

**Lockey, Heather@CNRA**

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**From:** Erik Ruehr <eruehr@vrpatechnologies.com>  
**Sent:** Thursday, March 15, 2018 2:08 PM  
**To:** CEQA Guidelines@CNRA  
**Subject:** ITE Comments on January 26, 2018 Notice of Proposed Rulemaking  
**Attachments:** ITE Comment Letter to Natural Resources Agency 3-15-18.pdf

Hi Chris,

Please accept the attached comments from the Institute of Transportation Engineers on the January 26, 2018 Notice of Proposed Rulemaking for CEQA.

If you have any questions, please feel free to contact me.

Erik

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WESTERN DISTRICT

INSTITUTE OF TRANSPORTATION ENGINEERS

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March 15, 2018

Christopher Calfee, Deputy Secretary and General Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Re: Amendments and Additions to the State CEQA Guidelines – January 26, 2018

Dear Mr. Calfee:

Thank you for the opportunity to provide comments and suggestions regarding the proposed amendments and additions to the State CEQA Guidelines dated January 26, 2018. Our comments are focused on the proposed new Section 15064.3 Determining the Significance of Transportation Impacts and issues related to the implementation of Senate Bill 743 (Steinberg 2013).

We represent over 2,000 California members of the Institute of Transportation Engineers (ITE), an international society of transportation engineers and planners. These members prepare transportation analysis for environmental documents under CEQA, and in some cases the National Environmental Policy Act (NEPA), and we understand the purpose of these analyses to identify potential environmental impacts.

Our comments below include comments on the proposed new Section 15064.3 followed by an overall comment on the implementation process for SB 743.

### **COMMENTS ON PROPOSED NEW CEQA SECTION 15064.3**

1. Page 11, (c) Applicability: The date of application statewide is stated as July 1, 2019, not January 1, 2020. We are assuming this was a minor error and the intent was to be consistent with the Governor's Office of Planning and Research recommendation that the statewide application date would be January 1, 2020.

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2. Page 11, (c) Applicability: If any unexpected delays occur, we would request that the implementation date be no sooner than one year after the CEQA adoption process concludes. In order to minimize disruption related to the implementation of SB 743, lead agencies will require at least a one-year period from the adoption of the new CEQA guidelines to the required implementation date. This could potentially lead an extension of the required implementation date beyond January 1, 2020 if the CEQA adoption process is not concluded in 2018.

3. Page 11, (b) (1), Criteria for Analyzing Transportation Impacts - Land Use Projects: The last sentence states that “Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact.” The word “existing” should be changed to “baseline” to allow for lead agencies to choose an appropriate baseline other than existing conditions.

4. Page 11, (b) (1), Criteria for Analyzing Transportation Impacts - Land Use Projects: Similar to the comment above, the word “existing” should be deleted when talking about projects within one half mile of a major transit stop or a high quality transit corridor. The appropriate baseline for determination of this exemption may be something different than the existing condition.

### **OVERALL COMMENTS REGARDING THE IMPLEMENTATION OF SB 743**

We believe that the proposal to exclude automobile delay or congestion from constituting a significant environmental impact should be applicable (at least initially) only in transit priority areas (areas within one-half mile of either a major transit stop or a stop along a high quality transit corridor). Outside these areas, lead agencies should have the discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. We recognize that this recommendation is inconsistent with the Technical Advisory on Evaluating Transportation Impacts in CEQA prepared by OPR dated November 2017. Therefore, our comment could not be implemented through a simple change in the language of Section 15064.3. This would require a delay in the adoption of Section 15064.3 and a revision to the Technical Advisory.

On an overall basis, we expect the implementation of SB 743 to be accompanied by a period of significant disruption in the analysis of transportation impacts for CEQA projects. This disruption could be greatly minimized by limiting the initial implementation of SB 743 to transit priority areas as described above.

However, regardless of whether SB 743 is implemented initially in transit priority areas or statewide, there are inherent difficulties in applying the analysis of vehicle miles traveled (VMT) to individual CEQA projects. VMT is difficult to measure and report on a localized basis and there are inherent difficulties in determining appropriate significance thresholds and mitigation measures for individual land use and transportation projects. While OPR and various

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stakeholders (including ITE) will continue to work toward a successful implementation process, there will be many challenges to face once implementation occurs.

This letter was prepared by the California SB 743 Task Force, a task force appointed by the Western District of the Institute of Transportation Engineers. The Western District oversees the thirteen Western states, including California. Within California, the Institute of Transportation Engineers is represented by seven sections throughout the state. The Officers representing the seven California ITE Sections have supported the task force in preparing this letter. Representatives of each ITE Section and their names and contact information are shown below.

Future correspondence should be directed to Erik Ruehr, Chair of the California SB 743 Task Force, who can represent the California ITE Section Presidents for correspondence purposes. Contact information is shown below:

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Thank you again for the opportunity to provide comments.

Respectfully yours,

Institute of Transportation Engineers, California SB 743 Task Force



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