Can They Peacefully Coexist?
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Presentation Outline

- What’s wrong with LOS
- What’s right with VMT?
- Proposed SB 743 CEQA Guidelines amendments
- Five Policy Issues
- Conclusion
What are LOS and VMT?

- **LOS** = level of service
  - Measures roadway or intersection congestion
  - LOS C, D or below typically unacceptable

- **VMT** = vehicle miles traveled
  - Can be measured as total or per capita VMT
  - Used to calculate air pollution, GHG, and energy impacts
## Quality of Traffic Flow Decreases

<table>
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<th>LOS A</th>
<th>LOS B</th>
<th>LOS C</th>
<th>LOS D</th>
<th>LOS E</th>
<th>LOS F</th>
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| • Light traffic  
  • Free flow speeds | • Slightly increased traffic levels  
  • Still free flow speeds | • Approaching moderate congestion levels  
  • Speeds near free flow | • Speeds reduced  
  • Lane changes restricted due to traffic | • Congestion  
  • Irregular traffic flow | • Road at capacity  
  • Gridlock with frequent stops |
Most General Plans have LOS policies

Until now, most EIRs used LOS as significance threshold

Net result: expanded roads as mitigation

Which means:

- Increased VMT, especially with “induced travel”
- Increased air pollution, GHG, and energy impacts
- Reduced incentive to use transit and active transportation
Congested urban areas often already have unacceptable LOS
So urban infill projects have high burden to mitigate congestion
LOS analysis ignores regional VMT benefits of infill
“Sprawl” development can get free pass if no congestion in immediate area
Using VMT as significance threshold has environmental benefits

- Reduces mitigation burden on infill projects
- Reduces roadway expansion as mitigation
- Reduces air pollution, GHG, and energy impacts

And encourages both “sprawl” and infill projects to reduce VMT through

- Redesign
- Transit and active transportation incentives
SB 743 of 2013 (Steinberg)

- Required OPR to develop CEQA Guidelines to replace LOS as metric
  - Preliminary discussion draft issued 8/6/14
- Mandatory for “transit priority areas”
- May apply to other areas
- Once Guidelines adopted, LOS is not to be considered a significant environmental impact
OPR’s Proposed Guidelines

- Apply statewide
- Add two major requirements for transportation impact analysis
  - VMT will generally be the best measure of project impact, either total or per capita
  - For roadway expansion projects, “induced travel” must be analyzed
Other provisions

- Adds suggestions for mitigation measures to reduce VMT
- Expands safety impact analysis to include impacts on bicyclists and pedestrians
Five Policy Issues

1. What methods can be used to measure VMT and induced travel?
2. What significance thresholds should be used?
3. Should the proposed Guidelines apply statewide?
4. Is there a future for LOS?
5. Are the Guidelines good or bad for infill development?
1. Methods

- **OPR position**
  - Many models available to estimate VMT
  - VMT analysis already required in order to calculate other impacts, e.g., GHGs

- **Concerns**
  - Hodge-podge of different methods results in regional inconsistency
  - VMT most useful for large projects and regional planning
  - Methods for “induced travel” analysis are obscure
2. Significance Thresholds

- Lead agencies have discretion to select
- Lots of uncertainty on best VMT thresholds
  - Per capita vs. total VMT?
  - No net increase in VMT vs. reduction, e.g., 15%?
  - Use proximity to transit?
  - Use regional VMT averages?
  - Use land use consistency with local SCS?
- Pasadena thresholds example:
  - Any increase in per capita VMT
  - Any increase in per capita vehicle trips
SB 743: at minimum apply new metrics to areas close to transit

OPR: no reason to exclude remaining areas of the State

Is central government trying to force smart growth everywhere?

- What about small towns and rural areas?
- What about areas with limited transit and bike paths?
If these idiots would just take the bus, I could be home by now.
4. Future of LOS

- General Plans and ordinances will continue to use LOS to require traffic mitigation
- Elimination of CEQA traffic mitigation puts additional burden on land use conditions
  - May need to strengthen local ordinances
  - Not as convenient for monitoring and enforcement
  - But in states without a CEQA, this is how business is done
For traffic engineers, LOS remains useful tool for roadway planning, design, and operation.

LOS analysis also required for Congestion Management Plans.
5. Good or Bad for Infill?

**Good:**
- Infill projects will pay less for EIRs and CEQA traffic congestion mitigation
- Eliminating LOS analysis removes one grounds for CEQA litigation
- VMT metric may strengthen infill market by discouraging “sprawl” development
Bad:

- Neighbors will continue to oppose traffic congestion through any means, e.g., ballot box zoning
- If lead agencies still require LOS mitigation in their land use policies:
  - Infill projects would be subject to two analysis and mitigation requirements
  - New CEQA requirements add grounds for CEQA litigation
Debates will continue
  • Both benefits and flaws may be exaggerated

Proposed Guidelines likely to change, with new round of comments

Proposed effective date of January 1, 2016 probably unrealistic

Some lead agencies will act sooner on their own, e.g., SF, Emeryville, San Jose, Pasadena
Al Herson, JD FAICP, is an environmental attorney and planner with over 35 years’ experience. He is a recognized authority on the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and natural resources law.

As an attorney with Sohagi Law Group, Mr. Herson serves as the firm’s Sacramento presence, and advises public agencies on complex environmental and land use law matters.

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