NATURAL RESOURCES DEFENSE COUNCIL

February 13, 2014

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

RE: Preliminary Evaluation of Alternative Methods of Transportation Analysis for CEQA

Dear Mr. Calfee:

On behalf of NRDC (Natural Resources Defense Council), which has 1.2 million members and activists, 250,000 of whom are Californians, we are writing to share our thoughts on OPR's *Preliminary Evaluation of Alternative Methods of Transportation Analysis for CEQA* (*Evaluation*).

The Need for Alternatives to Level of Service Analysis in CEQA: NRDC strongly supports OPR's work in finding alternatives to traditional transportation analysis metrics under CEQA, particularly level of service. We strongly associate ourselves with a number of the critical statements made in the *Evaluation* regarding LOS. Most importantly, from an environmental perspective, is the observation that LOS is, in fact, not a measure of an impact on the environment, but, rather, a measure of how much time motorists may typically expect to wait at a particular intersection or along a particular stretch of roadway. Motorist convenience should not be considered a "significant environmental impact" under CEQA, as OPR rightly points out in the *Evaluation*. This is by no means to imply that there are no environmental impacts of vehicle travel, only that LOS is not the metric that should be used.

This imprecision alone would be reason enough to do away with LOS in CEQA, yet the use of LOS results in changes to projects that *actually harm the environment*. As the use of LOS in CEQA has viewed motorist delay as an environmental impact, CEQA's requirement to mitigate environmental impacts leads to mitigations to cut motorist delay, many of which can reduce the utility of other modes, jeopardize public safety, and harm the environment. Mitigating LOS can require reductions in project density, the widening of roads, or limiting pedestrian crossings, to name only a few such mitigations.

NRDC supports OPR's efforts to replace this faulty measure in CEQA with a more accurate measure of actual environmental impacts from transportation. This will ensure that CEQA works better at protecting the environment, and that CEQA-related mitigations actually help improve environmental quality.

Vehicle Miles Travelled (VMT) as the Preferred Analytical Approach: NRDC supports OPR's exploration of VMT as a likely alternative to LOS for transportation impact analysis under CEQA. We feel it is the superior alternative for the following reasons:

- *VMT is an accurate measure of the environmental impact of transportation*. Unlike LOS, VMT can be directly translated into impacts on the environment. By multiplying VMT by the fuel economy of a vehicle (or the average fuel economy of the vehicle fleet) it is reasonably straightforward to determine greenhouse gas, NOx, VOC and other emissions that result from fossil fuel combustion.

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- *Mitigating VMT results in improvements in environmental quality*. Unlike LOS, mitigating VMT (that is, reducing vehicle travel) has positive impacts on the environment resulting from forgone vehicle emissions. Whether it be efforts to encourage use of transit, biking and walking, supporting higher densities, or encouraging a mix of uses to deliver accessibility without vehicle travel, using VMT in a CEQA context will lead to mitigations that improve environmental quality.

- *VMT is consistent with AB 32, SB 375 and SB 743's requirement to "promote the reduction of greenhouse gas emissions."* As the most direct method by which to translate motorized travel to greenhouse gas emissions, using a VMT metric is consistent with now well-established state policies to reduce greenhouse gas emissions. SB 375 has required regions to integrate transportation investment and land use planning to reduce greenhouse gas emissions. CEQA benefits pursuant to SB 226 offer incentives for projects located in areas of low VMT. It is logical, then, to utilize VMT on the project level, to ensure consistency across state, regional and local approaches to analyzing the environmental impact of transportation.

- *VMT is simple to calculate using existing transportation analysis methods*. Determining project-level VMT is already part of CEQA analysis; indeed, it is a required step in analyzing LOS and CO impacts. Promoting VMT, then, would not be a hardship for lead agencies.

Consider Expanding CEQA Alternatives to LOS Outside of Transit Priority Areas: While SB 743 specifically calls on OPR to develop alternative metrics to LOS in CEQA for projects in Transit Priority Areas (TPAs), NRDC supports consideration of applying any alternative outside of TPA's as well. The shortcomings of LOS analysis are universal and exist across-the-board, regardless of project location. An expanded use of VMT, for example, would not only benefit projects infill, mixed use projects near transit(per SB 226), but would better reflect the true environmental impacts of projects in outlying, greenfield locations, particularly with respect to regional impacts and regions' consistency with SB 375.

Use of LOS in Other Contexts Should Not Justify Retaining LOS in CEQA: SB 743 calls on OPR to look into alternatives to LOS "under the California Environmental Quality Act." NRDC realizes that jurisdictions use LOS analysis outside of CEQA. For example, some jurisdictions tie Transportation Impact Fee programs to changes in LOS, and some Federal programs require consideration of LOS in project funding and analysis. Recognizing this, however, does not change the fact that LOS is a poor measure of environmental impacts in the context of CEQA and that SB 743 has *required* that alternatives be found for analysis under CEQA. Other uses of LOS should not be used to justify preserving LOS in CEQA.

Thank you very much for the opportunity to comment and we hope the above is helpful.

Sincerely,

Amanda Eaken, Deputy Director
Sustainable Communities

Justin Horner, Policy Analyst