

Date of Hearing: April 20, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 779 (Cristina Garcia) – As Amended April 14, 2015

SUBJECT: Environmental quality: transit priority areas

SUMMARY: Specifies that revisions to the California Environmental Quality Act (CEQA) Guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas shall not be effective before July 1, 2017.

EXISTING LAW:

- 1) Requires the Office of Planning and Research (OPR) to propose revisions to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts of projects within transit priority areas that are not based on level of service (LOS).
- 2) Defines "transit priority area" as an area within one-half mile of a major transit stop (i.e., 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) that is either existing or planned, if the planned stop is scheduled to be completed within the planning horizon of an adopted regional transportation plan.
- 3) Requires the new criteria to promote the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses.
- 4) Requires OPR to recommend potential metrics to measure transportation impacts, including vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.
- 5) Authorizes OPR to establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.
- 6) Provides that automobile delay, as described solely by LOS or similar measures of capacity or congestion, shall not support a finding of significance pursuant to CEQA, except in locations specifically identified in the guidelines, if any, once the guidelines are certified by the Secretary of the Natural Resources Agency.
- 7) Authorizes OPR to adopt CEQA Guidelines establishing metrics for analysis of transportation impacts that are alternatives to LOS to be used outside transit priority areas and authorizes the metrics to include the retention of LOS where appropriate as determined by OPR.
- 8) Required OPR to circulate a draft of the revisions to the CEQA Guidelines by July 1, 2014.

FISCAL EFFECT: Unknown

COMMENTS: SB 743 (Steinberg), Chapter 386, Statutes of 2013, among other things, directed OPR to propose revisions to the CEQA Guidelines (Title 14 of the California Code of Regulations) to establish new criteria for determining the significance of transportation impacts

of projects within transit priority areas that are not based on LOS. The bill additionally authorized, but did not require, OPR to apply the new criteria outside of transit priority areas.

LOS is a measure of vehicle delay at intersections and on roadway segments and is expressed with a letter grade ranging from A to F. LOS A represents free-flowing traffic, while LOS F represents congested conditions. LOS has been criticized as an outdated metric because it does not consider person delay and neglects transit, pedestrians, and bicycles. Many believe that an over-reliance on LOS considerations by planners has led to widening intersections and roadways to move automobile traffic faster at the expense of other modes of transportation. LOS has also been criticized as a barrier to infill and transit-oriented development. A traffic study using LOS might find that greenfield developments perform well because there are so few other cars around. An urban infill project, on the other hand, might perform poorly because it would contribute to an already congested condition, even though residents and consumers associated with infill projects are less likely to rely on cars for their transportation needs.

In response to SB 743, OPR published a preliminary evaluation of potential alternatives to LOS in December, 2013. Based on comments received in response to that document, the office released draft revisions to the CEQA Guidelines in August, 2014, and accepted comments on the draft through November, 2014. The draft proposed to replace LOS analysis with an analysis of the vehicle miles traveled (VMT) generated by a project as a measure of the significance of a project's transportation impacts.

OPR took a phased approach to implementation in the first draft, proposing that the new analysis procedures would apply immediately upon the effective date of the revised CEQA Guidelines to projects located within one-half mile of major transit stops and high-quality transit corridors, and statewide after January 1, 2016. OPR additionally proposed allowing jurisdictions to opt in to the new procedures regardless of location from the time of adoption.

This bill delays any revisions to the CEQA Guidelines adopted pursuant to SB 743 from becoming effective prior to July 1, 2017. The sponsor, the Infill Builders Federation, is concerned that the revisions as currently drafted, while intended to benefit infill development, may actually put infill at a greater disadvantage by requiring infill projects to undergo an untested VMT analysis that initially will not apply to development projects in other areas. The sponsor is concerned that this places both an added analysis burden and potentially an added litigation burden on infill rather than making it easier to move these types of projects forward.

OPR has indicated that it is likely to issue a revised draft of the guidelines based on the nearly 200 comments it received on the first draft, although the timing of that draft and the extent of the changes to the first draft it might contain are uncertain. It is not clear when OPR expects that final revisions will be formally adopted. It may be that the next draft will address many of the concerns raised by the sponsor of this bill, in which case this bill may not be necessary. However, in the event that the next draft still raises concerns, the sponsor would like to delay implementation to provide additional time to try to resolve them. Given the complexity of the issue and the potential scope of the changes in question, it makes sense to provide additional time, if necessary, to craft an approach that best supports the state's goals of reducing greenhouse gas emissions and developing multimodal transportation networks.

Double referral: This bill will be referred to the Assembly Natural Resources Committee should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Infill Builders Federation (Sponsor)
California Chapter, American Planning Association (if amended)

Opposition

None on file

Analysis Prepared by: Anya Lawler / TRANS. / (916) 319-2093