

## Lockey, Heather@CNRA

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**From:** Swierk, Robert <Robert.Swierk@vta.org>  
**Sent:** Thursday, March 15, 2018 2:54 PM  
**To:** CEQA Guidelines@CNRA  
**Cc:** Chris Ganson; Augenstein, Chris; Calnan, Ann; Haywood, Scott  
**Subject:** VTA Comments on Resources Agency CEQA Rule-Making  
**Attachments:** VTA Comments on Resources Agency CEQA Rule-making\_March2018\_FINAL.pdf

Deputy Secretary Calfee,

Attached are comments from the Santa Clara Valley Transportation Authority (VTA) on the Resource Agency's proposed rule-making for amendments and additions to the state CEQA Guidelines. Thank you for the opportunity to provide comments on this proposal.

VTA looks forward to continuing to work with the Resources Agency and OPR to implement these updates to the CEQA Guidelines to align with SB 743. Please do not hesitate to contact Chris Augenstein at (408) 321-7093 or me at (408) 321-5949 if you have any questions or would like to arrange a meeting.

Thank you,  
Rob

### Robert Swierk, AICP

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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

Dear Deputy Secretary Calfee:

As a Congestion Management Agency (CMA), transit provider, and CEQA Lead Agency for transit and highway capital projects, the Santa Clara Valley Transportation Authority (VTA) will play a critical role in Santa Clara County in implementing the changes to CEQA transportation analysis practices called for by Senate Bill (SB) 743. VTA would like to offer the following comments on the *Amendments and Additions to the State CEQA Guidelines* released for rule-making on January 26, 2018.

VTA supports the overall direction of the state's proposed updates to the Transportation sections of the CEQA Guidelines, including continuing to apply the new Vehicle Miles Traveled (VMT) criteria to land use/development projects statewide. VTA supports the objectives of SB 743 to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" and also supports efforts to make CEQA practice clearer and more efficient.

VTA has specific comments on the proposed amendments and additions to the CEQA Guidelines in the following areas:

#### Timeline and Mandatory Date

VTA encourages the Natural Resources Agency to advance the rule-making process in a timely manner so that the implementation of new transportation analysis procedures under SB 743 can commence. VTA supports the provision of an opt-in period to allow Lead Agencies time to prepare for the switch to VMT analysis. However, we note that there are some inconsistencies in the rule-making materials regarding the date when VMT use will become mandatory. It is VTA's understanding from past presentations by the Governor's Office of Planning and Research (OPR) that this date will be January 1, 2020. VTA recommends that the state stick to this date to provide certainty to Lead Agencies as they prepare for this change.

#### New Section 15064.3. Determining the Significance of Transportation Impacts

On page 11 of the Proposed Regulatory Text, the section Land Use Projects states: "...Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant transportation impact. 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." VTA recommends adding "... in relation to Vehicle Miles Traveled" to the end of both of these sentences. Having a presumed less-than-significant impact in relation to VMT does not

necessarily mean that the project does not have the potential to result in impacts to other transportation topical areas such as transit, bicycle or pedestrian facilities, or emergency access.

As an example, a high-rise development project could be proposed directly adjacent to a transit station and in an area designated for growth by the city's General Plan and the Sustainable Communities Strategy, but it also might require conversion of a dedicated transit-only lane to general use due to circulation constraints. In this case, the Lead Agency should disclose an impact to transit, even while noting that the project would otherwise qualify for a presumption of less-than-significant impact in relation to VMT.

#### Changes to Appendix G: Analysis of Transit, Bicycle, and Pedestrian Facilities

On page 68 of the Proposed Regulatory Text, the proposed changes to the Transportation Appendix G, Section XVII would consolidate the existing items (a) and (f) into a single item regarding conflicts with a plan, ordinance, or policy addressing the circulation system. In this proposed consolidation, the language "... or otherwise decrease the performance or safety of such facilities" (referring to public transit, bicycle, or pedestrian facilities) has been removed. As written, it appears that a change in performance or safety of the circulation system would only be considered an impact if there is a plan, ordinance, or policy in place.

VTA is concerned about the removal of the phrase "...or otherwise decrease the performance or safety of such facilities." We believe that there are actions – such as the introduction of a new at-grade crossing of a rail line – that have the potential to cause significant environmental impacts (for instance, worsening travel times and schedule reliability of the rail service, which can reduce ridership, shift transit riders to driving, and increase VMT and greenhouse gas emissions) – which are not always accounted for in a plan, ordinance, or policy. VTA encourages the state to retain the language "... or otherwise decrease the performance or safety of such facilities" in the revised Appendix G to account for these potential impacts.

#### Changes to Appendix G: Link to Congestion Management Programs

Appendix G, Section XVII, existing item b) has been revised to remove "Conflict with an applicable congestion management program..." as one of the criteria for assessing the significance of transportation impacts. VTA recognizes that the state's intent in striking this item was to reduce potential conflicts between LOS policies in existing Congestion Management Programs (CMPs) and the intent of SB 743 to remove vehicle delay as an impact criterion. However, VTA notes that most CMPs also include performance measures that assess other aspects of the transportation system including pedestrian, bicycle, and transit modes, as well as Vehicle Miles Traveled. In addition, pending CMP reform legislation is likely to further modernize CMPs and align them with SB 743, SB 375, and other recent state legislation. We believe that CMPs can reinforce the objectives of SB 743. VTA recommends retaining the tie to CMPs by including "program" in the start of Item (a): "Conflict with a plan, ordinance, policy, or program addressing the safety or performance of the circulation system..."

VTA also notes that CMAs can play an important role in promoting consistency in VMT analysis and threshold-setting among local agencies. Per state law, one of the elements of a CMP is “a program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems” (Government Code 65089 (b)(4)). Many CMAs already have strong working relationships with local agencies and well-established guidelines for the transportation analysis of development projects. Under the updated CEQA Guidelines, CMAs can help work with local agencies to develop consistent methods of VMT analysis that take into account local conditions and are responsive to goals established by state legislation and regional agencies. Furthermore, VTA believes that the updated CEQA Guidelines should allow local agencies the flexibility to base their VMT threshold on a countywide average developed by a CMA travel demand model, in addition to a citywide average or a region-wide average developed by a Metropolitan Planning Organization.

Changes to Section 15072: Consultation with Public Transit Agencies

VTA strongly supports the proposed language in Section 15072, and subsequent sections, that “The lead agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.” VTA recommends that the state consider changing this provision to “shall consult”, consistent with the remainder of this section regarding projects of statewide, regional, or areawide significance.

Results of Standardized Regulatory Impact Analysis: Cost of Preparing Transportation Studies

Page 24 of the Notice of Proposed Rulemaking states that “the primary quantifiable change that will result from the proposed regulations is a reduction in the cost of preparing transportation studies. A typical transportation study under the proposed regulations is expected to cost approximately one-fifth of studies under the status quo.” While VTA supports the intent of the shift to VMT as a CEQA transportation metric and agrees that there will be some cost savings in transportation analysis, VTA notes that VMT is more difficult than trip generation for local agencies to monitor locally or on a project-by-project basis. VTA requests that the Resources Agency and OPR work with Caltrans to increase funding for state VMT research and monitoring and to provide assistance to local agencies to conduct such activities.

California Natural Resources Agency  
March 15, 2018  
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VTA looks forward to continuing to work with the Resources Agency and OPR to implement these updates to the CEQA Guidelines to align with SB 743. Please do not hesitate to contact me at (408) 321-7093 or Robert Swierk at (408) 321-5949 if you have any questions or would like to arrange a meeting.

Sincerely,



Chris Augenstein, AICP  
Director, Planning & Programming

cc: Chris Ganson, Governor's Office of Planning and Research  
Ann Calnan, Scott Haywood, Rob Swierk, VTA