



Support Material

City/County Manager Technical Advisory Committee

March 3, 2016

10:00 a.m.

Location:

SANBAG

First Floor Lobby

1170 W. 3rd Street, San Bernardino, California 92410

Transportation

Discussion of SB 743 CEQA Transportation Proposal – Tim Byrne, SANBAG

The SANBAG letter on SB 743 CEQA Guidelines and Technical Advisory is attached

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- San Bernardino County Transportation Commission
 - San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency
 - Service Authority for Freeway Emergencies
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February 29, 2016

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

RE: SANBAG letter on SB 743 CEQA Guidelines and Technical Advisory

Dear Mr. Calfee:

San Bernardino Associated Governments (SANBAG) appreciates this opportunity to offer comments on the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*. SANBAG is the Council of Governments and County Transportation Commission for the County of San Bernardino, the largest county geographically in the continental United States (over 20,000 square miles) and home to 2.1 million residents.

SANBAG actively collaborates with the Southern California Association of Governments (SCAG), our 25 member local jurisdictions, and the other counties in the SCAG region on planning activities of regional significance. We are keenly interested in the Revised Proposal, given the importance of delivering on transportation commitments we have made to our citizens as well as our substantial sustainability initiatives, examples of which are reflected in our Sustainability Memorandum of Understanding with SCAG, accessible at the bottom of the following SANBAG web page:
http://www.sanbag.ca.gov/planning2/plan_county-wide-transit.html.

We manage a robust multi-modal transportation program in San Bernardino County that supports the objectives of the SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). We are investing heavily in rail and premium bus transit systems, with over \$600 million in capital expenditures programmed between 2012 and 2025. We have worked with our local jurisdictions on promoting transit oriented development (TOD) at rail stations along the Metrolink San Bernardino Line, the most heavily traveled line on the Metrolink system, as well as on our future Redlands Passenger Rail line, which will be operational in 2020. We manage ridesharing and vanpooling programs and have an extensive Active Transportation Program as well. We understand what is required to make these systems work, from both a capital project and operations perspective. Our comments are founded in this background of field implementation experience and history of ridership, not merely theory.

CC160229 - SS

Overview

SANBAG concurs with the primary intent of the legislation to make TOD easier to permit in transit station areas. This is a very important objective, and exempting infill projects in these station areas from the need to mitigate level of service (LOS) removes one of the barriers that can get in the way of accomplishing this. Jurisdictions along our growing rail/transit network in San Bernardino County will directly benefit from this streamlined approach.

SANBAG also appreciates modifications made to the guidelines in response to comments on the first version of the proposal. OPR has conducted extensive outreach on the draft guidelines, and this has been essential given the scope and complexity of potential changes to CEQA procedures. Specifically, we appreciate the inclusion of the following:

- **The two-year phase-in period.** The proposed CEQA guidelines, though short in terms of the number of words, will be complex in their application, and it is important for the procedures to be more settled prior to full implementation. We believe a longer grace period would be even better to enable the convergence of methodologies, but the two years is appreciated. We expect that the Technical Advisory will need some revisions in response to the lessons learned during the phase-in period, and we would request that OPR make a commitment to revisiting the Technical Advisory starting at about the 18-month point after adoption, with recirculation for comments.
- **Acceptance of variations in significance thresholds by geographic area.** The regional average originally proposed was too inflexible to accommodate the wide range of circumstances that will be encountered, especially in the SCAG region.
- **Recognition in Section 15064.3(b)(2) of the guidelines that programmatic approaches may be appropriate.** As stated, *“To the extent that the potential for induced travel has already been adequately analyzed at a programmatic level, a lead agency may incorporate that analysis by reference.”* This is a much more effective way to analyze potential VMT-related impacts and the achievement of the State’s objectives than a project-by-project approach. Some projects may increase VMT yet be critically important for accessibility and mobility reasons, especially in freight corridors. Taken together with other regional strategies outlined in the SCAG RTP/SCS and elsewhere, we would expect the impacts of growth to be mitigated at the regional level. Holding every individual project to a VMT standard is not an efficient means of project delivery, nor will it best achieve the broad set of objectives outlined in both State and regional plans and programs.

Specific Comments

1. **Highway projects** - We believe that the suggested thresholds and methodologies being proposed by OPR would make most highway widening projects extremely difficult to mitigate individually. This would lead to the preparation of many additional EIRs, requiring numerous CEQA statements of overriding considerations, including overrides by Caltrans for projects on State highways. Just in San Bernardino County, there are a number of projects critical to freight corridors on I-10, I-15, SR-210, and U.S. 395. These are important not just for freight mobility, but for public safety as well. U.S. 395 in the Victor Valley, for example, has one of the higher accident frequencies on the State system and is planned for widening to four lanes, over time. Putting these projects in the position of requiring CEQA overrides by Caltrans will increase the uncertainty about whether these projects can be built, and will be counter-productive to achieving the objectives outlined in the California Freight Mobility Plan and regional plans. Delays to these projects will also be costly, at a time when transportation revenue has already dropped significantly.
2. **Example of the mitigation challenges** - One illustration of the challenges for highway projects can be taken from OPR's example in the Technical Advisory of the 2.2-mile road widening project in Kern County. Suggested mitigation measures include: *"administer a toll on the new and/or existing lane miles sufficient to reduce VMT to below-threshold levels, or manage new and/or existing lane miles (e.g. with an HOV requirement) to similarly reduce VMT. Alternately or in conjunction, travel demand management measures such as providing transit or active transportation service or facilities, providing park and ride facilities, or providing a vanpool program could be employed to similarly reduce VMT."* Although OPR suggests that these are only example mitigation measures, it is difficult to see how these and other measures in the CAPCOA list would be practical for an individual widening project such as this. No agency will randomly implement tolling on an isolated stretch of roadway as part of a mitigation measure. This is why, as stated before, it will be much better to address these impacts programmatically, not at a project-by-project level. If one takes that example a step further and analyzes what it would take to mitigate the VMT increase on the Kern project down to a less-than-significant level, it turns out that the reduction would need to be almost the level of VMT reduction of Metro's Expo Rail Line Phase 2 project. Clearly, OPR and transportation agencies throughout the State need to think this through further and determine how to generate reasonable thresholds and ways to make mitigation more feasible. At a minimum, assignment of a VMT baseline needs to be calculated differently than recommended in the OPR Technical Advisory. Allocating a statewide total equally across a specific number of projects (see page IV:54) is not an analytically sound approach. It also appears that establishment of the statewide total of VMT needed to achieve GHG reduction goals is not defensible, given that the VMT impact of most highway projects cannot likely be mitigated. It may

be more cost-effective (and faster) to achieve those reductions through technology-based strategies. Our preference would be to eliminate the project-by-project induced growth methodology for highways altogether, in favor of a programmatic approach, but OPR appears to be of the view that it is important to retain it, even though SB 743 does not require it.

3. **Other implications of infeasible mitigation** - Creating a process for which mitigation is generally infeasible suggests that VMT-based strategies will be only marginally effective for achieving the broader goals of the State regarding energy savings, GHG reduction, and air quality. In fact, the analysis in the draft California Transportation Plan 2040 clearly demonstrated that GHG reduction goals for mobile sources would need to be achieved largely through advances in fleet and fuel technology and acceleration of the rate of turnover of vehicles in the statewide vehicle population. SANBAG agrees. Although VMT reduction is a worthy goal, practically speaking, it is an ineffective way to attain GHG reduction, energy, and air quality goals. Too much focus on VMT will divert us from where attention needs to be placed: technology, fuel economy, fleet turnover, and building efficiency.
4. **Exempting freight corridors** - Strategic highway improvements supporting freight mobility are important for the competitiveness of the California economy as well as for local commerce. To that end, we would also request that the freight corridors documented in the California Freight Mobility Plan (CFMP) be exempted from the requirement for the analysis of induced growth. This would be consistent with the Governor's Executive Order B-32-15, which highlights competitiveness as one of the pillars of sustainable freight and a sustainable economy going forward.
5. **Land use projects** – As stated earlier, SANBAG is completely supportive of the primary purpose of SB 743 to make infill TOD development easier to permit in transit station areas by eliminating LOS as an impact. We also agree that it is desirable to reduce VMT wherever possible. Like highways, however, thresholds of reduction for land development need to be tailored to the context, and impacts need to be feasible to mitigate.

For development projects, the OPR Technical Advisory (page III:20) states: "... OPR finds, absent any more project-specific information to the contrary, that per capita or per employee VMT fifteen percent below that of existing development may be a reasonable threshold, for the reasons described below. (Note: Lead agencies may apply more stringent thresholds at their discretion.)" OPR presents several reasons for selecting the 15 percent reduction in VMT/capita as the threshold of significance. For example, the Technical Advisory states that the *Caltrans Strategic Management Plan* calls for a 15 percent reduction in per capita VMT, compared to 2010 levels, by 2020. It is also suggested that these levels of mitigation are feasible, by reference to the CAPCOA document

“Quantifying Greenhouse Gas Measures.” We have read over the material relating to the 15 percent reduction target and have also studied the CAPCOA reference cited in the guidelines. While the document is an excellent resource of technical data on potential VMT reductions, the feasibility of mitigation will greatly depend on the context. Transit may or may not be available or financially feasible based on the transit agency’s financial resources and Federal Transit Agency (FTA) fare box recovery criteria. Extensive ridesharing and vanpooling programs already exist in most parts of Southern California, so it would be difficult to determine how a development would do more than is already being done. Higher densities are desirable, but projects may not pencil out financially at higher density levels, even within transit station areas. Local agencies cannot force developers to build what they cannot afford.

This is not to say that we should not try. AB 32, the Global Warming Solutions Act, refers to measures that are technologically feasible and cost-effective. That is a basic benchmark that can be applied to mitigation measures for development projects. Community builders can do a lot about GHG reduction through energy efficiency and design. They have less control over VMT, and OPR should not put environmentally sound projects in a position of having to mitigate VMT at a level that is not feasible. To use a very hypothetical example, let’s say in the future a development project is proposed in a traditional suburban setting in a way that will be technologically transformational (such as one where, for the sake of the example, 50% or more of the vehicles are required to be electric), but the project is unable to mitigate its VMT impact. Most people would question why VMT should be an issue in this case. In addition, an unintended consequence of making residential projects more difficult to permit (by virtue of VMT requirements) will only exacerbate an already challenging housing affordability environment. The point of this discussion is that the VMT reduction targets need to be realistic for the context, and it will take some time for the planning practice to settle into what is reasonable. We should not prematurely set targets for VMT reduction for land use.

6. **What is a reasonable reduction in VMT/capita?** - While we appreciate the excellent compilation of technical data in the CAPCOA document, we would like to illustrate how VMT/capita plays out in a regional context. One way to get a better handle on the feasibility of VMT reduction is to examine differentials in VMT/capita among regions, comparing regions that have high per capita VMT versus regions that have lower per capita VMT. To do this, we accessed per capita VMT by federally designated urbanized area from the USDOT website at: <https://www.transportation.gov/mission/health/vmt-capita>.

Table 1 shows VMT/capita by urbanized area for several urbanized areas (UZAs) in southern California, and compares those to other urbanized areas within California and elsewhere in the U.S. It should be noted that there could be a

variety of explanations for why VMT/capita varies from place to place, including urban form, demographics, economics, and extent of inter-regional traffic.

Table 1. VMT/Capita for Urbanized Areas

Source: US Dept. of Transportation
<https://www.transportation.gov/mission/health/vmt-capita>

<u>Areas in South Coast Air District</u>	VMT/Capita
Indio/Cathedral City	20.4
LA/Long Beach/Anaheim	22.3
Riverside/San Bernardino	23.1
<u>Other Areas in CA</u>	
Bakersfield	15.5
Concord	23.6
Fresno	18.6
Lancaster/Palmdale	16.8
Sacramento	20.3
Santa Barbara	20.4
San Jose	21.4
San Diego	22.3
SFO/Oakland	20.4
Simi Valley	20.4
<u>Other Comparison Areas</u>	
Boston, MA-NH-RI	22.4
DC/Maryland/Virginia	21.3
Denver/Aurora, CO	20.8
New York Metro Area	15.6
Phoenix, AZ	21.4
Portland, OR	18.8
Seattle, WA	23.1

For example, one would expect that the lower VMT/capita in the Central Valley may have to do with economics. The lower VMT/capita in the New York Metro Area is clearly due to the very high densities and extensive transit network. The lower VMT/capita in the Indio/Cathedral City area could be due to a combination of high retirement population and economically disadvantaged communities in the east part of the valley. Even some of the California metro areas thought to have higher densities and perhaps better transit systems than the LA Metro area are very similar in VMT/capita. All of these differentials suggest that there are many factors that will be in play to make the setting of a VMT reduction target very difficult. Individual projects should not be penalized

because of the characteristics of the geographic area, demographics, or economics of the area in which the project is set. Here some instructive comparisons:

- Riverside/San Bernardino at 23.1 has a 3.6 percent higher VMT/capita than the LA/Long Beach/Anaheim UZA. Riverside/San Bernardino would require a massive land use restructuring and billions of dollars in transit investment for only a few percent reduction in VMT/capita
- The LA/Long Beach/Anaheim UZA at 22.3 would require a significant restructuring to attain the 20.4 VMT/capita of the SFO/Oakland UZA. (to achieve a 9 percent reduction in VMT/capita.)
- Comparisons of the LA/Long Beach/Anaheim UZA to other areas include:
 - Sacramento – LA/Long Beach/Anaheim (LA/LB/A) is 9.9% higher
 - San Jose – LA/LB/A is 4.4% higher
 - San Diego – Equivalent
 - Boston – LA/LB/A is 0.4% lower
 - DC/MD/VA area – LA/LB/A is 4.7% higher
 - Denver – LA/LB/A is 7.2% higher
 - New York Metro – LA/LB/A is 43% higher
 - Phoenix – LA/LB/A is 4.2% higher
 - Portland – LA/LB/A is 19% higher
 - Seattle – LA/LB/A is 3.5% lower

Given the above, one would have to question the attainability of the goal of 15 percent reduction in VMT/capita stated in the *Caltrans Strategic Management Plan*. Aside from the New York Metro Area, only Portland has a VMT/capita that is more than 15 percent lower than the LA/LB/A urbanized area, and Portland has had some of the most strict land use regulation in the U.S., implemented over many years. Change in VMT occurs at a snail's pace relative to changes in technology, and the economy likely is the greatest influence on VMT/capita, at least in the short term.

This highlights the importance of using this two-year phase-in period for testing, and we believe OPR should consider being less definitive on suggesting thresholds at this stage until we have more technical information. Although the CAPCOA document is a very good resource of technical data, it does not deal with the complexities we face in the analysis of projects in the field. Analysis of travel behavior and VMT is much more complex than one might infer from the OPR Technical Advisory. We believe it is premature to be this definitive on VMT reduction targets, given the learning curve that both the private and public sectors will be engaged in during the grace period.

In addition, we suggest that OPR establish a clearinghouse for technical information on VMT impacts and mitigation, compiling experience and lessons learned even prior to the adoption of the guidelines. As OPR is aware, trip generation rates for individual land use

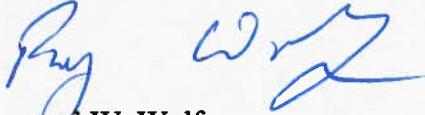
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types vary widely based on many different factors, even for very tightly defined use types. There is a long history of experience with variability in this data for traffic impact studies. Incorporating trip length, mode choice, auto occupancy, and other factors will make VMT analysis even more complex than LOS, in many ways.

Time is of the essence to determine if and how the State can converge on the technical methodologies and data that will result in a stable set of processes and assumptions that can be used to implement SB 743. As we stated earlier, we are concerned that two years is not enough time. The State should provide funding so that this compilation of methodologies and data can be well organized and objectively managed. We would also suggest that an independent peer review be scheduled prior to the 18-month point in the 2-year phase-in schedule, as referenced earlier.

Again, we appreciate the opportunity to comment and the initiative OPR has taken to reach out to agencies throughout California. We look forward to a workable implementation of SB 743.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ray Wolfe', is written over the typed name.

Raymond W. Wolfe
Executive Director