



November 21, 2014

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

Dear Mr. Calfee:

As a Congestion Management Agency (CMA), transit provider, and CEQA Lead Agency for transit and highway capital projects, the Santa Clara Valley Transportation Authority (VTA) will play a critical role in Santa Clara County in implementing the new transportation analysis guidelines called for by SB 743. VTA would like to offer the following comments on the *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743* issued by the Governor's Office of Planning and Research (OPR) on August 6, 2014.

Overall, VTA supports OPR's effort to shift the emphasis of transportation analysis from Level of Service (LOS) to Vehicle Miles Traveled (VMT), and agrees with OPR's approach to apply the new criteria statewide. VTA supports the objectives of SB 743 to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (21099 (b)(1)). Also, VTA appreciates OPR's extensive efforts to reach out to CMAs and local agencies and continually remain open and responsive to dialogue.

VTA has specific comments and concerns on the *Preliminary Discussion Draft*, in the following areas:

Process: Draft Revision and Recirculation

VTA concurs with other Bay Area CMAs in respectfully requesting that OPR circulate the draft guidelines again, including all comments received, once revisions have been made in response to this round of comments prior to submitting to the Natural Resources Agency.

Appendix G: Link to Congestion Management Programs

Appendix G, item B) has been revised to remove "Conflict with an applicable congestion management program..." as one of the criteria for assessing the significance of transportation impacts. VTA recognizes that OPR's intent in striking this item was to reduce potential conflicts between LOS policies in existing CMPs and the intent of SB 743 to remove vehicle delay as an impact criterion. However, VTA notes that CMPs also include performance measures that assess other aspects of the transportation system including pedestrian, bicycle, and transit modes, as well as vehicle miles traveled. We believe these can reinforce the objectives of SB 743. VTA recommends reinstating the tie to CMPs with the caveat that CMP LOS policies are excluded from consideration:

- "Would the project... Conflict with an applicable congestion management program, excluding auto level of service standards and other measures of vehicle delay, but including other, but not limited to level of service standards, travel demand measures, performance

standards established by the county congestion management agency for designated roads, ~~or~~ highways, transit, bicycle or pedestrian facilities?"

Analysis of Land Use Projects: Regional Average VMT

The proposed text of 15064.3(b)(1) states, "A development project that is not exempt and that results in vehicle miles traveled greater than regional average for the land use type... may indicate a significant impact." VTA recommends that flexibility be included for Lead Agencies to use the countywide average VMT to make this determination. The overall region that includes Santa Clara County is the nine-county Bay Area, which ranges from counties that are largely rural and suburban (Napa, Sonoma) to the highly urbanized City/County of San Francisco, while Santa Clara County falls in between. As such we believe that measuring average VMT at the county level would be more appropriate for the Santa Clara County context.

Analysis of Land Use Projects: Presumption of Less than Significant Impacts

The proposed text of 15064.3(b)(1) states that "development projects that locate within one-half-mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have a less than significant impact." VTA notes that certain auto-oriented land uses (for example, heavy industrial uses, storage facilities, etc.) could be detrimental to developing transit-supportive land uses near transit stops, and therefore a blanket presumption of less than significant impacts based on location could be counterproductive.

Analysis of Land Use Projects: Identification of Major Transit Stops

VTA submitted several detailed questions about the identification of Major Transit Stops to OPR on February 25, 2014, for discussion at the March 5, 2014 meeting of the Bay Area SB 743 Working Group. While OPR staff discussed these questions verbally at the meeting, no written response was provided. VTA notes that Major Transit Stops are referenced in the proposed CEQA Guidelines Sections 15064.3(b)(1) and 15064.3(d), but several questions remain unclear as to how exactly they are defined, who has the responsibility for identifying them and how often they are updated (e.g. for minor changes in transit schedules). VTA recommends that OPR include guidance in the supporting text of the new CEQA Guidelines addressing these issues.

Analysis of Transportation Projects: Magnitude of VMT Increase

Please revise the "Text of Proposed New Section 15064.3(b)(2)" to be consistent with "Text of Proposed Amendments to Appendix G XVI(d)" so that the word "substantial" or "substantially" is included. Suggested edit is on the third line, "... The transportation analysis should analyze whether the project will *substantially* induce additional automobile travel compared to existing conditions." As written, 15064.3(b)(2) appears to suggest that the threshold may be *any* increase in VMT, rather than substantial increase as stated in the revisions to Appendix G.

Analysis of Transportation Projects: Exempt Projects

Please consider revising the "Text of Proposed New Section 15064.3(b)(2)" to include the same mention of exempt projects as mentioned in (b)(1). In (b)(1), it states, "A development project

that is not exempt and that results in VMT greater than regional average for the land use type..." This should also be included for transportation projects. Suggested wording change: "To the extent that a transportation project increases physical roadway capacity for automobiles in a congested area, or adds a new roadway to the network, unless the project is otherwise exempt, the transportation analysis should analyze whether the project will (substantially) induce additional automobile travel compared to existing conditions."

Analysis of Transportation Projects: Scale of VMT Analysis

Please clarify in "Text of Proposed New Section 15064.3(b)(2)" that if a transportation project is found to have an overall/area-wide decrease in VMT, that localized increases in VMT (such as to a large rail project's station park-and-ride lot) would not trigger the significance threshold. The intent of SB 743 is to decrease area-wide VMT and increase transit use; therefore, localized increase in VMT due to a station park-and-ride lot should not trigger the significance threshold for the project.

Analysis of Transportation Projects: Analysis Scenarios

Please clarify in "Text of Proposed New Section 15064.3(b)(2)" what horizon year the analysis must be conducted in. It appears that the analysis is only required for a comparison with "existing conditions." However, standard LOS analysis frequently analyzes the horizon year of the project's RTP. Is it the intent of OPR to limit the need for analysis to existing conditions only? Please clarify.

Analysis of Transportation Projects: Ramp Metering

Please consider adding ramp metering projects to the list of types of transportation projects that would not likely result in a significant impact (Section 15064.3(b)(2)). Ramp metering projects are operational improvements and typically do not increase physical roadway capacity.

Safety Impacts

VTA recommends significantly reworking Section 15064.3(b)(3) to avoid unintended consequences of some of the proposed impact criteria, specifically speed differentials and speed increases. VTA recommends that this section be written more generally to indicate that safety impact analysis be based on the following criteria:

- Increased potential of collisions
- Increased severity of collisions
- Increased safety risks for bicyclists, pedestrians, and transit users

The thresholds if applicable should be left to the Lead Agency.

If the existing criteria are retained, VTA recommends the following revisions to Sections (3)(C), and (3)(D). In addition, please see "Project Impacts on Bicycle and Pedestrian Conditions," below, for suggested edits to Section 3(A).

- a) Under (3)(C), speed differentials greater than 15MPH may cause a significant impact. However, speed differentials may be caused in a variety of ways by many

- transportation projects that would not currently cause a significant impact, and therefore, would cause unintended consequences to many worthwhile projects. This could be interpreted to mean that the introduction of a bike lane on roadways where the automobile speeds are greater than 15 MPH over average cyclist speeds could result in a significant impact. The intent of SB 743 is to encourage multi-modal modes, but this section seems to create more roadblocks to good projects. Suggested revision: strike this, or if this provision is retained, it should be limited to speed differentials between adjacent general purpose auto lanes only.
- b) Under (3)(D), an increase in motor vehicle speeds is a potential significant impact. VTA recommends that transit vehicles, such as light rail and bus, be explicitly exempted from this provision. In addition, if a highway or county expressway project proposes operational improvements that would increase gridlock speeds to speeds closer to the speed limit, the project could reduce greenhouse gas emissions, which is one of the goals of the new transportation criteria under SB 743. Finally, it is not clear that all motor vehicle speed increases would directly impact safety. VTA suggests that, consistent with SB 743's goals to reduce VMT and promote multimodal transportation options, this analysis should be limited to facilities that permit bicycle or pedestrian access, and where the speed increase can be shown to directly impact the safety of bicyclists and pedestrians.

Project Impacts on Bicycle and Pedestrian Facilities

Potential safety impacts to bicyclists and pedestrians are acknowledged in Sections 15064.3(b)(3)(A) and (E). However, as currently written these provisions do not address important potential project impacts on pedestrian and bicycle modes, and in some cases could have unintended consequences. VTA suggests the following edits:

- a) Under (3)(A), an increase in exposure of bicyclists and pedestrians in vehicle conflict areas may cause a significant impact. However, this is too general and one could interpret that a new bike lane project on a street with high volumes of autos could increase exposure of bicyclists in vehicle conflict areas, which may cause a significant impact. Suggested revision: state that removal or degradation of pedestrian or bicycle facilities or increasing of non-auto crossing distances may cause a significant impact.
- b) While VTA is pleased to see OPR addressing potential safety impacts to bicyclists and pedestrians, project effects that reduce convenience and access to pedestrian and bicycle facilities could also reduce the use of these modes and thereby increase VMT. VTA recommends including a statement that reducing, severing or eliminating existing pedestrian or bicycle facilities or otherwise increasing the travel distances of pedestrians or bicyclists could result in a significant impact.

Project Impacts on Transit

VTA concurs with BART that the proposed CEQA Guidelines, as written, do not adequately address potential project impacts on transit. VTA makes the following recommendations:

Add a new subsection 15064.3(b)(4):

(4) Transit. In addition to a project's effect on vehicle miles traveled, a lead agency may also consider the project's effects on transit. When evaluating transit effects, a lead agency should consult with all public transit agencies operating a major transit stop within ½ mile of the project. Examples of effects that may be relevant are included in Appendix G.

Add a new section to Appendix G:

“XVI. TRANSPORTATION – Would the project:

...

(f) Decrease the performance of, safety of, or access to public transit facilities?

Mitigation Measures

Section (2)(D)(6) of Appendix F lists potential mitigation measures to reduce vehicle miles traveled. VTA has the following comments:

- a) The section should be revised to state that in addition to identifying measures to reduce VMT, Lead Agencies can bolster their case for the effectiveness of VMT-reduction measures by providing evidence of the extent to which the measures would be likely to reduce VMT, in comparison to the significance threshold. For example, a Lead Agency could use a “peer/study-based” approach to documenting VMT reductions by citing studies of the VMT-reduction effects of comparable measures undertaken in similar project types and locations. An even stronger approach to documenting VMT reductions would be a “target-based” approach, including identifying a specific VMT reduction target and committing to third-party monitoring of VMT upon project completion and an enforcement and penalty structure. VTA recommends including such measures in this section and noting that they can increase the effectiveness of the project's overall VMT reduction program.
- b) While VTA recognizes the potential air quality benefits of promoting electric vehicle usage, VTA recommends removing measure e), “Incorporating neighborhood electric vehicle network” from the list of “Potential measures to reduce vehicle miles traveled.” There is no evidence provided that promoting the use of electric vehicles would reduce vehicle miles traveled, which is the criterion for significant transportation impacts identified in the *Preliminary Discussion Draft*. VTA recommends including this measure as a potential mitigation measure for air quality or energy impacts instead.
- c) VTA recommends the following edits and additions to the list of potential VMT reduction measures:
 - o. Subsidizing transit fares or providing transit passes
 - p. Improving transit service or facilities, or contributing to a fund dedicated to transit service or facility improvements
 - q. Shuttle services to connect employees or residents to nearby transit stations and destinations;
 - r. Car sharing facilities or incentives;
 - s. Bike sharing facilities or incentives.

Follow-up: After Study of Transportation Criteria

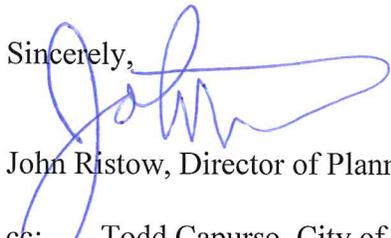
VTA suggests that OPR consider formally committing to a "check in" step within 1-2 years after the new transportation criteria have been adopted, including an after-study led by OPR to assess how the new criteria are working and whether any changes need to be made.

Follow-up: VMT Monitoring

With the new transportation criteria, VMT monitoring will become more important. VTA notes that VMT is much more difficult than trip generation for local agencies to monitor on a local or project-by-project basis. VTA requests that OPR work with Caltrans and other state agencies to increase the amount of research and monitoring of VMT, and to provide assistance to local agencies to conduct such research, in order to bolster the analytical basis of the new transportation criteria.

VTA looks forward to continuing to work with OPR to implement the new transportation analysis guidelines called for by SB 743. Please do not hesitate to contact me at (408) 321-5713 or Robert Cunningham at (408) 321-5792 if you have any questions or would like to arrange a meeting.

Sincerely,



John Ristow, Director of Planning and Program Development

cc: Todd Capurso, City of Campbell; Henry Servin, City of Gilroy; Carol Shariat, City of Sunnyvale; Cedric Novenario, City of Los Altos; Dan Collen, County of Santa Clara; Helen Kim, City of Mountain View; Jamie O. Rodriguez, City of Palo Alto; Jeff Moneda, City of Milpitas; John Cherbone, City of Saratoga; Karl Bjarke, City of Morgan Hill; Matt Morley, Town of Los Gatos; Mo Sharma, City of Monte Sereno; Rajeev Batra, City of Santa Clara; Ray Salvano, City of San Jose; Richard Chiu, Town of Los Altos Hills; Timm Borden, City of Cupertino; Nick Saleh, Caltrans District 4