
From: Schermer, Fredrick
Sent: Wednesday, February 12, 2014 9:00 AM
To: CEQA Guidelines
Subject: Comments on CEQA Guideline changes.

Thank you for inviting comments and opinions on the CEQA guidelines and the importance on transportation impacts. I like where the State is taking CEQA, but I'd like to suggest one further refinement of establishing separate processes for private and public developments.

First some praise: The State smartly focuses on the outcome with the proposed CEQA adjustments, and I believe geographical delineation is particularly a good move. Enable growth where it is most beneficial through streamlining and simplifying the process where desired and through continuing to ensure good development everywhere else. Bravo!

What I have not read, and strongly suggest, is a further refining of the CEQA process along the line of public and private development. Private business developments are of a different nature than development by public agencies. Transit *for instance* is heavily subsidized, and the delivery of transit is a general public function. It is therefore different than *for instance* the development of a high-tech business near one of our freeways. There should be two kinds of CEQA, each set up to achieve the best result in their specific areas.

Where transit developments are concerned, I have seen CEQA fail. I am not going to name names (period), because we're talking water under the bridge. But transit agencies (and I know this as a fact for the Bay Area) compete with one another, and as soon as an agency has been declared Lead, the end decision is in their hands. Today, CEQA gives the Lead the royal treatment. If an agency's competitor can provide the better alternative, then the books can still get cooked, and reasons to reject the competitor's smarter outcome can get created.

What would have been the best result wasn't picked because (my conclusion:) CEQA treats public developments as if they were private developments. Allow me to continue on this aspect here (making this a long email for which I apologize). Those taking the initiative with private developments should indeed be given the royal treatment in CEQA, but with public development CEQA should not emphasize the initiative taker, because there never is a clear initiative taker. I have seen CEQA allow the Lead agency's option be picked that is higher in greenhouse gas emission (to build and operate), that attracts fewer passengers than the alternative, and that is more expensive to build.

By separating private development from public developments, we can create target specific rules and set-ups. Since transit is heavily subsidized, it should not be too difficult to claim that a Lead agency may have indeed done all the work to write the report, but that an oversight commission should be the one making the ultimate decision. The decision should not be based on a report with two alternatives, but on a panel of specialists looking into the options (whatever the number of alternatives). The decision which public development option to pick must be based on established criteria. Greenhouse gas reductions, level of actual service to the public (for transit this equals attracting the largest number of passengers), cost, economic spill-over benefits, etc. The provided facts must be double checked by a separate agency. Or, the report was created by a professional and independent panel to begin with.

Politics are the big spoiler where public developments are concerned, and the royal treatment CEQA gives to the Lead in public development makes it worse and should be removed.

I hope CEQA can get changed into a private development and a public development process in which particularly the latter is truly based on the 3 E's.

Thank you again for opening up the discussion and for moving towards what we all want CEQA to be: the instrument that helps us get (close) to the best results.

Best regards,

Fredrick Schermer