February 6, 2019

Laurie Berman, Director
California Department of Transportation (Caltrans)
1120 N Street
MS 49
Sacramento, CA 95814
Via email: Caltrans.Director@dot.ca.gov


Dear Director Berman:

This letter is in response to the enclosed email that was sent on behalf of Caltrans on January 4, 2019, entitled ‘SB 743 and Implementing the December 28th, 2018 Update to the CEQA Guidelines’. In it, Caltrans indicated a commitment to transitioning towards using vehicle miles traveled (VMT) as the primary metric for determining transportation impacts of projects on the state highway system.

We, the undersigned organizations, are supportive of that move, for reasons related to climate pollution, mobility, and equity, as we have described in our previous letters:

1. Dated March 15, 2018, entitled ‘CEQA EIRS | Call for Caltrans to Commit to Doing Induced VMT Impact Analysis’; and
We write to you now with the following recommendations for how to strengthen this latest Caltrans commitment and bring it further into alignment with State climate, mode shift, and equity goals:

**Establish a 1-year timeline for finalizing and adopting Caltrans’ guidelines** on conducting VMT impact analysis, including induced VMT. This day has been a long time coming; there is much background research and guidance that has already been developed, which Caltrans can draw from to expeditiously develop its own guidelines. The sooner Caltrans implements a VMT impact analysis, the sooner local sister agencies can benefit from that guidance as well, easing their implementation of SB 743. An expedient implementation timeline would also achieve better consistency with State climate goals sooner rather than later, and in doing so, reduce the number of projects that would be exposed to legal risk due to such inconsistency.

**Revisit whether all currently-conceived highway capacity projects merit construction** by making them subject to VMT impact analysis. Rather than categorically exempting all “current projects” from such critical analysis, design a phase-in process that embraces the opportunity to conduct state-of-the-science impact analysis before it is too late. That might even mean re-analyzing some projects that had previously fared well with LOS impact analysis to now consider their transportation impact using a new VMT metric methodology\(^1\). This effort is worth every bit of potential it could have to prevent catastrophic climate change and long, car-dependent commutes. Simply put: not all previously-conceived-of projects merit construction in their currently-proposed form. SB 743 implementation should be the time when those projects’ merits get reconsidered in light of the projects’ likely VMT impact. Caltrans should valiantly fulfill its obligation to ensure that taxpayer dollars not get misspent on counterproductive, environmentally-destructive capital projects, and not turn a blind eye to the VMT impacts of such highway capacity expansion projects. A few example projects that may not warrant such a categorical exemption include the Southeast Connector in the Sacramento area, and the High Desert Corridor in Northern Los Angeles County. We suggest that the focus of the first workshop be to hone in on when it would be worthwhile to do VMT impact analysis for “current projects”, as opposed to when it no longer makes sense because the projects are already too far along.

**Invite environmental NGOs and representatives of public interests to fully participate in the forthcoming series of workshops**; do not limit the workshops to only public sector participants. Post workshop notices and materials online well in advance of the workshop dates, and inform interested stakeholders of those notices via email as well.

Thank you for your consideration of our recommendations. We look forward to working with Caltrans to expeditiously adopt effective VMT analysis guidelines through a transparent public

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\(^1\) CEQA Guidelines Section 15162 provides opportunity for preparation of a new EIR in such cases where “new information of substantial importance” is introduced.
process. If you have any questions about the content of this letter, please contact Bryn Lindblad at blindblad@climateresolve.org / 213-634-3790 x102.

Sincerely,

Matthew Baker, Policy Director
Planning and Conservation League

Tony Dang, Executive Director
California Walks

Curt Johansen, President
Council of Infill Builders

Bryn Lindblad, Deputy Director
Climate Resolve

Jonathan Matz, California Senior Policy Manager
Safe Routes to School National Partnership

Colin Parent, Executive Director and General Counsel
Circulate San Diego

Carter Rubin, Mobility and Climate Advocate
Natural Resources Defence Council

Jared Sanchez, Senior Policy Advocate
California Bicycle Coalition

Ella Wise, Acting Co-Director
ClimatePlan

Enclosure: Email from Jeremy Ketchum on January 4, 2019 entitled ‘SB 743 and Implementing the December 28th, 2018 Update to the CEQA Guidelines’

cc:
Jeremy Ketchum, Acting Chief, Division of Environmental Analysis, California Department of Transportation (Caltrans), Jeremy.Ketchum@dot.ca.gov
Ellen Greenberg, Deputy Director for Sustainability, California Department of Transportation (Caltrans), Ellen.Greenberg@dot.ca.gov
Email from Jeremy Ketchum on January 4, 2019 entitled ‘SB 743 and Implementing the December 28th, 2018 Update to the CEQA Guidelines’

Dear Transportation Partners,

On December 28th, the Office of Administrative Law (OAL) approved new regulations for implementing the California Environmental Quality Act (CEQA), including changes related to Senate Bill 743. The approved regulations include a new section on determining the significance of transportation impacts, and generally specify vehicle miles traveled as the most appropriate measure of transportation impacts. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements.

Caltrans sees benefits in using VMT as the primary metric for environmental impacts on the state highway system, and plans to start working with partners to implement this direction upon adoption of Caltrans Guidelines.

The outcome of cooperative work would be Department guidance to clarify the following, and other issues:

- Process for a prospective phase-in that does not require any re-analysis and strives to ensure no delay for current projects – such as the programmed SB 1 and upcoming Local Measure projects.
- Clarification of the type of projects requiring detailed VMT analysis.
- Clarification on acceptable mitigation such as, but not limited to, VMT banking, regional investment program, and exchange mechanisms.
- Quantification tools for VMT, including induced travel and methodology for VMT based analyses.
- Clarification on safety and operations analysis, including tools to assess safety impacts, which could include use of LOS as an input for the safety analysis.

Implementation has been of significant interest to many transportation stakeholders, including regions, self-help counties, state transportation and environmental entities, and the public. Caltrans will work with OPR, ARB, regional and local transportation entities and other interested parties to develop and implement the Department’s method for implementing SB 743 in CEQA review of projects on the State Highway System.

Additional information will be forthcoming on dates for workshops.

Jeremy Ketchum
Acting Chief
Division of Environmental Analysis
California Department of Transportation
(916) 599-1580
July 25, 2018

Laurie Berman, Director  
California Department of Transportation (Caltrans)  
1120 N Street  
MS 49  
Sacramento, CA 95814  
via email: Caltrans.Director@dot.ca.gov

Re: June 2018 Draft Interim Guidance: Determining CEQA significance for Greenhouse Gas Emissions for Projects on the State Highway System

Dear Director Berman:

We, the undersigned organizations, write in support of Caltrans making greenhouse gas (GHG) significance determinations. Given that the Governor and Legislature mandated GHG emissions reductions, Caltrans guidance on determining CEQA significance for GHGs is necessary. Transportation is the largest single emitter of GHGs in California. Caltrans’ decisions regarding the development, operations, and maintenance of the state highway system should be based on robust analysis and the impacts should be fully communicated to the public. This guidance will help ensure that Caltrans reduces emissions, while addressing California’s diverse transportation needs.

As invested stakeholders, we offer the following recommendations to further strengthen the Draft Interim Guidance that was posted in June 2018:

Adopt guidance on analyzing induced travel demand within one year of adopting guidance on GHG significance.  
Although we appreciate Caltrans efforts to determine CEQA significance for GHGs, we are concerned that the determinations will be based on faulty data unless Caltrans also adopts
guidance to analyze induced travel demand. Induced travel demand refers to an increase in vehicle miles traveled (VMT) due to increase in roadway capacity where congestion is present. The National Center for Sustainable Transportation Policy Brief on the Caltrans website explains induced travel demand: “The basic economic principles of supply and demand explain this phenomenon: adding capacity decreases travel time, in effect lowering the ‘price’ of driving; and when prices go down, the quantity of driving goes up.”¹ The Policy Brief states: “Increases in GHG emissions attributable to capacity expansion are substantial,” confirming the importance of robust analysis of induced travel demand to accurately model GHG emissions. Without accounting for induced demand, the GHG significance determinations will be based on inaccurate projections of travel behavior.

Fortunately, there are established models for analyzing induced demand. We support the approach to quantitative assessment of induced vehicle travel in the Office of Planning and Research’s “Technical Advisory on Evaluating Transportation Impacts in CEQA”. OPR’s recommended method has already been vetted by transportation professionals and approved by state agencies. OPR recommends estimating induced demand based on elasticities from peer-reviewed literature on the relationship between increases in lane miles and increases in VMT. This method is more accurate than using travel demand models, because the elasticities account for changes in land use, in result of transportation infrastructure such as increased lane miles. In comparison, travel demand models do not account for the changes in land use, which can substantially influence travel behavior.

If Caltrans cannot provide guidance on methods for analyzing induced demand concurrently with releasing the guidance on GHG significance, we recommend Caltrans convene a workgroup with state agencies, such as the Office of Planning and Research, to develop and implement a process to adopt guidance on induced travel demand. The workgroup should include public stakeholders, as well as public health and air quality professionals, and it should be held accountable to a one-year timeline.

Proactively publicize and invite public participation in creation of guidance documents.
We greatly appreciate that Caltrans reached out to us directly to provide input on the Draft Interim Guidance; however, we recommend sharing notice more widely to maximize public engagement. In addition, as environmental reviews are technical and complex, we recommend Caltrans clearly communicate the implications of the guidance and provide opportunities, such as workshops in the major regions of the state, for public stakeholders to become involved in shaping guidance documents.

Align the threshold of significance with California’s existing climate policy by replacing the proposed threshold with “net zero increase in VMT”.

If we want to mitigate the catastrophic impacts of climate change, we need dramatic GHG reductions.

The proposed threshold of significance is inconsistent with California’s climate goals. SB 32 requires a 40% reduction below 1990 levels by 2030. The figure to the left shows the dramatic reduction in emissions needed to meet the 2030 target. In comparison, the proposed threshold of significance in the Draft Interim Guidance posted in June 2018 is based on only marginal reduction below existing emission levels, effectively perpetuating business as usual.

In addition, the proposed threshold of significance will allow for a project’s GHG emissions to account for vehicle and fuel efficiency. Due to California’s leadership on mitigating climate change, vehicle fleets and vehicle fuels will become more efficient and can be expected to emit fewer GHGs. This increased efficiency is independent from highway projects; Caltrans does not influence vehicle and fuel efficiency. Therefore, the proposed threshold allows Caltrans to account for efficiencies for which it is not responsible, and those efficiencies can be expected to reduce project impacts to less than significant levels.

We recommend replacing the proposed threshold of significance with a threshold aligned with California’s 2017 Climate Change Scoping Plan that is focused on impacts for which Caltrans is responsible. Specifically, we recommend a threshold of a net zero increase in vehicle miles traveled (VMT). The Scoping Plan, based on ARB’s 2016 Mobile Source Strategy, allows for a 5% increase in VMT by 2030 above existing levels, compared to current growth rates of approximately 11%. It is conceivable that a method could be developed for “allocating” that allowable margin of increased VMT to each project. However, a much simpler and more reliable method would be to set the threshold of significance at a zero net increase in VMT for each project. This would be aligned with the Scoping Plan and would provide a straightforward method for all project types across the state. In addition, using a VMT threshold, instead of a GHG threshold, would focus on the impacts of the

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project, rather than accounting for vehicle and fuel efficiency which are unrelated to the project and its impacts.

Thank you for your consideration of our recommendations. We look forward to working with Caltrans to adopt effective and well-informed Guidance on Determining CEQA significance for Greenhouse Gas Emissions for Projects on the State Highway System through a transparent public process. If you have any questions, please contact Ella Wise <ella@climateplan.org>.

Sincerely,

Bryn Lindblad, Associate Director
Climate Resolve

Jonathan Matz, California Senior Policy Manager
Safe Routes to School National Partnership

Gloria Ohland, Director of Policy and Communications
MoveLA

Colin Parent, Executive Director and General Counsel
Circulate San Diego

Jared Sanchez, Senior Policy Advocate
California Bicycle Coalition

Ella Wise, State Policy Associate
ClimatePlan

cc:
Ellen Greenberg, Deputy Director for Sustainability, Caltrans
Jeanie Ward-Waller, Sustainability Program Manager, Caltrans
March 15, 2018

Laurie Berman, Director
California Department of Transportation (Caltrans)
1120 N Street
MS 49
Sacramento, CA 95814
via email: Caltrans.Director@dot.ca.gov

Re: CEQA EIRs | Call for Caltrans to Commit to Doing Induced VMT Impact Analysis

Dear Director Berman:

Congratulations on your recent appointment to the influential position of Director of Caltrans. We hope you find the many challenges of that role to be motivating, and that we can be partners with you and your agency as you seek to programmatically make transportation improvements that advance multiple State goals related to mobility, such as mode shift, vehicle miles traveled (VMT) reduction, Vision Zero and other health-related goals.

Surely you have been witness to the paradigm shift that is underway -- the realization that sprawl development, highway capacity expansion, and car dependence only brings about ever-worsening traffic, and that the key to relieving that congestion in an enduring way is to give people multi-modal mobility options. Caltrans’ Complete Streets Policy and Statewide Transit Strategic Plan are evidence of your agency moving in this more multi-modal direction, whereas its continued highway expansion program is contrarily not.
We, the undersigned organizations, are appealing to you to bring Caltrans’ way of doing business into alignment with State VMT reduction goals. As a critical next step, we call on you to commit Caltrans to conducting VMT impact analysis, including induced VMT, for all highway expansion projects for which it is the responsible agency.

As the Governor’s Office of Planning and Research’s vast body of research on induced VMT\(^1\) shows, when the current status quo Level of Service (LOS) metric is used to analyze a project’s transportation impact, the (misguidedly) recommended outcome is the opposite of what a VMT-reduction approach calls for. The current draft CEQA guidelines for SB 743 implementation make a compelling case for why VMT analysis (including induced VMT) is necessary to guide the type of transportation investments that will ultimately solve our congestion woes, and why LOS analysis is counterproductive towards that end goal; however, the guidelines have left it as an option for the lead agency to conduct VMT versus LOS transportation impact analysis.

We are calling on you to commit Caltrans to exercising that option for all highway expansion projects for which it is the responsible agency. By doing so, you can lead the state in showing how such analysis is done, and by sharing your methodology with local sister agencies, you can ease their transition towards doing adequate VMT analysis as well. OPR predicts that conducting VMT analysis entails 10-20% of the staff resources that LOS analysis has required, so committing to this transition should make your agency more efficient and effective at delivering transportation improvement projects, and need not be something to shy away from. Additionally, by bringing Caltrans’ project delivery process into alignment with State VMT reduction goals, we anticipate that your agency’s exposure to lawsuits will be dramatically reduced. Rather than provoking environmental groups to oppose Caltrans’ highway capacity projects in court, as is currently widespread practice, you have the opportunity to usher in a more harmonious and coherent project delivery process.

We urge you to pursue that opportunity in a swift and determined fashion, and we would enthusiastically support you in doing so in whatever way that we can.

If you have any questions about the content of this letter, feel free to contact Bryn Lindblad at blindblad@climateresolve.org / 213-634-3790 x102.

Sincerely,

Matthew Baker, Policy Director
Planning and Conservation League

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\(^1\) Key Resources on SB 743: Studies, Reports, Briefs, and Tools

<http://opr.ca.gov/ceqa/updates/sb-743/index.html#KeyResources>
Laura Cohen, Western Region Director
Rails-to-Trails Conservancy

Stuart Cohen, Executive Director
TransForm

Tony Dang, Executive Director
California Walks

Amanda Eaken, Director, Transportation & Climate
Natural Resources Defense Council

Rev. Earl W. Koteen, Environmental Justice Minister
Sunflower Alliance

Bryn Lindblad, Associate Director
Climate Resolve

Jonathan Matz, California Senior Policy Manager
Safe Routes to School National Partnership

Gloria Ohland, Director of Policy and Communications
MoveLA

Colin Parent, Executive Director and General Counsel
Circulate San Diego

Jared Sanchez, Senior Policy Advocate
California Bicycle Coalition

Brian Schmidt, Program Director
Greenbelt Alliance

Benjamin D. Winig, Vice President, Law & Policy
ChangeLab Solutions

Ella Wise, State Policy Associate
ClimatePlan

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Alyssa Begley, SB 743 Program Implementation Manager, California Department of Transportation (Caltrans), Alyssa.Begley@dot.ca.gov
Christopher Calfee, Deputy Secretary and General Counsel, California Natural Resources Agency (CNRA), Christopher.Calfee@resources.ca.gov
Chris Ganson, Senior Planner, Governor’s Office of Planning and Research (OPR), Chris.Ganson@opr.ca.gov