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October 16, 2014

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

**RE: Updating Transportation Impacts Analysis in CEQA Guidelines/Preliminary Discussion
Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013)**

Dear Mr. Calfee,

Thank you for the opportunity to comment on the subject report. The County of Napa strongly supports the basic tenet of SB 743, which will shift the focus of transportation impact studies from evaluating only driver delay to a more-comprehensive view of reducing greenhouse gas emissions, development of multimodal transportation networks and diversity of land uses.

At the same time, we recognize and support the need for this type of evaluation to be sensitive to the unique context of each California community in which they are performed. In addition to offering our support of the proposed updates to the CEQA Guidelines, we would like to offer the following comments, questions and suggestions.

1. **Road Damage.** Proposed new section 15064.3 (a), Purpose, indicates that indirect effects of transportation, such as air quality and noise, may be analyzed together with stationary sources in other portions of the environmental document. Air quality and noise are both important considerations for local agencies in evaluating the full scope of project impacts, and this suggestion for their evaluation is satisfactory. However, other indirect effects do not lend themselves to inclusion with "stationary sources," and further guidance is needed. One example is the potential impact of damage to existing roadways, associated with heavy vehicles involved in the construction and/or operation of proposed developments. Suggestion: Include the concept of road damage under Section 15064.3 (b) (3) – currently titled, "Local Safety," which could be revised to "Local Safety and Operational Impacts."
2. **Regional Average.** In proposed new section 15064.3 (b) (1), Vehicle Miles Traveled and Land Use Projects, there is a recommendation that a development project that results in vehicle miles traveled (VMT) "greater than the regional average" may indicate a

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significant impact. It goes on to define the region as the metropolitan planning agency or regional transportation planning agency. The use of a VMT metric in comparison with a “regional average” as a determination of significance is troubling for two reasons:

- a. This concept replaces the prior LOS scale, with five distinct levels, with a new scale which only has two levels. The choices will now be either below or above the regional average. There have been discussions recently in the professional community about the potential for the LOS scale to over-simplify the information it is summarizing. The consensus in those discussions is for moving toward more use of the actual numbers which underlie the letter-grades, to provide more-complete information to decision makers. The proposal for a binary, “step-function” scale moves this discussion in the opposite direction! Suggestion: Replace the above or below concept with something that uses percent increase or decrease instead.
 - b. For Napa County, our “region” is the territory represented by the Metropolitan Transportation Commission (MTC), which is much too large and too diverse for a “regional average” to be meaningful. Think about the contrast between the cities of San Francisco and Calistoga, both of which would be included in an MTC-level “regional average”! Suggestion: Use data at the Congestion Management Agency¹, or County, level for a basis of determination of significance.
3. **Guidance for more types of land use needed.** Also in 15064.3 (b) (1), the guidelines recommend the use of a measure of efficiency – described as a “denominator” in the explanatory text – along with the calculation of VMT. That is, VMT per capita, per employee, etc. Additional guidance would be useful to local agencies and other practitioners preparing these analyses. Napa County, for example, is widely regarded for its wine industry. Traffic levels are best predicted by a combination of the volume of winery production, together with the number of visitors being planned for tasting and/or marketing events. A measure of VMT per volume of wine production, or per visitor, by itself would not be sufficient; there would need to be some way to include both of these in the analysis. And then, how would they be compared with some sort of regional average?
4. **Transportation Projects which have no significant impact.** Proposed new section 15064.3 (b) (2), Induced Vehicle Travel and Transportation Projects, would benefit from clarification.
- a. The section includes several examples of transportation projects which would not be considered to induce additional vehicle travel. Suggestion: It would be clearer to entitle the section simply, “Transportation Projects.”

¹ Congestion Management Agency (CMA) is an existing term which is widely used in transportation planning and programming activities, which dates back to the passage of Proposition 111 in 1990. It is acknowledged that this terminology would benefit from revision in the context of the changes initiated by SB 743.

- b. Some improvements (such as the construction of left-turn pockets or roundabouts) are intended for the primary purpose of improving safety or operations, which the guidelines indicate would not result in a significant transportation impact. However, both of these examples technically add capacity, and the guidelines seem to indicate that this would result in a significant transportation impact. Suggestion: Revise Section 15064.3 (b) (2) to first list those types of work which are clearly not going to result in significant impacts and state that they will not need to perform this analysis, then go on to say that all other projects should require the analysis.
5. **Operational measures to reduce VMT.** In the proposed amendments to Appendix F of the Guidelines, proposed new Section 6 includes some example measures to reduce VMT. Some of the examples are activities that are functions of the operation of a proposed development after it is constructed, such as commute reduction programs, ride-sharing programs and provision of transit passes. In permitting and regulating land use developments, if something is not intrinsically part of the physical configuration of the project, it cannot be relied on as having the assumed transportation effect in perpetuity. It is too easy for future occupants of a development to stop doing such things and their benefit would be lost. Suggestion: delete items k through o from the list.
6. **Liability issue.** In the proposed amendments to Appendix G of the guidelines, proposed new language in Section XVI (c) would ask (in an Initial Study checklist), “Would the project ... result in substantially unsafe conditions ...? I am extremely concerned with the use of this phrase, as this wording represents a significant liability issue for local agencies. Suggestion: Change this to read, “Would the project ... result in conditions for any users of the public right-of-way which merit additional evaluation of safety issues by, among other things, ...”?
7. **Monetary contributions not a penalty.** In Appendix A to the draft report are presented various Frequently Asked Questions. Under #1 there is a statement that “exceeding LOS standards can require changes in proposed projects, installation of additional infrastructure, or, in some cases, financial penalties.” When a developer is required to make a monetary contribution to the local agency related to exceeding a LOS standard, it is not a penalty. It is a mitigation measure in which the developer is contributing their fair share toward the construction of a roadway or intersection improvement for which they do not bear 100% responsibility. The contribution is based on calculations of the amount of traffic generated by the individual development in proportion to the total amount of traffic creating the need for the improvement. Suggestion: Reword the response to read as follows: “Exceeding LOS standards can require changes in proposed projects, installation of additional infrastructure, or, in some cases, financial penalties fair-share monetary contributions toward cumulative mitigation measures.”

In conclusion, the County of Napa again thanks you for the opportunity to review and comment on the proposed revisions to the CEQA Guidelines. We look forward to the continued progress in developing these guidelines for implementation of SB 743. We and our staff would be happy to discuss any of these comments with you, or participate in the review of future refinements of the proposal. Please email Rick Marshall, Deputy Director of Public Works, at Rick.Marshall@countyofnapa.org or call (707) 259-8381 to initiate any dialogue with us.

Sincerely,



Mark Luce

Chair, Napa County Board of Supervisors

CC:

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