

# Q&A from November 8, 2019 Webinar and other sources, by topic Update 1

## **Transportation Projects on the State Highway System (SHS)**

### **A. Mitigation**

- A1. Please explain the statement [from the webinar] regarding the Transportation Analysis Framework (TAF): "The inability to fully mitigate project Vehicle Miles Traveled (VMT) may result in justification for overriding considerations.

When specific economic, social, or other conditions make mitigation measures or project alternatives infeasible, individual projects may be approved despite one or more significant effects of the project (California Public Resources Code [PRC] § 21002). If it is impossible to avoid or substantially lessen the significant effects of a project, then a statement of overriding considerations is required in which the lead agency must state the specific reasons to support the project and explain how the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects (California Environmental Quality Act [CEQA] Guidelines § 15093).

- A2. Without specific thresholds, how can a determination be made that the mitigation would reduce the impact to a less-than-significant level?

Although specific thresholds are not proposed, the degree of impact will be known based on the level of travel induced by the project. Mitigation under CEQA need only be "roughly proportional" not exact. A level of mitigation that is proportional to the degree of impact would render such impacts less than significant.

- A3. What is the state's current thinking for VMT and mitigation banks? Can you provide an example?

Caltrans supports the concept of studying and piloting VMT Exchanges and Banks as a VMT mitigation method for transportation projects and/or local land use projects. Programmatic ways to mitigate VMT may make it simpler for projects to reduce their impact to less than significant. Caltrans is supporting the city of Los Angeles and Southern California Association of Governments on a pilot project that evaluates the feasibility of VMT mitigation exchanges and banking programs and provides guidance on establishing a program. Models under consideration are conceptually similar to existing mitigation frameworks such as regional impact fee

programs or habitat conservation banks. Note that the [SB 743 Implementation Website](#) includes a research paper from the University of California Berkeley School of Law's Center for Law, Energy & the Environment that evaluates conceptual models that could be used to implement programmatic VMT mitigation strategies for land use or transportation projects.

## **B. Methodologies**

- B1. Has Caltrans decided whether absolute VMT or VMT per capita is the metric used in project analysis?

For analysis of VMT impacts of capacity-adding projects on the State Highway System (SHS), total VMT attributable to the proposed project is currently expected to be used as the metric.

- B2. How do you expect Metropolitan Planning Organizations (MPO) do "long-term" induced demand analysis?

Long-term induced demand is generally associated with land use change. MPOs will follow the Governor's Office of Planning and Research (OPR) Technical Advisory along with federal advisories and any other technical advice their land use and demand modeling experts deem appropriate for the analysis of long-term induced demand.

- B3. On SHS projects, who will perform the VMT analysis? What inputs will be required?

Responsibility for VMT analysis, like other aspects of CEQA analysis, is a project delivery-level decision outside of the TAF. Both Caltrans staff and consultants may do such analyses. In the draft TAF under development, guidance is being provided to guide selection among available methodologies to calculate induced demand and total VMT. The inputs depend on the methodologies selected.

- B4. Do you know how to calculate regional VMT?

The TAF specifically lays out various methods available to demand forecasters for calculating the regional VMT associated with state highway projects.

## C. Thresholds

- C1. What will Caltrans use as the CEQA threshold of significance? What is considered a VMT-significant impact?

CEQA does not require that a lead agency adopt thresholds of significance. As a statewide agency with projects in a variety of environmental settings, Caltrans has not adopted thresholds of significance, and instead makes significance findings on a case-by-case basis considering the unique circumstances of the project as well as the environmental setting. Caltrans' draft guidance suggests that generally, an increase in "VMT attributable to the project" as defined in the OPR Technical Advisory should be considered significant unless there are project-specific circumstances, which would render the impact less than significant and that determination can be supported by substantial evidence.

## D. Rural

- D1. How will Caltrans assure roadway projects that improve safety are not disadvantaged by induced demand calculations? In rural areas, inducing demand onto safer roadways is often the project goal. Safety-related projects should be acknowledged in this process as a critical priority area.

Many countermeasures to improve safety are generally not expected to increase VMT or induce new vehicle trips. See project types listed in page 20-21 of the OPR Technical Advisory. When considerations of induced vehicle trips are analyzed in a rural area, the characteristics of the transportation facilities and available data will need to be examined. The TAF describes how the Statewide Model can be utilized in a quantitative rural analysis. An additional consideration is that in rural areas where there is not current or projected congestion, in many cases there will be a presumption that there will be no induced travel impacts.

- D2. Will guidance recognize that rural areas have significantly less VMT mitigation options, that rural areas do not have such as high-quality public transportation, employee shuttles, Transit Oriented Development (TOD) opportunities, and a higher active project volume for project-to-project mitigation swaps?

Yes, the guidance will acknowledge that projects in rural areas need to be addressed differently than projects in the metropolitan areas. When mitigation is required, Caltrans and local partner staff will collaborate to identify mitigation appropriate for specific geographic locations.

- D3. How will Caltrans assure induced demand assumptions are appropriate for rural areas?

The VMT impacts of rural projects where there is no existing or forecasted traffic congestion may be addressed qualitatively.

## E. Other

- E1. Currently, MPOs use the emissions model, EMFAC, to calculate Greenhouse Gasses (GHG). Caltrans uses CT-EMFAC. Can't the tools be the same?

They are essentially the same tool with additional inputs within the CT-EMFAC tool that take into consideration project-specific information. The EMFAC is the mobile source emission inventory that the Air Resources Board (ARB) developed to assess emissions from on-road vehicles in California. Caltrans developed the CT-EMFAC to combine the emission factors from EMFAC with project-specific vehicle activity data (e.g. traffic volume, speed, and fleet mix) to calculate emissions for multiple project scenarios (e.g. no-build and build alternatives), roadway links, and time periods.

- E2. Has Caltrans developed any VMT metrics that can be applied by local agencies as they develop their own local CEQA VMT thresholds?

Caltrans has not developed any new VMT metrics. The Department supports local agency use of the OPR Technical Advisory.

- E3. Was there an official Executive Directive or official memo when Caltrans adopted VMT on the SHS? Date? Document?

An official directive has not been released yet. A memorandum from the Director will be distributed early in 2020 that will memorialize the decision, which was announced in the November 8 webinar and through a number of recent presentations to external partners.

- E4. How does the change in analysis of transportation projects that already have environmental clearance but require re-validation?

Caltrans is currently working on guidance to address the timing of implementation, which will also address supplemental, recirculated, and subsequent CEQA documents as well as addendums to CEQA documents. The guidance will be released by January 31, 2020.

- E5. Notice of Preparation (NOP) is already filed. Are we grandfathered in? Or do we have to comply with the new guidance?

Caltrans will distribute a memo by January 31, 2020, addressing timing of implementation for projects that have already initiated the CEQA process.

- E6. You indicated most State Highway Operation Preservation Program (SHOPP) projects would not be subject to VMT analysis. Does that include Operational Improvements? (Aux lanes, turn lanes, etc.)

Caltrans will be basing the determination of which projects require an induced demand analysis on the project lists found in OPR's Technical Advisory. Many, but not all, categories of operational improvements are included in those lists as assumed to not require VMT analysis.

- E7. Will all projects that may result in increase in VMT require an Environmental Impact Report (EIR)?

If mitigation can reduce the impact to less-than-significant, then a Mitigated Negative Declaration could be prepared. Note that the decision to determine whether a Negative Declaration or EIR is made early in the project delivery process. At this early stage, the impact level and potential ability to fully mitigate may not be known. Only an EIR provides the ability to utilize a Statement of Overriding Considerations for situations where full mitigation is not possible. In those cases where there is a potential for the need for Statement of Overriding considerations, it may be advisable to scope projects as an EIR to prevent costly rework.

- E8. Are Local Assistance projects off the SHS required to use VMT as the metric for transportation impacts?

No, the lead agency determines the metric for projects off the SHS.

- E9. How does Caltrans plan to reconcile the CEQA and National Environmental Policy Act (NEPA) differences in approach to assessing Level of Service (LOS) vs. VMT?

NEPA transportation impacts section will continue to share a variety of traffic data, including where appropriate VMT and LOS, to characterize the setting and consequences of the action. NEPA does not make significance determinations on individual resources (transportation) but rather the significance of the action as a whole. The CEQA significance discussion will be covered in a separate chapter that focuses on the metrics in the Transportation Analysis under CEQA (TAC) and TAF.

- E10. Can you expand/elaborate more on tiering for projects with local agencies?

Under CEQA, Tiering “refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.” In this case, tiering refers to utilizing Regional Transportation Plans/Sustainable Community Strategies (RTP/SCS) EIRs for project level environmental documents. If current or future EIRs prepared by the MPOs for the RTPs/SCSs are developed specifically with tiering in mind, then a project-level analysis could potentially tier from the regional analysis.

## **Caltrans Review of Land Use Projects**

### **F. Non-VMT Analysis**

- F1. Can you explain the non-VMT metric analysis? What can we specifically request? What are the expected outcomes from that analysis?

Guidance for the non-VMT analysis is under development and there will be a subsequent webinar focusing on this topic.

- F2. How does Caltrans evaluate traffic impact for infill project that generates high net project trips?

Traffic delay is no longer permitted to be identified as an impact under CEQA, and projects in infill locations are generally assumed to not have significant VMT impacts. Caltrans will review the local agency’s project VMT analysis for consistency with OPR’s Technical Advisory. There may be instances in which we request non-VMT analysis. The triggers for the request are being identified and discussed. Caltrans wants to avoid overburdening infill/affordable housing projects.

- F3. Please provide clarity on what additional non-VMT analysis may be required for infill development and how that additional non-VMT analysis complies with CEQA (e.g., highway operations, queuing on ramps, etc.)? Will the 2019 Transportation Impact Study Guide (TISG) address operational and safety concerns? How will operational "impacts" be characterized (queue spillback) within CEQA doc? Will a separate operational analysis document be required by District traffic ops staff?

Guidance for the non-VMT analysis is under development and there will be a subsequent webinar focusing on this topic.

- F4. Are those traditional evaluations for encroachment permits done separately from CEQA?

When site design and operations analysis have been conducted during the CEQA phase and cleared environmentally, then the potential for costly rework and delay for a local land use project can be avoided.

## **G. Other**

- G1. Will Caltrans still require freeway operation (main line) analysis for a development project or will a VMT analysis of a development project be sufficient?

This question relates to analysis that may be required as part of Caltrans' Local Development-Intergovernmental Review Program (LD-IGR). Revisions to program guidelines are underway in order to establish consistency with OPR's Technical Advisory. Further detail will be available when the Draft TISG is circulated during the first half of 2020.

- G2. There are direct and indirect impacts from infill development. Can you elaborate on how they will both be addressed?

Refer to the OPR Technical Advisory for material addressing types of infill development presumed to have less-than-significant impacts on VMT. Guidance for non-VMT analysis is under development and there will be a subsequent webinar focusing on this topic.

- G3. Which Division will be the lead in providing Land Use Development comments to our local partners?

Caltrans LD-IGR program has the lead in providing comments. It is part of the Division of Transportation Planning.

- G4. For land use projects Caltrans should provide comments consistent with local adopted VMT thresholds.

Local lead agencies have the authority to set their own thresholds. Caltrans supports use of OPR's recommended thresholds for land use projects and may request mitigation from projects and plans that apply a less environmentally protective threshold.

- G5. Can Caltrans suggest to the lead agency that improvements to the Park and Ride lot may help reduce the development's VMT?

Yes. Park and Ride lots may be an effective way to reduce VMT where the context is appropriate. Park and ride lots or improvements to a lot that result in increased use are considered reasonable and feasible mitigation.

See the [Federal Highway Administration \(FHWA\) webpage on park and ride facilities](#): The lots reduce VMT but are not as effective in reducing greenhouse gas emissions due to vehicle cold starts. Vehicle security (closed-circuit cameras), increasing size of well used lots, improving transit bus loading access, and electric vehicle chargers are helpful improvements at the lots. A [California Air Pollution Control Officers Association \(CAPCOA\) document](#), often referenced in SB 743 implementation discussions, includes Park and Ride lots as a strategy to reduce VMT. Note it is important to group it with other strategies to encourage vanpooling, transit use, etc. See page 298.

- G6. For land use projects if a lead agency takes exceptions from the OPR guidance for local conditions, will Caltrans support the use of those local exceptions?

Local lead agencies have the authority to set their own thresholds. Caltrans supports use of OPR's recommended thresholds for land use projects and may request mitigation from projects and plans that apply a less environmentally protective threshold

## **General FAQs**

- H1. Who are the stakeholders that you are having in-person meetings with in the next few months?

We are meeting with various MPOs, Regional Planning Transportation Agencies (RTPA), Self-Help Counties, cities and representatives of advocacy organizations. We welcome opportunities to meet with additional stakeholders and are engaged in continuing discussions with the groups noted.

- H2. When will the new guidelines be available?

We anticipate the new guidelines being available in spring 2020.

- H3. Will future training be provided or available on VMT Analysis/SB 743?

Yes. Future webinars will be scheduled for 2020 and notification will be sent to our email distribution list. If you would like to be added, please send us an email at [sb743.implementation@dot.ca.gov](mailto:sb743.implementation@dot.ca.gov).