

Agenda

OPR-Caltrans SB 743 Implementation Working Group

September 9, 2021

1:00-3:00 p.m.

Facilitators

Eric Sundquist, SB 743 Program Manager, Caltrans

Brianne Masukawa, Associate Transportation Planner, OPR

Time	Item	Lead
1:00-1:10 p.m.	Welcome and Introductions <ul style="list-style-type: none">Review agenda	Eric Sundquist; Brianne Masukawa
1:10-1:20 p.m.	Developments in case law <ul style="list-style-type: none">Presentation	Erik Ruehr, VRPA
1:20-1:50 p.m.	LOS-based local exactions <ul style="list-style-type: none">Discussion	Brianne Masukawa; Erik De Kok, OPR
1:50-2:20 p.m.	Programmatic mitigation <ul style="list-style-type: none">Presentation and discussion	Muggs Stoll, Caltrans; Glenn Mueller, Caltrans
2:20-2:50 p.m.	VMT in rural areas <ul style="list-style-type: none">Discussion	Eric Sundquist
2:50-3:00 p.m.	Next steps and wrap-up	Eric Sundquist

Please contact SB743.Implementation@dot.ca.gov for any questions regarding this working group.

Background Materials

Case law (transportation and land use focus)

San Diego County: The County was sued on the basis that its Transportation Impact Guidelines relating to SB 743 were inadequate.

Aggie Square: The environmental document for this project in downtown Sacramento was sued and the challenge included complaints that the VMT analysis was inadequate. The lawsuit has been settled.

Two Hundred: OPR, the Natural Resources Agency, and the Office of Administrative Law were sued on the basis that SB 743 is discriminatory because it increases housing costs for disadvantaged citizens.

LOS-based local exactions (land use focus)

Before VMT was adopted for use in CEQA, jurisdictions relied on level of service (LOS) to determine transportation impacts of new development in environmental reviews.

In broad terms, VMT addresses the traffic induced by a development, across the full area over which the development affects auto travel patterns.

LOS typically measures congestion caused at intersections near a development.

One reason for the policy change to VMT at the state level is that mitigating LOS problems often leads to new roadway capacity, which in turn induces more VMT. That VMT not only creates negative environmental outcomes but also leads to new congestion, often re-congesting the widened intersections and roadways and further congesting the rest of the roadway network, ultimately undermining the initial purpose of the LOS mitigation. (see this pair of studies at

https://its.ucla.edu/wp-content/uploads/sites/6/2015/11/Haynes_Congested-Development_1-Oct-2015_final.pdf

and

https://www.its.ucla.edu/wp-content/uploads/sites/6/2016/08/Taylor-Not-so-Fast-04-01-2016_final.pdf.

Despite the state move to VMT, some jurisdictions still require developers to provide LOS analysis that lead to traditional LOS-based exactions, along with CEQA-driven VMT analysis, prompting concerns about increased development costs.

OPR will present what SB 743 changed and its relationship with other planning laws. We also aim to provide clarity on less damaging ways jurisdictions might continue to employ the LOS metric, until tools are in place that measure accessibility directly.

We also hope to learn from participants what is triggering situations that require LOS and VMT analyses.

Programmatic mitigation (transportation focus)

Where new roadway capacity induces traffic, mitigation – methods to reduce VMT – must be considered.

Caltrans' TAF and TAC guidance's discuss types of mitigation and potential ways to account for the VMT reduction to be expected. We are working to provide more details and examples in coming months.

Some project sponsors are pursuing multiple transportation projects. Where one project might induce VMT another might reduce it and might be construed as mitigation.

One version of programmatic mitigation would be to “tier” from an environmental document to the constituent projects.

Another might be to bundle the environmental analysis and mitigation for complementary projects.

One fundamental issue to be addressed in programmatic mitigation is “additionality,” the idea that mitigation must produce some new result, and not rely on actions already taken. (See attached memo.)

Several stakeholders are exploring programmatic mitigation from various aspects, so far all in informal conversation. We expect to have more from them in future meetings.

Caltrans will cover the additionality memo and provide a forum for discussing approaches to programmatic mitigation.

VMT in rural counties (transportation focus)

Most (or perhaps all) research around induced VMT comes from metropolitan-area settings (including rural portions of MSAs).

While it is reasonable to assume induced travel is possible in rural counties, reliable means for capturing the phenomenon are lacking. Where demand models exist, they require some method for determining land use scenarios. In places without demand models, the analyst must make a qualitative case for VMT assessment.

In many cases, based on existing knowledge, we would expect to see little VMT effect from widenings in rural counties. (Rural land use development, however, may well induce travel.)

Some potential ways to justify a no-impact finding include:

Pointing to a lack of congestion in the project area. If the project wouldn't speed up traffic at completion or in the future, it should not induce more or longer trip-making.

Pointing to barriers to land use change, such as topography or government ownership of affected land. (Such an assertion should address commercial as well as residential land uses and might need to also take into account other drivers of induced travel.)

Developing projects that do not add VMT-inducing capacity. For example, if evacuation routes can be improved by strengthening shoulders or parallel bike-ped paths for emergency use, no day-to-day VMT effect should pertain.

These findings may not address all instances where induced VMT is unlikely or difficult to measure. It may be necessary to pursue additional research to better describe conditions that cause induced demand in rural counties.

Caltrans will walk through this issue and take comments and advice from the working group.