

THE IMPLEMENTATION OF CALIFORNIA SB 743

REVISIONS TO TRANSPORTATION ANALYSES CONDUCTED FOR CEQA

SB 743 was passed by the legislature and signed into law by the governor in the fall of 2013. Under SB 743, the Governor's Office of Planning and Research (OPR) has been directed to revise the guidelines for conducting transportation analyses under the California Environmental Quality Act (CEQA). The primary change that has been requested in SB 743 is to reduce reliance on roadway capacity, level of service, and delay and replace these performance measures with analysis based on vehicle miles travelled (VMT) or similar performance measures. The intent is to encourage smart growth and infill developments and reduce the amount of greenhouse gas emissions produced by vehicle travel.

OPR is requesting stakeholder comments on this process between now and February 14. Details of OPR's request can be found at the following website:

<http://opr.ca.gov/docs/PreliminaryEvaluationTransportationMetrics.pdf>

ITE Members interested in this issue are encouraged to submit individual comments to OPR based on their experiences in conducting CEQA transportation analyses.

The Western District of ITE has also established a California SB 743 Task Force, under the leadership of task force chair, Erik Ruehr. The task force will track this issue and do its best to keep California ITE members informed. In addition, the task force has written a draft comment letter to OPR intended to represent the shared comments of ITE members on this process. California ITE members are encouraged to review the draft letter and provide comments.

ITE's draft letter to OPR follows. In order to meet OPR's February 14 deadline, comments are requested from ITE members by February 10. Comments can be made in either of the following ways:

- ◆ Submit an email to itesb743@gmail.com
- ◆ Provide comments to the California SB 743 Community page at www.ite.org

DRAFT

February 5, 2014

Christopher Chafee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Re: Preliminary Evaluation of Alternative Methods of Transportation Analysis for CEQA

Dear Mr. Chafee:

Thank you for the opportunity to provide comments and suggestions regarding your efforts to amend CEQA (California Environmental Quality Act) Guidelines, as required by Senate Bill 743 (SB 743). This letter specifically responds to the Preliminary Evaluation of Alternative Methods of Transportation Analysis written by the Office of Planning and Research (OPR) dated December 30, 2013.

We represent over 2,000 California members of the Institute of Transportation Engineers (ITE), an international society of transportation engineers and planners. These members conduct transportation analysis for environmental documents under CEQA and understand the purpose of these analyses to identify potential environmental impacts. Our purposes in writing this letter are as follows:

- ◆ We would like to transmit certain specific comments and suggestions that represent a broad consensus of our profession.
- ◆ In addition, there are certain issues related to this topic where our profession has not reached a consensus, but our members have brought up important considerations that should be taken into account in revising the CEQA guidelines.
- ◆ We would also like to let you know that we are organized and ready to assist OPR in the important task of revising CEQA guidelines. As you go through the process of testing alternatives and writing draft guidelines, we would like to be engaged in order to produce a set of revised guidelines that will meet the intent of SB 743 and serve the needs of the travelling public. By providing specific points of contact, we would like to facilitate your ability to engage our profession in this process.

As you might expect, our members have taken an interest in this issue and we expect that many will be providing comments as individuals or representing various stakeholder groups. We are doing our best to make our members aware of this process and we are encouraging them to submit comments that reflect their individual work and experience with CEQA transportation analyses.

The remainder of this letter includes comments on OPR's Preliminary Evaluation, specific suggestions that represent a broad consensus of California ITE members, responses to OPR's specific questions, and contact information.

COMMENTS ON OPR'S PRELIMINARY EVALUATION

The Preliminary Evaluation of Alternative Methods of Transportation Analysis (Preliminary Evaluation) dated December 30, 2013 contains valuable information regarding the background and next steps in the process. However, the information in this document is misleading in certain ways and we would recommend that revisions be made in subsequent documents that discuss this issue:

- ◆ The use of the term level of service or LOS itself is misleading. In our profession, level of service is a letter grade that is used to rate ranges of operations of various modes of travel, including travel by automobile, transit, bicycle, and walking. It is not the letter grading system that is in question, but the use of automobile congestion in environmental analysis. Where the Preliminary Evaluation refers to LOS, we believe that "roadway capacity analysis" is a more accurate description. The language of SB 743 recognizes the distinction when it talks about "level of service or similar measures of roadway capacity or traffic congestion". Furthermore, level of service analyses for other modes of travel (transit, bicycle, and pedestrian) may be helpful in promoting the reduction of greenhouse gases.
- ◆ On pages three through six, the Preliminary Evaluation describes the difficulties in calculating roadway capacity/LOS as well the accuracy of the calculations. Despite any problems, many transportation engineers believe that roadway capacity/LOS analysis is a highly useful tool in analyzing roadway operations that is used in the planning, operation, and design of roadway facilities. We believe the discussion should focus on how this analysis fits into the revised CEQA guidelines, rather than the difficulties in making the calculations. A key element to these calculations are the vehicle counts that are collected at the actual intersections being evaluated, not necessarily generalities for a region.
- ◆ ITE members are aware of the potential disadvantages in using roadway capacity/LOS calculations. We are aware of the problems brought up by OPR in the Preliminary Evaluation and we would welcome the opportunity to work with you to provide better information to decision-makers and the public. In certain situations, roadway capacity/LOS analysis can mischaracterize transit, bicycle, and pedestrian improvements as detrimental to transportation. In addition, it is recognized that traffic congestion and delay measured by LOS is an inconvenience to motorists and is important to the travelling public, but it is not a physical impact to the environment. Furthermore, considering only roadway capacity/LOS and congestion does not address the impact of automobile traffic on other modes, and how their safety, mobility and delay are impacted by automobile traffic.
- ◆ While the problems with roadway capacity/LOS analysis are over-emphasized in the Preliminary Evaluation, the difficulties in using vehicle-miles travelled (VMT) are under-

emphasized. VMT analysis is also a useful tool that is applied in many transportation applications. However, VMT analysis requires estimates of both trip generation and trip length. Neither of these performance measures can be easily calculated or predicted with 100% accuracy. We believe that both roadway capacity/LOS analysis and VMT analysis are useful and should both continue to be used in various aspects of transportation analysis. Local agency officials are still responsible for addressing congested roadway facilities and roadway capacity/LOS analyses are the best method for addressing this issue.

- ◆ In writing the new guidelines it is recommended that the financial responsibilities for local agencies to fund transportation improvements be taken into account. If a proposed project results in significant traffic impacts under roadway capacity/LOS analysis, it is common practice that the project be required to financially participate in the necessary improvements. Many agencies also collect fees to mitigate minor impacts at other intersections and on roadway segments. Without growth and development, there would be little if any need for further improvements other than those that are the responsibility of the agency to mitigate pre-existing deficient conditions. The new guidelines should not require a change to VMT as a performance measure that would shift all financial responsibility from the private developers to the public agencies who have extremely limited financial resources to address these development-related impacts.

ITE SUGGESTIONS FOR REVISING CEQA GUIDELINES

Following are our overall suggestions regarding the revisions to CEQA guidelines for transportation analyses:

- ◆ Considerable thought should be put into the use of VMT or similar measures for the use of the determination of significant impacts under CEQA. While VMT is a useful performance measure that is related to the production of greenhouse gases, there is little or no current basis for the determination of significance. Given the wide variety of projects subject to CEQA transportation analyses and the differing settings in which projects are proposed, it will be impossible to develop broad significance criteria applicable to all situations and regions. Providing judgment-based criteria and giving flexibility to local agencies in determining their own criteria can be part of a viable solution to these issues. Data collection to determine VMT could be significant and it is recommended that the guidelines be flexible enough for local agencies to provide reasonable estimates for VMT or similar performance measures that are consistent with available resources.
- ◆ While SB 743 requires that OPR write guidelines that de-emphasize roadway capacity/LOS analysis, such calculations will continue to be part of the overall decision-making process for various projects. For example, federal agencies require that such analyses be provided in order to meet federal guidelines for oversight and funding. In addition, local agencies require that roadway capacity/LOS calculations be conducted for certain projects in order to determine the level of roadway infrastructure that should be implemented to support development of the project. Since one of the overall objectives

of CEQA is disclosure of information regarding CEQA projects, it is recommended that such analyses continue to be included in CEQA documents, regardless of whether they are used in the determination of the significance of impacts.

- ◆ One concept that has been useful in previous analyses has been guidelines that allow for more congested roadway operations in infill areas with alternative travel choices, while retaining guidelines that encourage less congested roadways in areas where automobile travel is the primary method of long-distance travel.
- ◆ In order to minimize potential disruption caused by the change in CEQA guidelines, we would recommend that all projects that have filed a Notice of Preparation prior to the date the new guidelines take effect should have the option of using either the new guidelines or the previous guidelines in completing their CEQA documents. Alternative rules regarding projects in transition would be possible, but the main point would be to allow local agencies time to adjust to the new guidelines.

All of the information presented above should be considered in light of local context. In much of rural California, travel by automobile is the only viable means of long-distance travel, while in many urban areas, travelers have a choice of multiple modes of transportation.

RESPONSES TO SPECIFIC OPR QUESTIONS

Q. Are these objectives (i.e. the objectives stated in the Preliminary Evaluation, pages six through eight) the right objectives?

A. Modal balance (i.e. analysis of appropriate balance of emphasis on different travel modes) and “livability” or “quality of life” are objectives that have been mentioned by ITE members.

Q. Are there other objectives that should be considered?

A. Yes, modal parity, i.e. measuring how well the transportation network serves transit passengers, pedestrians and bicyclists, as well as auto traffic. This should include both existing as well as future scenarios. Livability or quality of life in relation to transportation analyses would relate to the public’s ability to travel to desired destinations within a reasonable amount of time.

Q. Are there environmental impacts related to transportation other than air quality (including greenhouse gas emissions), noise and safety? If so, what is the best measurement of such impacts that is not tied to capacity?

A. We have not identified any additional environmental impacts. However, ITE members share a common goal of working towards a functioning transportation system, regardless of whether this falls into the definition of an environmental impact under CEQA.

Q. Are there transportation-related air quality, noise and safety effects that would not already be addressed in other sections of an environmental analysis (i.e. the air quality section or noise

section of an initial study or environmental impact report)? If so, what is the best measurement of such impacts that is not tied to capacity?

A. Transportation-related impacts have been evaluated hand in hand with air quality and noise impacts. Vehicle speed could be a metric that could be analyzed utilizing available procedures, including simulation models. Changes in vehicle speeds do result in different air quality and noise impacts. Traffic injuries have not been adequately addressed using CEQA Initial Study questions, particularly the safety of vulnerable users, pedestrians, bicyclists, children and the elderly. VMT or vehicle trips can be used in the analysis of traffic safety problems.

Q. Would consistency with roadway guidelines normally indicate a less than significant safety impact?

A. Consistency with design guidelines does not necessarily guarantee that there will be no significant safety impact. For example, consider a well-designed freeway off ramp that terminates in a signalized intersection that is congested during peak hours. If the traffic congestion causes vehicles waiting at the traffic signal to back up out onto the freeway, a safety impact will occur that is independent of the quality of the geometric design of the off ramp. One problem with tying design guidelines to CEQA is that design guidelines for transportation facilities are written for a completely different purpose than CEQA analyses and complications would develop by trying to make specific connections between CEQA guidelines and design guidelines.

Q. What are the best available models and tools to measure transportation impacts using the metrics evaluated above? SB 743 allows OPR to establish criteria “for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of” SB 743. Should OPR establish criteria for models? If so, which criteria?

A. Because of the wide variety of transportation studies conducted for CEQA documents, we would advise against the designation of specific models and tools.

Q. SB 743 provides that parking impacts of certain types in certain locations shall not be considered significant impacts on the environment. Where the limitation does not apply, what role, if any should parking play in the analysis of transportation impacts?

A. Parking supply does impact the viability of some land uses in some regions. Parking impact metrics could be developed for use in urban or densely developed areas where there are alternatives to the private automobile; i.e. transit, bicycle, pedestrian systems. In areas where parking impacts could exist and alternatives do not exist could result in additional air quality impacts as vehicles circulate looking for parking areas or increases in the VMT. Parking is a difficult issue to analyze because demand for parking will vary widely depending on its cost. Given that parking demand can be reduced by raising the price, and that charging for parking can be implemented relatively easily, (physically if not politically).

This letter was prepared by the California SB 743 Task Force, a task force appointed by the Western District of the Institute of Transportation Engineers. The Western District oversees the

thirteen Western states, including California. Within California, the Institute of Transportation Engineers is represented by seven sections throughout the state. The Presidents representing the seven California ITE Sections have supported the task force in preparing this letter and their names and contact information is shown below.

Future correspondence should be directed to Erik Ruehr, Chair of the California SB 743 Task Force, who can represent the ITE California ITE Section Presidents for correspondence purposes. Contact information is shown below:

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Thank you again for the opportunity to be involved in this discussion. We look forward to working with you in the months ahead.

Respectfully yours,

Institute of Transportation Engineers
California SB 743 Task Force



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