

## Letter 10

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-Submitted Testimony-

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### **Comment 10-1**

Revise Appendix G: Transportation/Traffic checklist to what was proposed on January 8, 2009 by the Office of Planning & Research to remove LOS. LOS is not appropriate for CEQA as congestion is not an environmental impact.

### **Response 10-1**

Subsection (b) asks whether a project: “Conflict[s] with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?”

The Natural Resources Agency acknowledges the concern expressed by this and other comments that the use of level of service metrics in CEQA analysis has led to an auto-centric focus. The Office of Planning and Research and the Natural Resources Agency have participated in extensive outreach with stakeholder groups to revise question (a) in the transportation section of Appendix G to accomplish the following goals:

- Assess traffic impacts on intersections, streets, highways and freeways as well as impacts to pedestrian, non-vehicular and mass-transit circulation
- Recognize a lead agency’s discretion to choose methodology, including LOS, to assess traffic impacts
- Consistent with existing requirements in congestion management programs, general plans, ordinances, and elsewhere

In response to public comments submitted on proposed amendments, the Natural Resources Agency further refined question (a) to shift the focus from the capacity of the circulation system to consistency with applicable plans, policies, and other objective measures of effectiveness.

Question (b) still refers to level of service standards, but does so in the context of a congestion management program. Government Code section 65088, and following, requires Congestion

Management Agencies, in urbanized areas, to adopt Congestion Management Programs covering that agency's cities and county, and in consultation with local governments, transportation planning agencies, and air quality management districts. A CMP must, pursuant to statute, contain level of service standards for certain designated roadways. A CMP must also include a land use analysis program to assess the impact of land use decisions on the regional transportation system. A CMA may require that land use analysis to occur through the CEQA process. Thus, level of service standards cannot be deleted from the Appendix G checklist altogether.

The proposed amendments did amend question (b) to put level of service standards in the broader context of the entire CMP, which should also contain travel demand measures and other standards affecting the circulation system as a whole. Beyond this amendment, however, the Natural Resources Agency cannot remove level of service standards entirely from the Appendix G checklist.

#### **Comment 10-2**

The failure to meet LOS results in mitigation taking the form of expanding roadways to meet an increase in capacity. This undermines the State's goal of combating reliance on fossil fuels and reducing energy consumption.

#### **Response 10-2**

As explained above, "level of service" is a metric that may be used to assess the significance of transportation-related impacts which may result in environmental effects. Further, CEQA already requires a lead agency to consider if a mitigation measure would cause one or more significant effects and further discuss those effects before approving a project. (Section 15126.4(a)(D).)

In response to the commenter's concern of undermining efforts to decrease the reliance on fossil fuels, Appendix F provides a vehicle for agencies to consider a project's potential significant energy implications, impacts, and provides guidance on mitigating the environmental effects associated with energy consumption. The proposed revisions to Appendix F clarify that lead agencies must consider such impacts and identifies factors that should be considered such as fuel types.

No further revision to the text is required to respond to this comment.

#### **Comment 10-3**

Revise Appendix G: Transportation/Traffic Checklist to remove LOS in support of the efforts to address global warming.

#### **Response 10-3**

See Responses 10-1.

**Comment 10-4**

Revise Appendix G: Transportation/Traffic Checklist to include traffic safety as it is an environmental impact. Traffic collisions adversely affect human beings and thus quality as an impact.

**Response 10-4**

In response to this and other comments raising safety concerns, the Natural Resources Agency revised existing question (g) to specifically ask whether a project would “substantially decrease the ... safety of [transit, bikeway, or pedestrian] facilities?”

Notably, existing question (d) already asks whether a project would increase hazards due to design features or incompatible uses.

Thus, in light of the existing question (d) and the revisions to existing question (g), the CEQA Guidelines contain several tools to examine safety issues. No further revisions are required in response to this comment.

**Comment 10-5**

Revise Appendix G: Transportation/Traffic Checklist to include factors that influence traffic safety – road capacity and design.

**Response 10-5**

See Response 10-4.