



City Manager
311 Vernon Street
Roseville, California 95678-2649

February 13, 2014

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

Via: Electronic and Regular Mail

Page 1 of 2

Electronically to: CEQA.Guidelines@ceres.ca.gov

Subject: City of Roseville Comment Regarding the Preliminary Evaluation of Alternative Methods of Transportation Analysis (December 2013)

Dear Mr. Calfee:

Thank you for the opportunity to provide comment on the Preliminary Evaluation of Alternative Methods of Transportation Analysis dated December 2013. City staff and other municipalities and agencies throughout the state tracked the bill throughout the 2013 legislative session with little concern until now. Recently, City of Roseville staff along with staff from other local municipalities participated in a meeting with Ron Milam of Fehr & Peers and Chris Ganson of OPR on January 28, 2014. As a result of that meeting, it has come to our attention that there may be unintended consequences with how the law is interpreted and implemented.

The predominately held interpretation of the bill as it was being considered during the 2013 legislative session was it would provide a benefit to cities and counties that were constructing certain types of projects; particularly projects that were centered on Transit Priority Areas (TPAs), or would have a significant positive economic impact on an area or region.

During the above meeting, Mr. Ganson explained that OPR has made an interpretation of the law and what OPR is required to accomplish as part of the process. Roseville staff, and others, read the intent and statute to only require OPR to make these new determinations for very specific areas including Transit Priority Areas (TPA). However at our meeting, OPR indicated it has interpreted the statute to give OPR authority to apply the new criteria within TPAs, and elsewhere at OPR's discretion.

The primary concern staff has with OPR's interpretation of the law is that it necessarily results in unintended consequences as follows:

- The interpretation could result in OPR amending the CEQA Guidelines to exempt traffic as a CEQA impact thereby eliminating LOS from consideration in CEQA documents.
- The interpretation would be a one size fits all approach that would not recognize suburban or rural transportation constraints or constituent concerns.
- The interpretation would require the City to adopt a new traffic model that is costly, complex, and is an unfunded mandate.

- The elimination of LOS would potentially impact the City's ability to collect traffic mitigation fees and/or require certain levels of roadway development/improvements as part of a project. It also could make the City's fee programs vulnerable to legal challenge.
- The interpretation could result in amendments to the City's General Plan since a General Plan cannot be out of compliance with State law. Currently the General Plan includes policies on level of service standards.
- A final concern with the law is that the implementation of the new Guidelines must be enacted in 2015. This means there is no provision allowing municipalities a phasing in of the new requirements. They must be ready to fully meet the new requirements once they are approved. This will likely impact any projects currently in the queue, which are expected to be completed in the spring 2015. An example is the Amoruso Ranch Specific Plan. Staff is currently kicking off the traffic study, expected to be completed this summer, with an environmental document potentially completed by the end of the year. If OPR directs that a new model is required, all of the work done this year may have to be redone. This will result in costs and delays to project applicants.

Should you have any questions concerning this letter, please feel free to contact Kathy Pease ((916) 774 5434) with our Planning Division, or Scott Gandler ((916) 774 5439) with our Public Works Department.

Sincerely,



Rob Jensen
Assistant City Manager

cc: Rhon Herndon
Scott Gandler
Kevin Payne
Kathy Pease