In the Matter of:
CEQA Guidelines Update 2018  
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PUBLIC HEARING

CALIFORNIA SCIENCE CENTER
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MUSES ROOM
700 EXPOSITION PARK DRIVE
LOS ANGELES, CALIFORNIA

WEDNESDAY, MARCH 14, 2018
1:30 P.M.

Reported by:
Martha Nelson
APPEARANCES

STAFF

Christopher Calfee, Deputy Secretary and General Counsel
Jeannie Lee, Senior Counsel

PUBLIC COMMENT

Walter Okitsu, Institute of Transportation Engineers, Western District

Thomas Demere, San Diego Natural History Museum

Jerard Wright, Los Angeles County Business Federation

Carter Rubin, Natural Resources Defense Council

Lynn Planbeck, Santa Clarita Organization for Planning and the Environment

John Edwards

Bryn Lindblad, Climate Resolve

Demi Espinoza, Safe Routes to School National Partnership
MR. CALFEE: Okay, good afternoon everyone. Thank you for joining. Welcome to Exposition Park. We are here today for a public hearing on the Natural Resources Agency’s proposed updates to the CEQA Guidelines.

My name is Christopher Calfee. I’m General Counsel at the Natural Resources Agency. Joining me today is Jeannie Lee, who is Senior Counsel at the Governor’s Office of Planning and Research. We’re also joined by a court reporter, who will be transcribing this hearing.

At the top, I want to thank Exposition Park and the Science Center for providing this meeting space. If time allows, you should consider stopping into the Science Center or the California African American Museum, or any of the other amenities here at the park. It really is a lovely day.

So the purpose of today’s hearing is to accept oral comments on the CEQA Guidelines.
proposal. We will not be administering oaths, but the hearing will be transcribed and the transcript will be included in the rulemaking record.

We will not engage in any back and forth here, but we will be taking notes on your comments and may ask clarifying questions, if necessary.

To assist the court reporter, those wishing to speak should fill out a speaker card, which is in the back of the room, and hand that card to one of us in the front. Speakers will be called in the order that the cards are received. We will ask speakers to please state their name and affiliation for the record, and to please speak into the microphone.

Also, if you have a business card, if you could leave one with the court reporter, that would really help her out.

For the purpose of allocating time, may I please see a show of hands of who intends to provide oral comments, who intends to speak?

Okay. Given -- thank you -- given that level of interest, I think we’ll start off with a ten-minute time limit for public comments. And if
additional people -- if there is time at the end
and people have more to say, we can call you back
up.

A couple of additional housekeeping
details.

Emergency exits are behind you in the
room. Restrooms are located down the hall behind
you. The women’s room is just behind us and the
men’s room is beyond the entrance.

To avoid disruption to others, please
take this opportunity to silence your cell
phones. And if you have not done so already,
please do sign in at the sign-in sheet at the
back of the room.

Before we open the floor to public
comment, I’ll provide a very brief background on
the process and the content of the proposal.

Generally, the California Environmental
Quality Act requires public agencies to consider
environmental impacts of projects that are
proposed. And if those impacts may be
significant and adverse, the Agency must consider
feasible mitigation measures or alternatives to
avoid those impacts. That process includes
preparation of either a negative declaration or
an environmental impact report and includes opportunities for the public to review and comment on those studies.

While CEQA requires study, the choice of whether to approve a project or to require changes in the project remains with the lead agency. The CEQA Guidelines are administrative regulations that implement CEQA and provide guidance to public agencies on how to comply with the law. The Guidelines are developed by the Governor’s Office of Planning and Research and then are adopted through a rulemaking process by the Natural Resources Agency. CEQA requires regular updates to the CEQA Guidelines to incorporate changes in the statute and in case law.

The Governor’s Office of Planning and Research and the Natural Resources Agency began this current update in the Summer of 2013 by asking stakeholders for their suggestions on what updates were needed. Having collected that input, we developed a list of possible topics to include in an update, and again invited public input on whether we made the right changes.

In 2015, OPR released its first draft of
the comprehensive package and, again, we invited public input. At the same time, OPR also developed several other specific proposals related to transportation and to hazards.

I should note that we are in a school building, so you will hear kids throughout the hearing.


The Natural Resources Agency then kicked off this rulemaking process January 26th of this year, and by releasing the Notice of Proposed Rulemaking, together with the text of proposed changes and the Initial Statement of Reasons.

This will be the first of two public hearings on the Guidelines proposal. The second will be held in Sacramento tomorrow on March 15th. The written comment period also closes at five o’clock tomorrow, March 15th.

Once all comments have been reviewed the Agency may make further revisions to the proposal and, if so, may invite additional public input. Those who would like notice of further CEQA Guidelines activity should visit Natural Resources Agency’s website and sign up for the
listserv. That website is resources.ca.gov/ceqa.

So I’ll as to the content of this CEQA Guidelines package, the package as a whole is intended to make the process easier and quicker to implement and better protect natural and fiscal resources with California’s environmental -- and do so consistent with California’s environmental policies. The package proposes several changes intended to result in a smoother, more predictable process for agencies, project applicants and the public.

First, the package promotes using existing regulatory standards as thresholds of significance. Doing so allows agencies to rely on the work of expert agencies without foreclosing consideration of possible project-specific effects.

Second, the package updates the environmental checklist that many agencies rely on to conduct their environmental review. Redundant questions in the existing checklist would be eliminated and some questions would be updated to address contemporary topics and to implement specific mandates of legislation to address wildfire and transportation.
Third, the package includes several changes to make existing programmatic environmental review easier to use for later projects. Specifically, it clarifies the rules on tiering and provides additional guidance on when a later project may be considered within the scope of a program EIR.

Fourth, the package enhances several exemptions. For example, it updates an existing exemption for projects implementing a specific plan to include not just residential projects, but also commercial and mixed-use projects near transit. It also clarifies the rules on exemptions for changes to existing facilities so that vacant buildings can be more easily redeveloped.

Finally, the package includes a new section to assist agencies in complying with CEQA, following resolution of a court challenge, and to help the public and project proponents understand the effect of a remand on project implementation.

In addition to those efficiency improvements, the package also includes changes related to environmental protection. Those
changes include providing guidance on assessing energy impacts analysis by addressing not just building design, but also transportation equipment use, location, and other relevant factors.

Second, the package proposes guidance on analysis of water supply impacts, as was set out in the California Supreme Court’s decision in Vineyard Area Citizens for Responsible Growth. It requires analysis of a proposed project’s possible sources of water supply over the life of the project and the environmental impacts of supplying that water to the project.

Third, as directed by the legislature, the package includes a new section addressing transportation impacts. This new update will focus, instead of on congestion, will focus on a project’s effect on vehicle miles traveled, which should promote project designs that reduce the need for automobile travel.

And finally, the package includes a whole host of technical improvements. The package, for example, includes changes clarifying when agencies must consider the effects of existing hazards on proposed development. Further,
refinements are proposed in the Guidelines addressing greenhouse gas emissions to address recent case law. Other changes clarify when it may be appropriate to use projected future conditions as a baseline. Other changes specify when the details of mitigation measures might be delayed until project implementation.

The package also includes a set of changes related to the duty of lead agencies to provide detailed responses to comment. The changes would clarify that a general response may be appropriate when a comment submits voluminous data and information without explaining the relevance to a particular project.

Other changes will address a range of topics, such as selecting a leading agency, posting notices with county clerks, clarifying the definitely of discretionary, and many others.

To that concludes my prepared remarks and the background section.

And we will move now to the public input portion of the hearing. Again, we will ask all speakers to please fill out a speaker card, and you will be called on to speak in the order in which we receive those cards. Feel free to bring
them up at any point.

Also, we ask everyone to respect each other’s input by not interrupting the speaker and by limiting your own comments to the allotted time.

We’ll call up the speakers in groups, so that you can be ready to approach the podium at your allotted time. Thank you.

Does anyone else have a comment card that they’d like to submit? Okay.

We will start with Walter Okitsu.

MR. OKITSU: Hi. Walter Okitsu, representing ITE. It’s the Institute of Transportation Engineers, Western District. It’s a society of transportation professionals that covers California and the Western United States. And I’d like to thank the Natural Resources Agency for this opportunity to speak. And also the OPR staff for the past four years, for allowing us to discuss our concerns about these proposed Guidelines.

In the word-smithing, text-edit category, we have two. And this has to do with transportation impacts.

Page 10 of the text, section
15064.3(b)(1), where this references to existing conditions, that ought to be baseline conditions. I think that’s what you meant. But this allows lead agencies to choose an appropriate baseline, other than existing conditions.

Secondly, in the middle of page 11, section 15064.3(c), it shows the date July 1st, 2019 for applicability. We thought that was going to be January 1st, 2020. But whatever that date is, we believe that lead agencies are going to need a year after the rulemaking is complete, just to sort things out and minimize destruction. So that’s on the word-smithing part of it.

But our belief is to further minimalize disruption we believe that limiting the initial implementation only to transit priority areas is what ought to be done at first. There’s going to be a lot of transitioning. And after all, the original -- the original subtitle of SB 743 was transit-oriented infill projects. And, in fact, legislators from both parties voted for this legislation. And a lot of them are going to be awfully surprised when they see how broadly these Guidelines are being applied statewide.

We believe that, at least initially, the
Guidelines should be applicable only to transit-oriented projects, infill projects. And this allows the -- and then allow the lead agency to determine the appropriate measures of transportation impacts. For instance, they might conclude that even though VMT increases, greenhouse gases might decrease because of changes in the mix of how vehicles are powered.

So that concludes my comments.

MR. CALFEE: Thank you, Walter.

Our next speaker is Tom Demere.

DR. DEMERE: Good afternoon. My name is Tom Demere and I’m the Curator of Paleontology at the San Diego Natural History Museum in San Diego. And I’m here to speak about paleontological resources and how they’re considered under CEQA.

Until recently, paleontological resources, for example, here being a left lower molar of a Columbian Mammoth discovered in Downtown San Diego in 500,000-year-old strata, but the recovery of this specimen, along with the skull and ten-foot long tusk, is a direct result of the benefits that CEQA gives to paleontological resources in the state.
The issue that I have is that until recently paleontological resources, or at least consideration of them, was lumped under cultural resources. And then due to AB 52, it has it that part of the language was to separate paleontological resources, again, fossils, from consideration under cultural resources. Unfortunately, AB 52 didn’t stipulate where paleontological resources should go. As they’ve been in cultural resources, they’ve been kind of a square peg in a round hole, I mean paleontological resources. And so it’s ended up in this revision, this update, in geology and soils; again, a square peg in a round hole. And I would request that consideration be given to make paleontological resources their own standalone issue under CEQA.

Geology and soils, as it’s currently -- as has currently been discussed and described in Appendix G of CEQA, is concerned primarily with earthquake rupture, soil expansion, landslides, issues totally unrelated to paleontological resources, which we can think of more as ancient biological resources, the remains and traces of prehistoric animals that record and document the
history of life on our planet.

And here in the state of California, we have a remarkably rich paleontological record that includes billion-year-old fossils from the Death Valley region of microscopic early forms of life on this planet, 500-million-year-old trilobites (phonetic) from the Mojave Desert. Some of the oldest remains of dinosaurs in California are found in the Central Valley. And in San Diego County, we have 40- and 50-million-year-old land mammals, again, documenting this incredible richness of ancient life in this region. Of course, here in Los Angeles, we’re blessed with the Rancho La Brea Tar Pits that have the most spectacular occurrences of fossilized creatures in the world. And the protection of these under CEQA could be enhanced by the development of this standalone paleontological assessment under CEQA.

I realize that part of the goal of these allocations is to streamline the process and adding, perhaps, a new issue under CEQA might seem as not streamlining the project. But I noticed that there have been some other new issues added to the checklist in Appendix G,
including wildfire, tribal cultural resources,
and also energy. And so I would ask you to
consider that paleontological resources have this
other status.

As it’s currently written in the proposed
upgrades, the question for paleontological
resources is kind of oddly coupled, that it
involves -- I’ll just read it, “Directly or
indirectly destroy the unique paleontological
resource or site or unique geological feature.”
And there a couple of problems with this, one
being that it’s putting together geological
resources and paleontological resources which are
totally unrelated issues, and they’re coupled
together in this single question.

It seems that there’s an existing area
where aesthetics that dictate anything related to
(indiscernible) that could be construed to imply
geologic features. So removing geologic features
from this question would make paleontological
resources at least have a single issue under this
question.

But then it talks about “destroy the
unique paleontological resource,” and the term
“destroy” is somewhat unique within the overall
Appendix G series of questions, which are more focused on adverse effects or adverse changes. And I would ask that you consider rewriting this question for paleontological resources to read, directly or indirectly cause a substantial adverse effect on a paleontological resource site, again as a standalone question under CEQA. And I think it would eliminate all of this problem of a square peg in a round hole, and also with this language that focuses on destruction. That’s not an issue that we really think about in terms of most of the resources protected under CEQA. It’s not the destruction, it’s the adverse effect of those.

And then this term “unique paleontological resources,” unique is not defined under CEQA. And it seems to be -- I mean, I’m unique, you’re unique, we’re all unique, so that would mean perhaps any fossil would be unique. So I would suggest having a more generic discussion in terms of paleontological resources.

And with that, I’d like to thank you for the opportunity. And I applaud this effort to upgrade and improve CEQA.

Thank you.
MR. CALFEE: Thank you.

Next up is Jerard Wright.

MR. WRIGHT: How much time do I have?

Oh, good god. All right, I won’t even need that much time. Jerard Wright, Policy Manager from L.A. County Business Federation. On behalf of BizFed who crosses the lines of more than 170 business organizations and represent 390,000 employers and over 3.5 million employees in Los Angeles County. We’re celebrating our tenth anniversary. Hooray. We have a mission to lift 1 million people out of poverty in the next decade.

One of the many opportunities to lift poverty for many Angelinos is helping improve solutions that end litigation abuse of CEQA. Within those lawsuits within Los Angeles County, they represent 38 percent of all CEQA lawsuits statewide; 40 percent of those lawsuits dealt with residential development and transportation infrastructure, two important areas that we’re dealing with right now. It drives up the cost of housing, exacerbating a housing crisis that we have in our state, and transportation infrastructure because people are traveling much
Accompanying this is just, you know, ideas of teachers, public safety officers, nurses, basically the key to starting out middle-class economic, they’re priced out of getting or owning a home or being able to commute and get and forth to work to be able to purchase a home, which undermines a strong, vibrant and more resilient economic.

BizFed supports strong environmental and public health laws and California’s climate leaderships, and thank you for the ability to have these comments and speaking on this issue right now.

We believe that our housing crisis, transportation gridlock and expanded homeless population and poverty and economic hardship represents those -- represents and warrants attention and creative solutions that are needed to make that happen.

BizFed proposes for themes which creates the necessary reforms, and the letter is produced in front of you that just address those four things.

One, prohibit non-CEQA lawsuits for
allowing petitioners to conceal their identities and economic interests.

Two, prohibit the duplicative CEQA lawsuits allowing parties to repeatedly sue over the same plan or projects implementing the plan for which CEQA compliance has already been completed.

Three, establish an amended, not-ended approach of directing corrections to any deficient environmental study, rather than vacate project approvals.

And, four, most importantly here in Los Angeles County, because we, BizFed, has endorsed many sales tax initiatives and other funding sources, like Measure M, a $120 billion transportation plan, Measure H supporting homeless services and supporting housing, that’s another area where CEQA improvement to make sure that more of that can go towards that infrastructure to help transportation, to help our homeless and help those communities, rather than to the lawsuits and to the lawyers, which that only effects a small amount and only helps to supports them.

Abuse of CEQA for non-environmental
purposes by business competitors, yes, some of
the business community and others, members
opposed to change, certain construction trade
unions (phonetic), has been well documented and
includes both threatened and filed CEQA lawsuits.

CEQA fundamentally, and this is without
the current changes, is a bias in favor of
stopping changes to -- and threatens the status
quo, instead of going towards the changes that we
need to do towards our environment and the health
of our economy.

It effects and preserves a bias of this
apparent effect on minority communities, as well
as younger Californians, such as Millennials, I’m
in that category, I think, who urgently need more
housing and transportation infrastructure out
there, and also homeless which needs a public
service accounting to accommodate that housing.

Everyone loves to support the homeless, but when
it comes to building it, it’s not in my backyard,
not in my backyard here, not in my backyard
there, and it becomes in no one’s backyard and it
comes out in front, on the street.

So I think there’s an opportunity here
that we see in streamlining these changes, and we
want to work with you to make sure those happen, so thank you so very much.

MR. CALFEE: Thank you, Jerard.

Next up is Carter Rubin.

MR. RUBIN: Good afternoon. Thank you for the opportunity to provide input on this effort. And thanks to the Natural Resources Agency for convening us today. I represent the Natural Resources Defense Council which has 400,000 members in California. And we have a couple areas where have -- we want to signal really strong support of OPR’s recommendations and areas where we think there’s room for significant improvement. We would encourage you to take a look at these.

So we strongly support the statewide replacement of level of service with the vehicle miles traveled metric and the prioritization that will give for transit-oriented development, active transportation and transit projects, especially in the infill context, and clarifications that discourage growth capacity expansion in the name of safety.

On the recommendation side, we think that it is a major oversight that highway expansion
projects would be exempt from the shift from LS (phonetic) to VMT and have that be at the discretion of the lead agency. And so we’re also calling on Caltrans to commit to applying the VMT metric when they are the lead agency in road project. We think that it makes sense to strengthen the VMT threshold over time so that we are not just decreasing VMT compared to today, but that it is a goal of accelerating the decline of VMT by strengthening our standards over time.

We also want to highlight and seek opportunities to reduce the risk of displacement and gentrification by streamlining affordable housing in infill locations and not streamlining projects that will result in a net reduction of affordable rental units.

And we want to ensure that there is regular monitoring of implementation of these Guidelines and OPR’s technical advisory to see if it’s actually having the intended effects.

Thanks very much.

MR. CALFEE: Thank you, Carter.

Next up is Lynn Planbeck.

MS. PLANBECK: Hi. My name is Lynn Planbeck and I’m with a group out in Santa
Clarita, Santa Clarita Organization for Planning and the Environment. And we were plaintiffs to the landmark 2015 decision on climate change before the Supreme Court. And so we’re grateful that you have done some more details about what will be required for climate change disclosure and things like that.

But I actually came today to talk to you about addendums which are not actually addressed in your Guidelines, but I’m hoping I can speak to the many ways that you did talk about exemptions and making sure that notices were -- had enough information in them to make sure the public understood them.

We’re having an issue with addendums being way far reaching from what they were intended to be which are minor changes in the projects. They are then not noticed to anyone. They don’t come up before any planning board, so there’s no way of anyone finding out what has been approved. For instance, we had a 25 expansion on landfill approved with an addendum when it was in the middle of a hearing process. So we really think that -- and they didn’t notify anyone, even though they are required, they have
an agreement with the community to do so.

Now there’s just another one on another large project for sewer lines that go through tributaries and possibly endangered species habitat and nobody knew about it. We find out two years later.

So what I came to ask you to do is as you are ensuring that the public is informed on notices, that you notice addendums, print them on websites, something to mail out, anyway, but just somehow there needs to have an elimination of this Catch 22 where we didn’t tell you, so you don’t know, so you can’t comment, so you can’t say anything, so the addendum is approved with whatever it is. And they are being abused up and down the state.

So I ask that along with what you’re doing to make sure that the notices are comprehensive and understandable to the public, that you notice addendums.

Thank you.

MR. CALFEE: Thank you, Lynn.

So Lynn was the last speaker card that we had. Are there any other folks that would -- it looks like we have at least one. If any others
would like to provide oral comment, please do bring up a speaker card. Thank you.

John Edwards.

MR. EDWARDS: My name is John Edwards. I’m representing myself. There’s a group of people in Palos Verdes and Torrance, California that are forming to oppose a project in Torrance called the Butcher-Solana Residential Development Project. And part of it was -- the reason I got involved is because it’s right next to a road that is going to have a lot of traffic impacts leading in and out of Palos Verdes.

I checked with the City of Torrance, they had a scoping meeting last August, and nobody in Palos Verdes was informed, only people within 500 feet of the project, which is about 250 apartments and lots of traffic right next to a very small two-lane road that’s main, in terms of access from Palos Verdes Estates. So I checked with the city and asked them why they only -- why they only notify people within 500 feet, and they said there’s a Torrance regulation, it’s used for variances and some other projects, but it’s in their regulations as every -- people should be notified within 300 feet. But a mayor ten years
ago extended it to 500 feet. But most of the
impacts -- there will be impacts in Torrance, but
most of them are going to be in Palos Verdes, and
people were not informed there.

So my comment is, I would like, in
section 15082, to amend it to state that notices
must be filed with the county clerks or cities
that border the project. These cities are
directly next to the project, they’re adjacent.
It’s right at the corner of three cities.

Also state that for projects that will
impact the public in adjacent cities, they will
be notified, specifically that postings be made
at the project site and that the lead agency make
efforts to include impact to the public e.g. by
news outlets, media and direct mailings.

And I would make the same comment on
sections 15062 and 15075. That’s -- and those
are other things, like, I think, what it is,
negative declarations or with a mitigating
declaration. So that’s one thing.

And I think the reasons are, if you look
to CEQA, I understand the California CEQA was a
California version of NEPA. And NEPA, if you
look at the Council on Environmental Quality
recommendations or regulations, they specifically say the city -- well, the federal agencies, when they’re doing projects, should make a diligent effort to notify the public. And I think that there wasn’t diligent effort to -- they simply put a website and notified people in a very short area, a small area.

And I think that the -- by notifying people, even if they oppose it, at least they can have input to the project and know what’s going on. And the reason, I think, that having posters at the site are important is because that’s how I found out about the -- this project was not from the city’s posters but from individuals in the neighborhood who didn’t want the project and they put up their own posters, but it was after the scoping meeting was held. So I’m requesting the City of Torrance hold another scoping meeting and notify everybody first.

And so I think that if your regulations are going to help cities do things better, I think part of the message is don’t just rely on your local variance change for public input. Look at CEQA as a whole. Look at the broad area that are impacted by the project.
And, let’s see, what else? Yeah, also, if you go into the CEQA rules, they’re -- or the CEQ rules, they say use postings at the site, notify public by direct mail, use the media, use newspapers. And that -- if you go into the -- is it NAEP, National Association of Environmental Professionals, they have a best practices for public notification, and all of those things are in there as well. And it’s just logical. If you include people, they’re going to have less lawsuits and so forth, as was mentioned earlier. They’re going to slow down projects and drive up the costs.

And there’s a meeting tonight at 6:30 at the Palos Verdes Peninsula Library on this project for people who oppose the project. So I just wanted to mention that and also invite you to come to it, if you have time, and see what’s going on, because this is a very controversial project.

The second thing I wanted to mention is, I guess in the appendices, you’re talking about specific recommendations on how to approach some areas of concern, such as global warming and things like that. One of the things that I
noticed, also, in this initial study was that the aesthetic impacts were just sort of glossed over without really much analysis.

And what I would recommend is you also have something for aesthetic impacts, and that a good model for it was developed in the nuclear industry, and then it was used by several other agencies, including the Air Force, where I used to work. And there’s a document called Aesthetic Analysis, let’s see, what is it, Aesthetic Impact Analysis of the Proposed Shallow Draft Barge Facility at Point Arguello, California. And it uses a technique that’s fairly quantifiable. And it’s been also used in Washington State and Seattle for transportation corridors and other things. But I think without any guidance, people just say, well, it looks okay to me and, you know, don’t really analyze it very much. So that’s the second comment I’d like to make.

And I would also like to thank you for having input. So you’re giving us input, I appreciate that, and thank you.

MR. CALFEE: Thank you.

Are there any others who would like to offer oral comment?
Thank you, Bryn.

MS. LINDBLAD: Hi. Good afternoon. Bryn Lindblad, Associate Director of Climate Resolve, a local organization focused on climate change solutions. I’m going to focus my talking points today, my comments today, on the transportation impacts, revisions that have been suggested there.

And really commend OPR, great work, especially like the first draft that we saw of those where we were applying -- replacing LOS analysis with VMT impact analysis statewide, and would support going back in that direction.

You know, and so most of these Guidelines, really supportive of the direction they’re going in, namely streamlining active transportation, transit and transitory development projects. You know, I think we’ve heard about how those have really gotten held up in CEQA before, and this is a really important step, that we start letting those projects get built, facilitating that.

But there’s a pretty big loophole that we saw emerge in the most recent draft, and that’s exempting a capacity, transportation capacity
expansion projects, heavy capacity expansion projects statewide from needing to do VMT analysis. And I think there’s a pretty great literature that was built up by OPR on all the reasons why VMT analysis is more consistent with our current understanding of how we address congestion, as well as try to address our climate goals.

And so I’m going to pause for a second and ask why it’s so important that we do address our climate goals in a meaningful way? You know, we’re talking about environmental impact reporting. And I don’t think there’s anyone in this room that would deny that climate change is our largest environmental impact that we are having on this planet. The potential consequences of not changing course are just -- are scary, are something we don’t want to -- we don’t have to head in that direction. And so I think it’s really -- it’s time we get serious about our institutions and our environmental impact reporting, serving the goal of meeting -- of us trying to meet our climate targets.

You know, we’ve -- there’s great work
coming out of ARB, a scoping plan that maps out how we can -- how we can try to meet our climate targets. And it’s pretty clear that VMT reduction is a critical part of meeting those goals.

You know, and it’s all fine and mighty to be helping along the good sorts of project that help us reduce our VMT. But, for an example, we’re seeing locally here is that, you know, it takes a lot of money. It’s a lot of effort to be doing -- to be trying to support those alternative modes, but if at the same time we’re pursuing VMT increasing through sprawl or any projects, we’re really kind of shooting ourselves in the foot.

So my -- we did some analysis on the Measure M suite of projects that we’re seeing here in L.A. County. And the vast majority of that, we’re trying to help people have alternatives to driving. There’s a lot of transit investments, a lot of transportation investments. And the reduction in daily VMT that’s projected by all but one of those projects included is a reduced 7.8 million miles of VMT per day.
And then there’s one project, though, High Desert Corridor Freeway. It’s an old dinosaur-of-an-idea project that it’s -- really, the point of it is to unlock new suburban sprawl potential far from job centers.

And so we’ve done -- contracted independent researchers or experts in travel doing modeling. And from that one project, we’ve cut in half all the VMT reductions that we’re otherwise achieving. So $2 billion worth in a freeway to support sprawl really undermines the $118 billion worth of VMT-reducing projects.

It’s -- you know, we kind of find that it’s really counterproductive towards trying to relieve our congestion or trying to reduce the amount of driving that people need to do to meet their needs if we -- if we’re still sort of turning a blind eye to the VMT impacts of those highway expansion projects.

So, you know, I think we know where that loophole -- how that came to be. I think it’s largely legacy highway expansion projects in this SCAG region that kind of want to be able to proceed without us really calling into question their merits of being built. But that, you know,
we -- I question that possibility of blissful ignorance of not considering the GHG and VMT impacts of those highway expansion projects, because that path through our current plans and projects that are in the pipeline, it’s really -- the status quo, it’s not bliss. It’s not -- we’re not on a path to meet our climate goals. There’s a VMT gap out there that we don’t have a plan of how we’re addressing.

We’re seeing lawsuits getting filed across the state on highway capacity expansion projects. Many of those projects ultimately don’t come to fruition, but in the meanwhile we’re really wasting away a lot of transportation dollars that could rather be spent in trying to reduce VMT and really improve mobility.

So I think we should not be operating under the assumption that all those highway expansion projects deserve to be built as they’re currently conceived. And I think they warrant the analysis that’s needed to really determine their environmental impact.

So we’d really like to see induced VMT analysis on the projects that are most likely to induce VMTs along those highway expansion
projects statewide. I think we’ve got a great
opportunity here to try to bring our CEQA
process, our environmental impact reporting in
alignment with our climate goals, with our
scoping plan.

So I propose, you know, in a best-case
scenario, we’re really like to see these
Guidelines close that loophole and go back to the
earlier proposed version where we’re doing VMT-
induced impact analysis statewide for all
transportation projects -- sorry, not the
transit, so expansion projects statewide.

And then sort of second best-case
scenario were a number of environmental orgs and
folks that are very serious about trying to meet
our climate targets are calling on Caltrans to
commit to doing VMT analysis for all highway
projects, which is the lead agency.

So we urge you to encourage your sister
agency to take that step, that commitment towards
bringing project delivery process into greater
alignment with our climate goals. I think, you
know, our -- we’ve got a lot of opportunity here
with new revenue from SB 1, a lot of
transportation dollars going out there. We’ve
got an opportunity, really, to change course and bring about and support with the new planning paradigm that will lead to a more vibrant future for our state.

Thank you.

MR. CALFEE: Thank you, Bryn.

If you can hand the card to the court reporter, I’ll take the comment card so --

MS. ESPINOZA: Hi. Good afternoon. My name is Demi Espinoza and I’m the Senior Policy Manager with Safe Routes to School National Partnership. I wanted to keep my comments pretty short, but I’ll reiterate a few points that a few of the previous speakers commented on today.

So we wanted to show our support for the statewide replacement of a level of service with vehicle miles traveled and the emphasis on public health, environmental justice and climate goals, especially the emphasis on the active transportation.

And so with that, we have two suggestions that we wanted to bring forward today, and that we wanted to ask you to apply the vehicle miles traveled based approach to all projects, including road capacity projects. This is
especially important in the areas that I work in, in the Inland Empire, Riverside County and San Bernardino County, because we’re seeing a lot of increased road capacity and road expansion projects, like the High Desert Corridor is an example of an issue, the 91 Corridor. So, you know, we really want to ask you to apply the vehicle miles, rather than approach it across the board.

Second, we want to suggest that the Guidelines provide approaches to avoid displacement, especially of existing residents, like low-income communities and communities of color.

We sent into a coalition letter providing specific suggestions on strategies that OPR’s technical advisory can encourage affordable housing and infill locations and reduce the risk of displacement.

So thank you.

MR. CALFEE: Thank you. Thank you very much.

Do we have any other folks in the audience that would like to make a comment?

You’ve got a captive audience. Okay.
Well, hearing none, I think we can close the public comment period -- public comment portion of this hearing. The public comment period is still open until five o’clock tomorrow.

We very much appreciate those who gave their oral testimony today. We will be considering the comments that we heard. We still encourage folks to provide their written comments, as well. Written comments are encouraged to be submitted electronically to ceqa.guidelines@resources.ca.gov. Again, the comment period closes tomorrow at five o’clock.

Once we -- once that comment period closes we will review all of the comments that we receive. We may make some additional revisions to the proposed guidelines and, if so, we may open up additional public comment. You can expect to see written responses to your comments at the end of the rulemaking process, and they will be a part of the formal rulemaking record.

So thank you everyone for joining.

Oh, I see a question.

COMMITTEE MEMBER BEVAN: So when do you expect to adopt it?

MR. CALFEE: The question was when we
expect the Guidelines to be adopted, and we don’t have a precise timeline on that. It just depends on the volume of comments we receive and how long it takes to work through them. The rulemaking process must end within one year of the notice, and that was January 28th of this year.

So unless anyone else would like to make a comment, then we will close this hearing.

Thank you very much for participating.

(The public hearing concluded at 2:20 p.m.)