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Comment 35-1

Commenter believes the use of LOS is inadequate and counterproductive to maintaining environmental quality.

Response 35-1

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 35-2

Commenter supports the work of San Francisco to develop alternatives to LOS like “Automotive Trip Generated” in combination with a transportation impact mitigation fee to discourage projects from generating new automobile trips.

Response 35-2

As explained above, the Natural Resources Agency’s proposed amendments to question (a) would recognize a lead agency’s discretion to choose its own methodology for analyzing impacts to the circulation system. Thus, if adopted through a public process in a plan, policy or ordinance, a lead agency could use non-LOS measures of effectiveness. No further response is required in response to this comment.

Comment 35-3

Commenter suggests CEQA, in general, fails to recognize threats to environmental quality by its narrow interpretive framework.

Response 35-3

This comment does not appear to be directed at any specific text in the proposed amendments. Responses to specific comments are provided below.

Comment 35-4

Commenter believes CEQA overlooks the impact to human beings resulting from the auto-dominated transportation system. CEQA has not been applied in a manner that accounts for the safety of the transportation system and impacts to human beings.

Response 35-4

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.

The comment implies that increases in automobile use at a particular location necessarily results in increased safety hazards. No evidence supporting that assumption is provided, however, and the Natural Resources Agency is aware of none.

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 35-5

LOS is too narrow to evaluate transportation impacts. LOS fails to capture and analyze safety issues associated with high-speed automobile transportation and encourages “solutions” that exacerbate the issue by allowing for increased speeds. Expanding roadways to accommodate LOS discourages alternative modes of transportation – i.e. walking and biking – because of safety issues.

Response 35-5

As explained in Response 35-1, above, question (a) of the transportation section has been revised to ensure that project impacts on all parts of the circulation system are addressed in a CEQA analysis. Moreover, it allows a lead agency to choose the measure of effectiveness that is most appropriate for the individual jurisdiction. Notably, to the extent that a lead agency mitigates impacts to the circulation system by widening roads, for example, existing CEQA Guidelines section 15126.4(a)(1)(D) would require analysis of the adverse impacts of such mitigation. No further revision is required in response to this comment.

Comment 35-6

Revise Appendix G: Transportation/Traffic checklist questions to remove LOS and replace the metric with Automotive Trip Generation. ATG would provide for a more accurate assessment of projects/development and address impacts to human beings.

Response 35-6

As explained in Response 35-1, above, the Natural Resources Agency cannot remove consideration of level of service standards entirely from Appendix G. Question (a) has been revised, however, to allow lead agencies to analyze traffic impacts using other methodologies. The Natural Resources Agency declines to specifically require use of “automotive trips generated” as a measure of effectiveness because, as explained above, one of the goals of the revised question (a) is to allow lead agencies to develop measures of effectiveness that are most appropriate for their jurisdiction.

Comment 35-7

The CEQA Guidelines should be amended to include requirements to analyze motor vehicle trips for potential impacts to human health and safety.

Response 35-7

As explained in Response 35-4, above, the existing question (d) and the revised question (g) both address safety concerns related to circulation. The Natural Resources Agency is not aware of any evidence indicating that an increase in automobile use, by itself, causes adverse safety impacts. Further, as explained in Response 35-10, above, the Natural Resources Agency declines to require lead agencies to use “automotive trips generated” as a measure of effectiveness. Rather, the Natural Resources Agency designed question (a) to provide flexibility to lead agencies to choose the methodology that is most appropriate for their jurisdiction.