

Deputy Directive

Number: DD-25-R1

Refer to

Director's Policy: 06 - Caltrans Partnerships
07 - Project Delivery
19 - Working with Native
American Communities
22 - Context Sensitive Solutions

Effective Date: June 2005

Supersedes: DD-25 (08/19/1994)

TITLE Local Development – Intergovernmental Review (LD-IGR)

POLICY

The California Department of Transportation (Department) works with local jurisdictions early and throughout their land use planning and decision-making processes consistent with the requirements of the California Environmental Quality Act (CEQA) and state planning law. The Department seeks to reduce vehicle trips associated with proposed new local development and recommends appropriate mitigation measures for dealing with the remaining transportation impacts of such development. The Department works to ensure that local land use planning and development decisions include the provision of transportation choices, including transit, intercity rail passenger service, air service, walking, and biking, when appropriate. The Department advocates community design (e.g., urban infill, mixed use, transit oriented development) that promotes an efficient transportation system and healthy communities.

The Department supports local development that is consistent with state planning priorities “intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety...” (Government Code [GC] §65041.1). These priorities inherently include achieving sustainable land use development patterns that accommodate a sufficient supply of adequate housing in and near population and job centers. This can be accomplished by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and local development, and by developing mutually acceptable performance measures/standards (e.g., measures of effectiveness) for specific transportation facilities and the means for ensuring performance standards are achieved for each facility.

Achieving the above requires timely and consistent consultation and collaboration with local jurisdictions, regional transportation planning agencies, and Tribal Governments through a process called Local Development – Intergovernmental Review (LD-IGR). This allows the Department to provide timely and technically accurate information to local

decision-makers and Tribal Governments about the potential consequences of their proposed actions.

DEFINITION/BACKGROUND

As the owner and operator of the State Highway System (SHS), the Department has the responsibility to coordinate and consult with local jurisdictions and Tribal Governments when proposed local land use planning and development may impact these facilities. This directive applies to all local land use development activities, including local and Tribal Government decision-making actions subject to provisions contained in CEQA, the National Environmental Policy Act (NEPA) of 1969, California Executive Order D-24-83, and/or the environmental process defined in Tribal-State Gaming Compacts.

The Department implements established state planning priorities in all functional plans, programs, and activities. These priorities are: 1) to promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed land, and by preserving cultural and historic resources; 2) to protect environmental and agricultural resources by preserving and enhancing valuable natural resources, including working landscapes, natural lands, recreation areas, and other open space areas; and 3) to encourage efficient development patterns by ensuring that infrastructure supports compact development adjacent to existing developed areas that are appropriately planned for growth and served by adequate transportation and other essential utilities and services (GC §650141.1).

The Department coordinates its LD-IGR efforts with all appropriate entities, including, but not limited to, cities, counties, airport land use commissions, regional transportation planning agencies, congestion management agencies, transit/rail providers, state agencies, Tribal Governments, and federal agencies.

RESPONSIBILITIES

Deputy Director, Planning and Modal Programs establishes policy and direction that ensures a statewide multi-disciplinary framework exists that is applied uniformly throughout the state and is consistent with the intent of state law, state planning priorities, and state policy. This includes a framework that:

- Incorporates the highest ethical standards of professional conduct;
- Incorporates the best technical analyses available;
- Seeks early involvement and input in local jurisdiction land use planning and decision-making processes (e.g. general plan/specific plans, specific development proposals, airport land use compatibility plans, etc.);
- Seeks early involvement and input with Tribal Governments regarding their respective developments when potential impacts to the SHS exist;

- Seeks to reduce potential vehicle trip demand associated with proposed new local development through the advocacy of smart growth concepts and principles and recommends appropriate mitigation measures for dealing with the remaining impacts of such development; and
- Provides an open and logical sequence of actions reflecting the nature and intensity of potential local development impacts to state highway facilities, including railroad/state highway at grade intersections and to state provided intercity rail passenger service facilities and operations ([Attachment A](#) – Local Development – Intergovernmental Review Decision Process Guide).

The Deputy Director, Planning and Modal Programs receives District Director requests for approval to file a CEQA legal action and in turn must consult with the Chief Counsel and the Director and receive approval before a Governor's Office Action Request may be submitted seeking Governor's Office approval to file an action. If approval to proceed is given by the Governor's Office, the Deputy Director, Planning and Modal Programs, is considered the "co-client" along with the particular District Director.

Deputy Director, Maintenance and Operations:

- Ensures that operational and safety analysis concepts and strategies included in the "Guide for Preparation of Traffic Impact Studies" are consistently applied statewide.
- Advocates that state highway facilities are designed and constructed to a standard that reduces maintenance and operational costs.

Deputy Director, Project Delivery:

- Ensures projects to mitigate the impacts of local development are properly delivered as outlined in the policies, procedures, regulations, and laws governing project delivery.
- Provides technical assistance, as needed, to the districts.

Deputy Director, Finance:

- Ensures a process is established and maintained to account for the expenditure of SHS impact mitigation measures funds the Department collects directly from a local development proponent.
- Provides technical assistance, as needed, to the districts.

Chief Counsel:

- Advises management as to the legal aspects of the LD-IGR process, including reviewing departmental policies for consistency with current statute and case law; providing legal advice to headquarters and district management; and advising as to the necessity, costs, and likely success of litigation as a last resort to achieve the purposes of this directive.
- Develops and keeps current a CEQA Litigation Policy presented as [Attachment B](#) of this directive.

- Coordinates the preparation, filing, and presentation of legal cases with the District Director in the event that litigation is approved.

Deputy Director, External Affairs:

- Works with the appropriate District Director to prepare talking points and coordinate a communications plan should approval be given to file a CEQA legal action.

Chief, Division of Transportation Planning:

- Establishes statewide guidance and procedures for a proactive and consistent approach in evaluating and commenting on land use, housing, transportation, and other pertinent elements of local general plans, specific plans, and all local development proposals that may have transportation impacts, including describing the “trigger” when the Department may initiate administrative or legal action.
- Ensures consistent and uniform application of review procedures and mitigation recommendations among all districts.
- Serves as the Department’s resource on local land development, smart growth, and healthy community activities.
- Ensures the Department’s transportation planning activities, including System Planning, support the needs of LD-IGR efforts.
- Provides training and technical assistance to the districts in cooperation with other divisions.
- Provides oversight to ensure the quality of the program.
- Provides resources for effective program implementation.

Chief, Division of Traffic Operations:

- Ensures the Department’s analyses reflect current traffic impact analysis methods and are consistently applied in all districts.
- Provides training and technical assistance to the districts in cooperation with the Division of Transportation Planning.
- Provides resources for effective operational and safety impact analysis of local development proposals.

Chief, Division of Maintenance:

- Ensures that maintenance operations are not adversely impacted by local development projects.

Chief, Division of Environmental:

- Provides training, technical assistance, guidance, and policy direction on environmental impact analysis.

Chief, Division of Rail:

- Ensures local development proposals are consistent with railroad crossing safety.

- Ensures local development proposals do not have an adverse impact on state provided intercity rail passenger service facilities and operations.
- Provides training and technical assistance to the districts in cooperation with the Division of Transportation Planning.

Chief, Division of Aeronautics:

- Works with local jurisdictions to protect public-use airports from the adverse effects of incompatible land use encroachment.
- Informs local planners regarding compatible land use planning around airports by publishing the Department's Airport Land Use Planning Handbook.
- Works with airports to ensure that airport projects are compatible with the surrounding community.

District Directors:

- Work with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel, local economic growth, sufficient housing, equity and environmental goals by developing mutually acceptable performance measures/standards (e.g., measures of effectiveness) for specific transportation facilities and the means for ensuring performance standards are achieved for each facility.
- Ensure local jurisdictions, developers, and Tribal Governments understand why the Department conducts LD-IGR activities and that our actions are reasonable, clearly conveyed, and based upon current statutes, case law, policies, procedures, standards, and professional judgment.
- Work timely and cooperatively with local elected officials on local land use planning and development issues and decisions to achieve healthy communities benefiting from economic development and sufficient supplies of adequate housing.
- Engage Regional Transportation Planning Agency, Metropolitan Planning Organization, Congestion Management Agency, transit/rail provider, and the California Public Utilities Commission management staff to solicit their early support and concurrence in district LD-IGR efforts.
- Ensure district LD-IGR and encroachment permit processes are integrated and that "project handoff" (LD-IGR to Permits to Project Development) is seamless.
- Ensure local projects are planned and designed so that safety and the structural and operational integrity of state highway facilities are not compromised.
- Use professional discretion to determine the appropriate course of action if significant issues remain when the project's Notice of Determination is released. If the specific project merits the action, request a legal challenge upon project approval through the Deputy Director, Planning and Modal Programs ([Attachment B](#)).

Deputy District Directors, Planning:

- Ensure district staff works proactively and constructively with local jurisdictions as they carry out their land use planning and development decision-making responsibilities.
- Ensure district LD-IGR efforts are closely linked with System Planning efforts/documents so that future state highway facility needs are included in local development discussions with local jurisdictions.
- Ensure potential significant impacts to state highway facilities, including railroad/state highway at grade intersections and state provided intercity rail passenger service facilities and operations are fully identified, evaluated, and articulated and that reasonable measures that avoid or adequately mitigate identified potential impacts are recommended consistent with state planning priorities.
- Work with local jurisdictions and Tribal Governments to identify mitigation measures that adequately address development impacts and reduce vehicle trips demand (e.g., transit service, mixed-use, and transit-oriented development design).
- Ensure mitigation measures recommended by the Department meet the “essential nexus” and “rough proportionality” requirements established by case law.
- Ensure local jurisdictions understand their requirements for submitting transportation information from a reporting or monitoring program to the Department ([Attachment C](#)).
- Work with local jurisdictions to promote equitable funding for state highway facility mitigation measure improvements or to take alternate actions to adequately reduce vehicle trips (e.g., transit service; incorporate mixed-use and efficient development design), when appropriate.
- Ensure a written record is kept for all interactions with lead agencies (e.g., project specific correspondence, and conversations) and private and public meetings/hearings.

Deputy District Directors, Operations:

- Ensure district operational and safety staff review, analyze, and provide timely comments on local development proposals.
- Ensure that Encroachment Permit units are aware of recommended mitigation agreements resulting from operation and safety review of local development proposals.

Employees:

- Are empowered to proactively conduct LD-IGR business in an unbiased and professional manner that facilitates cross-functional coordination and cooperation, inform management when controversies are expected to arise, and seek the advancement of technical standards used in the analyses of local development impacts.

APPLICABILITY

All departmental functions involved with local development and land use planning and review activities and applicable Tribal developments through the LD-IGR process.

Original Signed By

June 3, 2005

RANDELL H. IWASAKI
Chief Deputy Director

Date Signed