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Chief Executive Officer

February 26, 2016

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

**RE: Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA - Implementing Senate Bill 743 (Chapter 386, Statutes of 2013)**

Dear Mr. Calfee:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to provide comments on the Office of Planning and Research's (OPR) Revised Proposal on updates to the California Environmental Quality Act (CEQA) Guidelines on Evaluating Transportation Impacts in CEQA (Revised Proposal), dated January 20, 2016.

The Revised Proposal includes many updates consistent with OCTA's comments on previous drafts of the CEQA Guidelines including improved formatting and an allowance for additional time before consideration of statewide implementation. However, OCTA has significant concerns regarding implementation of the Revised Proposal and its potential impacts to planned transportation projects - especially projects approved by voters pursuant to local transportation sales tax measures.

Additionally, the following subject areas need much further technical evaluation prior to implementation:

- Vehicle miles traveled (VMT) thresholds for development and transportation projects are overly optimistic and may not be achievable;
- Processes for determining transportation project impacts - especially a project's "fair share" of VMT require further elaboration, quantification, and documentation; and
- Recommended VMT mitigation measures for transportation project impacts are overly simplistic and may not even be capable of mitigating a project's full VMT impact.

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Based on these significant concerns, OCTA respectfully submits the attached, more detailed comments and recommendations for OPR's consideration. Thank you and OCTA looks forward to continuing dialogue with OPR on SB 743 implementation.

Should you have any questions, please feel free to contact Joe Alcock, Section Manager, at (714) 560-5372.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell Johnson', with a long horizontal stroke extending to the right.

Darrell Johnson  
Chief Executive Officer

DJ:ja  
Attachment

c: Jim Biel, OCTA  
James Donich, OCTA  
Kia Mortazavi, OCTA  
Kurt Brotcke, OCTA  
Lance Larson, OCTA

**The Orange County Transportation Authority's Comments and Recommendations  
on the "Revised Proposal on Updates to the CEQA Guidelines on Evaluating  
Transportation Impacts in CEQA - Implementing  
Senate Bill 743 (Chapter 386, Statutes of 2013)"**

**(1) Organization**

The Orange County Transportation Authority (OCTA) supports placement of the technical recommendations and best practices in the Technical Advisory portion of the document. This streamlines the California Environmental Quality Act (CEQA) language portion of the document and allows for more frequent updates to best practices, methodologies, and data sources. This formatting change also allows for additional flexibility for lead agencies to respond to the guidelines as CEQA analysis evolves; rather than having the guidelines specifically prescribe actions a lead agency must take.

**(2) Land Use Projects**

The updated analysis includes an improved approach for vehicle miles traveled (VMT) calculations. However, the 15 percent VMT reduction goal lacks substantiation and further details need to be provided. OCTA agrees that the goal is ambitious, but may not necessarily be achievable.

Further, the proposed screening threshold for small projects should be changed. One hundred vehicle trips per day would equate to approximately ten to 15 trips per peak hour. This is much lower than the thresholds of most jurisdictions. For example, OCTA requires a Congestion Management Program-related transportation impact study if a proposed project generates more than 2,400 daily trips. This threshold is generally consistent with other transportation planning agencies in Southern California, and would be a good threshold for SB 743.

**(3) Transportation Projects**

While substantial revisions have been made over previous versions of the document, fundamental issues regarding the proposed technical approach remain.

- The guidelines recommend use of a statewide "Fair Share" allocation of VMT growth that is assumed to be allowable and still achieve the 2030 greenhouse gas (GHG) reduction target established through Executive Order B-30-15. This approach requires, at minimum, statewide estimates for:
  - Existing VMT;
  - Existing GHG emissions for each sectors;

- Projected GHG emissions for each sector (including assumptions for all technology advancements and integration); and,
- Number of transportation projects planned for implementation by 2030.

This demonstrates that the recommended approach has a number of estimates and assumptions that are constantly evolving, and would require frequent monitoring and maintenance. Furthermore, the allocation is split evenly between all transportation projects, including transit and active transportation projects that do not generate (and may reduce) VMT. Therefore, this “Fair Share” approach does not provide for a fair allocation of the allowable VMT growth estimate.

OCTA has serious reservations with the recommendation of the Fair Share approach for the reasons stated above. In addition, the currently recommended approach raises questions regarding how project-level VMT might be calculated for projects planned for implementation post 2030.

- Considering that many of the recommended thresholds for planning documents and land use were established based on ties to the Sustainable Communities Strategy (SCS) and that the GHG reduction targets related to SB 375, OCTA believes that transportation projects that are found to be consistent with an Regional Transportation Plan/SCS that meets the regional GHG reduction targets and federal conformity, should be considered to have a less than significant transportation impact.
- As discussed in the document, potential mitigation measures for transportation projects include, “tolling new lanes to encourage carpools and fund transit improvements; converting existing general purpose lanes to high-occupancy vehicle (HOV) or high-occupancy toll lanes; implementing funding for travel demand management offsite; and implementing Intelligent Transportation System strategies to improve passenger throughput on existing lanes.” These potential mitigation measures seem overly simplistic, and in some cases may be difficult to implement/quantify. For instance:
  - Toll lanes and HOV lanes only work if they are part of a system. They cannot be implemented on a mile-by-mile basis.
  - Freeway projects (when led by the California Department of Transportation) typically cannot include active transportation improvements on parallel streets, as they are outside of state right-of-way.
  - Adding tolled or HOV lanes to standard freeway projects, where such facilities were not originally planned, would affect other topics covered by CEQA, such as noise, hydrology and water quality, biological, and cultural resources. They would also require a series of additional reports and approvals, which could fundamentally change the intent of the project, add substantial delays, and increase project costs.

- Further, for voter-approved sales tax programs, which have previously committed to funding capacity enhancing projects, as part of a broader plan (like the Measure M2 Program, which includes system preservation, transit, and programmatic environmental preservation programs); these mitigation measures could potentially counteract the ability to develop and deliver a balanced program. Further, they could also circumvent the will of voters and lead to reduced support for future sales tax programs.

#### (4) Implementation

OCTA appreciates efforts to allow for limited implementation of the revised guidelines in its initial implementation. However, the guidelines could benefit from some additional clarity. Rather than immediately allowing for statewide implementation after the initial two-year application in transit priority areas, the guidelines should re-evaluate the success of the program prior to statewide implementation. In addition, allowing one lead agency to opt to use these standards immediately, may create a lack of consistency within a region on what standards (i.e. level of service or VMT) are being used to analyze transportation impacts.

Finally, because the proposed guidelines will result in significant changes to the analysis of transportation impacts, the guidelines should clearly grandfather projects which are currently in the environmental review process. Otherwise, a new analysis would lead to increased delays and significant cost increases for existing projects.

#### (5) Case Study

Regarding the case study on pages 55-56, entitled: "Roadway Capacity Expansion Project: Addition of 2.2 Lane Miles", the data sources cited were not readily available, nor was OCTA able to replicate these results. Please cite exact locations (i.e. websites) where the data was collected.