



November 21, 2014

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Mr. Ken Alex
Director, Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

RE: Updating Transportation Impacts Analysis in the CEQA Guidelines

Dear Mr. Alex:

The California State Association of Counties (CSAC) submits the following comments in response to the Preliminary Discussion Draft of Updates to the California Environmental Quality Act (CEQA) Guidelines Implementing Senate Bill 743 (Steinberg, 2013) by the Governor's Office of Planning and Research. Founded in 1895, CSAC is the unified voice of all 58 of California's counties. The primary purpose of the association is to represent county government before the California Legislature, administrative agencies, and the federal government. As lead agencies for thousands of planning, development and transportation projects annually, California's counties have a vested interest in the environmental review process, statewide sustainability goals, and discussion of how to best analyze projects to support these goals in varying community contexts across the state.

The current use of level of service (LOS) to analyze transportation impacts from a project has been criticized as inducing auto use, creating barriers to infill development, and discouraging other modes of transportation, including transit and active modes. The use of LOS for environmental review of impacts to transportation focuses on congestion at roadway intersections and corridors. LOS-based mitigation measures typically include widening or increasing the capacity of intersections or roadways. As California seeks to promote infill development and a diversity of land uses to reduce greenhouse gas (GHG) emissions, there is growing recognition that Californians need additional transportation choices. In as much as LOS inhibits projects and mitigation measures that would promote alternative, less energy-intensive modes of transportation, the goal of SB 743 and the revisions to the CEQA guidelines is to provide alternatives to LOS to reverse these outcomes, specifically in transit priority areas (TPAs).

CSAC supports California's statewide planning priorities to promote infill development, protect environmental and agricultural resources, and encourage efficient development patterns. As such, CSAC supports the overall goal of SB 743 to encourage other types of mitigation measures for significant transportation impacts where appropriate. We do not question the appropriateness of an alternative to LOS within the CEQA Guidelines within TPAs, and it appears that vehicle miles traveled (VMT) as a metric for analyzing transportation impacts from a project is the most appropriate replacement metric. No longer considering automobile delay an impact under CEQA in these areas is a sensible approach to fostering multi-modal mitigations to transportation impacts. CSAC recommends a number of changes to the Preliminary Discussion Draft, however, to address our concerns with applying a VMT metric within TPAs. We continue to have strong concerns about the applicability outside TPAs starting January 1, 2016.

POLICY CONSIDERATIONS

1. *Appropriateness of Statewide Implementation and Timing.*

Moving from an LOS metric to a VMT metric within CEQA will be a complicated process and represents a significant shift from the current decades-long practice. We believe there will be unintended consequences and implementation issues from this change, which will necessitate a more reasonable approach to statewide implementation. We urge OPR to continue their tremendous outreach and education efforts so as to be as pragmatic and thoughtful as possible in its implementation. It is prudent to revise the draft guidelines to apply the VMT alternative analysis within TPAs no sooner than October 1, 2015.

With respect to application outside of TPAs, we recommend that OPR make the use of the VMT analysis optional at the discretion of lead agencies when the guidelines are adopted and then work with CSAC and other interested stakeholders to develop a pilot program to apply VMT in more suburban and rural community settings and study its impacts before mandating the change statewide. Because VMT analysis is not well developed in the transportation engineering world, California's counties continue to have numerous questions about the real-world impacts from transitioning away from LOS analysis. Questions include:

- a. What value does a VMT analysis add in communities which currently lack robust transit and bicycle and pedestrian networks that could be further developed to mitigate transportation impacts; and, which due to their geography, are unlikely to develop such facilities in the future?
- b. What mitigation measures are feasible for reducing VMT in rural and suburban contexts?
- c. How can we better define the contexts outside TPAs in which a VMT analysis makes sense? Can we identify certain community characteristics such as population density, future planned transit service or bicycle or pedestrian infrastructure?

These questions are ripe for study under a pilot program. In fact, at least one rural county has already volunteered to test both a VMT and LOS analysis for the upcoming revision to its Regional Transportation Plan and we are confident additional counties are willing to test a VMT analysis for a variety of types of plans, development projects and transportation projects.

It is our current perspective that LOS analysis still has a place in CEQA in areas outside TPAs; CSAC stands ready to work with OPR to find sensible solutions in support of a multi-modal transportation system and our mutual environmental goals. We also request that OPR provide examples or case studies to show how a VMT analysis within CEQA would apply to a variety of projects within TPAs and in other more suburban or rural contexts.

2. *Threshold of Significance.*

The Preliminary Discussion Draft recommends the use of regional average VMT by project type as a threshold of significance. The Draft further suggests that a project which would not exceed the regional average VMT rate may be considered to have a less than significant impact. CSAC is concerned that a regional average VMT does not account for the diversity of communities within the various regions. For instance, in the Bay Area, the metropolitan City and County of San Francisco and the bucolic City of Calistoga have wholly different community characteristics but would use the same regional average VMT to determine transportation impacts from projects. See Napa County's letter dated October 16th for additional concerns related to the binary nature of the suggested regional average threshold. CSAC fully supports the Institute of

Transportation Engineers (ITE) recommendation to provide more flexibility in OPR's guidance to explicitly allow lead agencies to set the appropriate significance threshold, such as a local average at the countywide or neighborhood level. A more flexible approach will address these concerns.

CSAC also concurs with the City and County of San Francisco regarding the inadequacy of the singular criterion that projects that locate within one-half mile of either an existing transit stop or a stop along an existing high-quality transit corridor would result in less than significant impacts. We support removing this from the Preliminary Discussion Draft or adding additional factors to consider in addition to project location such as density and diversity of land uses.

3. Availability of Data and Technical Expertise.

Given the significant change replacing LOS with VMT analysis represents, many lead agencies do not have the modeling capacity or technical expertise to develop VMT data on a project level. While Appendix F in the Preliminary Discussion Draft includes information on a variety of available models (free and for purchase) to estimate VMT, they are not relevant for the full range of projects that CEQA applies to. These models are designed to estimate VMT from land use development projects and are not applicable to roadway projects. Even when applied to land use development projects, counties are not currently universally using such tools and models to calculate VMT by project. As discussed further below, local communities would require additional resources from the state to begin such as significant transition. Finally, ITE's case studies demonstrate that the various land use models for assessing VMT from land development projects can generate markedly different outcomes.

In order to estimate VMT on a project level, lead agencies must use sketch models or more sophisticated travel demand models. While regional transportation planning agencies implement trip-based and activity-based models of verifying sophistication to address existing statutory requirements such as air quality, we understand that disaggregating the project level VMT by land use type is very difficult. Many counties do not use trip- or activity-based models locally and would need to rely on regional agencies when possible. CSAC is concerned, however, about the immediate availability of regional data across the state. Many regions indicate a need to expand or update existing models.

4. Retention of LOS for Local Planning and Transportation Purposes.

While SB 743 allows for local agencies to continue utilizing LOS for local planning purposes, we are compelled to formally express why local agencies value, and still need to utilize LOS analysis. LOS is crucial to determine available capacity (or lack thereof) on the local and regional transportation system. LOS allows local agencies to determine what additional improvements are necessary to maintain a properly functioning transportation system and assess development's cost share of those improvements. VMT cannot provide local agencies with this information, which is critical for both safety and operational reasons, and therefore LOS must be retained.

The removal of LOS from CEQA analysis, although helping to achieve statewide planning goals such as to encourage infill development, may hinder successful implementation of regional and local transportation goals. LOS analysis of proposed projects traffic generation on arterials and collectors in adjacent jurisdictions is critical to achieving level of service and congestion goals on regionally significant arterials. If LOS is removed from CEQA analysis, local jurisdictions will often only assess potential traffic impacts within their jurisdiction and not beyond their

boundaries. CEQA analysis is an essential tool to ensure for local jurisdiction assessment of impacts beyond their local boundaries. It should also be noted that while projects within TPAs and would be exempt from the Congestion Management Plan analysis and deficiency plan requirements, roadways outside of these areas would not and regional analysis of regionally significant arterials will be necessary for compliance. Removal of LOS from CEQA analysis makes this review and compliance more difficult.

5. *Unfunded Mandate/Technical Assistance and Training.*

The change from an LOS based analysis to a VMT metric without financial and other resources constitute an unfunded mandate. Counties will continue to perform LOS for local planning purposes to address traffic safety and other local goals relates to traffic congestion (an important issue to communities across the state). The new VMT requirement will apply on top of existing LOS analysis. Pursuant to the previous sections, CSAC requests that OPR provide additional resources, case studies, training and technical expertise to lead agencies that will be required to implement a VMT analysis within TPAs. During the pilot program period, this training should also be provided to lead agencies that elect to test VMT analysis outside of TPAs.

6. *VMT by Land Use Type.*

The level of specificity (and data available for such purposes) will vary from region to region and lead agency to lead agency with respect to land use types. In the San Diego region, the San Diego Council of Governments has over 100 land use types whereas the Sothern California Association of Governments reports it has data to report regional VMT data by two categories – residential and non-residential (although SCAG is currently working to bring more specificity to their data). CSAC concurs with the City and County of San Francisco’s recommendation to defer to local jurisdictions to determine and define the appropriate land use types for their community.

7. *Land Use Plans and Consistency with Sustainable Communities Strategies.*

The Preliminary Draft Guidelines state that land use plans that are either consistent with a Sustainable Communities Strategy (SCS), or that would reduce at least an equivalent amount of VMT as projected to result from an SCS, would generally may be considered to have a less than significant impact. We support ITE’s recommendation to exempt roadway projects that are consistent with an SCS strategy from an induced demand travel analysis.

8. *Induced Demand.*

Not all roadway projects are alike and as such may warrant different treatment under the Guidelines. As ITE notes in their comment letter, large roadway projects that improve travel times by more than 5 minutes should likely require an analysis of the induced demand but smaller roadway projects that do not meet this threshold should be exempt. Smaller projects may include widening to provide a turn pocket at an intersection or shoulder widening along a roadway. CSAC believes this issue merits more consideration prior to extending a VMT analysis outside TPAs.

9. *Safety.*

Local safety is an important part of transportation analysis. CSAC recognizes that the Preliminary Discussion Draft continues to identify impacts to the safety of all roadway users as a relevant factor in an environmental analysis. However, CSAC requests that the guidelines acknowledge local safety analysis generally and that OPR develop a separate technical advisory with more specific information for lead agencies to use that clarifies the appropriate factors for assessing

safety impacts under CEQA. It is of utmost importance to get guidance on this issue right. While impacts to safety can be assessed such as queuing at ramps onto the freeway and queuing at turn pockets blocking turn lanes of traffic (may increase rear-end collisions or sideswipes from passing on shoulder), we would be concerned with potential liability issues that may result from identifying safety issues that may not be fully mitigated.

10. Impact Fee Programs.

In order to develop regional impact fee programs to mitigate impacts caused by increases to regional VMT, specific mitigation measures and projects that would mitigate the impact need to be identified. It is not clear at this time what specific projects can be identified that would mitigate an increase in regional VMT.

RECOMMENDATIONS

1. Replace LOS with a VMT metric in TPAs no earlier than October 1, 2015 to allow lead agencies to develop the data, models and technical expertise necessary for implementation.
2. Continue outreach with lead agencies and other stakeholders to better understand consequences of VMT analysis on various planning level documents and land development and transportation projects.
3. Ensure the issues around threshold of significance, safety and the availability of data are addressed before moving forward with rulemaking.
4. Delay statewide implementation until consequences of VMT analysis are better understood.
5. Implement a pilot program to test and study VMT analysis compared to LOS analysis on projects outside TPAs. A pilot program would help determine the typical costs associated with developing a new model in a county, what the average time frame would be to conduct a VMT study versus an LOS study, potential impacts to existing fee programs based on LOS, impacts resulting from a requirement to mitigate two distinctly different scenarios (VMT vs. LOS), and identification of what types of mitigation measure would be available.
6. Provide meaningful case studies, funding, technical assistance and training to lead agencies to effectively implement a VMT analysis within TPAs (and outside TPAs when determined appropriate).

Thank you for the opportunity to provide feedback on the Preliminary Discussion Draft and for your consideration of the county perspective. We sincerely appreciate the time and effort your staff has made to reach out to impacted lead agencies and stakeholders. Please do not hesitate to contact me if you would like to discuss our perspectives and recommendations further.

Sincerely,



Kiana Buss
Legislative Representative