

From: Steve Colman
Sent: Friday, November 21, 2014 1:25 PM
To: CEQA Guidelines
Subject: SB 743 Comments

November 20, 2014

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

RE: Comments on Updating Transportation Impacts Analysis in the CEQA Guidelines
Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743

Dear Mr. Calfee:

I would like to provide both comments and questions on OPR's Draft Guidelines for SB 743. By way of introduction, I have more than 36 years of experience as a transportation planner and was the principal author of more than 75 transportation sections of EIRs. I taught graduate and undergraduate transportation planning classes at San Jose State University for 14 years, including implementation of CEQA in transportation project development. I currently teach training courses in using multi-modal level of service. Having said that, these comments are strictly my own and should not be interpreted as reflecting the views of any organization I'm affiliated with.

I have divided the balance of this letter into two sections: general comments on the proposed approach, and some specific questions. I would appreciate a response to the specific questions, as I think it will help clarify OPR's interpretation of the law, both for myself and others trying to faithfully implement it.

General Comments

I am concerned that SB 743 and OPR's guidelines could lead to additional lawsuits. CEQA is a somewhat unusual law in that it allows for private attorneys general, and therefore a significant change like OPR proposes can invite additional litigation. I understand the need to provide a metric that is more in line with achieving greenhouse gas reductions under present law, but I'm not sure that the proposed method is the best way to do so. In my opinion, CEQA is at its heart a disclosure law, and I am not sure the proposed methodology adequately discloses all the potential transportation environmental impacts of a project. I hope that OPR will carefully detail what it expects in future transportation analyses, while also giving lead agencies flexibility to account for their local conditions, so that future litigation can be minimized. This is a difficult balancing act.

In choosing VMT as the metric for determining environmental impact, OPR has traded one set of problems in the current use of level of service (LOS) for another set of problems. VMT can be difficult to predict with any certainty for a given land use, and even more importantly, any land use context. VMT, or VMT per capita, for any project is going to be greater in a rural or suburban county (e.g., Sonoma) than it is in a very urban county (like San Francisco)-- even though these two counties are in the same MPO and would therefore both (presumably) utilize the same significance threshold. My understanding is that the VMT reduction targets, adopted in Oregon in the early 1990s, have become problematic in implementation (see for example, "The Politics of Implementation: Oregon's Statewide Transportation Planning Rule, What's Been Accomplished and How," by Martha J. Bianco and Sy Adler, Discussion Paper 98-8, November 1998, Center for Urban Studies, College of Urban and Public Affairs, Portland State University, Portland, OR.)

A final note on VMT: one vehicle mile of travel is not equivalent in all instances. One VMT generated in stop-and-go traffic at an average speed of 5 miles per hour is very different in its impact as one VMT generated at 55

mph. Simply making comparisons of VMT without recognizing the environment or speeds at which they occur is not valid.

Induced demand is a very complex and controversial issue, and I am surprised that OPR has chosen to make this a requirement (or perhaps it became a necessity because of the use of VMT?).

I would recommend that OPR consider additional studies on induced highway demand and clarifying definitions of terms used. For example, the California Air Resources Board publication "Effects of Increased Highway Capacity on Travel Behavior," final research report, October 1994, by Dowling Associates. There was also a follow-on study that confirmed the Dowling study: San Jose State University Institute for Metropolitan Studies, "An Activity-Based Travel Survey and Analysis of Responses to Increased Congestion" (October 1995). Both studies did original (primary) data collection. If you do not have a copy, please let me know and I can arrange to have one sent to you.

In the 9/25/14 webinar conducted by OPR staff, I believe I heard someone from OPR state that that 30 studies were reviewed, and most supported OPR's view of induced travel. I would urge caution in doing these kinds of 'nose counts', since not all studies do original data collection, and many of them simply repeat what is in other studies. Furthermore, there are many more than 30 studies that have been done on this topic.

Many induced-demand studies have taken very simplistic approaches and discovered *ad hoc* correlations between travel demand and highway capacity. But correlation does not imply causation. For example, if one were to graph the number of fire trucks owned by each city against the number of fires reported in each city, one could conclude that fire vehicles cause urban fires.

Specific Questions

1. Appendix A of the OPR *Guidelines* notes (FAQ #2) that "...congestion measures more of social, rather than environmental impact." Yet aesthetics, noise, light and glare, and other factors are considered environmental impacts under CEQA. Can OPR explain why these are considered significant environmental issues, but traffic congestion is not? There is some evidence that traffic congestion and long commutes have negative health impacts (see for example, "Commuting Can Be Bad for Your Health," New Orleans *Times-Picayune*, April 10, 2000, including stress, elevated blood pressure, and sleeplessness.
2. In several places in the draft guidelines, the term 'automobile' is used, where the context seems to imply 'motor vehicles'. Example: "For the purposes of this section, 'vehicle miles traveled' refers to distance of automobile travel associated with a project." (see page 13, Section 15064 of proposed new Section 15064.3). Does OPR intend to intentionally exempt trucks and/or other commercial vehicles from environmental analysis?
3. Could OPR provide a more precise definition of what it wants included in the term 'induced demand'? The definition of induced travel is not clear in the guidelines. Even the technical literature sometimes uses the terms induced, latent, or generated demand interchangeably, which can be confusing. For example, if a car using a frontage road today paralleling a freeway switches to the freeway mainline because of a lane addition project on the freeway, would that count as 'induced demand' on the widened freeway? If a driver switches her starting time of travel, say from the peak 'shoulder' to the peak hour due to less congestion, is that considered 'induced demand'?
4. Looking at the hyperlinked paper by Handy & Boarnet for CARB^[1], it appears OPR advocates using lane-miles to measure the magnitude of highway capacity increase. Is that correct? If so, lane-miles is a very aggregate measure of capacity. Since applying elasticity requires a starting (baseline) point from which to calculate a percentage change, how should we measure the lane-miles *before* the proposed project? At the project, county, or metropolitan scale, or from some other starting level? For example, consider a freeway widening project that adds 20 new lane-miles of freeway capacity. This county currently has a total of 200 lane-miles of freeway, and the metropolitan region has 5,000 lane-miles of freeway. Is this project a 50% increase in lane-miles (considering just the project limits)? Or is it a 10% increase (measured against the county total)? Or is it a 0.4% increase (measured against the metro area total)?

5. In rural areas, many highway improvement projects are made for safety and network continuity reasons, but incidentally increase highway capacity. Consider an existing 6-mile segment of two-lane rural highway with a 55 mph speed limit, uncongested today. A new four-lane freeway is built parallel to and a few hundred feet adjacent, with a 65 mph speed limit. Measured by lane miles, this is a 200% increase (at the project level) in lane-miles (from 12, to 36 lane-miles). The travel time savings is only about one minute, based on the higher speed limit and length of the segment widened. How should this be analyzed? The elasticities cited in Handy & Boarnet (Table 1: *Impact of Capacity Expansion on VMT*) suggest that *this project* will ultimately cause anywhere from a 78 to 200% increase in traffic, which seems implausible for most rural areas given the small amount of travel time saving.
6. How should HOV lanes be treated as compared to mixed-flow lanes in terms of lane-miles? In most urban areas of the state, lane additions are for HOVs. What if the HOV restrictions operate during only part of the day, which is common in the northern part of the state (typically morning and evening commute hours)?
7. Why did the Handy and Boarnet study cited avoid studying travel time or average daily traffic? (see page 2, 3rd full paragraph of Handy & Boarnet).
8. Should an analysis of induced travel apply only to projects that increase highway capacity? The "Guidelines" cite a grocery store as an example of a project that could *decrease* VMT, since shoppers could travel shorter distances to buy groceries. There are two complications with this example. First, no mention is made that certain supermarket chains (Wal-Mart and Whole Foods come to mind, but there are others) may have larger 'drawing areas' than an average grocery, and thus may not decrease VMT. Second, proximity to the new market may lead to more frequent trip making. For example: a person living 10 miles from a grocery store might only shop once a week, because of the 20 mile round-trip involved. If a new supermarket is built closer to her house, she may go to the new market several times a week, due to the added convenience, making smaller purchases on each shopping trip than before. The VMT change could be up or down. Does OPR suggest 'frequency of trip making' should be considered 'induced demand' demand in the analysis? If so, how?
9. In his many publications, Dr. Boarnet (author of your cited study) is a well-known proponent of a school of thought that says 'new transportation projects do not create economic activity, they merely shift it from one area to another.' If that is so, doesn't it mean that new highway capacity, even new VMT, does not result in net additional GHG emissions, but merely shifts the location where they are generated? Since GHG emissions are a global problem, it does not matter whether the emissions come from Yolo or Yuba county.
10. Did OPR consider vehicle hours of travel (VHT) as a metric, rather than VMT? VHT has some benefits, from an air quality standpoint, over the measure of VMT.
11. Can OPR cite the authority under which it proposes expanding the scope of SB 743 to include areas outside TMAs into rural areas?

Mitigation Monitoring

12. Level of service is relatively straightforward to apply in monitoring impacts of a project after its occupancy/opening. With the advent of VMT as the standard for significance, how does OPR propose the lead agency monitor the amount of VMT being generated by a project, after construction/operation? Can you suggest ways to monitor VMT and trip length for individual projects?

Thank you for considering these comments and questions. I look forward to receiving your reply, either via email or at the address below.

Sincerely yours,

Steven B. Colman, PTP

^[1] Handy, Susan and Marlon G. Boarnet. "DRAFT Policy Brief on Highway Capacity and Induced Travel," 4/21/14. Sacramento: California Air Resources Board. Accessed 9/6/14.