

Letter 54

Iris Starr, AICP
Transportation Planner
City of Oakland

Jason Patton, PhD
Bicycle and Pedestrian Program Manager
City of Oakland

August 27, 2009

Comment 54-1

Proposed changes to Initial Study Checklist: Transportation/Traffic question (b) should be revised to remove LOS from the list of factors a lead agency may consider. LOS is not a measure of an environmental impact, rather a social issue of volume-to-capacity ratios. As a capacity measure, LOS is not correlated with impacts to GHG emissions, air quality, or noise. Thus, replace “capacity of the circulation system” with “effectiveness of the circulation system.”

Response 54-1

Question (a) has been revised in response to comments. It now asks whether a proposed project would: “Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?”

Traffic Question (b) asks whether a project would: “Conflict 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?” Notably, 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 54-2

Proposed changes to Initial Study Checklist: Transportation/Traffic questions should be revised to include VMT. VMT is directly correlated with, and more is a more effective measure of environmental impacts than capacity, GHG emissions, air quality, and noise impacts.

Response 54-2

See Response 54-1. A local agency can determine that “vehicle miles traveled” is an appropriate measure to be addressed in question (a). Accordingly, the Natural Resources Agency rejects this comment.

Comment 54-3

Proposed changes to Initial Study Checklist: Transportation/Traffic do not adequately address alternative modes of transportation in reducing environmental impacts of future growth. As proposed, the Checklist would continue to marginalize alternatives to motor vehicles as the primary transportation consideration in CEQA review. Add a question to elicit information on safety and access for pedestrians, bicyclists, and transit riders.

Response 54-3

See Responses 54-1 and 54-2. Question (a) was revised to include consideration of “all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit...”. Additionally, the Natural Resources Agency revised existing question (g) to specifically ask whether a project would “conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?”

Notably, existing question (d) already asks whether a project would increase hazards due to design features or incompatible uses. In light of the existing question (d) and the revisions to existing question (g), the CEQA Guidelines contain several tools to examine safety issues. Accordingly, as this revision addresses this concern, the Natural Resources Agency takes no further action on this comment.

Comment 54-4

Replace the term “bicycle paths” to “bikeways”. This would expand the scope of the question to include bicycle infrastructure: paths, lanes, and routes.

Response 54-4

See response to 54-3. The Natural Resources Agency intends, and has provided broad language, to encourage consideration of a circulation system in its totality. Although Commenter points out there is an existing definition of “bikeway,” in the California Street and Highway Code, the Natural Resources Agency does not consider it either necessary to include that definition formally in this package at this time. Rather, if consideration of the infrastructure defined by California Street and Highway section 890.4 is required to examine “all modes of transportation,” then such infrastructure has not been precluded in this question. Conversely, if it goes beyond the “modes of transportation,” to the larger project or components of a project, other guidelines will address how to consider and analyze the potential for attendant direct and indirect impacts. According, the Natural Resources Agency rejects this comment.

Comment 54-5

Delete “bus turnouts, bicycle racks.” These items do not reflect the policies, plans, and programs promoting alternative transportation at state and local levels.

Response 54-5

The Natural Resources Agency has revised Traffic Question (f) in response to comments. It now asks whether a project would: “Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decreases the performance or safety of such facilities.” To the extent this responds to the Commenter’s question, the Natural Resources Agency takes no further action on this comment.