



**Metro**

October 12, 2015

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

**RE: 2015 CEQA Guidelines Update-Preliminary Discussion Draft**

Dear Mr. Calfee:

Thank you for the opportunity to comment on the *Proposed Updates to the CEQA Guidelines: Preliminary Discussion Draft*, released August 11, 2015. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) considering our interest in potential updates to the CEQA Guidelines. The LACMTA is committed to creating transit oriented communities and supports efforts that streamline the environmental review process for transit supportive projects.

The focus of the LACMTA's comments are on consultation with transportation agencies (Section 15072(e), 15082 (c)(2)(e), and 15086(a)), Environmental Checklist (Appendix G), Energy Impacts (Section 15126.2 (b)), Existing Facilities (Section 15301), Thresholds of Significance (Section 15064), Transit Oriented Development (Section 15182), Regulatory Standards in CEQA (Section 15064.7) and sharing Administrative Drafts with Public Agencies (Section 15234). Per guidance provided in the CEQA Guidelines, the LACMTA's recommendations are noted in underline/strikeout format. We look forward to continuing to actively participate in this process and review the final draft.

#### **Consultations with Transportation Agencies**

The LACMTA strongly supports OPR's proposed language that requires notification to transportation agencies within 500 feet of transportation facilities. In addition, the LACMTA would like to request that all consultations with public transit agencies be required, "shall" versus "should", and offers the following recommendations to further clarify the language in the following sections:

- **Section 15072 and 15086 - Consultation with Transit Agencies** – OPR proposes to clarify that lead agencies should also consult with public transit agencies regarding facilities within one-half mile of the proposed project. Metro routinely comments on projects that are routed to the agency for review, however, this provision in CEQA guidance would provide further insurance that projects consult with Metro and we therefore support this provision. To provide further clarification, Metro offers the following recommendations:
  - Section 15072(e) and 15086(a)(5) revise as follows: ***"For projects that are not of statewide, regional, or areawide significance, the lead agency ~~should~~ shall also consult with public transit agencies with facilities (bus/rail transit stops, transit hubs, and other public transit operational facilities) within one-half mile of the proposed project."***

Section 15082(2)(Noticing Scoping Meetings):The lead agency shall provide notice of the scoping meeting to all of the following:

***"(2) The lead agency shall provide notice of the scoping meeting to all of the following:***

*(A) any county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the lead agency and the county or city;*

*(B) any responsible agency*

*(C) any public agency that has jurisdiction by law with respect to the project;*

*(D) any organization or individual who has filed a written request for the notice.*

***(E) any public transit agencies with facilities (bus/rail transit stops, transit hubs, and other public transit operational facilities) within one-half mile of the proposed project"***

### **Environmental Checklist Appendix G**

The LACMTA understands that the current draft of the CEQA Guidelines include "placeholder language" for revisions to the Transportation Section of the CEQA Environmental Checklist (Appendix G). Metro looks forward to reviewing the updated section upon release by OPR.

### **Section 15126.2 (b) Energy Impacts**

The LACMTA recommends that OPR provide specific language that clearly articulates that transit supportive development projects (i.e.-TODs that promote non-vehicular travel and developments with fewer parking spaces) may result in less energy impacts and that transit projects, in particular, promote better overall outcomes and reduction in energy consumption.

### **Section 15301 Existing Facilities**

The LACMTA recommends that additional items be included in Section 15301(a) related to exterior improvements that are within the realm of general maintenance and state of good repair.

- Section 15301(a) *"Interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; **and exterior alterations including such things as window replacement, landscaping, lighting, signage, and pedestrian amenities.**"*

The LACMTA recognizes the significance of active transportation, complete streets, and first last mile connections and the role that those improvements play in supporting and increasing public transit ridership. As such, we suggest the following revisions to Section 15301(c) to include additional pedestrian amenities and considerations for bicycle infrastructure improvements adjacent to rail, street car, and bus rapid systems. To avoid potential conflict between bicycle facilities on corridors being developed for rail, streetcar and bus rapid transit uses, we recommend granting categorical exemptions in cases where local planning decisions have been made by the appropriate City Council, Transit Agency or governing body to approve bike lanes for specific streets and/or rights-of-way.

- Section 15301 (c) *"Existing highways and streets, sidewalks, gutters, **existing public transit serving parking facilities, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, pedestrian crossings and amenities, safety features such as pedestrian lighting, bollards, and cameras, and street trees, and other similar improvements that do not create additional automobile lanes). Bicycle facilities shall be exempt when local planning decisions have been made by the appropriate City Council, Transit Agency or governing body approving bicycle lanes for specific streets and/or rights-of-way.**"*

### **Section 15064, Thresholds of Significance**

Section 15064, Thresholds of Significance gives guidance on incorporating regulations as thresholds of significance. LACMTA requests that OPR provide guidance on how the Governor's Executive Orders should be evaluated as it relates to thresholds of significance.

### **Section 15182, Transit Oriented Development**

The LACMTA is a strong supporter of Transit Oriented Development and of encouraging and incentivizing transit supportive development near appropriate transit facilities. While a great asset to revitalizing key transit corridors and increasing transit ridership, TODs also creates demand for infrastructure improvements to and from transit facilities and other transit facility improvements. The LACMTA recommends that the guidelines more clearly consider how TODs can now assist in supporting transit supportive infrastructure improvements (active transportation infrastructure and improvements to transit facilities themselves) within the appropriate project boundaries.

In addition, the LACMTA recommends that exemptions granted to TOD in Section 15182(b)(1)(a) be available for sites that do not exceed the required parking allowances granted in that specific TOD-area:

- *"It is located within one-half mile of an existing or planned rail transit station.... Outside of the boundaries of a metropolitan planning organization, a "planned" station, terminal or stop includes a facility that is scheduled to be completed within the planning horizon included in the regional transportation improvement program. **If the development has more parking than is required by the local jurisdiction or lead agency, then the development will no longer benefit from this exemption.**"*

### **Regulatory Standards in CEQA, Section 15064.7**

The LACMTA appreciates OPRs draft language that allows lead agencies to use thresholds of significance to evaluate whether projects impacts are significant. If thresholds of significance will be used to determine a projects level of impact, the purpose of such threshold should be to minimize and/or avoid environmental effect.

The LACMTA offers the following recommendations to Section 15064.7 (d):

- *"Any public agency may adopt or use an environmental standard as a threshold of significance...For the purposes of this subdivision, an "environmental standard" is a rule of general application that is adopted by a public agency through a public review process and that is all of the following:*
  1. *a quantitative, qualitative, or performance requirement found in an ordinance, resolution, rule, regulation, order, or other environmental requirement of general application;*
  2. *adopted for the purpose of **environmental protection minimizing or avoiding the environmental effect at issue;***
  3. ~~*addresses the same environmental effect caused by the project; and,*~~
  4. ***is applicable to the** ~~*designed to apply to the type of project under review."*~~*

### **Proposed Section 15234**

Metro urges OPR to include language in the guidelines that precludes administrative draft EIRs or Negative Declarations, shared between public agencies prior to public release, to be used in future project litigation. Los Angeles County includes 88 cities and unincorporated areas of Los Angeles County. The LACTMA is responsible for a robust capital transit work program and other planning efforts that

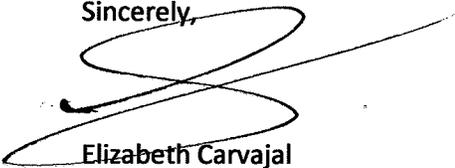
require close coordination with jurisdictions on projects that require environmental review. It is critical that collaboration between the LACMTA and other jurisdictions occur during the environmental process, prior to public release, to ensure the appropriate analysis is included in the administrative draft environmental documents. To support this, public agencies must have assurance that the administrative drafts, prior to public release, cannot be used as part of any future litigation. Therefore, the LACMTA recommends the following language be incorporated into the proposed Section 15234:

**15234: "If a lawsuit is filed challenging an EIR or negative declaration for noncompliance with CEQA, the record of proceedings shall not include any drafts of the EIR or negative declaration, or portions thereof, that have been shared between the lead agency and responsible agencies, but have not been released for public review."**

If you have any questions regarding this response, please contact me at 213-922-3084 or by email at CarvajalE@metro.net. The LACMTA looks forward to reviewing the final Updated Guidelines. Please send them to:

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Sincerely,



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