SB 743 Overview

The Senate Bill which was signed back into law back in 2013, requires the Governor’s Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to level of service for evaluating transportation impacts in relation to land use developments and states the criteria must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land use”. It also suggested that the measurements of transportation impacts may include “vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated”. It also stated that alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office. It also would require transportation projects that increase physical roadway capacity for automobiles in a congested area, or adds new roadway to the network, the transportation analysis should analyze whether the project will induce additional automobile travel compared to existing conditions.

OPR chose to focus on utilizing VMT as the alternative methodology to LOS in determining Transportation impacts under CEQA. The text of the proposed new Section 15604.3 can be found on pages 13-15 of the Preliminary Discussion Draft of Updates to the CEQA Guidelines.

**SB 743 - RCTF Discussion Points for CTC Meeting on October 8, 2014:**

Purpose of SB 743 as it relates to rural areas:

* The effectiveness of achieving the goals of reduced VMT is dependent on high population and land use densities
* These high population and high density land uses are sparse in rural areas, often times basic needs are not met in small rural communities, which requires residents to travel long distances for jobs, goods and services
* There is a concern that people in rural areas are generally not currently riding transit, bicycling or walking, so impacts to LOS are not likely to force them out of their cars, rather they may begin looking for alternative driving routes resulting in higher VMT (See possible alternative language below)
* The current mode split for alternative modes of transportation in rural areas is generally low and the longer distances between destinations and terrain tend to limit bicycling and walking as an alternative to the automobile. Due to limited funding, transit in rural areas although it is available is limited in its coverage and frequency and is not a convenient alternative to the automobile. For these reasons allowing a key transportation corridor in a rural area to degrade in LOS will most likely not result in forcing people out of their cars, as some might suggest, but rather they will most likely look for alternative routes to drive that are not as direct and result in higher VMT.
* High quality transit corridors are often limited or non-existent in rural areas – the provision of additional transit service as mitigation for developments that increase VMT can be cost prohibitive in rural areas
* ~~There is also some concern as transportation funding for development impacts is limited to infrastructure improvements as opposed to transit operations~~ (After further research I don’t believe this accurate, I would leave it out)

Technical Challenges for Rural Agencies:

* We anticipate that rural agencies will have a technical challenge and associated cost to the establishment of a Regional Average VMT by land use type.
* It is anticipated that local rural jurisdictions will look to the rural RTPAs to develop the Regional Average VMT.
* This data does not currently exist in a shelf ready format. In order to establish a legally defensible Regional Average VMT by land use, it will it developed by the RTPA staff or contracted out to a consulting firm.
* There may be potential for OPR to develop a simple methodology for rural areas under a certain population threshold (maybe 50,000 urbanized area) to utilize trip generation by land use type, for which data is readily available in the ITE handbook and existing traffic models.
* We are also concerned about the induced demand analysis required for capacity increasing projects. There needs to be more substantial evidence to justify where to draw the line in relation to impacts versus benefits. Each project and location is unique. In a rural county due to sparse geography and terrain, travel patterns tend be more established and static as compared to urban areas and adding additional capacity to a roadway in a rural area would not necessary result in more trips being made on the new facility. Studies show that in rural areas due to the longer distances traveled drivers tend to combine most of their shopping, banking, etc. and other required activities as a part of one trip (trip chaining) versus multiple trips. Key corridors in rural areas generally are the most direct route between locations and if congested drivers will most likely look for alternative routes that are not as direct and result in higher VMT. ~~Having congested roadways could lead to an increase in VMT due to drivers seeking a way around the congested roadways.~~

Relationship to General Plan LOS Standards

* We are concerned about the difference between potential mitigation measures based on LOS versus those based on VMT. The guidance states that Cities and Counties that have LOS standards adopted in their general plans or fee programs can still utilize LOS to determine and enact previously adopted mitigation measures, we are concerned that this inconsistency will set the stage for potential conflict with CEQA resulting in legal challenges to these mitigation measures. **(See potential alternative language in my bullet below)**
* Another concern that we have is that even though the draft guidance states, that Cities and Counties with LOS standards adopted in their general plans or use LOS in their fee programs can still utilize LOS to determine and enact mitigation measures, it sets the stage for potential conflict with CEQA and could lead to legal challenges to these types of mitigations. For instance a project determined to not have a significant transportation impact under CEQA in relation to VMT, may be required to mitigate impacts as measured by LOS consistent with General Plans or fee programs and the mitigation might include roadway widening. However, widening the roadway under the new draft amendment language could be viewed as inducing growth and causing a significant impact under CEQA and these types of conflicts will likely result in litigation.

Moving Forward

* While we recognize that encouragement to use alternative modes must start somewhere, the appropriateness of this approach in sparsely populated rural areas may need to be explored further.
* We support the phased approach to implementation, and appreciate that OPR will continue to study the application of VMT, as well as, other alternative methodologies for use in the environmental review process.
* We encourage OPR to develop a rural area case study and we welcome the opportunity to work with OPR staff to help develop such a study and methodologies appropriate for rural areas.
* I appreciate the opportunity to present these concerns on behalf of the RCTF and we look forward to working with OPR to address some of these concerns going forward.