



August 6, 2009

Christopher Calfee  
Special Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Mr. Calfee,

Please find enclosed the California Bicycle Coalition's comments on the draft California Environmental Quality Act guidelines currently under review per Public Resources Code section 21083.05.

Meaningful reductions to greenhouse gas emissions in California will only occur when more Californians have reasonable alternatives to the single-occupancy car. On CBC's behalf, I urge the California Natural Resources Agency to adopt amended CEQA guidelines that eliminate the preference currently given to motor vehicles at the expense of development projects that encourage greater use of non-polluting transportation modes like bicycling and walking.

Respectfully,

A handwritten signature in black ink, appearing to read 'K.C. Butler', is written in a cursive style.

K.C. Butler  
Executive Director



## Draft amendments to CEQA Guidelines

### Summary

The California Bicycle Coalition (CBC) urges the California Natural Resources Agency to revise draft amendments to California Environmental Quality Act (CEQA) guidelines related to greenhouse gas (GHG) emissions reductions by removing references to “level of service” (LOS) from among a number of variables that trigger the requirement to mitigate or review the potential environmental impacts of proposed development. Removing LOS would remove obstacles to the types of development, such as bicycle and pedestrian facilities and transit-oriented development, that can significantly reduce GHG in California.

### Background

Under CEQA, a proposed development project must include features that mitigate significant environmental impacts or be subject to a detailed review of those impacts. Guidelines from the Governor’s Office of Planning & Research (OPR) for public agencies considering development proposals under CEQA include a variety of suggested “significance thresholds” that may trigger required mitigation measures or environmental review.

Among these thresholds is level of service (LOS), a performance measure developed 50 years ago to describe operating conditions for automobile travel. This measure is based on vehicle delay and volume/capacity ratios for intersections and roadways during the peak 15 minutes of the morning and evening. Common CEQA mitigation measures for potential impacts on LOS include reducing automobile delay by widening roads, removing pedestrian crossings and eliminating bike lanes.

Thus, through LOS, CEQA gives preference to protecting road capacity for more motor vehicles, which increases GHG emissions, at the expense of projects that would afford greater reliance on walking, bicycles and public transit for everyday transportation, which in turn would reduce GHG emissions.

In December 2008, OPR convened a forum of transportation planners, public officials, environmental advocates and other stakeholders to discuss the impacts of LOS on development in California, including presentations by Ron Milam, Fehr and Peers; Gary Jacobs, EDAW; Sparky Harris, City of Sacramento; Rachel Hiatt, San Francisco County Transportation Authority; Hans Larsen, City of San Jose; Steve Peterson, City of Chico; Jason Patton, City of Oakland; and Scott Sauer, Caltrans Mass Transportation Division. There was general agreement that LOS routinely

impedes projects that would reduce reliance on motor vehicles and thus reduce GHG emissions. Vehicle miles traveled (VMT), which correlates directly to GHG emissions, was suggested as one alternative significance threshold to replace LOS. On Jan. 8, 2009, in accordance with Public Resources Code section 21083.05, OPR released preliminary draft amendments to CEQA guidelines that replaced LOS with VMT and other measures in Appendix G, Initial Study Checklist (see attached, page 10).

On April 13, 2009, OPR issued draft amendments to CEQA guidelines. Compared to the earlier Jan. 8 amendments, the April 13 amendments:

- Restored LOS as an impact measure for Congestion Management Program routes;
- Removed vehicle miles traveled, vehicle trips and roadway vehicle volume from the checklist of alternate measures; and
- Identified the capacity of streets, highways, freeways, pedestrian and bicycle paths, and mass transit as impact measures.

The effect of the April 13 draft amendments was to preserve LOS and the impediments it presents for projects that can significantly reduce GHG emissions.

## Proposal

CBC strongly urges the California Natural Resources Agency to make the following revisions to the April 13, 2009, draft CEQA guidelines amendments:

1. Restore the following Jan. 8, 2009 amendments to Appendix G, sections XVI (a) and (b):

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) ~~Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., r~~Result in a substantial increase in ~~either the number of vehicle trips, the volume to capacity ratio on the roads, or congestion at intersections)~~ roadway vehicle volume or vehicle miles traveled?

~~b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?~~

2. Change proposed language in Appendix G, section XVI (e) to read:

"Conflict with adopted policies, plans, or programs of other transportation modes (e.g., transit, bicycling and walking)?"

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

### **XIII.** POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

### **XIV.** PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

### **XV.** RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

### **XVI.** TRANSPORTATION/TRAFFIC -- Would the project:

~~a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., r~~Result in a substantial increase in ~~either~~ the number of vehicle trips, ~~the volume to capacity ratio on the roads, or congestion at intersections)~~ roadway vehicle volume or vehicle miles traveled?

~~b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?~~

~~eb)~~ Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

~~dc)~~ Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

~~de)~~ Result in inadequate emergency access?

~~f) Result in inadequate parking capacity?~~

~~eg)~~ Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

#### XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?