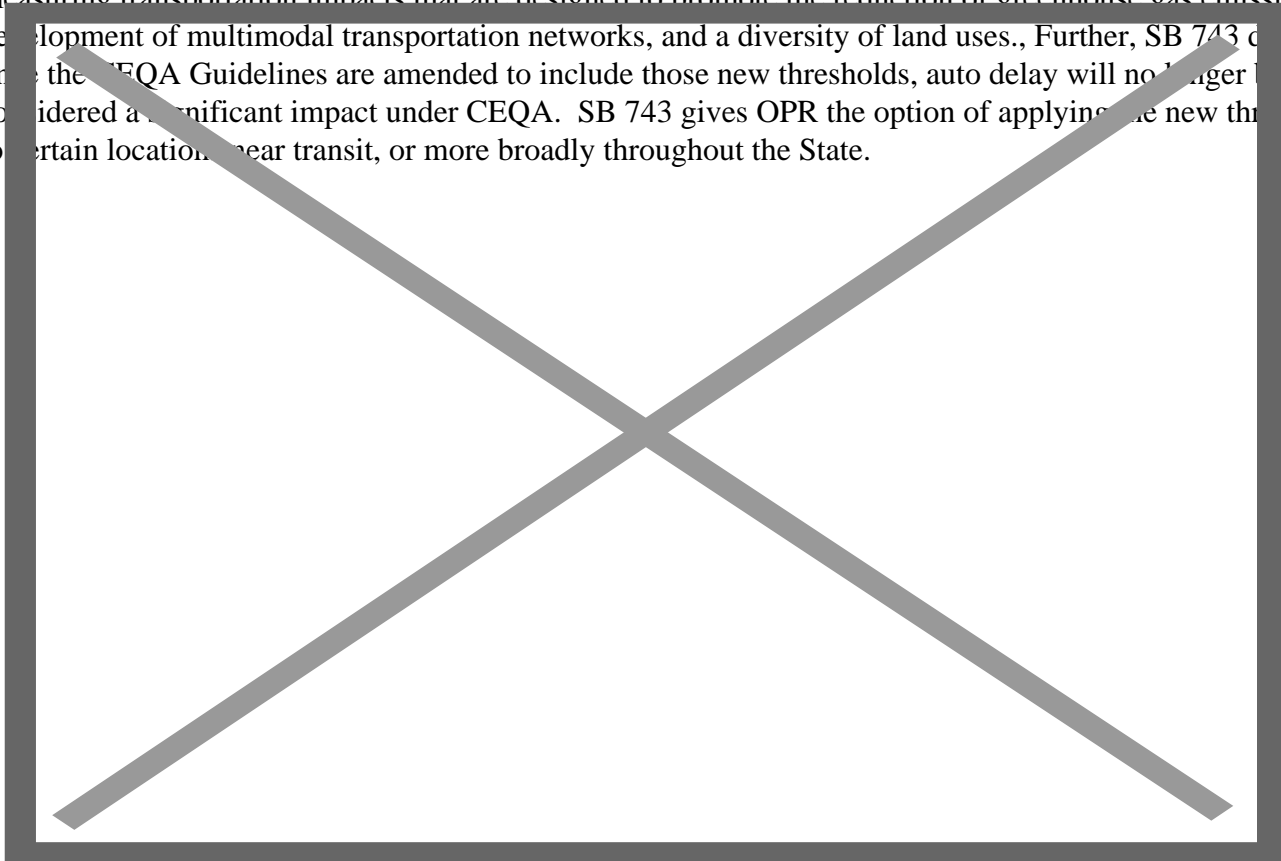


Governor's Office Moves One Step Closer to Eliminating Automobile Delay as a Significant CEQA Impact

On January 20, 2016, the Governor's Office of Planning and Research released a revised draft of proposed new CEQA Guidelines to replace automobile congestion-based thresholds for evaluating transportation impacts with thresholds that emphasize proximity to transit and a reduction in vehicle miles traveled (VMT) on a per capita or per employee basis. SB 743, passed by the Legislature in 2013, requires OPR to establish thresholds for measuring transportation impacts that are designed to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Further, SB 743 states that once the CEQA Guidelines are amended to include those new thresholds, auto delay will no longer be considered a significant impact under CEQA. SB 743 gives OPR the option of applying the new thresholds only to certain locations near transit, or more broadly throughout the State.



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released its preliminary discussion draft of the Guidelines amendments in August 2014. The initial draft applied the new thresholds broadly, and focused generally on an assessment whether a project would result in VMT that would exceed regional averages. The initial draft also suggested thresholds for measuring significance based on proximity to certain types of transit stops and lines. In the updated recommendations released on January 20, the proposed Guidelines continue to apply a new VMT-based approach to all areas of the State. Agencies would have a two-year period to transition to the new VMT-based approach. Further, as under the initial draft, once this transition period ends, automobile delay could no longer be considered a significant adverse effect under CEQA. The updated recommendations also continue to include a presumption that development projects located

within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor may be presumed to cause a less than significant. A key difference between the newly proposed Guidelines and the initial draft is that the Guidelines themselves do not set forth specific standards to assess whether a project's effect on VMT is a significant adverse impact. Much of the detail is now found in a Technical Advisory. The Advisory recommends thresholds for specific types of land uses, including the following:

- **Residential:** A project exceeding both existing city household VMT per capita minus 15 percent, and existing regional household VMT per capita minus 15 percent, may indicate a significant transportation impact.
- **Office:** A project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.
- **Retail:** A net increase in total VMT may indicate a significant transportation impact. Further, "Lead agencies should usually analyze the effects of a retail project by assessing the change in total VMT, because a retail projects typically re-route travel from other retail destinations."
- **Mixed Use:** Lead agencies can evaluate each component of a mixed-use project independently, and apply the significance threshold for each project type included (e.g. residential and retail). In the analysis of each use, a project may take credit for internal capture.

In addition, the Technical Advisory suggests that screening thresholds could be used to determine whether additional quantitative analysis is needed. Agencies could determine not to conduct additional analysis for projects that generate fewer trips than the threshold for studying consistency with a congestion management plan (typically 100 trips). Further, agencies may create maps that identify low-VMT areas and presume that projects in those areas that incorporate features similar to the existing low-VMT development will tend to exhibit similarly low VMT. The Technical Advisory also contains extensive advice about analyzing VMT associated with roadway improvement projects, and about analyzing roadway safety impacts. Finally, the Technical Advisory proposes a list of potential mitigation measures for reducing vehicle trips and mileage. The deadline for comments on the proposed new Guidelines is February 29, 2016 at 5:00 PM. OPR has scheduled informational webinars on February 1 and 9, both from 3 to 5 p.m. More information is available on the [OPR website](#).

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