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**From:** Mark Hopkins  
**Sent:** Friday, February 14, 2014 11:34 AM  
**To:** CEQA Guidelines  
**Subject:** "Preliminary Evaluation of Alternative Methods of Transportation Analysis"

Thank you for the opportunity to comment on the "Preliminary Evaluation of Alternative Methods of Transportation Analysis".

General comments:

- 1) In the current Environmental Checklist Form (XVI. Transportation/Traffic) "level of service" is only looked at as part of "congestion management program."
- 2) Reviewing the "preliminary evaluation of the alternative criteria:" Vehicle Miles Traveled, Automobile Trips Generated, Multi-Modal Level of Service, Fuel Use, and Motor Vehicle Hours Traveled are all subjective, requiring assumption similar to LOS. If the "alternative criteria" moves forward for the Alternative Methods of Transportation Analyzation, the State needs to set agreed upon assumptions (such as, five mile radius from a given project assume 40% travel, at ten miles assume 30%, etc.).
- 3) If the point of SB 743 is to reduce greenhouse gases, would it not be prudent to have more than two questions on the Environmental Checklist Form (VII. Greenhouse Gas Emissions). Automobile Trips Generated and Multi-Modal Level of Service can be incorporated in this section.
- 4) As SB 743 is intended to be specific to transit oriented infill projects, clarification should be made that these changes will be alternatives to traditional LOS, not outright replacement outside TOD. While replacing LOS in urban settings may make sense, especially in the "last-in development" situation where the last developments in an area have greater burdens for mitigations, this is not applicable for either rural or Greenfield developments.
- 5) The focus on reducing Greenhouse Gasses does not have an enforceable or quantifiable way to prove effectiveness. Replacing the current system of LOS with one that simply assumes that increasing availability to alternate modes of travel will automatically force people to switch is not scientific. Even worse, if incorrect assumptions are made about the decrease of auto traffic under these GHG assumptions, the proposed system may actually make the situation worse than the current LOS system.

Specific comments:

- "OPR has discretion to develop alternative criteria for areas that are not served by transit, if appropriate" – This should either be truly alternative criteria, not replacement of LOS. This should also not be applied to rural areas or small urban areas where transit is not feasible.
- "LOS is difficult and expensive to calculate" – this argument is unsubstantiated in the explanation. Nowhere is the difficulty or cost documented or even mentioned.
- "LOS is biased against 'last-in' development" – while this is often true, this can be equally attributed to poor planning efforts as to the LOS analysis.
- "LOS scale of analysis is too small" – the argument presented is only valid if the analysis is scoped incorrectly. If correctly scoped to include all affected intersections/segments,

the concerns presented in this argument are minimized or even eliminated. In addition, modern modeling can take into account entire networks, not just individual intersections and segments as presented.

- “Use of LOS thresholds implies false precision” – over-general and inaccurate. This is over-general by implying studies are likely to have imprecision in early steps, and inaccurate stating that “LOS is typically reported in environmental analyses without acknowledging potential uncertainty or error. Most traffic analyses clearly state the assumptions made in the process of preparing the traffic forecasts.
- “LOS mischaracterizes transit, bicycle, and pedestrian improvements as detrimental to transportation” – this argument is an overgeneralization. Basic Engineering principles state that safety is always to be considered as a top priority. The absolute statement that “any improvement for other modes that might inconvenience motorists is characterized as an impediment to traffic” is unsubstantiated and biased against automotive travelers.
- “As a measurement of delay, LOS measures motorist convenience, but not a physical impact to the environment” – this is a misleading statement. As LOS is based on delay times, and studies have shown that idling vehicles pollute more than moving vehicles, a correlation can be easily show between increasing LOS and decreasing pollution. In fact, this correlation has been established by CARB in the form of tables for Emission Reduction Calculation Methodologies used for preparing CMAQ project applications.
- “...allows cities and counties to designate “infill opportunity zones” within which (LOS) requirements from (CMPs) would no longer apply” – before this step can be taken, one of two things needs to happen – new triggers for implementing CMPs need to be developed, or CMPs need to be eliminated.
- “Third, ... ‘automobile delay... shall not be considered an significant impact...” – first, this appears to be completely overreaching the goal of SB 743, which was to look for an alternative to LOS for infill opportunity zones, not completely replace LOS in CEQA for all projects. Second, it is replacing one absolute method of evaluating traffic impacts with another equally inflexible method. As noted above, the proposed GHG method is incompatible with rural planning efforts and areas unable to support viable transit options.
- Each of the four alternate measures of potential transportation impacts listed have issues similar to the issues presented against the LOS method:
  - o Vehicle miles traveled/VMT per capita: these share the argument against LOS of being imprecise, as similar assumptions must be made to determine this as to determine the trip distributions for LOS. Additionally, if the study involved to determine VMT becomes lengthy and involved, these methods both share the argument against LOS of being difficult and expensive to calculate.
  - o Automobile trip generation rates/automobile trips generated: these methods both share the argument against LOS of being difficult and expensive to calculate, as trip generation is the first step required in any traffic analysis in evaluating the project. By stating above that LOS is too difficult and expensive due in part to these items, they should not be presented here as an alternative – because they are not.
- Vehicle Miles Traveled – the analysis contains several misleading or incorrect assumptions:

- o “...substantially easier...” The arguments for this are misleading, as both existing counts and simulation are required to establish the models used as a basis. The LOS method is generally based on local models and counts – all the VMT is doing is shifting these requirements to other places.
- o Two arguments against VMT were the possibilities of inaccuracies and the failure to state assumptions, yet the proposed VMT method is arguably more susceptible to inaccuracies as it is based on a macro view instead of a micro view. In addition, it is incorrect to compare the VMT method favorably to LOS as presented, as no mention is made of the many assumptions required for the VMT method. These include assuming transit levels, or the hope of projects “contributing to the creation of such opportunities” and the very fact that the VMT method “requires only estimates of trip generation rates and trip lengths...”
- o No discussion of pass-by or diverted link trips as used in the LOS method. Without these, the VMT method will return an incomplete analysis, with great possibility of overestimating VMT in an effort to push transit and other alternate modes of travel.
- Automobile Trips Generated – issues for this method include: Penalizing projects based on location if not near transit, overestimating Trips Generated if pass-by or diverted link trips not addressed, and the same inaccuracies claimed as an issue with the LOS method.
- Multi-Modal Level of Service – this appears to be the best balance of automobile and alternative modes of travel. While the argument presented regarding reducing in-fill development is a valid concern, this is also a good argument for retaining an LOS based method for rural and Greenfield types of development, and either incentivizing or revising the system to allow for in-fill projects ONLY. This would be keeping with the spirit of SB 743, promoting in-fill without the burdens of LOS while not penalizing other projects unable to comply with a one-size fits all hammer of alternative mode compliance.
- Fuel Use – this has many of the same misleading and incorrect assumptions as the VMT method, but compounds those conclusions by adding additional assumptions such as fuel efficiency of vehicles. As the proposal clearly states this method “would require the application of microsimulation...”, this method would be no less difficult than the LOS method in this aspect.
- Motor Vehicle Hours Traveled – this is the weakest of all the alternatives presented, as it has the most difficulty in implementing and the greatest room for error for inaccurate assumptions.
  - o It shares trip generation rates with the LOS method, criticized as difficult and expensive earlier on the proposal.
  - o Does not take into account the fact that various speeds produce various levels of pollution that vary greatly below 20 MPH (typical speeds found in congested areas of LOS E/F) as a causation, only as a possible remedy (“VHT could be mitigated by increasing travel speeds...”). This is not different enough from the outcome of the LOS method to warrant further consideration of this method.
  - o “(W)ould require the application of more sophisticated modeling tools...” – again, something shared with the LOS method, criticized as difficult and expensive earlier on the proposal.

- o Similar to ATG above, penalizes projects based on location if not near transit (“it can also be mitigated by choosing a more central location for the project.”)
- Presumption of Less Than Significant Transportation Impact Based on Location – this method appears to be extremely vague and hard to defend if challenged in Court. While the basic idea has merit, some widely agreed upon minimum criteria (minimum/maximum levels of trip reduction, benefit of infill vs Greenfield based on increased infrastructure and maintenance costs, etc.) would need to be included before this option could be seriously considered. Care needs to also be given to use this alternative as an incentive to promote infill and not to penalizes rural and Greenfield development.

Section VIII, Open Questions:

- 1.a. Two that come to mind are: Quality of life for those impacted by development and roadway widening, and Environmental Justice
- 1.b. No comment
- 1.c. This depends – generally, it should, but many time these are reviewed and determined on a case-by-case basis. A development can conform to all guidelines, but may be victim of a neighboring property that doesn’t conform and causes a safety issue. For example, a driveway may be constructed safely and meet all design guidelines, but if an adjacent parcel has vegetation blocking sight distance from that driveway, a safety issue still exists that must be addressed, even if outside the direct control of the developer.
- 2. In this commenter’s opinion, the best method would be to leave the current LOS system in place for a majority of projects, including all rural projects, projects in small urban areas where transit is not feasible, and locations where a current General Plan has already accounted for adequate growth and expansion. The methods presented should only be considered for infill type projects or areas where transit is already available and feasible. In addition, OPR should keep the establishment of criteria for models to a minimum – this should be left to the local jurisdictions and MPOs that are in the best situation to understand local conditions and respond accordingly.
- 3. Parking should be a minor consideration in the analysis, especially for commercial and mixed use type developments. Parking should only be a major consideration for residential uses, public uses (including transit – not enough parking at BART, park and ride, etc., discourages use of these things, defeating their entire purpose), and large private employment centers. Businesses should be allowed to build parking to what they need, not have the level of parking required dictated to them.

Thank you,

Mark Hopkins