

Letter 34

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Comment 34-1

Commenter provides mathematical explanation to inefficiencies of using LOS to determine transportation impacts by expanding roadways. In contrast, LOS discourages improving the circulation system by adding auto lanes. Whereas, adding bicycle lanes would potentially increase the carrying capacity of existing roads while reducing congestion.

Response 34-1

In response to comments such as this, the Natural Resources Agency revised the proposed amendments to Appendix G, Section XVI - Transportation/Traffic checklist.

Revisions to subsection (a) change 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. Specifically, the change to subsection (a) 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 Government v. City of Eureka*, (2007) 147 Cal.App.4th 357, 371-373 (lead agency has discretion to choose its methodology).) However, this discretion does not allow a lead agency to rely on speculative or unreasonable methodologies or measures for analysis. If metrics for measuring the capacity of an entire circulation system do not exist or are not considered sufficient by a lead agency, lead agencies remain free to consider level of service, and/or any other reasonable measure or metric, so long as they consider the transportation system in its entirety.

Revisions to 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's proposed revisions to this subsection are intended to clarify that lead agencies have the discretion to consider consistency with circulation system goals and policies beyond level of service, though that standard has been retained where it is relevant and applicable. As regional congestion management agencies move away from a pure "LOS" analysis, to other standards and travel demand measures (such as vehicle miles traveled, etc.) these refined questions will provide flexibility so that impacts to a system can be fairly and adequately analyzed.

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