the Hayward Area Planning Association, the California Court of Appeal (May 19, 1999 DAR 4597) found that "...once voters have approved a specific tax to implement a county transportation expenditure plan, an 'amendment which adds or deletes a project, or is of major *significance*,' must once again be submitted to the review and approval process. The OCTA is bound by law to implement the will of the voters (Attachment B).

Toward that end, OCTA, in cooperation with the seven corridor cities, is currently in the midst of an extensive planning process for a rail system called The Centerline. The effort will produce an Environmental Impact Report that complies with all federal and state disclosure requirements. In fact, the document will answer many of the technical questions and concerns raised in the Grand Jury report. More importantly, the Environmental Impact Report will generate yet another opportunity for the public to participate and comment on the project.

In terms of public outreach, the tone and overall message of the Grand Jury report is troubling. The Grand Jury has every right to adopt a negative position on light rail, however, It appears that the committee responsible for this report has unjustly attacked the comprehensive outreach program which *has accompanied this project for the past nine years*. During this nine-year period, OCTA and the cities involved conducted hundreds of meetings, made at least as many public presentations, and produced volumes of informational materials, both pro and con, regarding public transit. The media has covered the issue extensively and the public has had literally hundreds of opportunities to participate and voice their opinions along the way.

Furthermore, the Grand Jury Report infers that the OCTA Board of Directors has not been diligent in obtaining information on the Issue of light rail and is being influenced by OCTA staff to uniformly support rail development. Nothing could be further from the truth. The debate over rail development in Orange County began In 1990 with OCTA's adoption of a Transit Master Plan (Attachment C), Work continued in 1994 with the development of a Major Investment Study (MIS) that considered a host of freeway, street, and transit options. The MIS culminated in a Locally Preferred Strategy that included the design of a light rail system as one of several transportation projects in central Orange County.

The focus of The Centerline study is not to debate the validity of a light rail system-that discussion was held as part of the 3-year Major Investment Study (1994-97). The CenterLine study centers on the identification of rail alignments and the mandatory comparison of these alignments to the "no-build" option. To arrive at a complete and fair evaluation of OCTA's Centerline outreach program, the Grand Jury must take into consideration all of the activities of the entire 9-year period (Attachments D & E).

Not surprisingly, the OCTA Board of Directors has received a significant amount of information both for and against a rail system, Opponents have included the local group Drivers for Highway Safety, the Reason Foundation, and the authors of a number of articles cited in the Grand Jury Report. All of the sources of information cited in the Grand Jury bibliography are familiar to the OCTA Board of Directors and staff, and have been extensively analyzed and considered. In fact, some sections from the Grand Jury report are strikingly similar to research conducted by the Wendell Cox Consultancy (available at www.publicpurpose.com) and is information of which we are well aware.

Like the Grand Jury, we too have considered the experience of rail cities throughout the nation. We have invited representatives from Dallas and San Diego to speak at OCTA Board meetings. Board members have taken tours of systems in San Diego, Los Angeles and San Jose, and met with local officials and business leaders to educate themselves about urban rail. A symposium was held with speakers from Portland, San Jose, and Pasadena. More importantly, the Board of Directors is kept well informed of public transit issues across the nation through industry journals and publications.

The OCTA Board of Directors recognizes that a rail system alone will not solve all of the County's traffic congestion and air quality problems. Neither will the billions of dollars recently invested in widening the County's freeways and streets solve the problem permanently. The only logical solution is to develop a balanced transportation system that offers transportation choices. Choices that include better freeways and streets, and a comprehensive public transit system of buses, commuter trains and, possibly, a light rail system.

Findings:

With this introduction aside, we would like to present a detailed response to the findings and recommendations of the Grand Jury Report as required by Penal Code Section 933 and 933.05.

Finding 1: *The national experience, regarding the cost-effectiveness and the efficacy of urban light rail systems to solve traffic congestion, air pollution, and other urban problems has been poor. No mention of these performances has been found in OCTA outreach literature or briefings.*

Response: The respondent disagrees wholly with the finding. The assertion that performance of light rail systems around the Country is poor is an opinion that has not been supported by evidence in this report. In fact, many "disinterested experts" will testify that light rail has provided positive benefits for many communities, has encouraged development, and has increased property values. In fact, light rail has been so successful that 191 cities are currently vying for federal funding to construct rail systems. Some of these are for extensions to systems dismissed by the Grand Jury as "unsuccessful."

Furthermore, many Orange County voters have lived and traveled throughout the world and have first hand experience with rail systems. Recent citizen polls conducted by the Los Angeles Times and by OCTA indicate strong support for a rail system. The polls were administered countywide and were objective in their research methods (Attachment F). The Grand Jury committee responsible for this report was most likely unaware of this information. No, light rail does not capture anything close to a majority of travel trips in most cities, but it does play an important role in improving the performance of the overall transportation system and the quality of life for nearby residents.

The inference that light rail can only be deemed successful when it convinces automobile drivers to leave their cars in favor of public transit is without merit. While this is an admirable goal and an important part of ensuring the success of a transit system, it also ignores thousands of people who depend on public transit as their sole source of transportation. Senior citizens, persons with disabilities, students, and visitors are dependent on public transportation and are a growing sector of Orange County's population. This information is included in OCTA's FastForward planning document, which is included in the bibliography of the Grand Jury report but is not cited within.

Not surprisingly, OCTA's bus system has seen record ridership growth over the last 4 years. Annual ridership has jumped from 43 million to 53 million riders, and is expected to exceed 57 million this year. This is verifiable proof of the growing importance of public transit in Orange County. Buses are currently experiencing capacity problems on many routes-leaving patrons at stops. Simply adding buses to congested local roads will not solve traffic problems.

Meeting this demand comes at a price, which leads to another component of the Grand Jury Report-the issue of cost-effectiveness. Calling a light rail system a success or failure based solely on its cost-effectiveness is an oversimplification of a complex issue. A rail system can offer important community benefits on many intangible levels-bringing controlled growth to surrounding areas, providing options for commuters, and improving air quality are just a few.

In discussing the issue of costs, there are a number (of) omissions and assertions in this report that cannot be substantiated. The report states that a tax increase will be necessary and that OCTA has not detailed how it would pay for a rail system. Both declarations are incorrect. OCTA has already adopted a detailed and complete financing plan to build and operate a light rail system. This plan was approved in public session by the Board in November 1998 and has been incorporated into OCTA's Long Range Financial Plan (Attachment G). The financing strategy relies on the voter-approved transit component of Measure M, federal and state funds for construction, and establishes an operating fund to finance operations through the year 2027. No new taxes will be necessary.

Finding 2: *The OCTA Outreach/CenterLine documentation is alleged to "...educate the public as to the transportation choices available to Orange County..." One of the goals of the outreach program*

for the CenterLine is to get public feedback and evaluation of the transportation alternatives. However, the CenterLine public outreach program does not describe what the light rail is supposed to do in a quantitative environmental, economic or financial sense.

Response: The respondent disagrees wholly with the finding. The finding ignores the extensive amount of research conducted as part of OCTA's Major Investment Study between 1994 and 1997. This study included a thorough analysis of multiple transportation options throughout the corridor area. The analysis included comparisons of rail systems, additional bus service, transportation systems management, and even the construction of new freeway lanes. This research revealed to the Board, and the public, the quantitative environmental, economic, and financial findings (refer to Attachments D & E).

As an outgrowth of this effort, the OCTA Board of Directors voted to pursue a comprehensive Locally Preferred Strategy (LPS). Because Freeway improvements studied in the MIS were already being implemented through Measure M and future OCTA plans, the Board focused the LPS on a 49 percent increase in bus service and the detailed conceptual engineering study of a rail system.

OCTA is preparing an Environmental Impact Study and Report to provide the quantitative data to share with the public at large regarding the potential effectiveness of The CenterLine system. These detailed documents follow the process laid out and monitored by the Federal Transit Administration (FTA) and will include ridership, economic, and environmental data. The report will meet all federal and state requirements.

At the same time, the Grand Jury should be aware that cities along the proposed rail corridor are conducting detailed studies of the area surrounding the alignment and its possible stations. Although the Grand Jury interviewed a number of city managers along the corridor, and was informed of OCTA's cooperative city efforts, they chose not to mention this in the report. Also not mentioned are OCTA's efforts to assist cities with local outreach efforts. Many of the same questions raised by the Grand Jury have been raised in local city council meetings since the beginning of this project study.

Finding 3: *There is a promotion of light rail by OCTA in its Outreach/CenterLine documents and briefings, rather than a process of study, analysis and evaluation as to its merits and cost benefit.*

Response: The respondent disagrees wholly with the finding. No evidence is offered to substantiate this finding. OCTA's public outreach activities are award winning and recognized by industry peers as among the best. This is not, as concluded by the report, "public relations fluff." The information provided to the public via open houses, direct mailings, community events, opinion polls, and a myriad of collateral material is always fair, objective, and factual (Attachment H). The aim of all of our public outreach programs is to simply present the facts and let the people decide. We follow the same methods for freeway, roadway, and other project outreach programs. OCTA staff reports to the Board of Directors have always been comprehensive, detailed, and relevant. To suggest that the OCTA Board of Directors is incapable of making educated and wise decisions is inappropriate.

In addition, the public outreach for this project is far from over. The Environmental Impact Statement and Report, as mentioned earlier, will be extremely detailed in its analysis. This document will be released to the public and requires a public hearing. OCTA also intends to conduct a public hearing in every city along the rail corridor prior to making a decision on whether to pursue a rail system.

Recommendations:

Recommendation 1: *The OCTA Directors be made aware of the national experience in light rail over the past 18 years and light rail's documented inability to solve urban transit problems such as traffic congestion and pollution. Along those lines, we further suggest that disinterested experts from academia be invited to provide the historical perspective to the Directors. Inputs should come from a variety of sources, especially experts in economics, transit and light rail, who do not have a vested interest in the promotion of light rail for the County,*

Response: OCTA is already complying with this recommendation through a variety of methods. As mentioned earlier, the OCTA Board of Directors is well aware of the national experience regarding light rail and will continue to learn more about current and future systems nationwide.

Nevertheless, the OCTA Board of Directors respects the intent of this recommendation. A scheduled debate will be presented either in late summer or early fall featuring proponents and detractors of light rail. This discussion will include "interested experts" with differing viewpoints and perspectives

Recommendation 2: *The Directors instruct the OCTA staff to amend Outreach Programs to include data regarding the recent and ongoing national experience regarding the cost-efficiency and efficacy of light rail in failing to solve urban problems of traffic congestion, pollution, etc.*

Response: OCTA is already complying with this recommendation. OCTA outreach materials have consistently included extensive information regarding the pros and cons of light rail and its effect on many cities. OCTA published and presented a comprehensive overview of rail cities across the country as part of its CenterLine Milestone 3 report (refer to Attachments D & E). Also, OCTA staff reports and Board presentations have compared the demographic and population data of Orange County to those same rail cities. The data shows that Orange County's population and employment densities are similar to those cities with successful rail systems.

Contrary to the beliefs of the Grand Jury, light rail was never intended to "solve" all transportation and economic ills in an urban area. The same can be said for all modes of transportation including freeways, buses, trains, bikeways, and pedestrian facilities. Light rail, like any other mode, will provide our residents with another choice. The success or failure of a light rail system cannot be attributed to cost-efficiency alone (see response to Finding 1).

Recommendation 3: *The Directors instruct OCTA staff to develop, and publish in a timely manner, quantifiable "build/no-build" criteria on light rail's effect on urban traffic congestion, pollution abatement and ability to support unsubsidized developments in Orange County. These criteria should be approved and in place for the Directors and the taxpaying public so they can be utilized in the "build/no-build" decision process scheduled for December 1999. That information will enable reasoned and meaningful citizen evaluation on the various transportation alternatives, including light rail that OCTA has presented for public support. To date, that data has not been forthcoming in the OCTA Outreach Program.*

Response: OCTA is already complying with this recommendation. We disagree with the assertion that this data has not been forthcoming in OCTA's Outreach Program. On the contrary, OCTA has been extremely forthcoming in providing this information and will do so in even greater detail when the environmental documents are released by the Federal Transit Administration this summer. The

OCTA Board of Directors understands that the Grand Jury's intent is to see additional information provided to the public. OCTA will continue to do so. At the same time, the local news media will continue to provide ample coverage on this project-as is their role.

The release of the Environmental Impact Report and Statement for this study will include both the quantitative and qualitative information needed by the public and the OCTA Board of Directors to make an informed decision as to the potential for rail in Orange County. The environmental documents must adhere to the strict guidelines set forth by the FTA. The FTA does not rate competing projects on quantifiable measures alone. Most importantly, the public feedback received on The CenterLine project indicates that the Orange County citizens understand the many intangibles of light rail, and do not evaluate the project's benefits on cost or ridership estimates alone.

Conclusion:

The Orange County Transportation Authority Board of Directors welcomes the interest of the Grand Jury concerning The CenterLine project. Obviously, we are disappointed with many of the findings and recommendations of the report and have expressed those concerns in this response. It appears that instead of issuing an objective and well-researched report on the subject, the Grand Jury has instead chosen to simply restate arguments against rail systems already made by others. These are arguments that have been raised and considered, but do little to advance the understanding of Orange County's transportation needs.

Orange County has a long history of working in a cooperative manner to find solutions to transportation problems. The approval of Measure M, which includes the rail system detailed in this report, is a prime example. Given the respect this agency has for the role of the Grand Jury, we sincerely look forward to well-researched and informed analyses of this subject in the future.

Thank you once again for your efforts and opinions.

Sincerely,

Thomas W. Wilson
Chairman
OCTA Board of Directors

Attachments