



**Kern Council
of Governments**

November 21, 2014

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

Re: Kern COG Comments on the Preliminary Discussion Draft of to the CEQA Guidelines
Implementing SB 743

Dear Mr. Calfee:

Thank you for the opportunity to comment early on the SB 743 Update to Transportation Impacts Analysis in the CEQA Guidelines. Kern COG has maintained a regional travel demand model for more than years 25 years. The model is used by local governments to measure the impacts of new development and transportation projects. During this time period, Bakersfield has maintained the lowest level of congested travel for the top 100 largest cities in the U.S resulting in a VMT and CO2 per capita that is 1/3rd below the big 4 MPOs in California. Attached are our comments on the proposed guideline changes.

We look forward to working closely with OPR on this important issue. Please contact Rob Ball, Planning Director or myself if we can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ahron Hakimi".

Ahron Hakimi
Executive Director

Attachment

Kern COG Comments on SB 743 CEQA Guidelines Update

(http://www.opr.ca.gov/docs/Final_Preliminary_Discussion_Draft_of_Updates_Implementing_SB_743_080614.pdf)

A. General Comments:

- 1) **Flexibility for Non-Infill Areas** – SB 743 goal was to focus on Infill Transit Oriented Development (TOD) areas and prevent the increased traffic they may create from limiting the size of the TOD. We recommend that lead agencies be given the choice to use Per Capita VMT and/or LOS for non-infill areas in the transportation impact analysis. This is consistent with the intent of SB 743.
- 2) **Tiering off the SCS Environmental Document** – Projects that are consistent with the region's adopted SCS should be allowed to tier-off that document and make a finding of no significant transportation impacts, providing a real incentive for infill development by lessening the transportation analysis burden and potential for subsequent legal challenges.
- 3) **Land Use and Travel Modeling Guidelines for MPOs** - The 2010 RTP Guidelines adopted by the California Transportation Commission contain extensive recommendations on land use and travel modeling for MPOs depending on the size of the region. The OPR guidelines should reference these guidelines rather than creating a separate set of modeling recommendations. The RTP guidelines are available online at http://www.catc.ca.gov/programs/rtp/2010_RTP_Guidelines.pdf .
- 4) **Transportation Impact Fee and Congestion Management Programs** – Note that local and regional development impact fee programs have a nexus requirement for funding future improvements based on maintaining vehicle LOS standard. The standard for LOS is set in the General Plan circulation element and can differ from one community to the next. MPOs are also federally required to include a Congestion Management Process (CMP) that sets an LOS standard. In the Kern CMP, jurisdictions with heavily congested corridors are required to prepare a deficiency plan or equivalent document that looks at alternative modes through the congested corridor rather than simply widening the roadway allowing some corridors to remain congested if alternative modes (transit, bike and ped) are developed to provide a relief valve for congestion through the corridor. Kern COG's CMP is incorporated as chapter 5 to the RTP and is available online at http://www.kerncog.org/images/docs/rtp/2014_RTP.pdf .
- 5) **Technology Providing Higher Capacity with Existing Infrastructure** – New technologies such as adaptive cruise control that allows more vehicles per lane per hour, and smart traffic signals that communicate with cars to provide smoother traffic flow, have the potential to double capacity within the existing number of lanes. If these technologies gain full acceptance by 2035, the potential for induced travel and increased VMT per capita is significant. Regions and projects should not be held accountable for technological developments that increase roadway capacity without widening the road. A report on adaptive cruise control and signal phase and timing is available at <http://www.fhwa.dot.gov/publications/research/safety/13045/13045.pdf> .

B. Comments Related to Draft Guidelines Text:

- 1) **Proposed New Section 15064.3(B)(1) 2nd Sentence - Vehicle Miles Traveled and Land Use Projects by Land Use Type.** Unlike activity based models used by some of the larger MPOs, average VMT by land use type is not readily available from the typical 4-step travel

demand model and will require sophisticated model programming to generate the data. Small and mid-size MPOs normally retain consultants for this type of programming. Typically the travel demand model validation looks at average trip generation rates by a variety of residential and employment land use types (single/multi-family, retail, office, industrial, etc.) but not average VMT by these land use types. In addition, the use of an average by land use type may miss the combined reduction in vehicle travel from mixed use development.

To better clarify this sentence please consider deleting the reference to land use type as follows: ***"A development project that is not exempt and that results in vehicle miles traveled greater than regional average for the project land use type (e.g. residential, employment, commercial) may indicate a significant impact."***

- 2) **Proposed New Section 15064.3(B)(1) 3rd Sentence - Vehicle Miles Traveled and Land Use Projects – Project Lead Agencies and MPOs Should be Given Flexibility to Decide the Most Appropriate Method for Calculating Average VMT Based on Unique Local Circumstances.** Kern COG agrees with OPR that there are multiple methods for calculating the average VMT per capita rate and that regions should be granted flexibility to work with the lead agency to determine the best method for calculating average VMT based on the unique local circumstances. For example, Kern has a large prison population in group quarters that rarely use the transportation system. It may be appropriate to exclude group quarters in the per capita calculation by using household population in Kern where in other regions with large university student dormitory group quarters population, it may be more appropriate to include group quarters by using total population in the per capita rate calculation. It may also be appropriate for a region to exclude pass-through vehicle miles traveled in the calculation, if the pass-through travel makes up more than 5% of the overall VMT. In addition, average VMT from the model typically includes the combined travel from daytime populations (employment and enrollment) and night time populations (residential) so it may be appropriate to include day and night-time population in the average daily VMT calculation.

To better clarify this sentence we recommend the following change: ***"For the purposes of this subdivision, regional average should be measured per capita, per employee, per trip, per person-trip, per day and night time population (employment + enrollment + household population), or other appropriate measure."***

- 2) **Proposed New Section 15064.3(B)(1) Last Sentence - Vehicle Miles Traveled and Land Use Projects – Using Sustainable Community Strategy to Calculating Average VMT.** Current wording of this sentence could be interpreted to mean total VMT rather than per capita VMT reported in the regional SCS.

In addition, Kern COG agrees that the most recent SCS per capita VMT for the base and future years could be used as a baseline. However, CEQA deals with GHG reduction beyond the passenger vehicle miles traveled measured for 2020, and 2035 as required by SB 375. The CEQA guidelines should focus on VMT from all vehicles including trucks. This is important if the state is to make progress toward AB 32 goals. Especially for years beyond the 2035 analysis in SB 375. So the VMT per capita should include total VMT with and without the project, not just passenger vehicle travel. It may be appropriate for the SB 375 analysis years (2020, and 2035) to report both passenger and total VMT for those years. Comparisons made to 2020 and 2035 passenger VMT should be on a per capita basis consistent with the most recent SCS.

To better clarify this sentence we recommend the following change: ***“Land use plans that are either consistent with a sustainable communities strategy, or that achieve at least an equivalent reduction in per capita vehicle miles traveled for all on-road vehicles as projected to result from implementation of a sustainable communities strategy, generally may be considered to have a less than significant impact.”***

- 3) **Proposed New Section 15064.3(B)(2) Induced Vehicle Travel and Transportation Projects. Comparison to the No Build Alternative.** Kern COG agrees that new capacity for uncongested rural routes for safety purposes will not result in induced travel. However, some projects that may result in induced travel have benefits that should be taken into consideration. For example, a new interchange for a disadvantaged community can provide significant access benefits that help a disadvantaged community to improve the opportunities for their residents. In addition, it is important to remember that free flow traffic lanes provide capacity for trucking goods movement as well. The ability of a region to provide fast, reliable transport of goods and services provides a significant economic benefit that gives a region greater economic capacity to address environmental impacts, while reducing truck emissions from stop and go traffic congestion. Trucking goods movement has limited opportunities for alternative modes such as rail. Promoting trucking capacity with truck only lanes and free flow lanes on major goods movement corridors to and from intermodal freight and major manufacturing facilities should NOT be considered a significant transportation impact, but a benefit to transportation.

To better clarify this sentence we recommend the following change. ***“The addition of general purpose highway or arterial lanes may indicate a significant impact except on rural roadways where the primary purpose is to improve safety and where speeds are not significantly altered. New roadway capacity such as a new freeway interchange providing economic benefit to a disadvantage community may be considered a less than significant transportation impact. New roadway capacity such as freight only lanes and general purpose lanes for major freight corridors connecting intermodal, distribution, and manufacturing land uses may be considered less than significant because of the economic benefit resulting in increased regional financial capacity to address other environmental issues while reducing truck emissions through smoother traffic flows.”***

- 4) **Appendix F – Catalog of Models** – The listing of models excludes Uplan Land Use model developed by UC Davis which is used by several MPOs throughout California. Kern COG is also experimenting with Cube Land model by CitiLabs which integrates closely with the Cube Travel Model Software also by CitiLabs and is used by nearly all the MPOs in the California.
- 5) **Appendix F II. D. – Clarify Sample Mitigation Listing** – The specific mitigation listing could be misconstrued here as a requirement, despite the disclaimer listed in (b) (4) (c) of the guidelines. Please add the following text to better clarify this section.

Appendix F. II. D. Mitigation Measures may include (subject to the discretion of the lead agency):