



November 20, 2014

Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Submitted via email: CEQA.Guidelines@ceres.ca.gov

Subject: Comments on the Draft OPR Guidelines Update

Thank you for the opportunity to review the above-referenced document. Our staff is providing comments based on our 42 years' experience preparing CEQA documents in northern California. We appreciate the limited time frame OPR was given to implement the changes initiated by the legislature and the outreach that has been done to inform the local jurisdictions and consultants of the pending updates. With that in mind, our comments below are intended to help achieve clarity regarding the intent of the new guidelines, analysis methodologies, thresholds of significance, and mitigation measures.

General Comments

Intent of CEQA

As stated in the CEQA Guidelines Section 15002, the basic purposes of CEQA are to:

1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

In addition, per Section 15064.7(a), a threshold of significance is an identifiable quantitative, qualitative or performance level of a particular *environmental effect*, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect will be determined to be less than significant.

Senate Bill 743 (Public Resources Code Section 21099 (c) (1) states that the Office of Planning and Research may adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. Automobile delay and congestion are no longer to be considered environmental effects. The alternative metrics, however, appear to be redundant in respect to the assessment of potential, significant environmental effects of a project.

Environmental effects of an increase in VMT¹ (i.e., the amount and distance that a project might cause people to drive, including vehicle trip generation) may include several environmental factors and are currently assessed in:

- AIR QUALITY: Increased criteria pollutants that could conflict with an air quality plan (Checklist section: III. Air Quality; a)
- AIR QUALITY: Possible cumulatively considerable contribution to air quality impacts or violation of criteria pollutant standards (Checklist section: III. Air Quality; b, c)
- AIR QUALITY: Expose sensitive receptors to additional pollutant concentrations (Checklist section: III. Air Quality; d)
- GREENHOUSE GAS EMISSIONS: Increased greenhouse gas emissions that would have a significant effect on the environment (cumulatively considerable contribution to cumulative greenhouse gas emissions) (Checklist section VII. Greenhouse Gas Emissions; a)
 - Bright-line thresholds have been identified by some Air Districts and used by lead agencies.
- GREENHOUSE GAS EMISSIONS: Possible conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions. (Checklist section VII. Greenhouse Gas Emissions; b)
 - Applicable plans include, but are not limited to:
 - Sustainable Community Strategies, under SB 375
 - Greenhouse Gas Reduction Strategies, where adopted
 - General Plan policies, where adopted
- ENERGY: Projected transportation energy use and overall use of efficient transportation alternatives (transportation fuels) (For EIR analyses, CEQA Guidelines, Appendix F)

¹ And related efficiency metrics such as VMT/capita or VMT/Specific Population.



- NOISE: Possible exposure of sensitive receptors to elevated traffic noise (Checklist section XII. Noise; a, c)
- TRANSPORTATION: Congestion that could result in unsafe driving conditions on high speed roadways (e.g., traffic backups onto freeway mainlines where there is limited sight distance of traffic queues) (Checklist section XVI. Transportation; d)
- TRANSPORTATION: Decrease the safety of public transit, bicycle or pedestrian facilities (Checklist section XVI. Transportation; f)
- CUMULATIVE IMPACTS: (Checklist Section XVIII. Mandatory Findings of Significance; b)

The environmental effects of increased VMT or an efficiency metric of VMT, such as VMT per capita or VMT per service population, are assessed under the current CEQA statute and CEQA guidelines throughout environmental documents in the air quality, greenhouse gas emissions, energy, noise, and transportation sections.

If under SB 743, the goal is to strengthen the CEQA Guidelines related to greenhouse gas emissions from transportation or vehicle sources, then changes would be appropriately made to CEQA Guidelines Sections 15126.4(c) and 15183.5 related to greenhouse gas emissions mitigation measures and contents of greenhouse gas reduction strategies. Appendix F, Energy (C.6), also could be revised to clarify if congestion effects on fuel efficiency should be addressed. It would then assist lead agencies if those effects on fuel efficiency could be addressed using a simple model validated by the California Air Resources Board.

The environmental effects of induced VMT from expanding road capacity in congested areas could be captured by air quality and noise modeling if a regional model is used to supply the traffic volumes and speed bins. This would be appropriate for freeways, expressways, and some arterial roadways. Substantial impacts to air quality and noise would be unlikely for modifications to less heavily traveled roads. Air Districts and lead agencies could call for this methodology to be used in their guidelines if VMT is projected to increase for a road capacity enhancing project.

Induced travel impacts associated with development patterns may best be addressed at the General Plan or regional level (as discussed below) rather than for individual development projects, consistent with General Plan land use patterns (and assumed to be consistent with applicable Sustainable Community Strategies). For a region with a jobs/housing imbalance that induces vehicle travel, incorporating mitigation measures for job growth region-wide would be more equitable than allowing some communities to override impacts in a General Plan update, resulting in widespread congestion on regional roadways.

Vehicle Miles Traveled

Vehicle miles traveled (VMT) has been and should continue to be a useful metric to evaluate the transportation implications of land use changes when updating General Plans, adopting Specific Plans, or considering individual General Plan Amendments. This analysis provides a holistic metric



to understand the travel implications of the location and intensity of the land uses. What is unclear, is the utility and informational value to decision-makers of disclosing the VMT generated by individual development projects, particularly projects that do not involve a land use change.

Program level land use plans (e.g. General Plans) are where the first decisions on allowable land uses for a particular site are made. If housing or employment in a particular area of a city or county would result in VMT higher than the regional average that is where the first commitment to land use patterns should be adjusted. Alternatively, if a General Plan is evaluated, overriding considerations adopted, and the assumptions included in the regional sustainable communities strategy, why would it be necessary to identify a new impact at the project level? In more rural or suburban portions of metropolitan areas, it would have the effect of freezing residential (or employment) development within areas with a higher than average VMT per capita or service population, even if that area was within an urban growth boundary, planned for infill of vacant property, previously evaluated intensification, or planned to provide a community's share of regional housing allocations.

Environmental Setting or Baseline – CEQA begins by describing the baseline environmental condition, i.e. normally defined as what exists on and around the project or would exist in the absence of the project. For most environmental topics, the “environment” being analyzed is a fairly localized discussion of what exists on the site and immediate surroundings. This has been true in the past for traditional (i.e. pre-SB743) traffic impact analysis of specific projects. The environment would consist of the list of study intersections and freeway segments that could be impacted by a project, based on the size (i.e. trips generated) of the project. In past practice, the scale of the traffic analysis would be proportional to the scale of the project. Also, the “where” of a project's traffic was important in terms of requiring improvements and disclosing impacts that crossed jurisdictional boundaries.

If VMT is the metric used to evaluate a given project, what is the scale of the environment at which the project should be evaluated? And does the total quantity VMT matter more than where it occurs? Some have suggested comparing a given project's VMT against the regional average for that land use type, as calculated by MTC as part of the Bay Area SCS “Plan Bay Area” or some other regional model result. This would recast a project traffic analysis as a regional travel (rather than local traffic) issue by defining the environment as the Bay Area region, and comparing a project's performance against a regional standard, similar to how criteria pollutants are now analyzed according to the BAAQMD guidelines (which are tied back to air quality attainment goals in the Air Basin Plan).

This “one-size fits all” regional average threshold approach would appear to have significant implications for typical projects in most suburban jurisdictions who would almost always exceed the regional average and not have many feasible options to reduce VMT back to or below the regional average. The result could be many EIRs for projects that in the past would have qualified for Mitigated Negative Declarations (MNDs) due to their small scale even if they exceeded averages for certain impacts, e.g. greenhouse gas (GHG) and/or air quality impacts below bright-line thresholds but above service-population metrics. An extreme example of this would be a non-exempt four unit single family subdivision in an outlying jurisdiction producing VMT well above the regional average with no realistic options to reduce VMT back to the average. Would this require an EIR and consideration of alternatives, and ultimately a statement of overriding considerations? This seems excessive and does not support the streamlining of CEQA.



Alternatively, the “environment” could be defined more locally by comparing VMT for a given project against the average for that land use type in the particular city or county, or at even more fine-grained, at the transportation analysis zone (TAZ) level. Using a local, rather than regional, threshold for VMT, based upon the conditions of that jurisdiction and the performance expectations set for projects in the local General Plan, could provide a tailored environmental setting for a given jurisdiction, rather than a blanket comparison to a regional average.

For example, if the City of San Jose has a VMT reduction goal in the General Plan, individual projects could be evaluated against that standard by calculating the VMT they would ordinarily generate, taking into account their characteristics and location in their local environment, and then identifying ways to achieve the 10 percent reduction expected by General Plan policy. Upon achieving that reduction, the project’s VMT impacts could be determined less than significant, or at least consistent with the cumulative VMT forecast in the General Plan EIR and, therefore, previously disclosed and accepted in adopting the General Plan Update. Otherwise, the traffic environment in San Francisco, Livermore, and Morgan Hill (as examples) would be described as the same regional condition, and projects in those disparate jurisdictions held to the same standard. SB 743 does not mandate this comparison. Therefore, where to draw the boundary for the environment (i.e. baseline) that would be affected by a project is a key initial question for a lead agency using VMT to evaluate a project’s transportation effects. Should the baseline be described as the regional average or the current VMT associated with the site in the real world (either zero if vacant or the VMT associated with current use if developed)?

A related question is how to address a project’s transportation effects outside of a lead agency’s boundaries, i.e. spillover VMT on roadways and freeways maintained by other agencies. A regional VMT comparison approach would not provide this information, and would not appear to focus on where VMT occurred, as every mile would be treated equally. Page 10 of the OPR Guidelines Update notes that some lead agencies do not consider the transportation impacts of their projects on adjacent jurisdictions. We cannot speak to that issue as all jurisdictions we work in do currently identify LOS impacts in neighboring jurisdictions and propose mitigation when feasible. It does not appear, however, that using VMT will resolve this issue. Furthermore, under past LOS-type traffic analysis, where the trips were assigned was a key issue. Would this continue to be the case using the VMT approach, particularly when compared to a regional average?

Project-level vs. Cumulative VMT Impacts? – Is a VMT analysis of a near-term development project (i.e. not involving a land use change) possible or meaningful at a project-level, meaning how to isolate the effects of that project versus other planned land uses? Are we predicting VMT compared to existing, or what the General Plan land use model has already assumed for the site? How to evaluate the combined effects of cumulative (approved but not yet constructed, pending, and reasonably foreseeable) projects using VMT?

Near-term vs. plan-level? – VMT has been a valuable tool for plan-level, long-term land use planning such as General Plan Updates. This should not change. It is unclear, however, how VMT has been recently used to meaningfully study the effects of near-term, specific development projects?

Would a trip generation-based methodology be more useful, and serve as a means to screen out small projects? For example, one approach could be to apply old LOS-based screening methods whereby



projects producing fewer than 100 peak hour or some equivalent ADT threshold are presumed to be less than significant, regardless of location and if above the regional average. Only those larger projects producing substantial new trips would be evaluated for VMT and compared to some threshold meaningful for that environment, not necessarily defined as the SF Bay Area region.

Specific Comments

Page 7: Page 7 states *“Impacts to transit and facilities for pedestrian and bicyclists are relevant in an environmental impact analysis because deterioration or interruption may cause users switch [sic] from transit or active modes to single-occupant vehicles, thereby causing energy consumption and air pollution to increase. Further, impacts to human safety are clearly impacts under CEQA. (Pub. Resources Code § 21083(b)(3) (a significance finding is required if “a project will cause substantial adverse effects on human beings, either directly or indirectly”).”*

The CEQA Guidelines and Appendix G already address the issues of increased energy use, air pollution and human safety. It is unclear how a repetition of these impact discussions under “Transportation” would add value to the CEQA analysis of any individual project as these resources discussions already take into account the effects of increased traffic on emissions, energy use, safety, and ambient noise levels.

Page 7 also states *“Finally, the last sentence clarifies that automobile delay is not a significant effect on the environment.”*

It should be noted that this is only true in recent years as automobiles have become cleaner. Vehicle delay used to present a significant carbon dioxide impact at congested intersections.

Page 9: Page 9 states *“Subdivision (b)(1) also gives examples of projects that might have a less than significant impact with respect to vehicle miles traveled. For example, projects that locate in areas served by transit, where vehicle miles traveled is generally known to be low, may be considered to have a less than significant impact. Further, projects that are shown to decrease vehicle miles traveled, as compared to existing conditions, may be considered to have a less than significant impact. Such projects might include, for example, the addition of a grocery store to an existing neighborhood that enables existing residents to drive shorter distances. Notably, in describing these factors, the Guidelines use the word “may” to signal that a lead agency should still consider substantial evidence indicating that a project may still have significant vehicle miles traveled impacts. For example, the addition of regional serving retail to a neighborhood may draw customers from far beyond a single neighborhood, and therefore might actually increase vehicle miles traveled overall. Similarly, a project located near transit but that also includes a significant amount of parking might indicate that the project may still generate significant vehicle travel.”*

This seems too subjective with far too many variables to provide a clear and defensible impact conclusion under CEQA. Furthermore, without specific, consistent numeric thresholds that are supported by substantial evidence, how would each individual lead agency be able to support their findings for any individual project?



Page 9 also states *“Subdivision (b)(2) would therefore require lead agencies that add new physical roadway capacity in congested areas to consider these potential growth-inducing impacts.”*

Growth-inducing impacts are already addressed under CEQA (Section 15126.2), including increases to roadway capacity when applicable (such as new roadways in underdeveloped or undeveloped areas). It could be argued, however, that increasing capacity at an already congested intersection is not growth-inducing. If the transportation impact analysis finds that a proposed project would substantially reduce the operational efficiency of an intersection or exacerbate an already congested condition, the mitigation measures to address the additional traffic are intended to mitigate an identified deficiency, not enhance the capacity of an already functional roadway. While this mitigation would likely result in more cars on the roadway as a result of the project, it is not “growth-inducing” as it is typically defined under CEQA. Currently, if a project removes an impediment to economic or population growth it would be growth inducing. Therefore, the statement above that lead agencies are required to consider the potential growth-inducing impacts of adding new physical roadway capacity in congested areas seems incorrect. Furthermore, faster travel times leading to land development conceivably could occur at some limited locations; however, where there are other limits on growth and development (e.g., urban limit boundaries) faster travel times would not result in growth inducement.

Page 10: Page 10 states *“Subdivision (b)(2) also clarifies that not all transportation projects would be expected to cause increases in vehicle miles traveled. For example, projects that are primarily designed to improve safety or operations would not typically be expected to create significant impacts. The same is true of pedestrian, bicycle, and transit projects, including those that require reallocation or removal of motor vehicle lanes.”*

These types of projects are generally already considered exempt under CEQA.

Page 10 also states *“Subdivision (b)(4) provides guidance on methodology. First, it clarifies that analysis of a project’s vehicle miles traveled is subject to the rule of reason.”* The methodology allows the lead agency to use models to estimate VMT and revise those estimates to reflect professional judgment based on substantial evidence.

This appears to be too subjective. Who is the authoritative body that would establish the substantial evidence? It should be consistent through each region, not city by city. Furthermore, this could lead to more confusion by the general public and probably more litigation under CEQA for traffic conclusions which are routinely challenged.

Page 11: Page 11 states *“Notably, deletion of measures imposed solely to address automobile delay should not require any additional environmental review because section 21099 of the Public Resources Code states that automobile delay is not a significant impact under CEQA.”*

It is unclear how a lead agency could simply delete required traffic mitigation measures that have been conditioned on previously approved project simply because the Public Resources Code was changed after the fact. The fact that the Public Resources Code has been updated should not negate anything that occurred prior to the update under full compliance with the laws in place at the time of project approval. It is entirely probable that some projects were approved only because the decision



making body determined that traffic impacts (as they were defined at that time) could be mitigated to a less than significant level. By allowing removal of previously approved mitigation without due process you are removing the facts by which the decision-makers determined the feasibility and appropriateness of a proposed project.

Page 12: Page 12 states *“Notably, the suggested mitigation measures and alternatives were largely drawn from the California Air Pollution Control Officers Association’s guide on Quantifying Greenhouse Gas Mitigation Measures. That guide relied on peer-reviewed research on the effects of various mitigation measures, and provides substantial evidence that the identified measures are likely to lead to quantifiable reductions in vehicle miles traveled.”*

We already have thresholds and methodology for evaluating GHG and emissions. Why do we need the energy thresholds, which are geared towards whether a project will use energy in a wasteful manner, to exactly match the GHG thresholds?

Page 13: Page 13 states *“Development projects that locate within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have a less than significant transportation impact. Similarly, development projects, that result in net decreases in vehicle miles traveled, compared to existing conditions, may be considered to have a less than significant transportation impact. 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.”*

Again, this appears to be too subjective. Also, remaining silent about roadway capacity will be a disservice to the public as the public has a clear understanding of the direct effect of localized congestion on themselves, but will not be able to relate project VMT to their day to day experience with a project.

Furthermore, proximity to transit is not in and of itself an indicator of significant transit use. There is no certainty that placing jobs next to housing or housing/jobs next to transit will significantly reduce VMT. As is evident in the Bay Area and elsewhere, employees cannot always live in proximity to their jobs due to the cost of housing. Current transit systems outside San Francisco are not equipped to provide reasonable accommodations for long-distance commuters. Other factors also contribute to people remaining in their cars even when they have easy access to transit and services. To say that development projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have a less than significant transportation impact seems unsupported without substantial evidence of transit usage for a particular development area.

Page 14: Page 14 states *“Transportation projects (including lane priority for transit, bicycle and pedestrian projects) that lead to net decreases in vehicle miles traveled, compared to existing conditions, may also be considered to have a less than significant transportation impact.”*

How would you quantify the presumed reduction in VMT for the purposes of CEQA? It seems speculative to estimate a significant increase in transit usage from these types of projects.



Furthermore, it could be argued that transit priority projects could increase safety impacts. As an example, the City of San Jose has used the 15304 exemption to remove lanes of traffic on three major roadways in and around downtown to add bicycle lanes. The bicycle lanes have led to increases in traffic congestion which result in intersections begin blocked (causing a chain reaction of congestion down the roadway) and pedestrians and bicyclists being subjected to automobiles that don't yield the right-of-way and block designated crossings, and generally unsafe roadway conditions during commute hours.

Page 14 also lists five factors that could result in localized effects of project-related transportation on safety. For factor B, we would suggest adding the following language: Contribute to queuing on freeway off-ramps where queues extend onto the mainline and stopping and sight distance are limited.

For factor C, it should be noted that the speed differentials could also occur with express lanes and HOV lanes which seem to be more of an operational effect and not a CEQA impact.

Factor D states *"Increase motor vehicle speeds."* It is assumed that this means increased speeds above posted speed limits. It seems that the potential to increase motor vehicle speeds above planned legal limits that are deemed safe (as determined by engineering design professionals) seems speculative.

Factor E states *"Increase distance between pedestrian or bicycle crossings."* This criteria is not clear. Does it refer to the crossing distances discussed in Factor A? Is it intended to address people who are forced to cross arterials without safe designated crossings to schools, trails, multi-modal facilities, etc.? Or is it intended to address removal of an intersection or midblock crossing? Please clarify.

Page 15: Page 15 states *"The provisions of this section shall apply prospectively as described in section 15077. Upon filing of this section with the Secretary of State, this section shall apply to the analysis of projects located within one-half mile of major transit stops or high quality transit corridors. Outside of those areas, a lead agency may elect to be governed by the provisions of this section provided that it updates its own procedures pursuant to section 15022 to conform to the provisions of this section. After January 1, 2016, the provisions of this section shall apply statewide."*

Senate Bill 743 states on Page 8 [Chapter 2.7, Section 21099 (5)(c)(1)] *"The Office of Planning and Research may adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office."* It is unclear why OPR would choose to remove level of service (LOS) outside the transit priority areas when it is reasonable to assume that many jurisdictions will continue to use LOS for transportation planning purposes and because the LOS of Congestion Management Program (CMP) intersections will still need to be addressed pursuant to state law. There should be more consistency between CEQA, regional CMPs, and the local jurisdictions.



Page 19: Page 19 states that a possible alternative to reduce VMT could include locating the project in an area of the region that already exhibits below average vehicle miles traveled. How is “region” defined? This seems like a very onerous task to look at an entire City or County for a possible location alternative. Project location alternatives are often problematic for private development projects and typically not feasible. The project applicant most likely would not own multiple sites that would allow them to relocate a proposed development to an area with lower VMT. In addition, it may not be reasonable to implement a land use change on an alternative parcel, depending on the existing and proposed land use. Lastly, a lead agency could not approve a project located outside their jurisdiction. If this example is retained, it should be clarified to further define the term “region”. Currently it is too broad-based to be helpful.

Page 19 states that one possible alternative to reduce VMT could include locating the project near transit. As noted above, project location alternatives are often problematic for private development projects and typically not feasible. The project applicant most likely does not own multiple sites that would allow them to relocate a proposed development closer to transit than the proposed project site. In addition, it may not be reasonable to implement a land use change on a parcel near transit, depending on the existing and proposed land use. Furthermore, there is no quantifiable threshold of how much transit access would be required for an environmentally superior alternative. Would it be any measurable increase over the proposed site? This does not seem legally defensible.

Page 19 also states that one possible alternative to reduce VMT could include increasing project density. Increasing project density in and of itself may not decrease VMT particularly if it is a retail development or the project site is not within a well-served transit area. We would suggest the following text changes:

Increasing project residential density (and/or employment density) near transit, pedestrian and/or bicycle facilities.

It should also be noted that increased density on-site could result in increased energy use to support the building(s) and site users. Unless the reduction in VMT could be accurately quantified, it would not be possible to say that increased energy usage from increased density would be off-set by the energy savings resulting from a reduction in VMT.

Page 20: Text of Proposed Amendments to Appendix G – The first checklist question proposed asks if the project would “*Conflict with a plan, ordinance or policy addressing the safety or performance of the circulation system, including transit access, roadway crossings, bicycle lanes and pedestrian paths?*” Performance of the roadways is currently assessed with Level of Service, which will no longer be an allowed threshold criteria. Transit performance, except for access, is the purview of local and regional transit agencies, not individual cities. Slower vehicle speeds on roadways can effect transit headways if vehicles use shared travel lanes; however, congestion is no longer considered a significant effect.

The second checklist question proposed asks if the project would “*Cause vehicle miles traveled (per capita, per service population, or other appropriate measure) that exceeds the regional average for that land use?*” It is unclear how this is relevant to the environment. VMT in and of itself is not an environmental effect. If the intent is to address the secondary effects of automobile travel, this is not



clear. In addition, the secondary effects including air quality, greenhouse gas emissions, energy use, and noise are already addressed in detail in their own respective sections as previously discussed.

In conclusion:

- The effects of increased VMT and changes in emissions related to increases or reductions in congestion can be captured in air quality, energy, greenhouse gas emissions, and noise analyses.
- Land use induced VMT increases are best addressed in Sustainable Community Strategies (as routinely updated) and General Plan analyses rather than for individual projects.
- The effects of transportation system modifications that induce VMT, should be addressed in air quality, greenhouse gas emissions and noise sections, rather than in transportation sections, although mitigation may include transportation-related measures. Trip generation, traffic volumes and speeds are inputs from transportation models that may be required to complete CEQA air quality, greenhouse gas, and noise analyses.
- The effects of congestion on transportation safety can be addressed using the existing CEQA Guidelines checklist, with perhaps minor clarifications.
- If lead agencies require transportation system modifications to meet operational standards in their General Plans or Municipal Codes, the environmental effects of construction and operation of those modifications would need to be addressed as part of the project under CEQA, as is currently the case.
- The removal of LOS as a metric for estimating transportation impacts could be detrimental to public involvement in the CEQA process.

Again, thank you for the opportunity to provide comment on this important matter. We hope these comments are useful. We would be happy to meet with you and your staff to provide further assistance or clarification if that would be helpful. Please contact Shannon George at (408) 454-3402 or sgeorge@davidjpowers.com with any questions.

Sincerely,



Judy Shanley
President

