Meeting Summary from Alameda CTC ACTAC Ad Hoc Committee on SB 743

August 26, 2014

Attendees: Debbie Bell, City of Livermore; Nathan Landau, AC Transit; Kristie Wheeler, City of Fremont; Abhishek Parikh, City of Hayward; Jamie Parks, City of Oakland; Obaid Khan, City of Dublin; Ruben Izon, Alameda County; Cindy Horvath, Alameda County; Mike Aronson, Kittelson and Associates; Matthew Bomberg, Alameda CTC; Saravana Suthanthira, Alameda CTC; Kara Vuicich, Alameda CTC

Key areas of agreement:

- Implementation of the new guidelines will be challenging and will take time. The applicability of the new guidelines described in Sec. 15064.3(d) should be changed to allow for phased application in Transit Priority Areas based on a jurisdiction's ability to develop appropriate thresholds and implement the guidelines within a given timeframe, and not immediately upon approval. The deadline for statewide implementation should be extended to January 1, 2017.

- Regarding, "A development project that is not exempt and that results in vehicle miles traveled greater than regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact." (Sec. 15064.3(b)(1)), -

    - it is unclear whether there is one average VMT threshold for the entire Bay Area region. If so, there should be subarea or sub-regional thresholds established instead of using one average VMT threshold for the entire region. In the Bay Area region where large job markets are centered in Silicon Valley in the South Bay and in San Francisco, longer trip distance for trips to these locations from the East Bay such as Alameda County is common. Reducing VMT for many of the Alameda County jurisdictions to meet the regional average would mean having an appropriate alternative regional commute option, which is beyond the purview of a local jurisdiction.

    - Jurisdictions should have the flexibility to define not only the appropriate land use type but also the appropriate land use context and geography against which to measure VMT impacts. This could either be further defined in the CEQA Guidelines, or could be left to the discretion of local jurisdictions and/or regional agencies to define.

- OPR should further define the Methodology specified in Sec. 15064.3(b)(4) regarding the direction that "a lead agency generally should not confine its

evaluation to its own political boundary." To what extent should a lead agency go beyond its political boundary?

- OPR should further define "induced travel" in Sec. 15064.3(b)(2) with the objective of clarifying how lead agencies should evaluate such impacts and set appropriate thresholds. Alternatively, OPR could incorporate some of the information on "induced travel" currently in Appendix E in the Guidelines directly or by reference.

- Studying impacts to transit is currently missing from the discussion draft. OPR should add detail specifying types of potential effects on transit that should be considered or analyzed, as was done for Local Safety in Sec. 15064.3(b)(3).

- It seems odd to place potential mitigation measures for reducing VMT in Appendix F. They should either be moved to a section that will make them more readily apparent, or, if they stay in Appendix F, it should be made clear that Appendix F addresses Transportation Impact Mitigation in addition to Energy Conservation as it states now and that it applies not only to EIRs but other environmental documents as well, such as mitigated negative declarations.

Additional comments and other areas of discussion:

- The purpose sub-section states that the primary consideration for analysis of transportation impacts include amount and distance of "auto travel associated with the project" – this phrase is very vague. Figuring out auto travel associated with a project is dependent on a lot of other factors.

- Under Local Safety sub-section, the example factor that indicates a project impacting safety by "contributing to speed differentials of greater than 15 miles per hour between adjacent travel lanes" should be removed. There is no good way measure this. Projects that are in line with the intent of SB 743 such as managed lanes on freeways and projects adding parallel parking on urban streets could cause such speed differential, so having this clause will create problems for those projects.

- What types of VMT estimates is the regional model capable of providing? How accurate are these estimates? How accurate is the model at different (particularly smaller) geographic levels?
    - Staff from Kittelson and Associates provided the following information on modeling:
        - The MTC regional model (which is an activity-based model) is able to provide reasonable estimates for VMT related to housing. The assumptions in the model are currently based on the 2000 Bay Area

Travel Survey, but these are in the process of being updated with data from the 2010 California Household Travel Survey.
    - The model has more difficulty predicting VMT for non-residential land uses. Because it's an activity-based model, non-residential land uses have to be "translated" into different types of activities, and then trips and trip lengths are generated based on the activity.

- What if a roadway widening is required to mitigate an LOS impact per a jurisdiction's general plan requirements? How will that be considered under these new guidelines, particularly if doing so is part of a land use project's condition of approval?

- What's a "jobs-housing fit"? What does "orienting the project towards transit" mean? The potential VMT mitigations listed in Appendix F need further definition and/or explanation as to how they might be applied. In addition, better research and documentation is needed as to the types of mitigations that are effective in reducing VMT for different land uses and land use contexts.

- There will likely be three different dimensions or components to analyzing VMT: the type of land use, the land use context/location, and site design. A potential fourth dimension is whether or not the project generates new trips, or just diverts existing trips (pass-by trips). There are different modeling and analysis tools available that are able to analyze these different elements and generate VMT estimates.

- It will be useful to monitor actual VMT generation from different types of projects to verify the accuracy of estimates.

- Will there be a minimum size of project to which these guidelines will apply, either by number of units or square footage? A single family residence could potentially have a transportation impact under CEQA if it has a very high VMT per capita.

- If a project was analyzed as part of a programmatic EIR using the current standards, will it be considered "grandfathered" under new CEQA requirements?

Potential areas where Alameda CTC could help the jurisdictions in implementing SB 743:

- VMT may be a good metric for assessing land use impacts, but not necessarily for assessing impacts from transportation projects. There may be a need to develop some metrics to evaluate transportation projects that go beyond VMT. Alameda CTC may want to provide guidance on this outside of the CEQA process, such as in the CMP.

- Alameda CTC could help jurisdictions in quantifying the VMT reduction for various impact mitigation measures.
    - It will be useful to monitor actual VMT generation from different types of projects to verify the accuracy of estimates.

Updating Transportation Impacts Analysis in the CEQA Guidelines

Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013)

Governor's Office of Planning and Research
8/6/2014

Senate Bill 743 (Steinberg, 2013)

Excerpt of Public Resources Code § 21099

(b) (1) The Office of Planning and Research shall prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 establishing ***criteria for determining the significance of transportation impacts*** *of projects within transit priority areas. Those criteria shall* ***promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses****. In developing the criteria, the office shall recommend potential metrics to measure transportation impacts that* ***may include, but are not limited to, vehicle miles traveled****, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.*

(2) Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, ***automobile delay****, as described solely by level of service or similar measures of vehicular capacity or traffic congestion* ***shall not be considered a significant impact on the environment*** *pursuant to this division, except in locations specifically identified in the guidelines, if any.*

(3) This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the adequacy of parking for a project shall not support a finding of significance pursuant to this section.

(4) This subdivision ***does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements*** *pursuant to the police power or any other authority.*

(5) ***On or before July 1, 2014****, the Office of Planning and Research shall circulate* ***a draft*** *revision prepared pursuant to paragraph (1).*

(c) (1) The Office of Planning and Research ***may adopt guidelines*** *pursuant to Section 21083* ***establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas****. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office.*

(2) This subdivision shall not affect the standard of review that would apply to the new guidelines adopted pursuant to this section.

Executive Summary

On September 27, 2013, Governor Brown signed Senate Bill 743 (Steinberg, 2013). Among other things, SB 743 creates a process to change the way we analyze transportation impacts under the California Environmental Quality Act (Public Resources Code section 21000 and following) (CEQA). Currently, environmental review of transportation impacts focuses on the delay that vehicles experience at intersections and on roadway segments. That delay is often measured using a metric known as "level of service," or LOS. Mitigation for increased delay often involves increasing capacity (i.e. the width of a roadway or size of an intersection), which may increase auto use and emissions and discourage alternative forms of transportation. Under SB 743, the focus of transportation analysis will shift from driver delay to reduction of greenhouse gas emissions, creation of multimodal networks and promotion of a mix of land uses.

SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines (Title 14 of the California Code of Regulations sections and following) to provide an alternative to level of service for evaluating transportation impacts. The alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (New Public Resources Code Section 21099(b)(1).) Measurements of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." (*Ibid.*)

This document contains a ***preliminary discussion draft*** of changes to the CEQA Guidelines implementing SB 743. In developing this preliminary discussion draft, OPR consulted with a wide variety of potentially affected stakeholders, including local governments, metropolitan planning organizations, state agencies, developers, transportation planners and engineers, environmental organizations, transportation advocates, academics, and others. OPR released its preliminary evaluation of different alternatives for public review and comment in December 2013. Having considered all comments that it received, and conducted additional research and consultation, OPR now seeks public review of this preliminary discussion draft.

This document contains background information, a narrative explanation of the proposed changes, text of the proposed changes, and appendices containing more detailed background information.

Contents

Text of Proposed New Section 15064.3

Proposed New **Section 15064.3. Determining the Significance of Transportation Impacts; Alternatives and Mitigation Measures**

(a) Purpose.

When analyzing a project's potential environmental impacts related to transportation, primary considerations include the amount and distance of automobile travel associated with the project. Other relevant considerations include the effects of the project on transit and non-motorized travel and the safety of all travelers. Indirect effects of project-related transportation, such as impacts to air quality and noise, may also be relevant, but may be analyzed together with stationary sources in other portions of the environmental document. A project's effect on automobile delay does not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

Section 15064 contains general rules governing the analysis, and the determination of significance, of environmental effects. Specific considerations involving transportation impacts are described in this section. For the purposes of this section, "vehicle miles traveled" refers to distance of automobile travel associated with a project.

(1) Vehicle Miles Traveled and Land Use Projects. Generally, transportation impacts of a project can be best measured using vehicle miles traveled. A development project that is not exempt and that results in vehicle miles traveled greater than regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact. For the purposes of this subdivision, regional average should be measured per capita, per employee, per trip, per person-trip or other appropriate measure. Also for the purposes of this subdivision, region refers to the metropolitan planning organization or regional transportation planning agency within which the project is located. Development projects that locate within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have a less than significant transportation impact. Similarly, development projects, that result in net decreases in vehicle miles traveled, compared to existing conditions, may be considered to have a less than significant transportation impact. Land use plans that are either consistent with a sustainable communities strategy, or that achieve at least an equivalent reduction in vehicle miles traveled as projected to result from implementation of a sustainable communities strategy, generally may be considered to have a less than significant impact.

(2) Induced Vehicle Travel and Transportation Projects. To the extent that a transportation project increases physical roadway capacity for automobiles in a congested area, or adds a new roadway to the network, the transportation analysis should analyze whether the project will induce additional automobile travel compared to existing conditions. The addition of general purpose highway or arterial lanes may indicate a significant impact except on rural roadways where the primary purpose is to improve safety and where speeds are not significantly altered. Transportation projects that do not add physical roadway capacity for automobiles, but instead are for the primary purpose of improving safety or operations, undertaking maintenance or rehabilitation, providing rail grade separations, or improving transit operations, generally would not result in a significant transportation impact. Also, new managed lanes (i.e. tolling, high-occupancy lanes, lanes for transit or freight vehicles only, etc.), or short auxiliary lanes, that are consistent with the transportation projects in a Regional Transportation Plan and Sustainable Communities Strategy, and for which induced travel was already adequately analyzed, generally would not result in a significant transportation impact. Transportation projects (including lane priority for transit, bicycle and pedestrian projects) that lead to net decreases in vehicle miles traveled, compared to existing conditions, may also be considered to have a less than significant transportation impact.

(3) Local Safety. In addition to a project's effect on vehicle miles traveled, a lead agency may also consider localized effects of project-related transportation on safety. Examples of objective factors that may be relevant may include:

(A) Increase exposure of bicyclists and pedestrians in vehicle conflict areas (i.e., remove pedestrian and bicycle facilities, increase roadway crossing times or distances, etc.).

(B) Contribute to queuing on freeway off-ramps where queues extend onto the mainline.

(C) Contribute to speed differentials of greater than 15 miles per hour between adjacent travel lanes.

(D) Increase motor vehicle speeds.

(E) Increase distance between pedestrian or bicycle crossings.

(4) Methodology. The lead agency's evaluation of the vehicle miles traveled associated with a project is subject to a rule of reason; however, a lead agency generally should not confine its evaluation to its own political boundary. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project.

(c) Alternatives and Mitigation.

Examples of mitigation measures and alternatives that may reduce vehicle miles travelled are included in Appendix F. Neither this section nor Appendix F limits the exercise of any public agency's discretion provided by other laws, including, but not limited to, the authority of cities and counties to condition project approvals pursuant to general plans and zoning codes. Previously adopted

measures to mitigate congestion impacts may continue to be enforced, or modified, at the discretion of the lead agency.

(d) Applicability.

The provisions of this section shall apply prospectively as described in section 15007. Upon filing of this section with the Secretary of State, this section shall apply to the analysis of projects located within one-half mile of major transit stops or high quality transit corridors. Outside of those areas, a lead agency may elect to be governed by the provisions of this section provided that it updates its own procedures pursuant to section 15022 to conform to the provisions of this section. After January 1, 2016, the provisions of this section shall apply statewide.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 21099 and 21100, Public Resources Code; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App. 4th 173.

Text of Proposed Amendments to Appendix F

Appendix F

Energy Conservation

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

(1) decreasing overall per capita energy consumption,

(2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and

(3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)). Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

II. EIR Contents

Potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances specific items may not apply or additional items may be needed. Where items listed below are applicable or relevant to the project, they should be considered in the EIR.

A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.

2. Total energy requirements of the project by fuel type and end use.

3. Energy conservation equipment and design features.

4. Identification of energy supplies that would serve the project.

5. Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed.

2. The effects of the project on local and regional energy supplies and on, requirements for additional capacity.

3. The effects of the project on peak and base period demands for electricity and other forms of energy.

4. The degree to which the project complies with existing energy standards.

5. The effects of the project on energy resources.

6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.

2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid-waste.

3. The potential for reducing peak energy demand.

4. Alternate fuels (particularly renewable ones) or energy systems.

5. Energy conservation which could result from recycling efforts.

6. Potential measures to reduce vehicle miles traveled include, but are not limited to:

a. Improving or increasing access to transit.

b. Increasing access to common goods and services, such as groceries, schools, and daycare.

c. Incorporating affordable housing into the project.

d. Improving the jobs/housing fit of a community.

e. Incorporating neighborhood electric vehicle network.

f. Orienting the project toward transit, bicycle and pedestrian facilities.

g. Improving pedestrian or bicycle networks, or transit service.

h. Traffic calming.

i. Providing bicycle parking.

j. Limiting parking supply.

k. Unbundling parking costs.

l. Parking or roadway pricing or cash-out programs.

m. Implementing a commute reduction program.

n. Providing car-sharing, bike sharing, and ride-sharing programs.

o. Providing transit passes.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy. **Examples of project alternatives that may reduce vehicle miles traveled include, but are not limited to:**

1. Locating the project in an area of the region that already exhibits below average vehicle miles traveled.

2. Locating the project near transit.

3. Increasing project density.

4. Increasing the mix of uses within the project, or within the project's surroundings.

5. Increasing connectivity and/or intersection density on the project site.

6. Deploying management (e.g. pricing, vehicle occupancy requirements) on roadways or roadway lanes.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the project's energy costs over the project's lifetime.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

Note: Authority cited: Sections 21083**, 21083.05** and 21087, Public Resources Code. Reference: Sections 21000-21176. Public Resources Code.

Text of Proposed Amendments to Appendix G

The following is an excerpt of Section XVI of existing Appendix G, as proposed to be amended to conform to proposed Section 15064.3:

[...]

XVI. TRANSPORTATION~~/TRAFFIC~~ -- Would the project:

a) Conflict with a~~n applicable~~ plan, ordinance or policy ~~establishing measures of effectiveness for the~~ addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths? ~~taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?~~

b) Cause vehicle miles traveled (per capita, per service population, or other appropriate measure) that exceeds the regional average for that land use? ~~Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?~~

c) Result in substantially unsafe conditions for pedestrians, bicyclists, transit users, motorists or other users of public rights of way by, among other things, increasing speeds, increasing exposure of bicyclists and pedestrians in vehicle conflict areas, etc.? ~~a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?~~

d) Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network? ~~increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?~~

e) Result in inadequate emergency access?

~~f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?~~

[...]

Providing Input

This is a preliminary discussion draft, which we expect to change for the better through public input. We hope that you will share your thoughts and expertise in this effort.

When and Where to Submit Comments

Input may be submitted electronically to CEQA.Guidelines@ceres.ca.gov. While electronic submission is preferred, suggestions may also be mailed or hand delivered to:

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

Please submit all suggestions before **October 10, 2014** at **5:00 p.m**.

Tips for Providing Effective Input

OPR would like to encourage robust engagement in this update process. We expect that participants will bring a variety of perspectives. While opposing views may be strongly held, discourse can and should proceed in a civil and professional manner. To maximize the value of your input, please consider the following:

- In your comment(s), please clearly identify the specific issues on which you are commenting. If you are commenting on a particular word, phrase, or sentence, please provide the page number and paragraph citation.
- Explain why you agree or disagree with OPR's proposed changes. Where you disagree with a particular portion of the proposal, please suggest alternative language.
- Describe any assumptions and support assertions with legal authority and factual information, including any technical information and/or data. Where possible, provide specific examples to illustrate your concerns.
- When possible, consider trade-offs and potentially opposing views.
- Focus comments on the issues that are covered within the scope of the proposed changes. Avoid addressing rules or policies other than those contained in this proposal.
- Consider quality over quantity. One well-supported comment may be more influential than one hundred form letters.
- Please submit any comments within the timeframe provided.

Average Vehicle Miles Traveled per Person by County of Residence (from the MTC Regional Model)

Scenario	County of Residence									*All Counties*
	San Francisco	San Mateo	Santa Clara	Alameda	Contra Costa	Solano	Napa	Sonoma	Marin	
Year 2010 (version 0.3)	7.4	16.7	15.4	15.4	18.8	16.4	17.6	18.9	18.5	*15.6*
Year 2020, Plan Bay Area (v 0.3)	6.8	15.8	15.2	14.9	17.8	16.7	16.3	17.4	19.3	*15.0*
Year 2030, Plan Bay Area (v 0.3)	6.4	15.4	14.6	14.2	17.1	15.9	15.5	16.5	18.9	*14.4*
Year 2040, Plan Bay Area (v 0.3)	6.1	14.8	14.1	13.7	16.4	15.3	15.2	15.8	18.4	*13.8*