



July 20, 2018

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

RE: Comments on the 15-Day Revisions to the State CEQA Guidelines on the Evaluation of Transportation Impacts

Dear Mr. Calfee:

On behalf of the undersigned organizations, we thank you for the opportunity to provide comments on the 15-day revisions to the CEQA guidelines for evaluation of transportation impacts. Our organizations are committed to successful development and implementation of these guidelines, and we have been engaged closely at every step of the process for developing new CEQA guidelines under SB 743. We support the expedient completion of these guidelines so Californians can enjoy the benefits of a cleaner, healthier and safe environment.

As mentioned in our March 2018 comment letter, we strongly support the statewide replacement of Level of Service with Vehicles Miles Traveled. This shift will help improve accessibility through more efficient land use patterns, transit service, and walkability, aligning CEQA with the state's climate goals and advancing public health and social equity. We object to allowing lead agencies of road capacity projects the discretion to use Level of Service rather than Vehicle Miles Traveled as the metric of significance as directed in SB 743.

Among the changes introduced in the 15-Day Revisions, we have particular concerns about the language explicitly stating, "to the extent that such impacts have already been adequately

addressed at a programmatic level, *such as in a regional transportation plan EIR*, a lead agency may tier from that analysis as provided in Section 15152.”

This language requires further clarification and assurances for the following. Below are our concerns and recommended resolutions:

- Concern: It is unclear which transportation metric should be used to prepare a programmatic EIR, such as a regional transportation plan, general plan, etc.
- Recommendation: The Natural Resources Agency should revise the CEQA guidelines to align with SB 743 direction to use VMT as the metric of significance, and explicitly state that programmatic EIRs should use VMT in all contexts.

- Concern: It is unclear whether a lead agency for a road capacity project using LOS as its metric of significance can tier off of a programmatic EIR that used VMT as its metric of significance.
- Recommendation: The Natural Resources Agency should revise the CEQA guidelines to clarify that a transportation project can only tier off a programmatic EIR if both use VMT as their metric of significance.

- Concern: Some regional transportation plans may not achieve adequate VMT reductions to achieve ARB Scoping Plan goals for reducing VMT to levels that meet State climate change goals.
- Recommendation: The Natural Resources Agency should revise the CEQA guidelines to clarify that a transportation project can only tier off a regional transportation plan EIR if that RTP achieves adequate VMT reductions to meet ARB Scoping Plan goals for reducing VMT to levels that meet State climate change goals.

- Concern: Many adopted regional transportation plan EIRs were analyzed using level of service as the metric of significance for transportation impacts. However, under SB 743, vehicle congestion “as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment.”
- Recommendation: The Natural Resources Agency should revise the CEQA guidelines to clarify that a transportation project can only tier off a regional transportation plan EIR if that RTP used VMT as its metric of significance in its EIR and mitigated any impacts to less than significant.

- Concern: If an RTP EIR has mitigated its impacts on VMT, but the mitigation measures have not been implemented or are unlikely to be implemented, can a project that has significant impacts on VMT tier off the RTP EIR?
- Recommendation: The Natural Resources Agency should revise the CEQA guidelines to clarify that a lead agency that wants to tier off a programmatic EIR for a transportation project shall evaluate the project’s VMT impacts in its project EIR if the project is likely to increase VMT.

Thank you again for allowing us the opportunity to comment on the guidelines. The revisions have the potential to transform the planning processes and development decisions that will help create safe, healthy, walkable and equitable neighborhoods for people of all ages, incomes and abilities.

Best,

Carter Rubin, Mobility and Climate Advocate
Natural Resources Defense Council

Colin Parent, Executive Director and General Counsel
Circulate San Diego

Matthew Baker, Policy Director
Planning and Conservation League

Bryn Lindblad, Associate Director
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Tony Dang, Executive Director
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Ella Wise, State Policy Associate
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Curt Johansen, President
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