

Lockey, Heather@CNRA

From: monica Suter <monicasuter28@gmail.com>
Sent: Thursday, March 15, 2018 6:06 PM
To: chris.ganson@opr.ca.gov; CEQA Guidelines@CNRA; Monica-Suter-at-Work
Subject: SB 743 and Related Guidelines Submittal
Attachments: SB 743 2018 Ltr 3 15 18.pdf; SB 743 2018 Ltr 3 15 18 - OPR.pdf

Dear Mr. Calfee and Mr. Ganson--

I am submitting my letters to each of you simultaneously.

Thank you for your consideration.

Sincerely,

Monica M. Suter

Monica M. Suter, PE, TE, PTOE
Local Agency Practitioner



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Local Agency Practicing Engineer
Past ITE International Board Member
ITE Western District President 2008-2009
NCUTCD APWA Voting Member



March 14, 2018

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

Re: Comments on State CEQA 1/26/18 Guidelines –RE: SB 743

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 the proposed guidelines being considered.

I am a practicing local agency transportation professional with 30 years of experience serving a variety of communities and stakeholders. Currently, represent the American Public Works Association (APWA) on a national standards committee for transportation, have held several regional and international leadership roles with the Institute of Transportation Engineers (ITE), and have also participated in state level committee work regarding key transportation aspects that affect safety and citizens.

My daily work requires me to be very familiar with school, pedestrian and bicycling safety and infrastructure challenges, neighborhood quality of life issues and I have reviewed and prepared traffic studies for developers prior to my local agency work. I also previously managed a vast permit parking program, and have worked with business communities. As a long-standing transportation leader, our profession has striven to provide “win-win” solutions for the communities and citizens we regularly represent in our work.

However, the voice and participation of community leaders has been largely absent in this process. It is critical that their knowledge and involvement be sought after with overt public outreach before these substantially different guidelines that vastly modify how we ensure their interests are protected, are implemented. It would be unwise to miss this critical interest group and implement without extending the deadline and specifically reaching out to them throughout the state.

Today, when a developer proposes a large project, we review the baseline traffic conditions for all transportation users (pedestrians, bicyclists, transit users, residents, business owners, and

drivers). If the development is anticipated to create a significant impact, we require that they mitigate their impacts: this can include, providing a new bike lane, longer turn pocket, additional pedestrian or traffic signal features near schools, new signalized crosswalks, etc., and with the ability to obtain additional fees that can also be identified for future transit or other infrastructure improvements.

We understand the need to MOVE PEOPLE rather than just vehicles and concur with that objective along with smarter and more transit oriented development and intensification and efficiency of land-use combinations. However, if the LOS tool is completely removed, agencies will not have the tools currently available to more specifically and accurately extract fees from developers to address the transportation network for all transportation users.

Rather than completely disregarding the entire LOS procedures and its value, why not require it to be more inclusive of more up-to-date strategies that facilitate the movement of people, not just vehicles, and to encourage incentives/credits for better land use planning that encourages more live-work strategies located next to existing transit. Further, it would be useful to identify specific funding programs that developers will need to pay fees into to expand the development of transit that is still lacking throughout many urban and suburban communities.

Many urban, suburban and rural areas lack adequate transit facilities and have little financial ability to enhance those facilities. So, while we understand the goal to develop in a manner that presses that issue and fills that gap, it seems irresponsible to try and apply a one size fits all methodology when the transit service and infrastructure is absent in many areas.

For example, if an urban area is scheduled to obtain a new light rail system, great. When it is implemented, developer fees can be applied to support it. In areas where it does not exist (many areas), developer fees through more detailed LOS evaluations, can be collected toward that future goal. And, newer mitigation strategies can be prioritized as appropriate. In contrast, the other end of the spectrum where it is suburban or rural in nature, those areas may have little to no current transit. Consequently, this new analysis system should be phased in rather than implementing it as one massive change for every situation and prematurely.

We are concerned that local agencies who aim to represent their citizen's interests, will actually have fewer resources following the implementation of these guidelines, because fees currently collected may not be able to be collected in the future without the LOS system. Specific analyses at intersections allow us to be able to drill down to the specific impacts in more detail. Also, how will VMT provide a baseline that is specific enough to figure out where the challenges exist? And, without this knowledge, are we serving the public the way it wishes to be served and with few existing or funded alternative modes? It seems to be too broad of a brush to paint a new picture for every large, medium and tiny town regardless of its current transit reality.

With these new guidelines, it will be much easier to push through massive projects that may put more traffic into neighborhoods which may adversely impact the safety of school children, pedestrians and bicyclists. This could be an unintended consequence and adverse impact of changing from the LOS (Level of Service) system that includes more detailed studies to broader VMT data that will gloss over specifics.

We have installed permit parking and traffic diverters to protect school kids within residential communities. However, there are limits to these if the overall system fails, especially given the lack of transit available.

It is recommended that the deadline to comment be extended and that there be an effort to reach out to neighborhood leaders throughout communities in California before any new guidelines or new rules and regulations are approved further.

I also have comments 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).

NEW CEQA SECTION 15064.3 COMMENTS

1. Page 11, (c) Applicability: The date of application statewide is stated as July 1, 2019, not January 1, 2020. Presumably 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.
2. Page 11, (c) Applicability: it is requested that the implementation date be no sooner than one year after the CEQA adoption process concludes and following the outreach to community leaders. 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 to an extension of the required implementation date beyond January 1, 2020 if the CEQA adoption process is not concluded in 2018/2019.
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 and replaced with "baseline" 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

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 (within one-half mile of either a major transit stop or a stop along a high quality transit corridor). After that implementation has been done, it would be wise to then monitor the new system. Further, new funding systems to increase transit should be simultaneously implemented so that viable travel alternatives have a better chance of success. Quite frankly, if available transit does not

go hand in hand with the intensification of development, there could be a large back-lash from stakeholders. If that happens, there can be an increase in resistance to the objectives of this law and the increased density and roadway congestion within urban areas. Outside of urban areas, it would be unwise to start something substantially new like this if successful implementation is the goal. In non-urban, non-transit priority areas (or in more suburban/rural areas), lead agencies should have the discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements.

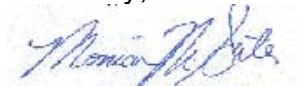
Although this recommendation is inconsistent with the Technical Advisory on evaluating Transportation Impacts in CEQA prepared by OPR dated November 2017, caution is recommended if success is desired. For example, when the first road diets were installed, agencies who implemented them within appropriate facilities that could have win-win success, have then been able to install other road diets (reducing 4 to 3 lanes) on other roads. In contrast, it is wise for local agencies to first apply them to locations that may drastically “fail” in the eyes of the public because that is likely to produce a massive backlash against that new and innovative idea. By pushing the boundaries with new approaches too far and too fast, there can be grave consequences. We request that the comment be reconsidered for the 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, but would be advisable.

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 only as described above. Otherwise, we can expect the public to react adversely and they may politically react to obtain completely contrary legislation undoing the goals and objectives of this law.

Whether or not SB 743 is implemented initially only in transit priority areas or statewide, there are inherent challenges 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 stakeholders (including ITE) will continue to work toward a successful implementation process, the experience that transportation professionals have dealing with the public at the grass roots level, should not be ignored. Our work occurs daily within the political reality of implementation and public reaction. For success of any new idea, public acceptance will be key.

Thank you for your consideration.

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Governor's Office of Planning and Research
1400 Tenth Street
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We understand the need to MOVE PEOPLE rather than just vehicles and concur with that objective along with smarter and more transit oriented development and intensification, efficiency of land-use combinations thereby reducing green-house gas emissions. However, if the LOS tool is completely removed, agencies will not have the tools currently available to more specifically and accurately extract fees from developers to address the transportation network for all transportation users.

Rather than completely disregarding the entire LOS procedures and its value, why not require it to be more inclusive of more up-to-date strategies that facilitate the movement of people, not just vehicles, and to encourage incentives/credits for better land use planning that encourages more live-work strategies located next to existing transit. Further, it would be useful to identify specific funding programs that developers will need to pay fees into to expand the development of transit that is still lacking throughout many urban and suburban communities.

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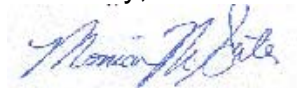
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