

**Shifting from Maintaining LOS to Reducing VMT:
Case Studies of Analysis and Mitigation for Implementing SB 743**

A professional educational program for land use, transportation and environmental planners and attorneys in public, private and nonprofit practice presented by expert practitioners.

This program has been certified for 6.0 California Mandatory Continuing Legal Education credits and 6.0 American Institute of Certified Planners Certification Maintenance credits.

**Friday March 1, 2019
Offices of the Southern California Association of Governments
Los Angeles**

Host:

Southern California Association of Governments

Sponsors:

Center for Law, Energy & the Environment, UC Berkeley Law School

Environmental Law Section, California Lawyers Association

Real Property Law Section, California Lawyers Association

Transportation Research and Education Center, Portland State University

Urban Sustainability Accelerator, Portland State University

This program will address the differences between the implementation of the California Environmental Quality Act before and after the adoption of Senate Bill 743, which substituted analyzing and mitigating additional vehicle miles traveled (VMT) for maintaining Level of Service (LOS) standards. The program will draw on five case studies based on projects previously approved under CEQA; a regional shopping mall, two mixed use re-developments, a highway widening project and a General Plan update.

Topics to be discussed include:

- VMT impact analysis (methodology; appropriate tools and models, determining impact area)
- VMT significance thresholds (project effects, cumulative effects)
- VMT significance thresholds (project, cumulative)
- VMT mitigation strategies (project level, programmatic and transaction exchanges, legal and administrative framework)

8:45 AM **Introductory Comments**

Robert Liberty, Portland State University

Ethan Elkind, Center for Law, Energy and the Environment, UC Berkeley Law School (0.0 credits)

9:00 AM **Refresher on SB 743 and Implementing CEQA Guidelines**

Moderator: *Ethan Elkind, Center for Law, Energy and the Environment, UC*

Berkeley Law School
1.0 MCLE & AICP credits

Policy Context of the Origins of SB 743

Mayor Darrell Steinberg (via video recording)

5 minutes

SB 743's sponsor describes the reasons for introducing SB 743, building on prior compact growth efforts and challenges CEQA presented for infill and redevelopment and approval of transit and active transportation projects

Legal Context for SB 743 within CEQA: A Refresher Course

Jeannie Lee, Legal Counsel, Governor's Office of Planning and Research

20 minutes

General CEQA Requirements – a quick review including evidentiary standard, range of discretion given to lead agencies, thresholds of significance, feasible mitigation obligation, statement of overriding consideration

Prior Level of Service maintenance standard; legal and associated technical aspects; relationship of LOS analysis to other EIR components, typical mitigation approaches and costs, performance monitoring, cite to exemplar cases; relationships to other EIS components

SB 743 and the CEQA Guidelines

Chris Ganson, Governor's Office of Planning and Research

25 minutes

- Technical and policy limitations of LOS maintenance
- Relative advantages of VMT reduction as performance measure
- Relationship to greenhouse gas reduction goals in SB 32; most recent performance report from California Air Resources Board

Overview of contents of the Guidelines and the Technical Advisory (what they address and their legal significance) including:

- Streamlined uses
- Land development projects that are not streamlined
- Choice of approaches for road capacity projects
- Baselines and thresholds of significance and analytic connection to CARB sectoral analysis
- Clarifying that revised approach to (traffic) impact area determination and incorporation of induced demand analyses were not a derivative from SB 743 but are court-confirmed best practices

- Approaches to setting threshold of significance
- Using the VMT performance measure; measurement, modeling and connection to substantial evidence

Comments, questions & answers

10 minutes

10:00 AM

Applying New CEQA Guidelines to Land Development Case Studies

Moderators: *Jeannie Lee and Chris Ganson, Governor's Office of Planning and Research*

1.0 MCLE & AICP credits

Background on Project and Choice of Case Studies

Robert Liberty, Portland State University

5 minutes

Irwindale Regional Shopping Center Case Study

Empire Lakes Mixed Use Redevelopment Case Study

Ping Chang, Southern California Association of Governments

20 minutes

Davis Cannery Case Study

Bruce Griesenbeck, Sacramento Area Council of Governments

15 minutes

Private Sector Consultant Observations about New Transportation Analysis Under CEQA for Land Development Projects

Ron Milam, Fehr & Peers

10 minutes

Comments, questions & answers

10 minutes

11:00 AM

Break

11:15 AM

General Plan Update and Road Capacity Case Studies

Moderator: *Chris Ganson, Governor's Office of Planning and Research*

1.0 MCLE & AICP credit

Woodland General Plan Update Case Study

Bruce Griesenbeck, Sacramento Area Council of Governments

15 minutes

SR 210 Widening Case Study

Ping Chang, Southern California Association of Governments
15 minutes

Commentary from Public Sector Implementer
Mike Bagheri, Transportation Manager, Pasadena
15 minutes

Comments, questions & answers
15 minutes

12:15 PM Lunch Break (lunch not provided)

1:30 PM **VMT Mitigation Part 1**
Moderator: *Tyson Sohagi, Sohagi Law Group*
1.0 MCLE & AICP credit

VMT Mitigation Overview
Ethan Elkind & Ted Lamm, Center for Law, Energy & the Environment, UC Berkeley
25 minutes
General requirements, no double-counting, methods, research on efficacy, performance monitoring, administration, project level mitigation, tiering, mitigation banks, mitigation exchanges

VMT Mitigation, Illustrations from Project Case Studies:
SR 210, Empire Lakes, Irwindale, Woodland
Bruce Griesenbeck, Sacramento Area Council of Governments
20 minutes
Address the threshold and the mitigation options chosen to illustrate the response

Comments, questions & answers
15 minutes

2:30 PM **VMT Mitigation Part 2: VMT Reduction Offset Exchange Concept**
Moderator: *Robert Liberty, Portland State University*
1.0 MCLE & AICP credit

Introduction of the Concept and Legal and Administrative Precedents, Options and Constraints
Robert Liberty, Portland State University
15 minutes

These presentations will describe VMT reduction programs that could be

considered as offsets for VMT increases caused by other projects.

Student Transit Fare Pass Program

Devon Deming, LA Metro

10 minutes

Rural Van Ride-Sharing

Ron Hughes, CalVans

10 minutes

Employee Parking Management

Jeff Tumlin, Nelson Nygaard

10 minutes

Comments, questions & answers

10 minutes

3:30 PM Break

3:45 PM **Perspectives on Implementation**

Moderator: *Ted Lamm, Center for Law, Energy & the Environment, UC Berkeley*

1.0 MCLE & AICP credit

This segment will describe what steps state, regional and local governments have taken and will be taking to integrate the new CEQA rules into their decision-making.

CalTrans

Alyssa Begley

15 minutes

MPO perspective

Bruce Griesenbeck, Sacramento Area Council of Governments

15 minutes

City Perspective

Mike Baghieri, City of Pasadena

15 minutes

Comments, questions & answers

15 minutes

4:45 PM Break

5:00 PM

National Segment: Panel presentation on Relevance of SB 743 Guidelines and Emerging Analytic and Mitigation Practices for State and Localities Outside California Considering Shifting from, or Supplementing LOS Maintenance with/to VMT Reduction

Moderator: *Robert Liberty, Portland State University*
(0.0 credits)

Many states have State Environmental Policy Acts that, like California, use Level of Service as the basis for environmental impact analyses, including under the National Environmental Policy Act. Local governments also use LOS as the basis for evaluation of transportation projects. Presenters in this segment will discuss whether and how other governments will follow or adapt California's example.

Panelists:

- *Lynn Peterson, President of Portland's regional Metro Council, former Washington State Secretary of Transportation*
- *Beth Osborne, Transportation for America, Washington DC*
- *David Bragdon, TransitCenter, New York*

6:00 PM

Conclusion