Assessing traffic impacts under CEQA

Governor's Office moves closer to replacing automobile delay with Vehicle Miles Traveled

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In enacting CEQA, the Legislature established a policy to "provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic and historical environmental qualities, and freedom from excessive noise." The Legislature did not mention freedom from intersection congestion. Yet detailed analyses of roadway levels of service and intersection delay have emerged as one of the most contentious and costly steps in the CEQA process. The addition of a handful of vehicles to a congested intersection can trigger preparation of a full EIR. And housing advocates have long contended that CEQA presents an obstacle to affordable housing near jobs.

On January 20, 2016, the Governor's Office of Planning and Research released a revised draft of proposed new CEQA Guidelines to replace automobile congestion-based thresholds for evaluating traffic impacts with thresholds that emphasize proximity to transit and a reduction in vehicle miles traveled (VMT) on a per capita or per employee basis. The Guidelines implement a law passed in 2013, Senate Bill 743.

SB 743 reflects a Legislative policy to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions. SB 743 requires OPR to prepare proposed revisions to the CEQA Guidelines for determining the significance of transportation impacts. The criteria must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.

SB 743 dictates that once the CEQA Guidelines are amended to include new thresholds, automobile delay, as described by level of service or similar measures of vehicular capacity or congestion, *shall no longer be considered a significant impact under CEQA* in all locations in which the new thresholds are applied. The Legislature gave OPR the option of applying the new thresholds only to transit priority areas, or more broadly throughout the State.

A "transit priority area" is an area within one-half mile of a major transit stop. A major transit stop is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

OPR released its preliminary discussion draft of the Guidelines amendments in August 2014. The initial draft focused generally on an assessment of whether a project would result in VMT that would exceed regional averages, and OPR proposed to apply the new thresholds broadly throughout the state rather than limiting their application to transit priority areas.

In presentations on the preliminary draft, OPR explained that the shift from level of service metrics to VMT will provide important benefits. Elimination of congestion-based metrics can remove a key barrier to infill development. Congestion based analyses often result in measures to expand roadways and intersections, which result in high capital and maintenance costs. Further, level of service does not equate to quality of life. OPR has shown that level of service metrics do not measure the total amount of time that an individual spends commuting; rather the focus is on delay at a single intersection. Total travel time can be reduced by bringing housing and jobs closer together. VMT-based metrics attack regional congestion and overall driving behavior. Reducing VMT will reduce greenhouse gas emissions. In addition, OPR has explained that VMT is easier to model than congestion based approaches.

In the updated draft Guidelines released on January 20, OPR continues to propose applying a new VMT-based approach to all areas of the state. Agencies would have a two-year period to transition to the new VMT-based approach. As under the initial draft, once this transition period ends, automobile delay can no longer be considered a significant adverse effect under CEQA.

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The updated draft Guidelines include a presumption that development projects that are located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor will not cause a significant transportation impact. A high-quality transit corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The draft Guidelines recognize that roadway projects that add travel lanes may induce automobile travel and vehicle miles traveled. Finally, the updated draft Guidelines state that if existing models or methods are not available to estimate VMT for a particular project, a qualitative analysis can be used. Otherwise, a lead agency can use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence.

A key difference between the newly proposed Guidelines and the initial draft is that, except for the presumptions for projects near major transit stops and high quality transit corridors, the Guidelines themselves do not set forth specific standards to assess whether a project's effect is significant. Much of the detail is now found in a proposed Technical Advisory.

The Technical Advisory describes two ways to count VMT. A trip-based assessment counts VMT to and from the project. For a residential project, a trip-based assessment counts trips from home to work and back, but not trips from work to a lunchtime restaurant. A tour-based assessment counts the same home to work trips, but also includes the lunchtime trips. The Advisory recommends use of a tour-based analysis for residential and office projects.

For retail projects, and other projects such as government offices that serve the public, the Technical Advisory suggests assessing the change in total VMT, because retail projects typically reroute travel from other retail destinations, which might lead to increases or decreases in VMT depending on previous retail travel patterns.

The Technical Advisory recommends thresholds for specific types of land uses, including the following:

- **Residential:** A project exceeding both existing city household VMT per capita minus 15 percent, and existing regional household VMT per capita minus 15 percent, may indicate a significant transportation impact.
- **Office:** A project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.
- **Retail:** A net increase in total VMT may indicate a significant transportation impact.
- **Mixed Use:** Lead agencies can evaluate each component independently, and apply the significance threshold for each project type included (e.g., residential and retail). In the analysis of each use, a project may take credit for internal capture.

In addition, the Technical Advisory suggests 'screening thresholds' to determine whether a quantitative analysis is needed. Agencies could determine not to conduct additional analysis for projects that generate fewer trips than the threshold for studying consistency with a congestion management plan (typically 100 trips). Further, agencies may create maps that identify low-VMT areas and presume that projects in those areas that incorporate features similar to the existing low-VMT development will tend to exhibit similarly low VMT.

The Technical Advisory identifies a list of potential mitigation measures and project alternatives to reduce VMT. Mitigation measures include improving access to transit, incorporating affordable housing into a project, and improving pedestrian or bicycle networks. Alternatives include locating a project in a region that already exhibits low VMT, locating the project near transit, and increasing project density.

The Advisory also contains extensive advice about analyzing VMT associated with roadway improvement projects, and about analyzing roadway safety impacts. More information is available on the OPR website at http://bit.ly/1TpXWyr.

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