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February 14, 2014

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Calfee:

Thank you for the opportunity to comment on the document entitled "Preliminary Evaluation of Alternative Methods of Transportation Analysis" dated December 30, 2013. Our comments for your consideration and review follow:

1. Purpose and description of SB 743: We respectfully submit that the description of SB 743 found in the "Introduction" understates the purpose of "level of service" (LOS) analysis; and overstates the "focus of transportation analysis" under SB 743.

The first paragraph of the Introduction states:

"Currently, environmental review of transportation impacts focuses on the delay that vehicles experience at intersections and on roadway segments. That delay is measured using a metric known as "level of service," or LOS.

The first paragraph of Section III, Background on Measures of Automobile Delay states:

Many jurisdictions currently use "level of service" standards, volume to capacity ratios, and similar measures of automobile delay, to assess potential traffic impacts during a project's environmental review. Level of service, commonly known as LOS, is a measure of vehicle delay at intersections and on roadway segments, and is expressed with a letter grade ranging from A to F. LOS A represents free flowing traffic, while LOS F represents congested conditions. LOS standards are often found in local general plans and congestion management plans.

As defined by the California Department of Transportation:

“Level of Service (LOS) is a qualitative measure of operating conditions within a traffic stream, and their perception by motorists and/or passengers. A LOS definition generally describes these conditions in terms of such factors as *speed, travel time, freedom to maneuver, comfort and convenience, and safety*” (emphasis added).

Comment: LOS analysis used in environmental review of transportation impacts focuses on operational impacts of a project such as freedom to maneuver, comfort, convenience, and safety as well as “delay that vehicles experience at intersections and on roadway segments.”

The first paragraph of the Introduction concludes:

“Under SB 743, the focus of transportation analysis will shift from driver delay to reduction of greenhouse gas emissions, creation of multimodal networks and promotion of a mix of land uses.”

Comment: Although “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered as a significant impact on the environment” after certification of amendments to the guidelines, SB 743 neither (1) prohibits a lead agency from including automobile delay in a transportation analysis for the information of the decision-makers; nor (2) states that the focus of transportation analysis will “shift” from driver delay to reduction of greenhouse gas emissions, creation of multimodal networks and promotion of a mix of land uses.”

2. LOS and safety: Section 21099(b)(3) states that a public agency must continue to analyze a project’s potentially significant transportation impacts related to “safety or any other impact associated with transportation.”

Comment: The amendments to the Guidelines should acknowledge and reflect that LOS analysis may continue to be used to evaluate “safety or any other impact associated with transportation.” The prohibition on LOS analysis extends only to measurements of automobile delay as a significant impact. Under some circumstances, automobile delay can lead to safety impacts such as when delay and congestion on surface streets cause traffic to back up on a State Highway. The importance of safety impacts to environmental analysis is reflected in Section XVI of the Appendix G to the Guidelines.

3. SB 743 and State Highways: In many cities, the potentially significant transportation impacts of a project include the impacts on a State Highway which bisects or otherwise intersects with the incorporated boundaries of the city.

Comment: We urge OPR to work with the Department of Transportation to revise the Department’s Guide for the Preparation of Traffic Impact Studies for State Highways to reflect the changes required by SB 743.

4. Purpose of the Alternative Metrics: SB 743 requires the alternative metrics to promote “the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Section 21099(b)(1)).

The Preliminary Evaluation states:

“...VMT captures the environmental benefits of transit and active mode trips” (page 8).

“...VMT could encourage reduction of motor vehicle travel, increase transit and active mode transportation, and increase infill development” (page 9).

“...ATG could encourage reduction of motor vehicle travel, increased active mode transportation, and increased infill development” (page 9).

“MM/LOS could act either to increase or reduce motor vehicle travel, depending on the relative weight of ratings between modes. It could encourage development of transit and active mode facilities, potentially increasing use of those modes. However, because it would assign the burden of those mitigations to development, it has the potential to raise infill costs and thereby reduce infill development” (page 10).

“...Fuel Use would act as to reduce motor vehicle travel, except where transportation operations improvements or capacity expansions induce more travel in the long run. It would tend to increase transit and active mode transportation, although it could penalize their operation if they have a negative effect on motor vehicle traffic operations. Finally, it would tend to increase infill development, with the same caveats” (page 11).

“... VHT could act to reduce motor vehicle travel, except if it were used to justify roadway expansion to create short-run benefit without considering long-run induced demand. VHT would in many cases tend to increase transit and active mode transportation, although it would penalize their operation if they have a negative effect on traffic operations. Finally, in some cases VHT would remove a barrier to infill development, although mitigation measures that increase roadway capacity could have the opposite effect” (page 12).

Comment: We understand that this is a Preliminary Evaluation and, therefore, OPR is unable to determine with certainty at this time whether any or all of these metrics comply with the requirements of Section 21099(b)(1). We suggest, however, that it may be difficult to support with evidence that these metrics “promote” multimodal transportation networks or a diversity of land uses.

5. Local general plan policies: Section 21099(b)(4) provides as follows:

This subdivision does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds or any other planning requirements pursuant to the police power or any other authority.

Safe and efficient operations of local streets and roads, including, where applicable, their intersection with State highways, are essential to communities throughout the State. For this reason, many cities include LOS standards for roadways in their general plans. We expect that other cities will amend their general plans to include LOS standards as a consequence of SB 743.

Comment: We request that the Guidelines acknowledge and reflect that SB 743 does not prohibit either LOS analysis or imposing conditions on development based upon the LOS standards in a local general plan. We would like to avoid litigation that challenges such conditions on the basis that LOS analysis of traffic delay is not the basis for a significant adverse impact under CEQA. In other words, Section 21099(b)(4) means that CEQA is not the only means for analyzing the traffic impacts of new development.

6. “Except in locations specifically identified:” SB 743 allows OPR to identify locations within transit priority areas to which Section 21099(b)(2) does not apply. A “transit priority area” is defined as an area “with a major transit stop existing or planned, if the planned stop is scheduled to be completed within the planning horizon of the Transportation Improvement Program” (Section 21099(a)(7)).

Comment: We urge OPR to exercise its discretion by distinguishing applying the new metrics to transit priority areas in accordance with two of the requirements of Section 21155(b): (1) measure the required one-half mile distance in accordance with Section 21155(b); and (2) require the planned major transit stop to be included in the regional transportation plan to ensure compliance with the fiscal constraints analysis of the RTP.

7. New Metrics outside TPAs: Section 21099(c)(1) authorizes OPR to adopt guidelines establishing alternative metrics outside transportation priority areas.

Comment: We urge OPR to delay the adoption of guidelines establishing alternative metrics outside transportation priority areas for three to five years after the effective date of the guidelines that apply alternative metrics to TPAs. The changes made by SB 743 are significant. It will be important to understand their impact within TPAs before extending their reach to areas that are not and most likely will never be served by public transit.

8. Parking: As is noted on page 13, parking impacts of certain types of projects in certain locations shall not be considered significant impacts on the environment under SB 743. The Preliminary Evaluation asks: “Where that limitation does not apply, what role, if any, should parking play in the analysis of transportation

impacts?"

Comment: We respectfully suggest that the role parking plays in the analysis of transportation impacts outside the locations covered by SB 743 is beyond the scope of these amendments to the Guidelines.

Again, thank you for the opportunity to comment on "Preliminary Evaluation of Alternative Methods of Transportation Analysis". Please do not hesitate to contact me should you have any questions at (916) 658-8250 or kkolpitzke@cacities.org. We look forward to continuing our valuable relationship with OPR.

Sincerely,

A handwritten signature in black ink that reads "Kirstin E. Kolpitzke". The signature is written in a cursive style with a large initial 'K'.

Kirstin Kolpitzke
Legislative Representative