

## Letter 73

Doug Kimsey  
Director, Planning  
Metropolitan Transportation Commission

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### **Comment 73-1**

Leaving LOS in the Initial Study Checklist will impede projects designed to enhance pedestrian and transit oriented developments, thus reduce GHG emissions, by focusing the need to maintain roadway capacity standards.

### **Response 73-1**

In response to public comments submitted similar to ones such as this, the Natural Resources Agency further refined Appendix G, Section XVI 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.

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 73-2**

Revise proposed amendment to Appendix G: Transportation/Traffic (a) and (b) to that proposed by OPR on January 8, 2009. The revision effectively removes LOS and adds roadway volume or VMT as the standard to measure to a project's incremental contribution to transportation impacts.

**Response 73-2**

The revised text of question (a) recognizes a lead agency's discretion to choose the most appropriate methodology to assess impacts within its jurisdiction. Specifying a particular mode of analysis would limit that discretion. Absent a legislative directive to use a specific methodology, the Natural Resources Agency chooses to emphasize a lead agency's discretion in the Appendix G checklist. The Natural Resources Agency therefore declines the suggestion to specify a particular measure of transportation impacts.

Notably, the Office of Planning and Research explained why it revised its preliminary proposal regarding traffic impacts analysis in its letter transmitting the proposed Guidelines amendments to the Natural Resources Agency. That letter explained:

After considering public input, OPR recommends inclusion of revised questions in the Environmental Checklist that recognize the following: (a) the necessity of assessing traffic impacts on intersections, streets, highways and freeways, (b) a lead agency's discretion to choose methodology, including LOS, to assess traffic impacts, (c) existing requirements in Congestion Management Programs, General Plans, ordinances, and elsewhere, and (d) traffic impacts include impacts to pedestrian, non-vehicular and mass-transit circulation.

In light of the above, the Natural Resources Agency finds that no further revision is required in response to this comment.

**Comment 73-3**

Commenter supports the removal of "parking capacity" and refers to supportive studies which demonstrate the ultimate effect of excessive parking is excessive driving.

**Response 73-3**

The Natural Resources Agency appreciates the commenter's support.

**Comment 73-4**

Add a question to the Appendix G Transpiration/Traffic checklist (g) to direct lead agencies to assess a degradation of facilities or safety for bicycles and pedestrians. As stated, degradation could be considered a result traffic mitigation measures – widening intersections – adversely impacting pedestrian or bicycle circulation.

**Response 73-4**

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 73-5**

Revise Appendix G Transportation/Traffic checklist question (f) to expand what could be considered a conflict between a project and adopted alternative transportation policies, plans, or programs.

**Response 73-5**

In response to comments similar to ones such as this, the Natural Resources Agency further revised question (f) of Appendix G, Section XVI. The Natural Resources Agency believes these revisions sufficiently address this comment. No further revision to the text is necessary to respond to this comment.