

Memorandum

*Making Conservation
a California Way of Life*

To: TRANSPORTATION STAKEHOLDERS

Date: February 12, 2020

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Subject: **Caltrans Implementation of SB 743 – Use of Vehicle Miles Traveled in CEQA**

Senate Bill (SB) 743, approved in 2013 and incorporated into the California Environmental Quality Act (CEQA) Guidelines in 2018, better aligned CEQA with the State's climate and air quality goals. It is changing CEQA analysis of transportation impacts associated with both land development and infrastructure projects.

Overview

SB 743 means major changes in CEQA review of transportation analysis of local land development projects and for transportation analysis of capacity-increasing transportation projects on the State Highway System. These changes follow both the CEQA Guidelines revisions (§15064.3) published by the Natural Resources Agency in December 2018¹, and the "Technical Advisory on Evaluating Transportation Impacts in CEQA" prepared by the Governor's Office of Planning and Research (OPR)². Caltrans supports implementation of the guidance from these State Agency partners.

Key changes to the analysis of transportation impacts include:

- **For land development projects**, SB 743 prohibits identification of automobile delay as a significant impact on the environment within CEQA transportation analysis. By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead, the focus will be on how new development projects may influence the overall amount of automobile use. Some project types

¹ California Department of Natural Resources, 2018. "CEQA Guidelines."
https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

² California Governor's Office of Planning and Research (OPR), 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

are exempted in order to streamline developments not likely to cause additional automobile travel, such as those in infill areas.

- **For transportation investments**, Caltrans will also be examining VMT, using methods that reflect a phenomenon called “induced vehicle travel.” We see the induced vehicle travel phenomenon repeatedly on congested corridors when a project adds capacity, but traffic relief is short-lived. This happens because drivers make new trips or modify trips to take advantage of new capacity—driving more, at different times, or on different routes.

These changes to the environmental review process aim to reduce automobile dependency by supporting infill development, reducing average length of vehicle trips, and increasing use of more sustainable modes including carpooling, cycling, walking, and transit. These shifts are essential to supporting the State's growing population and economy while meeting climate and air quality goals.

Request for Review and Feedback

Accompanying this memorandum is a draft of Caltrans policy relating to the use of VMT as the primary metric to be used in analyzing transportation impacts of projects on the State Highway System. Caltrans invites your review and informal feedback on the draft by close of business on **February 20, 2020**. Click the link in the eblast message to provide informal feedback on the document.

We will be continuing outreach to stakeholders in the coming months. In addition to continued stakeholder engagement with agency leaders, we are planning several technical roundtables providing an opportunity for peer exchange among senior technical staff and consultants. Members of Caltrans' SB 743 Implementation Team are also available to discuss the Draft and related issues. Please contact Ali Doerr-Westbrook (916-653-2580) to schedule a call or meeting.

Thank you in advance for your contributions to this important work.

Attachment: Review Draft: VMT CEQA Significance Determinations for State Highway System Projects: Implementation Timeline Memorandum

VMT CEQA SIGNIFICANCE DETERMINATIONS FOR STATE HIGHWAY SYSTEM PROJECTS IMPLEMENTATION TIMELINE MEMORANDUM

1. Overview

This memorandum establishes the timing and application of changes to Caltrans' California Environmental Quality Act (CEQA) process to implement Senate Bill (SB) 743 for capacity-increasing projects on the State Highway System (SHS). The memo recognizes that many projects on the SHS will not be affected by these changes, as detailed in Attachment A.

The requirements established in this memorandum are consistent with the January 4, 2019 message distributed by Caltrans Division of Environmental Analysis. It recommended that Districts use VMT to analyze transportation impacts of projects with the potential to increase VMT and for which a Notice of Preparation (NOP) was issued after December 28, 2018, particularly for projects not anticipated to be approved until after July 2020.

1.1 Policy Statement

Caltrans has determined that Vehicle Miles Traveled (VMT) is the most appropriate primary measure of transportation impacts for capacity-increasing transportation projects on the SHS. The determination of significance of VMT impact will require a supporting induced travel analysis for capacity-increasing transportation projects on the SHS when Caltrans is lead agency or when Caltrans designates another entity as lead agency.

Many types of projects will be unaffected by the use of VMT as a measure of transportation impacts because they are assumed to not lead to a substantial increase in vehicle travel. See Attachment A for detail.

1.2 Guidance Documents

The Caltrans Divisions of Traffic Operations and Environmental Analysis are currently preparing the following guidance documents addressing the Department's transportation analysis and CEQA procedures:

- **Project Development Transportation Analysis Framework (TAF):** This document will provide guidance for CEQA transportation/traffic analysis for projects on the SHS, including direction to Caltrans Districts related to selecting methods for VMT analysis (including induced travel demand) in project-level environmental documents.

- **Transportation Analysis under CEQA (TAC):** The TAC will provide methodologies for CEQA practitioners to evaluate the transportation impacts of projects on the SHS, including how to determine significance of those impacts, and will identify potential mitigation measures.

We are working to make the documents available in draft form for informal feedback from stakeholders in March 2020, with a target publication date of May 2020. For each of the documents, we are planning an informational webinar during the review period as well as one or more technical roundtables to provide opportunities for discussion and information sharing.

2. Implementation Timeline

- 2.1** Projects initiated on or after December 28, 2018 which have reached or will reach Caltrans' Milestone 020 ("Begin Environmental") before July 1, 2020, will be evaluated by the Department in consultation with project sponsors on a case-by-case basis to determine if the use of a VMT-based transportation impact significance determination in the draft environmental document is warranted. Factors that will weigh in favor of including a VMT-based significance determination include, but are not limited to:
- Project scope includes a new alignment and/or additional lane miles and project location is in a corridor/area with existing or projected congestion
 - Environmental Impact Report (EIR) certification expected after July 1, 2022 (regardless of project initiation date)
 - A high level of public and stakeholder interest in the project.

Note that the final environmental document for a project would use the same metric for transportation significance determination as its draft document. If the traffic study requires re-initiation between draft and final, then the project will be subject to the requirements identified under 2.3 below.

- 2.2** Capacity-increasing projects on the SHS that will reach Caltrans' Milestone 020 on or after July 1, 2020, will include a VMT-based transportation impact significance determination in the draft environmental document. The Project Development Team (PDT) shall apply Caltrans published guidance (Transportation Analysis Framework (TAF) and Transportation Analysis in CEQA (TAC)) in conducting the analysis of transportation impacts and making significance determinations based on the VMT metric.

If Caltrans guidance for traffic studies (TAF) and making transportation significance determinations (TAC) have not yet been published when environmental studies begin, the PDT will utilize the CEQA Guidelines¹ and the Governor's Office of Planning and Research (OPR) Technical Advisory² in conducting their analysis and in making transportation impact significance determinations based on the VMT metric.

2.3 Subsequent, supplemental, later tier, or other later CEQA documents which include a new traffic study shall follow the guidance for draft environmental documents per the applicable section below.

2.3.1 If the traffic study is re-initiated before July 1, 2020, the Department in consultation with project sponsors will determine whether VMT-based transportation impact significance determination will be included, based on the factors listed in item 2.1 above.

2.3.2 If the traffic study is re-initiated on or after July 1, 2020, for minor technical reasons which do not result in a substantial change to the study's results, and subject to the approval of the Caltrans District Director, no VMT-based transportation impact significance determination will be required.

2.3.3 If the traffic study is re-initiated on or after July 1, 2020, and the later study may result in substantially different results as compared to the prior study, the PDT shall apply Caltrans-published guidance in conducting the analysis of VMT impacts and making transportation impact significance determinations.

3. Additional Considerations

3.1 Most projects on the SHS are non-capacity increasing (see Attachment A). These projects are not anticipated to have significant transportation impacts under CEQA and would generally not require quantitative VMT analysis or mitigation.³

¹ California Department of Natural Resources, 2018. "CEQA Guidelines."

https://resources.ca.gov/CNRALegacyFiles/ceqa/jadocs/2018_CEQA_FINAL_TEXT_122818.pdf

² California Governor's Office of Planning and Research (OPR), 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

³ OPR, Technical Advisory, 20, 24.

- 3.2** Capacity-increasing projects will require VMT analysis to determine whether significant, adverse transportation impacts are anticipated. The potential for projects to induce additional travel (“VMT attributable to the project” per OPR) will be the basis for determinations of significance. Potential VMT analysis methods include use of elasticity-based calculators, regional travel demand models, and use of the Statewide Travel Demand Model. Methods used will be required to reflect the potential for capacity additions to induce vehicle travel. Caltrans’ Transportation Analysis Framework will address selection of appropriate methodologies.
- 3.3** Many capacity-increasing projects will result in significant, adverse transportation impacts and mitigation will be required to reduce those impacts. A Statement of Overriding Considerations may be required to approve projects in the case mitigation cannot reduce adverse impacts to a less than significant level. Utilizing a Statement of Overriding Considerations would follow established CEQA guidance for allowing project approvals despite unavoidable environmental effects to one or more resources.
- 3.4** Note that a Statement of Overriding Considerations can only be made if an Environmental Impact Report has been prepared. For new projects, PDTs should consider the likelihood of a significant impact determination when determining the appropriate level of document. PDTs should also evaluate whether projects currently scoped as Negative Declarations/Mitigated Negative Declarations (ND/MND) may require rescoping to an EIR if a significant impact to transportation appears to be likely using VMT as a metric, and a Statement of Overriding Considerations will ultimately be utilized. Utilizing a Statement of Overriding Considerations would follow established CEQA guidance for allowing project approvals despite unavoidable environmental effects to one or more resources.

ATTACHMENT A

Project types not likely to lead to a substantial increase in vehicle travel

The language below is excerpted directly from “*Technical Advisory on Evaluating Transportation Impacts in CEQA*,” Governor’s Office of Planning and Research, December 2018. Caltrans guidance will indicate that the project types listed would not likely lead to a substantial or measurable increase in vehicle travel. Please note that almost all projects programmed as part of the State Highway Operation and Protection Program (SHOPP) are in categories included in the list below, and therefore will be unaffected by the requirements of SB 743.

Projects that would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis, include:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts; transportation management system field elements such as cameras, message signs, detection, or signals; tunnels; transit systems; and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide “breakdown space,” dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes

- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including transit signal priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls
- Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase
- Initiation of new transit service
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor