

## Automobile Delay May Not Be Treated As a Significant Environmental Impact



significant  
transportation  
impacts, *en*

The case

involved a challenge to the City of Sacramento's 2035 General Plan, which it adopted in March 2015. The plaintiff alleged that the city violated CEQA and the Planning and Zoning Law. **CEQA: Transportation Impacts Analyzing Transportation Impacts Under CEQA.** Public Resources Code section 21099 (commonly known as SB 743) directed the Office of Planning and Research to develop guidelines for assessing transportation impacts based on vehicle miles traveled (VMT). SB 743 provides that upon certification of implementing guidelines by the Natural Resources Agency, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment . . . except in locations specifically identified in the guidelines, if any." Section 15064.3 of the CEQA Guidelines, adopted in 2018 to implement SB 743, provides that, except for roadway capacity projects, "a project's effect on automobile delay shall not constitute a significant environmental impact." Further, the SB 743 guidelines specify that generally, VMT is "the most appropriate measure of transportation impacts." The guidelines apply prospectively, and apply statewide beginning July 1, 2020, unless an agency elects to be governed by them sooner. (For a detailed analysis, see our [report on the SB 743 Guidelines.](#))

**General Plan Policies on Transportation Impacts.** The General Plan's level of service policy generally called for roads to operate at LOS D or better, but also included exceptions allowing for LOS E and F in specified circumstances. Another General Plan policy limited the roadways that could be expanded to accommodate a project. The General Plan EIR concluded that although the plan would increase traffic volumes and cause some roadways to operate at LOS E and F, traffic impacts would be less than significant because they would be consistent with the plan's LOS standards. The plaintiff argued that by relying on the plan's LOS thresholds, the EIR did not adequately analyze the significance of traffic impacts degrading to LOS F. The court held that the plaintiff's challenge to the EIR's traffic analysis was moot in light of SB 743. The court explained that the provision of SB 743 stating that automobile delay is not a significant environmental impact began to apply when Guideline 15064.3 took effect. As a result, the applicable law at the time of the court's decision was that automobile delay cannot be treated as significant environmental impact. Accordingly, the plaintiff's argument regarding the significance of the General Plan's level of service impacts was moot. In addition, the court held that because Guideline 15064.3 only applies prospectively, the city was not required to analyze transportation impacts under the new VMT criteria contained in that Guideline. **Planning and Zoning Law: General Plan Consistency** The plaintiff also claimed that the General Plan was not internally consistent because an introductory sentence stated that when determining whether a proposed project is consistent with the plan, "the City may use its discretion to balance and harmonize policies with other complementary or countervailing policies in a manner that best achieves the City's overall goals." The court held, however, that this sentence did not create a facial inconsistency between policies in the General Plan. Nor would it necessarily result in the city approving projects that are inconsistent with the General Plan. Noting that the introductory sentence "concerns the City's future determinations of a project's consistency with the general plan," the court concluded that arguments about how it might be interpreted and applied to future projects raised questions that were not ripe for its consideration.

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