
TRI-VALLEY TRANSPORTATION COUNCIL

November 10, 2014

Mr. Ken Alex, Director
Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812

Subject: Comments on Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743

Dear Mr. Alex:

Thank you for the opportunity to provide comments regarding Office of Planning and Research (OPR) efforts to amend CEQA (California Environmental Quality Act) Guidelines, as required by Senate Bill 743 (SB 743). This letter specifically responds to the report titled "Updating Transportation Impacts Analysis in the CEQA Guidelines" written by the Office of Planning and Research (OPR) dated August 6, 2014 (hereafter called the "Draft Guidelines").

Tri-Valley Transportation Council ("TVTC") is an independent Agency formed through a Joint Exercise of Powers Agreement among seven local agencies. These agencies include: The County of Alameda, The County of Contra Costa, The City of Dublin, The City of Livermore, The City of Pleasanton, The City of San Ramon, and The Town of Danville. Our purpose in writing this letter is to provide suggestions for revisions to the Draft SB 743 Guidelines in order to achieve a more successful implementation of SB 743. TVTC's comments are as follows:

1. Suburban cities and counties would be economically disadvantaged by not attracting new development.

The State is recommending using a regional Vehicle Miles Traveled (VMT) average threshold in determining the significance of land development project impacts. For TVTC, the region would be nine (9) counties under the Metropolitan Transportation Commission (MTC). This is a significant concern for suburban communities like the TVTC members, due to the fact that VMTs for new development would be hard to compete with VMTs for more urban areas like Oakland and San Francisco (please see enclosed VMTs by each county in the Bay Area). In the more urban areas, the VMT is inherently lower due to the compact land use and significantly higher transit options, and puts suburban areas at a disadvantage in attracting needed land development in the area.

TRI-VALLEY TRANSPORTATION COUNCIL

The way it stands as proposed, all suburban areas would be at a distinct disadvantage to the urbanized areas.

Recommendation: A potentially simple way to address this is to allow local jurisdictions (just the way the current CEQA law allows it) to determine an appropriate level of VMT for their own use, which would enable suburban communities like TVTC members to compete with other jurisdictions in the County and the region.

2. Impact to future funding from regional agencies.

As this CEQA requirement changes there is a strong potential that future funding criteria for many funding sources (Transportation Development Act Article 3, Transportation Fund for Clean Air, Signal Synchronization programs by MTC, grants from Caltrans etc.) may also change and may favor jurisdictions that have lower VMT. Furthermore, the Draft Guidelines are calling for “safety analysis” and associated mitigations for any transportation project, and includes in this analysis “increase in automobile speed” as an environmental impact. Projects for reduction in delay and congestion, which in turn potentially increase travel speed, would no longer compete well due to their CEQA impacts. Therefore, regional agencies like MTC and Alameda County Transportation Commission (ACTC) would be reluctant to support and fund many such projects.

Recommendation: Modify the safety analysis elements by eliminating the “increase in automobile speed” as a safety impact for a transportation project.

3. Cost to developers in Tri-Valley area may increase.

The Draft Guidelines would require VMT analysis for a land development project to be conducted over an area that is not restricted by local jurisdiction boundaries, if technical models allow such inclusion, therefore increasing the cost of analysis and potential mitigations that could be needed. In other words, when a project analyzes traffic impacts and potential mitigation, the Draft Guidelines would require lead agencies to review project impacts beyond their local jurisdiction into the region as a whole. This would significantly increase the cost of development related analysis to local developers. Even if the analysis is conducted on a region wide basis, based on the Draft Guidelines it is not clear how to mitigate regional impacts.

Recommendation: The region-wide analysis should be done by the larger regional agencies so the region wide impacts can be addressed by regional agencies and not by local jurisdictions. The regional agencies then can also develop more detailed regional or sub-regional models that are specific enough to capture the impacts of a local project on the region. This would also help in finding more localized thresholds of significance, thus

TRI-VALLEY TRANSPORTATION COUNCIL

avoiding the use of currently suggested regional (nine-county average for TVTC) VMT average.

4. May impact Transit operations.

The elimination of Level of Service (LOS) and vehicle delay as the basis for a finding of significance under CEQA when analyzing the impacts of a development may have unintended consequences on the performance of transit vehicles accessing an area. Since lead agencies no longer would evaluate the delay and congestion using LOS, they would not know the delay caused to the transit vehicles.

Recommendation: A potential solution could be to analyze the delay using LOS just for the transit vehicles along a corridor to ensure the delays are not getting so significant that they would harm the transit service.

5. Transportation Projects will cost more or may not be able to get environmental clearance due to safety impacts under the proposed guidelines.

This is a big issue for local jurisdictions like TVTC members. The concern is that project costs would significantly increase due to additional analyses that were not considered in cost estimates when these projects were developed. Furthermore, due to the new analyses required as per the Draft Guidelines, projects like expansion of roadways or construction of new ones may not be able to get regional funding. This is due to the fact that any transportation project will need to analyze the "Induced Traffic" or "Increase in Automobile Speed" and could cause a project to be less competitive in the future.

Recommendation: Modify the safety analysis elements by eliminating the "increase in automobile speed" as a safety impact for a transportation project.

6. Lack of proper tools to conduct VMT analysis at an individual project level.

Currently there are very few data sources and analysis models that could generate comparable results on VMT for a single project. Providing that a development project that "results in vehicle miles traveled greater than [the] regional average for the land use type ... may indicate a significant impact" (Draft Guidelines Section 15064.3(b)(1)), it must be acknowledged that there are few, if any, models that purport to be able to accurately characterize VMT at a project-specific level for infill projects. The absence of such models will lead to increased study costs (at a minimum) and litigation/enforcement uncertainty as opponents will have a new tool to use in CEQA lawsuits aimed at stopping or delaying a project.

TRI-VALLEY TRANSPORTATION COUNCIL

Alternatively, if OPR wants to promote VMT as a new CEQA impact for which mitigation and/or alternatives are required "to the greatest extent feasible" consistent with CEQA's current framework, then OPR should start by partnering with regional and local agencies to develop VMT models that it believes are effective at a project level, and then pilot these in volunteer jurisdictions.

Recommendation: OPR should consider a "trial" period to test the tools available to local agency staff for analyzing the new metric of VMT before the new guidelines become mandatory. Establishing a trial period on the use of the new guidelines will allow local agencies and OPR staff to determine what does and doesn't work, and establish "best practices" for the new metrics. In addition, OPR should consider developing a training manual and offering internet-based and/or in-person training for CEQA practitioners.

Thank you for the opportunity to provide comments. If you have any questions, please do not hesitate to contact Jamar Stamps, TVTC Staff at (925) 674-7832 or via email at jamar.stamps@dcd.cccounty.us.

Sincerely,



Candace Andersen, Chair

Tri-Valley Transportation Council

Attachments: Bay Area VMT Averages by County
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