

California Clean Energy Committee

November 20, 2014

VIA FACSIMILE AND EMAIL

Mr. Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814-3044

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

Dear Mr. Calfee:

The following comments are respectfully submitted by the California Clean Energy Committee on the Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013).

1. Promoting the Development of Multimodal Networks

SB 743 requires the Secretary to adopt regulations that “promote . . . the development of multimodal transportation networks.” However, the regulations as proposed do not contain provisions that define or promote multimodal networks.

“Multimodal transport” primarily refers to freight transport that is performed by at least two different means of transport.

Multimodal transport (also known as combined transport) is the transportation of goods under a single contract, but performed with at least two different means of transport¹

“Intermodal freight” is the predominant manifestation of multimodal transport in today’s freight industry. Intermodal freight refers to “the transportation of freight in an inter-

¹ Wikipedia, Multimodal Transport, http://en.wikipedia.org/wiki/Multimodal_transport.

modal container or vehicle, using multiple modes of transportation (rail, ship, and truck) without any handling of the freight itself when changing modes.”²

The “multimodal transportation networks” in existence today in California are primarily “intermodal freight” networks. In 2010 the San Pedro Bay ports handled just over 20,000,000 intermodal freight containers. Container traffic at the ports is expected to exceed 40,000,000 containers annually by 2035.³

It is plainly the Legislature’s intent that under SB 743 the Secretary would adopt regulations that promote the development of multimodal transportation networks and do this in a manner that will reduce the environmental impacts of freight movement.

Intermodal freight offers a combination of environmental benefits and economic benefits, making it an essential tool for reducing freight transportation impacts. Intermodal freight allows shipments to travel each leg of their journey by the most efficient mode. Using the most efficient mode helps to reduce freight vehicle miles travelled (VMT), air quality emissions, diesel emissions, road damage, noise, and the serious-accident risk that accompanies heavy-duty trucking.

One intermodal train replaces 280 trucks, while reducing shipping costs by 20 percent.⁴ Freight rail is three times more fuel efficient than trucking, saving energy and reducing emissions. Shifting 10 percent of long-haul freight from truck to rail would save nearly one billion gallons annually, according to the Federal Railroad Administration. According to the U.S. EPA replacing on-the-road trucking with intermodal transportation for shipments of more than 1,000 miles, reduces GHG emissions by 65 percent.⁵

According to the Environmental Defense Fund,

Many shippers also are utilizing rail to reduce freight costs and emissions. Intermodal ground transportation—where a container is moved a long distance by rail and then delivered to its final destination by truck—allows shippers to maximize the efficiency of rail while still leveraging the flexibility of trucks. The result

² Wikipedia, Intermodal Freight Transport, http://en.wikipedia.org/wiki/Intermodal_freight_transport.

³ Southern California Association of Governments, 2012-2035 Regional Transportation Plan, Goods Movement Appendix, http://www.freightworks.org/DocumentLibrary/2012fRTP_GoodsMovement.pdf

⁴ Hamilton, S., Is Intermodal Right for You?, *Inbound Logistics* (Oct. 2010), <http://www.inboundlogistics.com/cms/article/is-intermodal-right-for-you/>

⁵ *Ibid.*

can be large carbon and cost savings. Two of the leaders adopting intermodal are Baxter and Levi's.⁶

These are vital environmental benefits which the Legislature plainly intended to leverage through SB 743 by requiring that the regulations promote the development of intermodal networks.

The California Environmental Quality Act (CEQA), which the proposed regulations would supplement, is an information disclosure statute. It requires that feasible measures be adopted for the mitigation of significant environmental impacts. Under such a statute, achieving the Legislative purpose of promoting intermodal freight networks requires that the implementing regulations include at a minimum—

- A definition of multimodal transportation networks,
- A description of the goals of using multimodal networks,
- A statement of how the project description should address multimodal networks,
- A statement of what the impacts on multimodal networks may be, and
- A discussion of mitigation measures that can compensate for a range of different impacts by enabling greater use of multimodal networks.

Such provisions could be similar in format to the goals and other provisions contained in the CEQA Guidelines for energy conservation. (Appendix F.)

Pursuant to SB 743, regional transportation plans and general plans adopted across the state must now promote multimodal freight networks, or parts of them, that pass within their jurisdictions. Unfortunately, the regulations as drafted provide local agencies with virtually no guidance in carrying out that planning function.

A range of potential mitigation measures that would promote multimodal systems are available to consider in this regulatory process. The California Energy Commission (CEC) has published the Energy Planning Guide, which is a comprehensive resource that supports local government energy conservation efforts with a view toward delivering cost savings to the public while promoting aggressive greenhouse gas (GHG) reductions.⁷

⁶ Environmental Defense Fund, *Smart Moves: Creative Supply Chain Strategies Are Cutting Transport Costs and Emissions*, http://business.edf.org/files/2014/03/smartmoves_07_screen1.pdf.

⁷ California Energy Commission, *Energy Aware Planning Guide*, pp. L.1.5 1 – 5, <http://www.energy.ca.gov/2009publications/CEC-600-2009-013/CEC-600-2009-013.PDF>.

Among other things, the CEC articulates a range of land use strategies that local agencies can adopt to mitigate adverse impacts on freight networks—

- Designating truck routes,
- Supporting efficient and safe movement of goods by rail where appropriate,
- Promoting coordinated operation of freight rail lines and intermodal yards,
- Promoting improved safety and operating conditions for freight rail transport and rail track crossings,
- Protecting rail-related industries from competing with non-industrial uses for scarce industrial land,
- Ensuring an adequate supply of land for freight distribution in urban core areas,
- Subsidizing alternative freight modes such as rail sidings and other improved track access facilities,
- Shifting freight to rail by supporting short-line railroads that serve locally or regionally important industries,
- Supporting the development of freight villages that link multiple modes such as road, rail, water, and air transportation, and
- Developing urban freight consolidation centers that consist of smooth interfaces for the easy delivery and transfer of goods to smaller vehicle transportation options.

More generally, the CEC reports—

Efforts to improve the efficiency of freight movement can reduce transportation impacts such as road maintenance costs, congestion, and road noise and may also increase levels of bicycling and walking, since the presence of trucks is a deterrent to bicyclist and pedestrians. Heavy trucks can result in road deterioration hundreds of times greater than that imposed by cars, resulting in expensive maintenance costs for cities and taxpayers.⁸

⁸ *Id.* at L.1.5 4.

Further information on measures that will promote multimodal transportation networks can be found at Victoria Transport Policy Institute⁹ or through the Caltrans Office of Goods Movement.

2. Recognizing the Impacts of Excessive Heavy Duty Trucking

Section 15064.3(a), as proposed, would provide that “primary considerations include the amount and distance of automobile travel associated with the project.” Similarly, subsection (b) defines vehicle miles travelled (VMT) as the “distance of automobile travel associated with a project.” The use of the term “automobile travel” in this section would exclude trucks of all sizes, including even light trucks and delivery vans.

There is no explanation in the accompanying discussion by OPR of why the regulation would focus agencies on “automobile travel” and exclude the impacts of trucking, as a potentially significant impact. SB 743 itself uses the term “vehicle” miles travelled, not automobile miles travelled.

The historic problem has not been lead agencies failing to turn their attention to automobiles. Rather, there has been an historic failure to recognize and plan for efficient freight movement. The phrasing of the regulation should not carry forward any assumption that efficient freight movement is not a significant concern or that freight traffic should be considered in all respects to be the same phenomenon as automobile traffic.

What is needed in view of the vast increases in freight traffic that will take place over the next 20 years in California is more attention to planning for efficient freight movement including multimodal freight movement. Excessive heavy-duty trucking results in considerable amounts of unhealthy emissions, especially in environmental justice communities, which means that California needs better land use planning to enable the most efficient modes of freight movement, including multimodal systems.

The Los Angeles Basin in particular is facing a very considerable increase in freight traffic. The Southern California Association of Governments (SCAG) projects that truck traffic is “expected to grow significantly through 2035.” The number of trucks entering and leaving the San Pedro Bay Ports every day is expected to almost triple, growing from 54,000 in 2008 to 134,000 in 2035.¹⁰

SCAG’s 2012-2035 Regional Transportation Plan projects that warehousing space in the region will almost double by 2035, increasing from approximately 700 million square feet in 2008 to 1,250 million square feet in 2035.

⁹ Victoria Transport Policy Institute, Freight Transport Management, <http://www.vtpi.org/tdm/tdm16.htm>.

¹⁰ Southern California Association of Governments, *On the Move: Southern California Delivers the Goods*, http://www.freightworks.org/DocumentLibrary/CRGMPIS_Summary_Report_Final.pdf

As a result of this growth, there is an increasing demand for large parcels for the development of warehouse projects, which are now sprawling into the Inland Empire.¹¹ For example, the City of Moreno Valley is presently evaluating the World Logistics Center proposal—44 million square feet of high-cube warehousing, that will be entirely truck-served. The City of Perris is currently evaluating the Integra Perris Distribution Center with over 800,000 square feet of high-cube warehousing, that will be entirely truck served. The City of Fontana is evaluating Citrus Commerce Park which will consist of 3,171,449 square feet of high-cube warehousing, that will be entirely truck served. The City of Stockton is currently evaluating the NorCal Logistics Center which involves in excess of 6,000,000 square feet that will have no direct rail service.

The emissions and other impacts of trucking to and from these projects are quite substantial and will be built into the urban landscape for many decades to come. The location of and access to warehousing directly impacts transportation, climate, energy, air quality, and other natural resources. The California Air Resources Board¹² is working actively on these issues as is Caltrans,¹³ Southern California Air Quality Management District (SCAQMD),¹⁴ SCAG, and many other agencies across the state.

By directing lead agencies to focus on “automobile travel,” the proposed regulations would work at cross-purposes to the efforts of other agencies and would only serve to carry forward the historic failure to address freight movement impacts in the land use planning process.

It is vital to the achievement of California’s aggressive climate goals that the proposed regulations recognize the impacts of excessive reliance on heavy-duty trucking and carry out the Legislature’s goal of effectively promoting the use of multimodal networks.

3. The Regulation Should Not Govern the Degree of Analysis.

The words “primary consideration” in section 15064.3(a) are subject to differing interpretations and should be clarified. Confusion is likely to arise since that phrase can be taken to mean that automobile impacts should be evaluated more carefully than other transportation impacts. In other words, the phrase suggests that an agency can give a shorter,

¹¹ Dablanc, L., Logistics Sprawl and Urban Freight Planning Issues in a Major Gateway City: the Case of Los Angeles.

¹² California Air Resources Board, Sustainable Freight Transport Initiative, <http://www.arb.ca.gov/gmp/sfti/sfti.htm>.

¹³ Caltrans, California Freight Mobility Plan, http://www.dot.ca.gov/hq/tpp/offices/ogm/california_freight_mobility_plan.html

¹⁴ South Coast Air Quality Management District, New Zero-Emission Freight Transport Project to Be Built (July 2013) <http://www.aqmd.gov/docs/default-source/publications/aqmd-advisor/july-2013-advisor.pdf?sfvrsn=2>.

less-thoughtful analysis to non-automobile impacts and that its primary efforts at evaluation should be directed at automobile VMT.

That would not be consistent with other CEQA Guidelines. The Guidelines state that “significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” (§ 15143.) The statement that automobile travel should be the “primary consideration” suggests that section 15143 may not be applicable to transportation analysis. That implication does not conform to the statute, and it would be inadvisable because the level of analysis cannot be effectively predetermined through regulation.

The OPR discussion states that the intent of the “primary consideration” language is to convey that automobile delay should not be the metric for measuring the impact of increased automobile use. However, the last sentence of subsection (a) already expressly states that, i.e., the “effect on automobile delay does not constitute a significant environmental impact.” A court would assume that the “primary consideration” language was not simply repetition of that point but that it conveys further meaning.

SB 743 specifically calls on the Secretary to establish “criteria for determining.” The regulation should be modified to only address the criteria that can be used for measuring potentially-significant impacts, not to specify the depth of the analysis or to attempt to catalogue the universe of potentially-significant transportation impacts.

Nothing in the legislation suggests that the Legislature intended to go any further than simply removing congestion as a potentially significant impact and calling for a non-exclusive list of criteria for measuring transportation impacts.

OPR should favor exclusionary language because it is more precise and avoids unforeseen applications that are likely to result from broad phraseology such as “primary consideration.” If OPR intends to convey something more or different, whatever that additional meaning is should be made clear.

Local agencies should retain discretion to determine what constitutes a “primary consideration” using non-biased, expert judgment as applied to the specific environmental circumstances of the project.

4. The Regulation Should Adhere to the Fair Argument Standard.

The “primary consideration” language also interferes with the fair argument standard. Whatever impacts arise from increased automobile use, other than congestion, should be initially evaluated under the fair argument standard. By making impacts that are measured by automobile VMT of “primary consideration,” the regulation indicates that other transportation impacts are inherently less significant. There is no basis in the statute for such a conclusion. The fair argument standard should be applied equally to all potentially significant transportation impacts.

Nothing in the statute suggests that there are primary impacts and not primary impacts. The point of SB 743 is to identify what constitutes an impact on the physical environment in the first place by excluding “automobile delay” from the universe of potentially significant impacts.

5. Transportation Analysis Should Use a Baseline of Existing Environmental Conditions in the Vicinity of the Project.

The impact of any project on the physical environment should be determined by comparing baseline physical environmental conditions in the vicinity of the project to physical environmental conditions after the project has been developed. That bedrock rule of CEQA should not be violated. (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal. 4th 310.)

A per capita evaluation allows lead agencies and project developers to avoid a comparison with baseline conditions in the project area. It creates a major loophole in CEQA transportation analysis. Under the proposed regulation, an agency would be allowed to adopt regional averages as the project’s baseline condition. Those averages may not reflect existing conditions at the project site.

Using regional averages obscures project impacts. For example, a project that adds 10,000 additional vehicle trips per day to the local roads would create no transportation impact under the proposed regulations so long as the developer can demonstrate that commensurate population growth will accompany the project. In such circumstances, the public and decisionmakers are not presented with an accurate picture of the project’s impacts.

What the public in fact is told is that there is no substantial change in the existing physical conditions in the vicinity of the project. That would be quite misleading. Physical conditions in the vicinity of such a project would clearly change if there are 10,000 more vehicle trips being made at the project site, e.g., impacting VMT, alternative transportation, multimodal networks, etc.

Regional averages do not reflect baseline conditions. Baseline conditions vary depending on how many people are at the project site and physical conditions at the project site. For example, the average daily adverse impact on cycling of an average commuter is meaningless without considering how many commuters are travelling. If it is 10 additional commuters, the effect is de minimis. If it is 50,000 additional commuters, it is very different story. What this regulation would do is to cause lead agencies to treat such divergent circumstances as the same. Each project’s impacts would be deemed less than significant so long as the regional average is not exceeded. Such a process would not be consistent with CEQA, and it is not called for by SB 743.

The point of SB 743 is that the impact of increased vehicle use should not be measured by looking at traffic congestion. SB 743 does not suggest that the public not be informed of transportation changes in the vicinity of the project simply because the average individual

contribution from the project is no greater than the current regional average. Such a report is fundamentally misleading.

Under the theory of this regulation, there would be no reason not to apply per capita analysis to all CEQA impacts. For example, if average smog levels are causing serious health impacts in an air basin, there would still be no impact from adding more cars, so long as those cars would be driven by new residents and would not emit any more than the existing average in the region. SB 743 does not suggest that the Natural Resources Agency should undertake a transition of CEQA to per capita analysis.

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (CEQA Guidelines, § 15125(a).)

The baseline cases have made it clear that the concern of the general public is to understand how the existing physical environment in the vicinity of the project will change. In *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832 (*Friends of Oroville*), the court struck down an analysis of GHG emissions under AB 32 because it failed to compare the project’s GHG emissions to the environment as it existed in the vicinity of the project and elected to compare to statewide impacts.

Woodward Park Homeowners Ass’n, Inc. v. City of Fresno (2007) 150 Cal.App.4th 683 (*Woodward Park*) involved an amendment to the City of Fresno general plan. The underlying EIR measured impacts by comparing the project to a massive hypothetical office park that could be built under existing zoning, rather than comparing the project to the vacant land that actually existed at the project site. The Fifth Appellate District held that the EIR “was legally inadequate as an informational document because it failed to analyze consistently and coherently the impacts of the project relative to leaving the land in its existing physical condition.” (*Id.* at 710.)

The proposed regulations would effectively allow local agencies to ignore changes caused by a given project by simply producing evidence that everything that is being done to the local physical environment is the result of population increase. This would be misleading to the public.

In *Environmental Planning and Information Council of Western El Dorado County, Inc. v. County of El Dorado* (1982) 131 Cal.App.3d 350, the El Dorado County Board of Supervisors adopted the “Greenstone” and “Camino-Fruitridge” area plans as amendments to its general plan and certified the final EIRs for them. On appeal the Third Appellate District reversed the trial court judgment and held that the EIRs failed as informational documents because the proposed projects were compared with the existing general plan, rather than being compared with existing environmental conditions. According to the court of appeal, “[t]he comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts that would result.” (*Id.* at 358; see also *St. Vincent’s School for Boys, Catholic Char-*

ities CYO v. City of San Rafael (2008) 161 Cal.App.4th 989, 1005, [“EIR is required to assess the impact of amendments to the general plan against existing environmental conditions on the ground”]; *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 190 [in addressing general plan amendment under CEQA, “local agency is required to compare the newly authorized land use with the actually existing conditions”]; *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 121 [“As various courts including this one have held, the impacts of the project must be measured against the ‘real conditions on the ground.’”]; *City of Carmel-by-the-Sea v. Board of Supervisors of Monterey County* (1986) 183 Cal.App.3d 229, 246 [comparison to what was possible under land use plan had no relation to real conditions on the ground].)

The purpose of an EIR “is to inform the public and decision makers as to the effects a proposed project ‘is likely to have’ on the environment [citation]; and the ‘environment’ referred to is the set of physical conditions in the area ‘which will be affected’ by the project [citation].” (*Neighbors for Smart Rail, supra*, 57 Cal.4th at 452; see also Pub. Resources Code, § 21061[same].) The proposed regulations would allow agencies to erroneously inform the public and decisionmakers that a project would have no effect, simply because average impacts are not changing.

The Natural Resources Agency has not taken this approach in the past. Recently it approved regulations stating that lead agencies must consider “[t]he extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.” (CEQA Guidelines, § 15064.4(b)(1), emphasis added.) In drafting that section, the Natural Resources Agency made it clear that the “reference to the ‘existing environmental setting’ reflects existing law requiring that impacts be compared to the environment as it currently exists.” The agency did not say that impacts would only exist when per capita GHG levels changed.

6. A Transit Stop May Not Significantly Reduce Impacts.

The proposed regulation would result in any project within one-half mile of either an existing major transit stop, or a stop along an existing high quality transit corridor, having a presumption of a less than significant transportation impact. Many if not most projects are within this distance.

The application of this provision should be considered in the context of a large new shopping center with 40,000 vehicle trips per day that is drawing customers from as much as 50 to 60 miles away. The VMT impact in that situation is very large. Nevertheless, if there is a major transit stop within one-half mile, which is quite likely, transportation does not need to be even analyzed. This conflicts with the purposes of the statute.

Many people are not prepared to walk one-half mile carrying their shopping packages, to load the packages into city bus, then to perhaps transfer to another bus after waiting a considerable time, and finally to unload their packages and walk another half mile or more to their residence. The overwhelming majority of consumers trading at shopping

centers will not take transit under such circumstances. As a result having a major transit stop one-half mile away precludes any analysis of impacts or public input in the transportation design, while it does comparatively little to reduce transportation impacts.

As drafted, this regulation advises local agencies that they can ignore such facts and simply assume that there is no need to disclose their analysis and no need to produce any substantial evidence of whether the transit stop is mitigating project impacts. Again this should be left to the fair argument standard. The public interest in vital transportation policies is not well served by lead agencies assuming what the transportation impacts are. In most cases, there will be transportation analysis anyway from which the agency can and should make supported conclusions.

The transit stop provision should also be considered in the context of a major freeway widening. Such a project may extend for several miles. A major freeway widening project in a metropolitan area would almost inevitably be within one-half mile of a major transit stop. Such a project could have significant VMT impacts under an induced travel analysis. But under the proposed regulation, the project would be considered as having a less than significant impact simply because of a single transit stop that has no demonstrated connection to the project.

Transportation review should not be disregarded based upon project conditions that provide no assurance that the impacts will be less than significant. Such a result is not consistent with the legislative intent of SB 743.

7. Net Decreases in Vehicle Miles Travelled Appears Confusing or Redundant.

It is unclear what the purpose is of providing that projects “that result in net decreases in vehicle miles traveled, compared to existing conditions” be considered to have less than significant transportation impacts. It is already very clear that a project that does not involve any potentially significant impact to transportation does not require an analysis of transportation impacts.

The sentence does not adopt traditional CEQA phraseology and thus raises the question of what additional purpose or meaning it is intended to have. It is therefore likely to lead to dispute and unnecessary litigation. If the phrase is simply repeating existing CEQA law, it should be tied by reference to the applicable authority and use consistent terminology.

8. Sustainable Communities Strategies Typically Do Not Contain Verifiable Mitigation.

The proposed regulation states that 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.”

Sustainable community strategies (SCS) are typically quite vague because the metropolitan planning organizations (MPO) that create and adopt SCSs have no land use authority. The maps accompanying those plans are frequently degraded to avoid implications for particular parcels.

The SACOG sustainable communities strategy provides a good example of the kind of provisions found in a SCS that a project might have to comply with in order to be consistent with an SCS. The SACOG SCS states that—

- SACOG encourages locally determined developments consistent with Blueprint principles and local circulation plans to be designed with walking, bicycling and transit use as primary transportation considerations.

If read explicitly, that provision requires nothing of new projects. It simply encourages things.

The referenced Blueprint principles contain vague admonitions such as designing communities “to encourage people to sometimes walk, ride bicycles, ride the bus, ride light rail, take the train or carpool, “creating environments that are more compactly built and use space in an efficient but aesthetic manner,” “providing a variety of places where people can live—apartment, condominiums, townhouses, and single-family detached homes,” etc.

Nothing about these provisions ensures that the transportation impacts of a given project will not be substantial. What the terms mean is utterly vague. Despite all the research tools developed in California at great cost and labor, CEQA would eschew any consideration of any quantitative measures to protect the public. As a result, virtually any project can claim compliance with the SCS principles, without being held accountable. The public protections of CEQA are effectively eviscerated under such circumstances.

Exempting projects from preparing a transportation analysis based on compliance with such provisions amounts to discarding the detailed analysis called for by CEQA in exchange for no assured benefit. It is essentially an open door to avoid any analysis of transportation impacts. This is not consistent with California’s ambitious policies to reduce climate impacts.

The proposed regulations would use the provisions of a sustainable communities strategy in effect as an assurance that the project has been designed to avoid or reduce adverse transportation impacts. In fact there is no assurance at all. Such vague statements as are found in an SCS would not pass muster as mitigation under CEQA. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 189-202.)

9. Conclusion

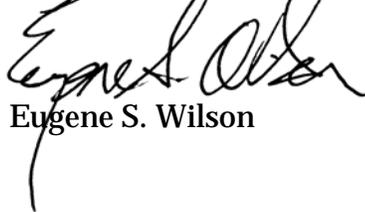
Detailed transportation studies are going to continue to be required for major development projects in California. The proposed regulations will often not save the developer

Mr. Christopher Calfee, Senior Counsel
November 20, 2014
Page 13

from the burden of preparing a traffic study. Rather what these regulations, at least in part, will accomplish is to exclude the general public from the discussion of that study. Major projects that are exempted by these regulations from CEQA transportation analysis will be reviewed behind closed doors for transportation impacts without public knowledge or input. The Legislative intent is not served by a regulatory perspective that reads into the statute an intent to move the discussion of transportation behind closed doors.

Please feel free to contact the undersigned for further information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eugene S. Wilson". The signature is written in a cursive style with a long, sweeping tail that extends downwards.

Eugene S. Wilson