

## Letter 21

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### **Comment 21-1**

Commenter urges revision to the CEQA Guidelines Initial Study Checklist: Transportation/Traffic section. As an alternative to relying on LOS, ask whether a given project would increase vehicle miles traveled.

### **Response 21-1**

The Natural Resources Agency acknowledges the concern expressed by some 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
- Harmonize 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 that establish objective measures of effectiveness.

Some comments advocated leaving the existing text in question (a) of the transportation section of Appendix G intact. As explained in the Initial Statement of Reasons,

[Q]uestion (a) changes the focus from an increase in traffic at a given location to the effect of a project on the overall circulation system in the project area. This change is appropriate because an increase in traffic, by itself, is not necessarily an indicator of a potentially significant environmental impact. (Ronald Miliam, AICP, Transportation Impact Analysis Gets a Failing Grade When it Comes to Climate Change and Smart Growth; see also Land Use Subcommittee of the Climate Action Team LUSCAT Submission to CARB Scoping Plan on Local Government, Land Use, and Transportation

Report (May, 2008) at pp. 31, 36.) Similarly, even if some projects may result in a deterioration of vehicular level of service – that is, delay experienced by drivers – the overall effectiveness of the circulation system as a whole may be improved. (*Ibid.*) Such projects could include restriping to provide bicycle lanes or creating dedicated bus lanes. Even in such cases, however, any potential adverse air quality or other impacts would still have to be addressed as provided in other sections of the checklist. Finally, the change to question (a) also recognizes that the lead agency has discretion to choose its own metric of analysis of impacts to intersections, streets, highways and freeways. (Pub. Resources Code, § 21081.2(e); *Eureka Citizens for Responsible Gov't v. City of Eureka, supra*, 147 Cal.App.4th at 371-373 (lead agency has discretion to choose its methodology).) Thus, “level of service” may or may not be the applicable measure of effectiveness of the circulation system.

(Initial Statement of Reasons, at pp. 64-65.) Further, evidence presented to the Natural Resources Agency indicates that “mitigation” of traffic congestion may lead to even greater environmental impacts than might result from congestion itself. (See, e.g., Cervero, Robert. (July, 2001). *Road Expansion, Urban Growth, and Induced Travel: A Path Analysis*. Journal of the American Planning Association, Vol. 69 No. 2. American Planning Association (confirming “induced demand” phenomenon associated with capacity improvements).)

While the terms “volume to capacity ratio” and “congestion at intersections” no longer appear in question (a), nothing precludes a lead agency from including such measures of effectiveness in its own general plan or policies addressing its circulation system. Though the Office of Planning and Research originally recommended specifying “vehicle miles traveled” as a question in Appendix G, it later revised its recommendation to allow lead agencies to choose their own measures of effectiveness. (Letter from OPR Director, Cynthia Bryant, to Secretary for the Natural Resources Agency, Mike Chrisman, April 13, 2009.) Thus, as revised, question (a) accommodates lead agency selection of methodology, including, as appropriate, vehicle miles traveled, levels of service, or other measures of effectiveness.

Other comments objected to any mention of the phrase “level of service” in question (b) of the transportation section of the Appendix G checklist. That question, as revised, would ask whether a project would conflict with the provisions of a congestion management program. The Government Code, beginning at section 65088, 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, however, 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.

Notably, the primary purpose of the proposed amendments is to update the CEQA Guidelines on the analysis and mitigation of greenhouse gas emissions. While certain changes to Appendix G were proposed pursuant to the Natural Resources Agency's general authority to update the CEQA Guidelines, those changes were modest and were intended to address certain misapplications of CEQA in a way that hinders the type of development necessary to reduction greenhouse gas emissions. Transportation planning and impact analysis continues to evolve, as new multimodal methods of analysis and guidelines on the integration of all modes of transportation and users into the circulation system are being developed. Additional updates to Appendix G may be appropriate in the future to address those developments. No further revisions to the text are required to respond to this comment.