



Board Report

File #: 2017-0018, File Type: Policy

Agenda Number: 12.

PLANNING AND PROGRAMMING COMMITTEE FEBRUARY 15, 2017

SUBJECT: POTENTIAL CHANGE IN CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

ACTION: RECEIVE AND FILE REPORT ON POTENTIAL CHANGE IN CEQA

RECOMMENDATION

RECEIVE AND FILE report on **Potential Change in CEQA Transportation Impact Metrics.**

ISSUE

The Metro Board of Directors has established a range of policies and programs related to transit expansion, transit oriented development and transit oriented communities, active transportation, first/last mile, and sustainability. Taken collectively these policies suggest creating a range of transportation options to promote multimodal choice, improved environmental outcomes, safety and public health. In contrast, current CEQA practice, through the use of automobile Level of Service (LOS) as a metric, tends to promote automobile capacity and speed exclusive of these other objectives.

The State of California is currently considering updates to the CEQA Guidelines in order to better align the State's flagship environmental policy with intended environmental outcomes including greenhouse gas emission reduction (Attachment A). The proposed guidelines recommend phasing out the use of LOS statewide with a Vehicle Miles Traveled (VMT) as a substitute metric.

This policy change at the state level has several implications for Metro. To that end, Metro provided comments on the draft Guidelines in February 2016 (Attachment B). The proposed policy change is largely in line with Metro's established objectives and will aid implementation of Metro transit and active transportation projects. Some Metro projects, notably those that add mixed-flow auto capacity, will likely show a greater level of impact under a VMT metric, necessitating project mitigations that, while potentially costly, would benefit multimodal mobility in the areas where these projects exist. Staff suggests further work to assess the potential beneficial and negative impacts for Metro priorities and projects in advance of considering changes in policy for CEQA documents for which Metro is the Lead Agency.

DISCUSSION

State Policy

In 2011, the California Legislature passed SB 743, prompting the Governor's Office of Planning and Research (OPR) to prepare an update to the CEQA guidelines specifically on transportation impact metrics. The Legislature required that OPR eliminate use of LOS Active Transportation Strategic Plan (2016) in defined "transit priority areas," defined as a ½ mile radius around transit stops or stations with better than 15-minute headways at peak, and allowed discretion to eliminate LOS statewide.

As of February 2016, OPR has prepared a set of Draft Guidelines. Those guidelines, in fact, recommend the elimination of LOS as a CEQA metric statewide. The current draft is accompanied by a non-binding Technical Advisory that suggests various methods to apply the newly proposed VMT metric for a variety of project types, and describes appropriate mitigation for projects that will have an induced travel demand, or VMT, impact. Of note, the Technical Advisory suggests the creation of mitigation banks that would allow lead agencies to contribute to regional projects or programs that reduce VMT.

As context, it is important to note that CEQA analyses addressing transportation impacts are required for two broad categories of projects: land use development projects that generate traffic and other mobility impacts; and transportation projects per se.

Applicable Metro Policy

In recent years, Metro has adopted a number of policies intended to create better environmental outcomes, promote multimodal transportation, and improve the public right-of-way for all users. These include:

- Countywide Sustainability Planning Policy, 2012,
- Complete Streets Policy, 2014,
- First/Last Mile Strategic Plan, 2014,
- Transit Oriented Communities, 2015, and
- Active Transportation Strategic Plan, 2016.

Taken collectively these policies prompt consideration of a range of objectives for transportation facilities and projects beyond a singular focus on motor vehicle speed. Rather, current Metro policy suggests that public right-of-way should be allocated and designed for safety and modal choice over speed.

Current Metro Practice/Projects

Metro employs the standard practice for analyzing its transportation projects under current CEQA Guidelines, using LOS as the primary metric for transportation impact. This is the case for projects of all types often complicating and increasing cost for transit and active transportation projects to the extent that they impact vehicle speed (for construction as well as operation stages). At the same time, highway and other capacity projects viewed through an LOS approach will tend to show environmental benefits. Metro uses a variety of impact thresholds for LOS among various projects, typically deferring to the standard practice of the jurisdiction in which the project is located. Further study, as suggested in this report, will focus on the types and costs of mitigation committed by Metro

under LOS analysis. It should also be noted that current practice includes analyzing induced travel demand which would lead to very similar results compared to VMT.

In Los Angeles County and statewide, several agencies have either transitioned to a VMT metric or are in the process of doing so. Notably, the City of Pasadena adopted VMT as its primary transportation analysis metric in 2015, the City of San Francisco did so in 2016, and the City of Los Angeles is currently in process of doing so.

Impact of Local Development Policies and Practice on Metro

Metro is committed to implementation of complete streets and first/last mile improvements countywide. For new transit lines/stations, Metro is in a lead role for first/last mile design and in some cases implementation. Nevertheless, Metro's projects exist within a broader environment affected by projects in the surrounding area. The use of LOS as a metric for development projects (housing, commercial, etc.) directly affects Metro's complete streets and first/last mile efforts and often creates conflict and complication on a case-by-case basis. Specifically, LOS-oriented mitigations intended to increase speeds, such as adding travel lanes, often degrade conditions for pedestrians and cyclists, and may create new problems that Metro's upcoming first/last mile projects would need to reverse.

Conversely, mitigation from development projects under a VMT metric would benefit Metro substantially. Mitigations intended to reduce VMT would include purchase of transit passes, funding other Transportation Demand Management programs, direct implementation of first/last mile and active transportation infrastructure, and implementation of traffic calming. Also of note, OPR's draft guidelines suggest the creation of VMT mitigation banks which would allow project proponents to purchase VMT reduction credit through the establishment of regional programs.

Metro Projects Adversely Impacted

As noted above, Metro projects that add mixed-flow capacity for cars will, under a VMT metric, result in environmental impacts requiring mitigation. In the case of large scale projects of this type, the potential scale and cost of mitigation may be substantial. It should be noted, however, that mitigations to reduce VMT will benefit multimodal mobility in the same communities where these projects exist. Projects that add mixed-flow capacity will show greater impacts than projects where new capacity is intended for high occupancy or tolled lanes. Further, Metro has discretion as a lead agency to both set thresholds of significance which put VMT impacts in context and ultimately adopt a Statement of Overriding Considerations in the event that impacts cannot be feasibly mitigated. As part of the further analysis prompted by this report, Metro is compiling a list of potentially impacted projects, including those in the recently passed Measure M expenditure plan. Staff suggests additional study and analysis of future capacity projects to better understand the scale of impact. This work will involve preparing sample impact analysis under a VMT metric for selected projects.

ALTERNATIVES CONSIDERED

Metro may choose to not assess a potential shift in metrics unless and until state policy is finalized. This approach is not recommended as future decisions and actions will be greatly enhanced with such an assessment, particularly given current Board policy interests that align in the potential shift

as well as the ramifications across Metro's portfolio of projects.

NEXT STEPS

Pending approval by the Board, Metro Planning staff will work with County Counsel, Highway Program, and Construction to evaluate the likely impact to projects, including the development of case study analysis for selected projects. This analysis will prompt a report back to the Board within six months.

ATTACHMENTS

Attachment A - Draft CEQA Guidelines, January 2016

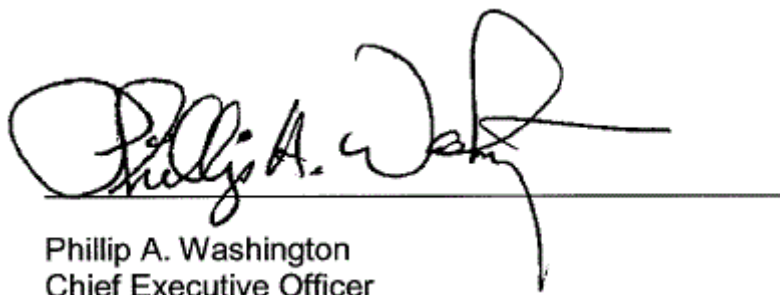
Attachment B - Metro CEQA Update Comment Letter, February 29, 2016

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