

Back in 2013, there was significant discussion about reforming the California Environmental Quality Act (CEQA), with the business community and its attorneys arguing that CEQA is nothing more than a litigation tool for opponents of new projects. Some environmentalists and labor unions countered that CEQA is necessary for decision-makers to adequately assess the environmental impacts of new projects and mitigate negative outcomes where feasible.

So of course the result of this debate was to streamline environmental review of a new basketball arena in downtown Sacramento.

But when California legislators passed [SB 743](#) (Steinberg), they included an important provision related to CEQA review of project transportation impacts, as [I wrote about at the time](#). Despite CEQA having an “E” for “Environmental,” transportation impacts basically meant auto-delay, or “Level of Service” (LOS). If your project slowed traffic anywhere, that was a negative impact, even if you were building a bus rapid transit line or new infill development that would reduce sprawl and traffic overall. Sprawl projects benefited, and infill and transit was penalized.

SB 743 directed the Governor’s Office of Planning and Research (OPR) to ditch this counter-productive LOS metric for something like a “vehicle miles traveled” standard (SB 743 gave OPR discretion to evaluate other metrics, too). OPR just released [their draft proposal](#) for the SB 743 guidelines and has settled on VMT.



Bus rapid transit shouldn't get dinged for slowing cars

Why VMT? In short, the overall goal of our development patterns should be to provide housing, jobs and retail/services within convenient access of each other, without forcing

long and frequent drives and creating more pollution. If we can reduce traffic overall, we've succeeded. VMT is the best and simplest metric to determine progress. Free VMT calculators exist, and many lead agencies already use it to calculate greenhouse gas emissions from projects.

Under the new proposed guidelines, OPR directs lead agencies to find less than significant transportation impacts if a project is located 1/2 mile from high-quality transit or in areas of less than the regional average for VMT. Local governments can set more stringent requirements if they want, but this will be the new floor. By 2016, OPR will phase in this standard across California, not just in infill areas.

The statute — and OPR — is basically trying to give infill projects a pass on transportation impacts under CEQA, while simultaneously dinging sprawl projects for creating more regional traffic. As Streetsblog LA [observed](#):

When the state measured transportation impacts of a project based on car delay, it was fighting against its own environmental goals. Using LOS, it was easier and cheaper to build projects in outlying areas where individual intersections would show less delay resulting from new development. At the same time it was much harder and more expensive to build in dense areas where there was already a lot of traffic, and where measured LOS impacts would require expensive mitigations or reduced project size — but also where higher density would make transit, walking, and bicycling more viable transportation choices.

Planning expert [Bill Fulton also noted](#):

Almost as bold as the proposal to switch to a VMT standard is OPR's suggestion that expanded roadways in congested areas - currently often a mitigation under CEQA - should actually be examined as a possible growth-inducing impact under CEQA.

So while the focus now is on making infill projects easier to get entitled, the real action will be to slow or stop sprawl projects under CEQA, using the new VMT provision. Perhaps that's why the big builders [are worried](#) about this change to VMT. In any event, the guidelines are not final, and OPR [welcomes comments](#), which are due by October 10th. Yet while we can expect changes, the overall framework of VMT is unlikely to change, for the

betterment of the state.