Time to modernize CEQA and traffic

It looks like State Senate pro Tem Darrell Steinberg might finally be putting the "E" back in "CEQA," at least when it comes to how California's premiere environmental law treats traffic impacts. His bill SB 731 to reform the California Environmental Quality Act (CEQA), previously discussed by Eric, is taking aim at the law's perverse requirement regarding impacts from projects that affect the flow of traffic (known as "level of service" or "LOS"). Currently, CEQA review requires that these impacts must be accounted for and mitigated, if feasible. So if you build an environmentally friendly infill project in a downtown location, you get dinged for hurting traffic by even a few seconds in an already congested area. But if you build a sprawl project that leads to more overall traffic and air pollution, you get out of jail with some road widening measures and other efforts to make sure traffic flows smoothly, even if there's more of it in worse places. Not to mention you may be making the project less friendly for pedestrians and bikers.

This decidedly non-environmental outcome doesn't just hurt infill projects, but anything built in infill areas. For example, rail transit projects suffer when a transit crossing in an intersection slows down single-occupant vehicles for more than a few seconds. Transit agencies must therefore pay for mindless street improvements out of scarce transit funds.

Steinberg's proposed amendments to SB 731 will remove "level of service" in favor of much more sensible metrics like "vehicle-miles traveled" (VMT) (or some other measure that can accomplish the same goal). Essentially, projects would get rewarded for reducing overall driving miles and forced to mitigate if they contribute to more overall driving. Sprawl projects will finally be held to account for their impacts on overall VMT, and infill projects will be helped. This one change in CEQA could do more to improve our growth patterns, traffic, and air quality than anything else the state has done in recent years.

But the sensible changes to CEQA don't stop there. SB 731 contains a provision to establish ongoing mitigation monitoring efforts, providing a much needed and enforcement mechanism. And the Governor's Office of Planning and Research recently proposed an amendment that would bring Proposition 65-like transparency to CEQA settlements, exposing petitioners that use the law to further their economic interests or shakedown project proponents for settlement cash. The public has a right to know, and the larger CEQA petitioner community should favor these provisions to clean their own house.

Some in the business community oppose Steinberg's reform by saying it "doesn't go far

enough.” Frankly, I think they’re worried that it does go far enough, by making bad projects account for their negative environmental impacts. But the state has a larger interest in better and less harmful development patterns. SB 731’s provisions on traffic, mitigation, and transparency would take a major step in that direction.