

## Lockey, Heather@CNRA

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**From:** Shirley Medina <SMedina@RCTC.org>  
**Sent:** Tuesday, March 13, 2018 4:45 PM  
**To:** CEQA Guidelines@CNRA  
**Subject:** RCTC Comments  
**Attachments:** SM AM CEQA Guidelines Comments.pdf

Mr. Calfee,

Please find attached the comments from the Riverside County Transportation Commission on the proposed Update to the State CEQA Guidelines. A hard copy of the attached letter has also been sent.

If you have any questions, please contact me at (951) 787-7988.

Thank you,

Shirley Medina  
Director of Planning and Programming  
Riverside County Transportation Commission  
(951) 787-7141



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March 7, 2018

Mr. Christopher Calfee, Deputy Secretary and General Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
via email: CEQA.Guidelines@resources.ca.gov

Subject: Proposed Updates to the CEQA Guidelines

Dear Mr. Calfee:

The Riverside County Transportation Commission (Commission) appreciates the opportunity to comment on the Proposed Updates to the CEQA Guidelines (Guidelines Update), particularly the updates related to implementation of SB 743 and the corresponding Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory). Although the Commission recognizes any changes in CEQA require consideration of many factors and interests, the Commission continues to have concerns with the Guidelines Update, which, in its current form, will have negative impacts on transportation improvement projects throughout the state, and in particular transportation improvement projects central to the implementation of Regional Transportation Plans/Sustainable Communities Strategies (RTP/SCS) that the California Air Resources Board (CARB) has found meet and exceed the state's greenhouse gas (GHG) emission reduction targets. The Revised Proposal will also likely have a negative impact on meeting regional housing needs.

Included below are general comments and other more specific comments and edits to the Guidelines Update text. The Commission appreciates the Natural Resource Agency's consideration of these comments.

### **General Comments**

#### **1. Transportation Uniform Mitigation Fees (TUMF) program.**

Under the TUMF, developers of residential, industrial, and commercial property pay a development fee to fund transportation projects that will be required as a result of the growth the projects create. The TUMF funds both local and regional arterial projects. Currently, TUMF are calculated based on a project's impacts to the level of service (LOS). But with the Guidelines Update, LOS may no longer be used. The Commission suggests the Guidelines Update explain that although LOS may not be used to determine a project's CEQA impact, LOS may still be used in the context of TUMF contributions.

Mr. Christopher Calfee  
March 7, 2018  
Page 2

2. The Guidelines Update seems inconsistent with Regional Housing Need Allocations (RHNA) and may result in a disproportionate impact on low-income housing.

Under California Government Code section 65583(a)(1), the State Department of Housing and Community Development allocates a region's share of the statewide housing need to Councils of Governments (COG) based on Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. The COG develops a Regional Housing Need Allocation Plan (RHNA-Plan) allocating the region's share of the statewide need to cities and counties within the region. Areas that tend to be allocated high numbers of affordable housing units also tend to be outside the urban core. And, affordable housing tends to be most needed by disadvantaged communities. Rural cities and counties lacking large employment centers, faced with the need to build more housing, including affordable housing, will be unable to approve those projects without preparing a full environmental impact report because of likely significant transportation impacts related to the new residents needing to drive long distances for jobs. Thus, the Guidelines Update will likely be an impediment to affordable housing construction and compliance with RHNA. Therefore, we suggest a broad, categorical exemption (as distinguished from the highly qualified and conditioned existing exemptions, which effectively still require CEQA review albeit with some minimal streamlining) for affordable housing projects.

### **Detailed Comments**

3. Proposed new section 15064.3(b)(2). Transportation Projects.

As currently proposed, the language states: "For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements." Although the currently proposed language is an improvement over previous versions, and the Commission appreciates the apparent intent to grant transportation agencies discretion to determine the metric for evaluating traffic impacts of highway and road projects, the Commission is concerned the proposed language creates ambiguity as to whether transportation agencies may rely solely on measures of traffic congestion such as LOS to determine the significance of traffic impacts, or whether the final seven words ("consistent with CEQA and other applicable requirements") mandate a Vehicle Miles Travelled (VMT) analysis due to, for example, the state's climate change legislation.

Holding every individual project to a VMT standard is not an efficient means of project delivery, nor will it best achieve the broad set of objectives outlined in both state and regional plans and programs. Strategic highway improvements supporting freight mobility are important for the competitiveness of California's economy as well as for local commerce. To that end, we would also request the freight corridors documented in the California Freight Mobility Plan (CFMP) be exempt from the requirement for induced growth analysis.



4. Technical Advisory, page 12, second bullet.

This bullet suggests any exceedance of a municipality's minimum parking requirements would eliminate the presumption of less than significant transportation impacts. However, many municipalities now have *very* minimal parking requirements in urban settings (to encourage infill consistent with the state's policy goals). For example, the City of Sacramento requires only 0.5 parking spaces per dwelling unit in urban areas. Eliminating the less than significant presumption for a multi-family project in Sacramento that provides, for example, merely 0.75 parking spaces per dwelling unit (less than one per unit, but 50 percent more than required) seems too severe. The Commission suggests revising this statement to read: "Includes substantially more parking for use by residents, customers, or employees of the project than required by the jurisdiction."

5. Technical Advisory, page 15.

The Guidelines Update explains that in "rural areas of non-MPO counties (i.e., areas not near established or incorporated cities or towns), fewer options may be available for reducing VMT, and significance thresholds may be best determined on a case-by-case basis." This statement should not be limited to rural areas of non-MPO counties. Many geographically large MPO counties also have extensive rural areas. Rural areas are rural areas and should be treated the same, regardless of whether that rural area happens to be located within the technical geographic limits of an MPO county.

6. Technical Advisory, page 17.

The first bullet-point on page 17 should be revised. It states the addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, and lanes through grade-separated interchanges "would likely lead to a measurable and substantial increase in vehicle travel." But the Guidelines Update should not be making such determinations on a generalized basis. CEQA requires each project to be analyzed individually. These generalizations, without specific project facts, disadvantage the types of projects listed and may encourage litigation seeking to stall crucial improvements (even HOV lane projects) before they have even been proposed.

7. Technical Advisory, page 27.

The text presumes roadway capacity expansion increases VMT. This is inconsistent with how projects operate in the real world in that some projects expand roadway capacity but actually result in a *reduction* of VMT by providing more efficient routes between two locations, by reducing speeds on roadways in a manner that causes drivers to opt for other methods of travel, etc. The Guidelines Update should treat roadway capacity expansion consistently and without drawing conclusions. At a minimum, the bullet-points should be modified to be less conclusory (i.e., using the word "may"). For example:

Mr. Christopher Calfee  
March 7, 2018  
Page 4

“The ability to travel a long distance in a short time may increase the attractiveness of destinations that are further away, increasing trip length and vehicle travel” (first bullet);

“Faster travel times on a route may attract more drivers to that route ...” (third bullet);

“Faster travel times along a corridor may lead to land development further along that corridor; that development may generate and attract longer trips, which increases vehicle travel” (fifth bullet).

8. Technical Advisory, pages 27 to 29.

The Guidelines Update should not be evaluating studies and reaching conclusions such as those discussed in the text’s statement that peer reviewed studies have “demonstrated a causal link between highway capacity increases and VMT increases.” Whether a certain project induces demand that will result in an increase in VMT should be analyzed on a case-by-case basis, as is expected under CEQA. Lead agencies are granted responsibility to evaluate evidence, including studies and expert reports, as applied to individual projects. The Guidelines Update should not be making determinations on the validity of studies and reaching conclusions that could limit a lead agency’s discretion. Projects such as highway capacity increases should be analyzed just as any other project (i.e., does it directly or indirectly increase VMT?) without a negative bias being projected by the state in the form of regulatory documents.

Additionally, although new roadways and capacity-increasing projects *may* increase VMT and the desirability of development in certain areas, any increases in VMT should be attributed to new developments (i.e., *growth*) that occurs as a result of the new roadway or capacity-increasing project rather than the roadway project. That is, a roadway project without any additional population increase or proposed development should not be required to mitigate VMT for development projects that only *may* occur as a result of the roadway, nor should a future developer be allowed to avoid mitigation for a project because the mitigation was already assumed and shouldered by the roadway project.

The Commission greatly appreciates the Natural Resource Agency’s thoughtful consideration of these comments and concerns.

Sincerely,

  
Anne Mayer  
Executive Director