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TRANSPORTATION ENGINEERING / PLANNING

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Christopher Calfee, Senior Counsel
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Dear Christopher:

On behalf of Kittelson & Associates, Inc. (KAI), we would like to provide the following comments, questions and general feedback on the *Final Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743* (August 6, 2014), prepared by the California Governor's Office of Planning and Research (OPR). Overall, we believe OPR has done an admirable job in implementing the process for modifications to the current CEQA guidelines regarding transportation impact analysis. Statements regarding the applicability of intersection Level of Service (LOS) as the measure for addressing a project's impact on the environment is consistent with KAI's previous national research and performance-based planning. As such, we are excited to see the changes and the continued evolution of the metrics and broader implications to transportation planning in the state.

We also believe that implementation of this approach to the high-quality transit areas and infill sites is appropriate and will help facilitate development where development makes the most sense. However, for projects that do not fall within these areas, the change to VMT may not be appropriate and thus we caution a statewide implementation until additional research and evaluation is conducted.

In terms of specifics regarding the proposed new language and modifications to the current language, KAI has the following comments and suggestions:

Comment 1: Establishment of the VMT Criteria

As documented on Page 8 of the preliminary discussion draft, OPR is suggesting to establish the new VMT criteria as a rate, such as "per capita, per employee, etc." By establishing the VMT criteria as a rate, it eliminates the intensity of a project from consideration. In other words, a project with 10 residential units would have the same VMT/capita as a project with 100 residential units. On a theoretical basis, the 100-unit project would generate 10 times the number of vehicles (and thus 10 times the vehicle miles traveled) as the 10-unit project, with a commensurate increase in the number of transit, pedestrian and bicycle trips. As such, the larger project would correspondingly use a larger percentage of the available transportation network. This effect of the project intensity should be accounted for in the criteria, perhaps by providing a weighted average for the VMT rate.

Comment 2: Setting of the VMT Threshold and Boundaries

While the VMT thresholds are at the discretion of the local jurisdiction, it would greatly assist local jurisdictions if OPR could provide additional guidance of use of regional averages (pages 8 and 9). For example, what is the definition of the region? Some regions have very different demographics and built environment. As an example, over 40 percent of the population within Kern County is located in the City of Bakersfield (an urban area), with the rest of the population spread across small (5,000-20,000 population) cities and county areas. For Kern County, the regional averages would be dominated by the demographics of Bakersfield, but not be representative of the rest of the county. Therefore, development projects in smaller communities, like Tehachapi, may have a regional average applied that it could not achieve.

Additional thought may be needed regarding how the boundaries of these areas are defined. In many urban environments, there are cases when portions of the city are within the transit priority areas, and portions that are not. As such, it would be possible that development projects across the street have two different CEQA analyses.

To alleviate these issues, OPR should provide guidance on how to establish the boundaries for regional or local thresholds, so that the most-appropriate evaluations can be conducted.

In addition, it is recommended that the target VMT averages be set at a certain percentage of the regional average (such as a 10 percent decrease, or at year 2000 levels). Otherwise, the ability to decrease VMT totals over time will be limited.

Comment 3: Ability to Mitigate VMT Impacts

The ability to mitigate a VMT impact may be outside of an individual project's control. Two mitigation measures referenced by OPR in Appendix F are providing a mix of uses (such as common goods and services) and shifting modes from private vehicles to other modes, such as transit, pedestrian or bicycle. However, there may be an instance that local zoning does not permit a different land use mix (for instance, residential units may not be permitted adjacent to a light industrial area). As such, the project would not be able to provide the needed complementary uses unless it engaged in a rezoning or conditional use process. With respect to the shift in modes, the local transit service may not provide adequate connections to regional job or commercial centers. Similarly, although a project may be able to provide good bicycle and pedestrian amenities within its area of influence, it cannot control what the local jurisdiction provides outside the borders.

If the SB743 guidelines are applied outside the high-quality transit areas, additional guidance or allowances would be needed to ensure these projects can still move forward without incurring substantial additional analyses. In addition, the potential mitigation measures listed in Appendix F may need to be updated to account for locations outside high-quality transit areas.

Comment 4: Discussion of Sketch VMT Calculation Tools

The proposed guidelines encourage the use of "back of the envelope" sketch planning tools to estimate VMT without utilizing a regional travel demand model. However, these tools lack the technical veracity of travel demand models for estimating VMT. As such, the use of such tools for CEQA could be subject to legal

challenge or result in CEQA findings to be questioned in light of an actual travel demand model run (either using the local agency model or regional agency model).

Appendix F provides a list of available sketch tools. However, there is no discussion on the quality, accuracy or reliability of these tools. As such, it is recommended that the listing of these tools be removed from the document, unless OPR provides basic information to help inform decision makers on the selection of a tool for their locale. Optimally, OPR should “audit” the tools and provide recommendations as to which tools are the most accurate or provide the most consistent results to meet potential legal challenges, or should be considered for use based on the project’s land use program or geographical location. As an example, OPR could conduct a comparison of the sketch tools results to those from each MPO model to “validate” its use for the VMT calculations.

As the state of the industry is continually evolving, OPR should commit to providing periodic updates to the list of tools to ensure that new ones are added and obsolete ones are removed. Although the text does state that “this inventory of possible methods should not be construed as an endorsement of any particular model”, the inclusion or exclusion of certain tools is a de-facto endorsement of their validity.

Another consideration with the use of VMT sketch planning tools is that they cannot yield VMT by speed class distributions, which is needed for the air quality analysis. As such, some form of regional travel modeling may still be needed for projects, which negates the time savings associated with the sketch tools.

Comment 5: Inclusion of Non-Traditional Auto Modes in VMT Calculations

Typical travel demand models and sketch VMT calculation tools do not account for delivery/service-vehicle trips and vehicle trips by taxis and carshare services (such as Uber). For certain types of projects, these trips may represent a substantial proportion of its daily vehicle trips. As such, estimates of delivery/service-vehicles and shared-ride trips should be added to the VMT averages.

Comment 6: Assessment of Construction Impacts

CEQA documents also require the evaluation of potential impacts during project construction. Usually, there is the limited potential for impact during the construction period, as the impacts would be considered temporary. For large residential and commercial developments, construction-related traffic is typically less than during project operation; as such, a qualitative discussion is usually conducted. However, for infrastructure projects, construction-related trips can represent the peak activity levels and thus are quantitatively assessed.

Depending on the type of construction, construction trucks can travel a long distance (such as to/from concrete batch plants or to/from landfills). In addition, trucks have a substantially larger effect on roadway operations and conditions. In the technical analysis, trucks are usually assigned a Passenger Car Equivalent (PCE) of 2 or 3, indicating they have a 2-3 times effect on a roadway than a standard passenger car.

Both regional models and VMT sketch models don’t account for construction-related activities.

As a result, we recommend that additional guidance be added to the evaluation of conditions during construction. If LOS is not to be used for CEQA, then another metric will be needed to address construction activities, since construction-related truck trips would otherwise not be accounted for in the analysis.

Comment 7: Safety

The proposed addition of Local Safety (see page 14) as a CEQA evaluation is applauded, as this will provide jurisdictions more tools to ensure projects are well integrated into the local transportation network. However, the factors listed in the text (A through E) may result in unintended consequences. For instance, implementation of a transit-signal priority treatment may result in an increase to motor vehicle speeds, or the establishment of a right-turn pocket to safely store queues may contribute to an increased speed differential between lanes. Although these are provided as “objective factors that may be relevant,” it is likely that jurisdictions or project opponents may misconstrue their inclusion as CEQA impact criteria.

In addition, Subdivision (b)(3): Local Safety provides the opportunity for safety to be more systematically and objectively addressed as part of environmental analyses. OPR could identify methodologies and tools, such as the Highway Safety Manual, that are now available for quantifying the effects of projects on roadway safety.

Comment 8: Non-LOS Based Methodologies

Many California local agencies do not use the Highway Capacity Manual (HCM) operational method for evaluating intersection operations (i.e., delay-based LOS). Instead, they utilize volume-to-capacity based planning methods (such as ICU and Circular 212). The draft guidelines primarily refer to the issues associated with the use of vehicle delay (see first paragraph on page 3). An argument could be made that volume-to-capacity based analysis does not have the same concerns as delay-based analysis and thus the guidelines would not be relevant. Therefore, it is recommended that the discussion in the guidelines be adjusted to also address issues associated with all LOS methodologies.

We thank you for the opportunity to be part of this process, and appreciate the work that OPR has undertaken to this point. We will continue to support OPR’s efforts and will continue to engage in the stakeholder discussions and implementation planning.

Sincerely,
KITTELSON & ASSOCIATES, INC.


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