

Frequently Asked Questions Regarding the Proposed Updates to the CEQA Guidelines

Why is the Office of Planning and Research proposing updates to the CEQA Guidelines? What is contained in this package?

Public Resources Code section 21083 requires the Office of Planning and Research (OPR) and the Natural Resources Agency to periodically update the CEQA Guidelines. In recent years, updates have responded to specific statutory directives to address, for example, [greenhouse gas emissions](#) (SB 97, 2007) and [streamlining for infill development](#) (SB 226, 2011). With this proposal, OPR has undertaken a comprehensive review of the CEQA Guidelines. This effort has been the most significant and comprehensive update since the late 1990s.

The proposed package contains changes or additions involving nearly thirty different sections of the CEQA Guidelines, addressing nearly every step of the environmental review process. In general, OPR has proposed changes that address efficiency, substantive, and technical improvements. It is a balanced package that is intended to make the CEQA process easier and quicker to implement, and to better protect natural and fiscal resources in a way that is consistent with other state environmental policies. Although OPR has developed the updates related to transportation analysis separately from the rest of the CEQA Guidelines update, the proposed transportation updates are included in this proposal to provide a single package of updates to the Natural Resources Agency.

How does Senate Bill 743 modify the California Environmental Quality Act? Why is the Office of Planning and Research proposing to update the transportation analysis section of the CEQA Guidelines?

Senate Bill 743 (Steinberg, 2013) was passed by the State Legislature in 2013. It addressed several topics, including aesthetics and parking for certain infill projects. It also requires OPR to update the Guidelines to replace existing requirements for analyzing transportation impacts under CEQA. OPR's [Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743](#) (August 2014) and the [Revised Proposed on Updates to the CEQA Guidelines Evaluating Transportation Impacts in CEQA](#) (January 2016) both addressed the issue of transportation analysis. Existing rules treat auto delay and congestion, commonly measured using level of service (LOS) as an environmental impact. Instead, SB 743 requires the CEQA Guidelines to develop a metric that promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In this proposal, OPR selected vehicle miles traveled as a replacement measure not only because it satisfies the explicit goals of SB 743, but also because agencies should already be familiar with this metric. Vehicle miles traveled is already used in CEQA to study other potential impacts such as greenhouse gas, air quality, and energy impacts and is used in planning for regional sustainable communities strategies. Therefore, the proposal is not adding a new CEQA requirement; instead, it suggests replacing level of service with a metric that is already widely used in CEQA. Additionally, as

explained in more detail below, SB 743 does not interfere with a local agency's control of its planning process or police power; local agencies can continue using LOS for planning or other purposes.

Where can I find additional information about the statute and the proposal related to alternative metrics for transportation impacts?

A copy of Senate Bill 743 is available [online](https://leginfo.legislature.ca.gov/) at <https://leginfo.legislature.ca.gov/>. SB 743 added new Section 21099 to the Public Resources Code, which directs OPR to develop changes to the CEQA Guidelines establishing criteria for determining the significance of a project's transportation impacts. The proposed changes to the CEQA Guidelines have evolved through an iterative process, beginning with the [Preliminary Evaluation of Alternative Methods of Transportation Analysis](#) (December 2013). That document contained OPR's preliminary evaluation of LOS as a measurement of transportation impacts, and the alternatives to LOS. OPR reviewed all of the comments it received on the preliminary evaluation to develop the preliminary discussion draft. In August 2014, OPR released a [Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743](#), which includes the draft proposal, a sample vehicle miles traveled (VMT) analysis, and a description of available models. In January 2016, OPR released a [revised version of the proposed Guideline](#), as well as a draft [technical advisory](#)¹ containing suggested methodologies for conducting a VMT analysis. The final proposal includes an updated technical advisory that will remain on OPR's website. The Natural Resources Agency will conduct rulemaking on the Guideline. Additional information about transportation analysis under CEQA is also available on OPR's website, <http://opr.ca.gov/ceqa/updates/sb-743/>.

What benefits come from shifting from level of service and congestion to vehicle miles traveled in CEQA?

Removing LOS and congestion from CEQA, and shifting to VMT as the metric for analyzing transportation impacts, is beneficial for several reasons. First, it is critical to achieving the State's GHG emissions reductions goals. Second, it aligns transportation analysis under CEQA with a number of state goals for planning, environmental protection, and improvement of human health (see Fang, K., et al., [Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled](#), March 2017, available at <https://ncst.ucdavis.edu/white-paper/cutting-greenhouse-gas-emissions-is-only-the-beginning-a-literature-review-of-the-co-benefits-of-reducing-vehicle-miles-traveled/>). Third, it simplifies CEQA's transportation analysis considerably. Fourth, it allows for local agency discretion in planning circulation systems and gives local governments the ability to make policy trade-offs in dealing with congestion (i.e., balancing the cost of building and maintaining roadways versus using other modes of travel). Finally, it aligns with, rather than inhibits, California's prioritization of infill development. Additional information and research is available on the [OPR SB 743 website](#).

If level of service can still be used for planning purposes, isn't the proposal related to transportation analysis just adding another layer of study?

Because SB 743 preserves local government authority to make planning decisions, LOS and congestion can still be measured for planning purposes. In fact, many general plans and zoning codes contain LOS requirements. The proposed Guidelines would not affect those uses of LOS. LOS may also still be used to

¹ The draft technical advisory begins on page 10 of the Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743.

measure roadway, including highway, capacity projects. And while traffic studies may be required for planning approvals, those studies will no longer be part of the CEQA process. (This would be similar to how some local governments require landscaping plans and site elevations as part of project approval, but not necessarily for the environmental document prepared under CEQA.) A LOS analysis conducted for planning purposes is generally undertaken over a much smaller number of intersections than a LOS assessment under CEQA, saving substantial time and resources. Meanwhile, VMT is already being studied in many CEQA documents, and some cities are currently updating their planning approvals to align with use of VMT in CEQA.

How much does VMT analysis cost?

The cost of a VMT study is approximately 10 to 20 percent of the cost of a study using LOS, in part because analyzing VMT does not require microsimulation of individual intersections. However, VMT is typically already modeled in CEQA documents to assess greenhouse gases, air quality, and other vehicle-travel based environmental impacts. Also, under the proposed Guidelines many projects would qualify for a streamlined transportation analysis, including a large share of infill housing and office development, locally-serving retail, affordable housing, transit, and active transportation. The reduction in study costs could save in excess of \$27 million per year.

What effects will the resulting VMT reductions have on health?

California sees more than 21,000 deaths each year due to lack of physical inactivity. SB 743 will play a critical role in helping California achieve its transportation mode share targets, which in turn will prevent 2,095 deaths per year from physical inactivity. The monetized value of reduced fatalities and disability sums to between \$1 billion and \$15 billion.²

How much public input was gathered?

OPR outreach since 2013 has included nearly 200 stakeholder meetings, public convenings, and other outreach events involving local governments, city, county, regional transportation agencies, transportation agencies, builders, transportation engineering organizations, planning and environmental associations, advocates, and others.

What effect will using VMT in CEQA have on Californians' lives?

Replacing LOS with VMT will streamline development of vibrant, walkable communities. Removing barriers to housing production in areas that have access to services and increasing transportation options will help to reduce both housing and transportation costs—the largest two components of Californians' cost of living. With VMT mitigation, new development will add less vehicle travel onto highways, leading to better outcomes for regional congestion. Streamlined infill development will allow more people to live closer to where they work and play, saving time for other activities.

² Maizlish, Neil, August 2017. [Increasing Walking, Cycling, and Transit: Improving Californians' Health, Saving Costs, and Reducing Greenhouse Gases](https://www.cdph.ca.gov/Programs/OHE/CDPH%20Document%20Library/Maizlish-2016-Increasing-Walking-Cycling-Transit-Technical-Report-rev8-17-ADA.pdf), "Findings," prepared for the California Department of Public Health, available at <https://www.cdph.ca.gov/Programs/OHE/CDPH%20Document%20Library/Maizlish-2016-Increasing-Walking-Cycling-Transit-Technical-Report-rev8-17-ADA.pdf>.

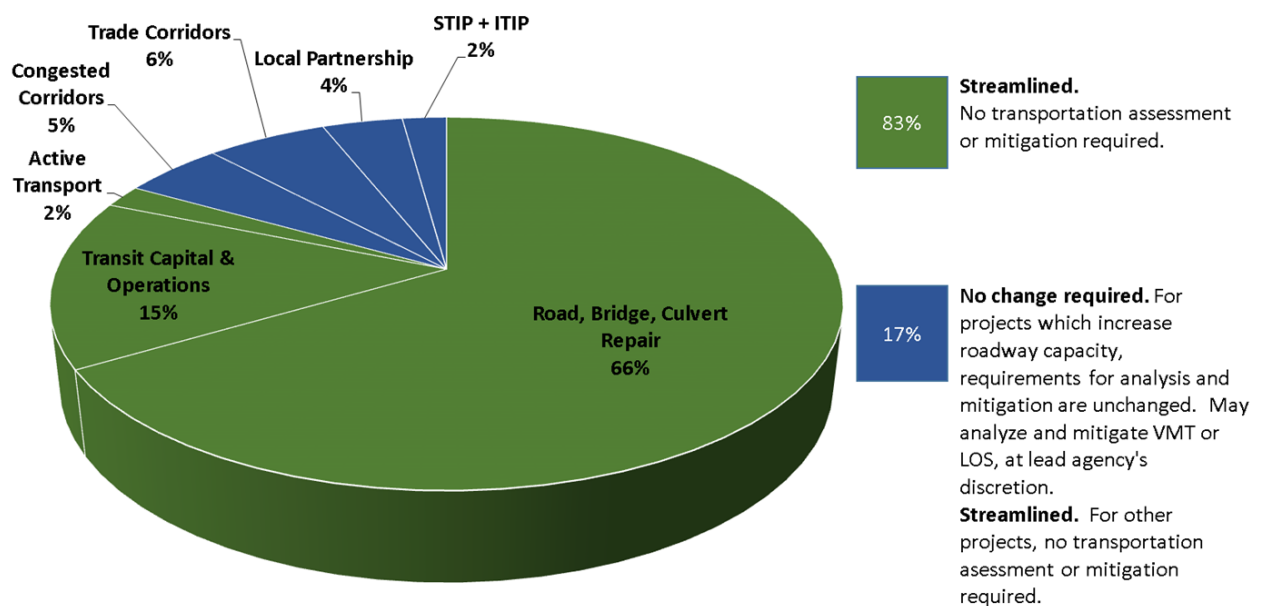
How new is VMT as a metric of transportation impact?

VMT is widely assessed in CEQA documents because it is needed to determine greenhouse gas, air quality, energy, and other impacts under CEQA. The cities of Pasadena, San Francisco, and Oakland are presently using VMT as their primary metric of transportation impact under CEQA. Los Angeles, San Jose, and Sacramento are in the final stages of developing their deployment of the VMT metric under CEQA. Many other jurisdictions are in various stages of making the transition.

What are the implications for Senate Bill 1-related transportation projects?

Senate Bill 1 (Beall, 2017) created a funding plan for various transportation programs. As shown in the chart below, of SB 1 funding, approximately 83 percent will be used for programs that solely fund projects that will be analyzed using VMT, and which would be streamlined under CEQA because they would not be increasing VMT. (Proposed Section 15064.3 presumes that transportation projects that reduce, or have no impact on, VMT, should cause a less-significant-transportation impact.) The remaining 17 percent of SB 1 funding may in part be used to fund roadway projects, which may be analyzed using VMT or LOS at the lead agency's discretion.

CEQA Assessment and Mitigation on SB 1-Funded Projects Under SB 743



What happens next to the proposed Guidelines package?

OPR has submitted the proposed updates to the CEQA Guidelines to the Natural Resources Agency. Over the coming months, the Natural Resources Agency will conduct a formal administrative rulemaking process on the CEQA Guidelines. That rulemaking process will entail additional public review, and may lead to further revisions. OPR can update the technical advisory as appropriate.

When would the updates to the CEQA Guidelines go into effect?

New rules would go into effect after the Secretary for the Natural Resources Agency adopts the new Guidelines, and the package undergoes review by the Office of Administrative Law. The updated CEQA Guidelines will apply prospectively only, and would not affect projects that have already commenced environmental review. Additionally, while a public agency could immediately apply the proposed new Guidelines section regarding the evaluation of transportation impacts (proposed Guidelines section 15064.3), statewide application of that new section would not be required until January 1, 2020.