

New Proposed CEQA Guidelines on Traffic Impacts Issued: It's How Far You Go, Not How Slow

By Stephen Kostka and Barbara Schussman

Senate Bill 743, enacted in 2013, was designed to create a process for changing the way traffic impacts are examined under CEQA. The concept was to take the focus away from vehicle delay, measured by level of service, which has resulted in mitigation requirements to increase intersection and road capacity. Instead, SB 743 seeks to shift the focus to greenhouse gas emissions resulting from trip length, encouragement of transit use, and promotion of a mix of land uses that will reduce travel demand.

SB 743 requires that the Governor's Office of Planning and Research amend the CEQA Guidelines to target these goals by providing an alternative to the level of service test for evaluating traffic impacts.

[OPR's discussion draft](#) (proposed new Guideline 15064.3) issued on August 6, provides proposed changes to the CEQA Guidelines together with an explanation of the proposed changes and detailed background information. A brief summary:

Description of Purposes.

- the primary consideration in a CEQA analysis of transportation effects is the amount and distance that a project might cause people to drive, measured by automobile trips generated and trip distance.
- Impacts to transit and the safety of other roadway users, such as pedestrians and bicyclists, are relevant factors in an environmental analysis.
- Air quality and noise impacts related to traffic are still relevant in a CEQA analysis, but are typically analyzed in the air quality and noise sections of CEQA documents.
- Automobile delay, as gauged by level of service or similar measures of capacity or traffic congestion, shall not be considered a significant impact on the environment.

Criteria for Analyzing Impacts and Determining Significance The proposed Guideline contains detailed guidance for determining impact significance:

Vehicle Miles Traveled and Land Use Projects

Vehicle miles traveled are identified as "generally" the most appropriate measure of transportation impacts, recognizing that a lead agency may include other measures in appropriate situations. Factors agencies may consider in determining impact significance include a comparison with the regional average, as well as examples of projects that might have a less than significant impacts such as projects in areas served by transit and land use plans shown to decrease vehicle miles as compared to existing conditions.

Induced Travel and Transportation Projects

Impacts that can result from transportation projects — the environmental impacts of increasing road capacity -- should also be part of the analysis. This part of the proposed Guideline would require lead agencies that add new road capacity in congested areas to consider the potential growth-inducing impacts of increased capacity. It

would also indicate that some transportation projects, such as those that are designed to improve safety, would not necessarily be expected to increase vehicle miles traveled and result in significant impacts.

Local Safety

The criteria on local safety are intended to recognize that vehicle miles traveled may not be the only impacts associated with transportation. It provides that lead agencies should consider whether a project may cause unsafe conditions for roadway users.

Methodology

The proposed Guideline would also provide general guidance on methodology for evaluating vehicle miles traveled and traffic modeling while recognizing the role of professional judgment in using traffic models.

Mitigation and Alternatives The Guidelines would be amended to identify potential mitigation measures and alternatives in existing Guidelines Appendix F, to make it clear that agencies retain the ability to require projects to achieve levels of service designated in general plans or zoning codes (even though delay is not to be treated as a significant impact under CEQA), and to provide that previously adopted mitigation measures may still be enforced.

Implementation Schedule

The Guidelines would be implemented in phases. The changes would apply prospectively to new projects that had not already commenced environmental review upon their effective date. The new procedures would apply immediately upon their effective date to projects located within one-half mile of major transit stops and transit corridors provided for in SB 375. Public agencies may opt-in to the new procedures provided by the Guidelines if they update their own CEQA procedures to do so. Otherwise, the new rules would apply statewide after January 1, 2016. OPR will be accepting comments on the discussion draft through October 10, 2014.

Blog series

California Land Use & Development Law Report

California Land Use & Development Law Report offers insights into legal issues relating to development and use of land and federal, state and local permitting and approval processes. [View posts by topic](#). [Subscribe ?](#)

[View the blog](#)