

UPDATE: Comment Period for Office of Planning and Research (OPR) Rethink of California Environmental Quality Act (CEQA) Guidelines on Transportation Impacts in Extended Until November 21, 2014

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The Governor's Office of Planning and Research (OPR) has **extended the comment period** for its draft of changes to the way that **transportation impacts are analyzed under the California Environmental Quality Act (CEQA)**. The new deadline for submission of comments is November 21, 2014. OPR is proposing significant changes in the way transportation impacts should be evaluated under CEQA.

Earlier this year, OPR issued its long awaited draft revisions to the CEQA Guidelines, proposing that:

1. The level of service (LOS) traffic congestion standard currently used when assessing transportation-related potential environmental impacts be replaced with vehicle miles traveled (VMT),
2. Increases in physical roadway capacity or additional roadways in a project be assessed for growth-inducing environmental impacts, and
3. Lead agencies consider local safety effects of project-related transportation.

SB 743 (Steinberg) mandated that OPR examine alternatives to LOS that would more closely align CEQA analysis with the State's goals relating to the reduction of greenhouse gas emissions, promoting infill development and promoting transit usage. The standard for measuring transportation impacts under proposed Guidelines Section 15064.3 is the amount and distance of automobile travel that a project may cause people to drive. Section 15064.3(b)(1) provides that in most cases, transportation impacts will be best measured using VMT. SB 743 did not authorize OPR to set thresholds of significance but did direct OPR to provide guidance for determining the threshold. OPR's recommendation is that a project may be considered to have a significant impact if it will result in vehicle miles traveled greater than the regional average.

The second significant change to the Guidelines is OPR's recommendation that expanding a roadway (a common mitigation measure under CEQA) should be analyzed as a possible inducement to additional automobile travel. The new guidelines recognize that expanding roadways can change the length, mode, route or frequency of vehicular trips associated with a project, resulting in environmental impacts. This change further underlines that OPR's proposed revisions shift CEQA analysis of transportation impacts away from being primarily concerned with addressing traffic congestion and toward analyzing the growth-inducing impacts of additional roadway capacity.

In response to anticipated concerns over the ability of local jurisdictions to address traffic congestion, OPR highlights several methods still available to deal with traffic congestion. Environmental impacts from traffic congestion, such as noise or air quality, will continue to be analyzed under CEQA, and appropriate mitigation measures should be crafted to address those specific concerns. Local agencies will also continue to be free to analyze congestion impacts through general plans, zoning codes and fee programs, meaning projects could still be subject to LOS analysis and infrastructure requirements.

Section 15064.3(b)(3) makes it clear that safety impacts are within the scope of CEQA analysis. Examples of relevant safety impacts include risks to pedestrians or bicyclists in vehicle conflict areas, risks resulting from freeway off-ramp queues that back up onto the freeway, and risks caused by unusually large speed differentials between vehicles in close proximity to one another.

The proposed guidelines also identify potential mitigation measures. These measures are focused on increased access to transit, bicycle and pedestrian facilities, as well as incorporating affordable housing into a project. Potential project alternatives that would reduce VMT include locating projects near transit, increasing project density or including a mix of uses within the project.

The VMT standard will not be retroactive; already approved projects will be subject to the mitigations provided for under the old LOS standard. The new guidelines will immediately go into effect for areas within one-half mile of "major transit stops" and "high quality transit corridors" (these terms are yet to be defined). The rules will apply statewide on January 1, 2016; however, jurisdictions may opt-in early to the new guidelines.

Comments may be submitted to:

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National Law Review, Volume IV, Number 275

Source URL: <https://natlawreview.com/article/update-comment-period-office-planning-and-research-opr-rethink-california>