

# County of Santa Clara

## Roads and Airports Department

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November 20, 2014

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

Re: Updating Transportation Impacts Analysis in the CEQA Guidelines  
Discussion Draft dated August 6, 2014

Dear Mr. Calfee:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to provide the following comments on the *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743*.

We understand the necessity and intent of modifying the CEQA guidelines as mandated by SB 743, but feel OPR is recklessly proposing a universal removal of LOS as a CEQA impact without an opportunity to explore on a more limited basis the effectiveness of using VMT and the consequences of not maintaining LOS as a CEQA impact. There also appears to be a misunderstanding of the environment, needs, and role of the roadway operator, particularly operators without land use authority. Below we provide information on Santa Clara County's specific operations and the importance of LOS analysis as a part of CEQA related to city development impacts and mitigations on County-maintained roads; then we provide specific comments on the draft guidelines, summarized as follows:

- Consistent with SB 743 provisions that mandate use of VMT only in transit priority areas, limit the introduction of the untested methodology to transit priority areas only. Reconsider expanding to other areas only after a five-year trial.
- Exempt rural areas and roadways classified as arterials.
- Expand on the consideration of impacts resulting from congestion problems (i.e., safety, neighborhood traffic, air quality, increased VMT from spillover and detouring traffic).
- Acknowledge the benefits of road construction where it improves circulation and reduces VMT.
- Exempt roadway capacity projects that provide minimal travel time savings from having to analyze induced demand.
- Acknowledge that the primary issue is GHG production and that VMT is a rough, inaccurate stand-in which may work against economic vitality and growth.

## **County of Santa Clara Expressway System**

The County of Santa Clara operates a 62-mile expressway system that travels within the incorporated limits of eleven cities and carries 1.5 million vehicles daily. Over 55 percent of the County's population use the expressway system daily. The role of the County expressway system is to supplement the freeways and relieve city streets of through commuter traffic. When the expressways operate efficiently, the adjacent city streets can better serve their local communities with a focus on local transit, bicycle, and pedestrian travel. Most of the expressway mileage is not within a transit priority area nor are there convenient transit alternatives for most expressways users. Some of the expressways have high occupancy vehicle lanes to encourage ridesharing and all expressways are designed to accommodate commuter bicyclists.

The travel demand on the expressways is determined by city land use decisions. Similar to Caltrans with the state highway system, the County of Santa Clara cannot regulate the land uses that create expressway trips – the County must simply accept the new trips and operate the expressways as efficiently as possible. In 2013, 25% of the expressway mileage was operating at Level of Service F (extremely congested) and 16 intersections were failing. If no improvements are made on the expressway system, this is projected to increase to 50% of the mileage and 50 intersections by 2025 based on the cities' current land use growth plans. This could potentially choke the economic growth for the cities and create major congestion problems along with bicycle and pedestrian unfriendly traffic on city neighborhood streets as commuters chose to detour around congested expressways.

The County does not receive any special funding for the operations, maintenance, or improvement of the expressways but must divide its share of the State gas tax between the expressways and the large unincorporated road network (568 miles of mostly rural, agricultural, and mountain roads). In fact, while the expressways only represent 10 percent of the County-maintained road mileage, they receive over 30 percent of the County's annual road operating budget. The primary mechanism to fund improvements on the expressways has been through the CEQA mitigation process based on LOS significant impacts. As part of CEQA mitigations, large-scale developments are required to build expressway improvements or contribute fair share funding so the County can construct the improvements.

## **Comments on Preliminary Guidelines**

1. **Applicability of Guidelines:** SB 743 specifies that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment” for transit priority areas. The legislation gives OPR the discretion to determine whether to retain the use of LOS in specific locations outside of transit priority areas.

The proposed applicability (page 15, Subsection (d)) of the preliminary discussion draft of the guidelines currently states that VMT will replace LOS as a CEQA impact for all areas as of January 1, 2016. It is premature to apply this new metric outside of transit priority areas. The VMT modeling tools require far more development and comparison for potential flaws

and conflicts in results. In addition, it is unknown how the use of VMT in place of LOS may affect communities overall by not mitigating congestion. It may not be the correct metric for all types of land uses and areas, especially where there are no transit services or options to motor vehicle use (e.g., rural areas that are protected from development but will have new rural compatible land uses). Similarly, it may not be the correct metric for all roadways and roadway classifications, or for all types of motor vehicles.

Most of the County expressway system is outside of transit priority areas and could be particularly vulnerable to a VMT metric that is untested. Although SB 743 and the draft guidelines do not alter the ability of local agencies to condition land use developments for traffic flow improvements outside of the CEQA process, the County cannot condition land use projects within city jurisdiction. Some cities work cooperatively with us on their land use approvals to reduce impacts on the expressway system both within and outside of their city boundaries. However, for most cities, the County must rely on the CEQA process to address the County's ability to manage the additional traffic city land use developments generate.

The County of Santa Clara recommends that:

- a. The use of VMT in place of LOS as a CEQA impact should be limited to transit priority areas, at least until it can be determined that VMT will be a viable alternative for mitigating significant impacts that will not hinder the public's ability to travel to their jobs, shopping, medical, recreational, and other destinations along road corridors without transit alternatives. At least five years is needed to determine the result of using VMT in place of LOS as a significant impact and confirm the validity of the VMT modeling process.
  - b. If the use of VMT in place of LOS will be extended beyond transit priority areas, OPR should carefully consider exempting certain areas as opposed to a "one size fits all" approach. For instance, areas without transit alternatives and rural areas should be exempted. Another approach is to exempt arterial roadways outside of transit priority areas. Arterial streets really are the "arteries" of the road system designed to keep the whole system functioning. When they become blocked or clogged, the road system around them starts to fail. Collector and local/neighborhood streets fill up with traffic avoiding the arterials and community members are unable to access the arterials to get to their destinations - it is a domino effect resulting in a gridlocked road system. Selective capacity projects to relieve bottlenecks on the arterial system can prevent such consequences.
2. **Purpose of Guidelines:** On Page 13, subsection (a) Purpose, the draft guidelines note that a "project's effect on automobile delay does not constitute a significant environmental impact." Additional information should be provided about the potential significant environmental impacts that can be caused by congestion. These impacts include increased risks of collisions, increased congestion on local streets from traffic spillover from arterials, and increased air pollution generated by motor vehicles idling and excessive stopping/starting.

The County has found that smoothly flowing traffic generates far less air pollutants than highly congested roadway conditions. For example, a recent traffic responsive signal timing project that smoothed traffic flow on the expressways resulted in an annual savings of 108 tons of pollutants. However, the expressways are reaching a level of congestion with volumes too high for traffic signal timing to be effective and these air quality gains will soon be lost and worsen without selective capacity improvements.

3. **Induced Vehicle Travel** (Page 14, subsection (b)(2) Induced Vehicle Travel and Transportation Projects):

- a. The County agrees and supports the general premise that the addition of general purpose highway or arterial lanes on rural roadways would not indicate a significant impact “where the primary purpose is to improve safety and where speeds are not significantly altered.” The road network in the rural/agricultural area of Santa Clara County is undeveloped with disconnected roads that can lead to increased VMT for trips in the area. Completing these roads will not induce new trips but will shorten existing trips.
- b. According to page 9, the basic premise of the assumption that new roadway capacity projects will induce travel and, thereby, increased VMT is that over time the increased capacity will remove barriers to growth in undeveloped areas. This is a faulty assumption for the County of Santa Clara which has a strong land use policy of restricting growth in the rural/agricultural areas and directing growth into the cities. The County has upheld this policy for decades. It is also a faulty assumption for expressway system capacity projects within the cities. The cities through which the expressways travel have already adopted general plans to focus new jobs and housing growth along transit corridors and increase densities in developed areas. It is this already planned growth that is leading to severe congestion problems on the expressways. Increasing capacity on the expressways will not induce new trips in the County but will ensure the new trips will use the expressways and not spill over to neighborhood streets.
- c. Most of the expressway capacity improvements needed are spot improvements to relieve a bottleneck, reduce queue backs up onto the freeways, and remove spillover traffic from neighborhoods. Many of these projects will produce minimal time savings because the length of the improvement is very short. Similar to a recommendation from the Institute of Transportation Engineers (ITE), the County recommends that roadway projects that create a travel time savings of five minutes or less be relieved of the need to analyze induced demand.

4. **Use of VMT as stand-in for programs to reduce greenhouse gas (GHG) emissions.**

Although economic health of a community is not considered a CEQA impact, there is a positive relationship between VMT and economic health and a negative relationship between gridlock levels of congestion and job creation. With fleets of electric and hybrid vehicles in operation and representing an ever-increasing percentage of the entire fleet, it is time to rethink the focus on VMT to improve air quality and work directly with the issue at hand --

Mr. Christopher Calfee  
November 20, 2014  
Page 5 of 5

GHG production. Since GHG relates directly to engine type, programs to provide incentives to car buyers and manufacturers to accelerate the fleet transformation are vastly positive and beneficial actions, where working to stunt or punish VMT could, as an unintended consequence, harm the still fragile economic recovery, potentially a vastly negative and harmful action.

Should you have any questions or require further information, please contact me at 408-573-2492 or [dan.collen@rda.sccgov.org](mailto:dan.collen@rda.sccgov.org).

Sincerely,



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