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ClimatePlan

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](mailto:Caltrans.Director@dot.ca.gov)

**Re: SB 743 Implementation | Recommendations re. Expediency, Effectiveness & Transparency for Developing VMT Impact Analysis Guidelines**

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
2. Dated July 25, 2018, entitled 'June 2018 Draft Interim Guidance: Determining CEQA significance for Greenhouse Gas Emissions for Projects on the State Highway System'

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<sup>1</sup>. 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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<sup>1</sup> 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](mailto: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](mailto:Jeremy.Ketchum@dot.ca.gov)

Ellen Greenberg, Deputy Director for Sustainability, California Department of Transportation (Caltrans), [Ellen.Greenberg@dot.ca.gov](mailto: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  
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