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Executive Director
Arthur L. Dao

February 14, 2014

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

Dear Mr. Calfee:

We appreciate OPR's efforts to engage a broad range of stakeholders and the public as early as possible in the development of a new metric to measure a project's transportation impacts under CEQA. We welcome the alignment of environmental policy goals and objectives that will result from implementation of SB 743 and recognize its importance as a critical component of successful implementation of regional Sustainable Communities Strategies, including Plan Bay Area.

It is important to note that, although SB 743 eliminates LOS and other measures of traffic congestion as a metric for measuring transportation impacts under CEQA for projects in transit priority areas (and potentially elsewhere), the new law does not preclude a local jurisdiction from setting LOS thresholds and requiring an analysis of intersection or roadway LOS and any subsequent mitigations of intersection or roadway impacts as part of the development review and approval process as adopted in local plans or ordinances. The legislation specifically states "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" (Sec. 5(b)(4)).

However, analysis of transportation impacts under CEQA and the analysis of local transportation impacts as a part of the development review process have in many cases become one and the same with both relying on LOS as the primary measure of impacts. For many local jurisdictions, it will take both time and resources to fully implement the requirements of SB 743 and the significant change it represents in terms of how transportation analysis under CEQA is conducted. We ask that OPR and the Natural Resources Agency consider a phased-in approach and an evaluation period as you move forward with implementation of the new CEQA Guidelines.

We also suggest that the following objectives for developing alternative criteria and metrics be considered in addition to those listed in OPR's "Preliminary Evaluation of Alternative Methods of Transportation Analysis":

- **Clarity:** A broad range of project sponsors should be able to interpret and apply the metric consistently and with reasonable accuracy at the appropriate geographic scale.
- **Defensibility:** A new metric must be able to provide clear and defensible thresholds against which impacts can be measured and potential mitigation measures developed. If models or other tools are used, they should be well documented, based on solid research and be validated so as to ensure the reasonable accuracy and precision of their results.

Thank you for considering our comments and for your efforts to include us in this important conversation. We look forward to continuing to work with you and Chris Ganson on developing the new CEQA Guidelines and implementing SB 743.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arthur Dao", is written over a horizontal line.

for

Arthur Dao
Executive Director

cc: Tess Lengyel, Deputy Director of Planning and Policy