

Attachment 7

Additional Information on State and Bay Area Legislation and Policies pertaining to Transportation Demand Management

The following legislation relates to transportation demand management:

California Global Warming Solutions Act of 2006 (AB 32)

The California Global Warming Solutions Act sets statewide targets to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, with ongoing reductions beyond 2020. The law also requires the monitoring and annual reporting of statewide greenhouse gas (GHG) emissions as well as the preparation of a Climate Change Scoping Plan.

Under the resulting Climate Change Scoping Plan, Sustainable Communities Strategies (SCSs) were designated as critical policy mechanisms for reducing GHG emissions in the transportation sector. Plan Bay Area is the Bay Area's SCS as required under both AB 32 and SB 375.

Sustainable Communities Act of 2008 (SB 375)

The Sustainable Communities and Climate Protection Act acknowledges that California will not be able to achieve the goals of AB 32 without integrated approaches to transportation, land use and housing. It therefore charged the California Air Resources Board (ARB) with establishing regional reduction targets for GHG emissions associated with passenger vehicle use, and required the California Transportation Commission (CTC) to develop guidelines for modeling regional travel demand and mode split, accounting for the relationship between land use density, household vehicle ownership and vehicle miles traveled (VMT).

The Sustainable Communities Act requires regional and local planning agencies to develop Sustainable Communities Strategies (SCSs) to meet GHG reduction targets as an integral part of federally-mandated Regional Transportation Plans (RTPs). The law also provides incentives for transit-oriented developments by exempting projects from full or partial CEQA review if they have the following characteristics:

- at least 50% residential uses (by total square footage);
- net density of at least 20 dwelling units per acre;
- FAR of at least 0.75 if the project contains non-residential uses;
- located within half a mile of a high quality transit corridor or major transit stop, which is defined as a rail transit station, or an intersection of two or more major bus routes with service headways of 15 minutes or less during the morning and afternoon peak periods;
- no net loss of affordable housing units and potential inclusion of 20% moderate income, 10% low income, or 5% very low income within the development; and
- other criteria related development size (less than 8 acres or 200 units), adequacy of utilities, habitat loss, absence of safety hazards, and energy efficiency.

As mandated by SB 375, the California Air Resources Board established GHG reduction targets for all regions within the state in 2010. The applicable targets for the Bay Area are a 7% reduction in GHG emission by 2020 and a 15% reduction by 2035.

Plan Bay Area, 2013

In response to these required targets, the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) adopted Plan Bay Area as the regional sustainable communities strategy. Plan Bay Area was estimated to achieve a 10% reduction in GHG emissions by 2020 and 16% reduction by 2035, and was accepted by the state as meeting GHG emission reduction targets.¹ These reductions are expected to result from meeting much of the Bay Area's housing needs within priority development areas (PDAs) with a mix of uses located within walking distance of frequent transit service. In Sunnyvale, PDAs areas include the El Camino Real corridor, Downtown/Caltrain station area, Lawrence station area, and Tasman/Fair Oaks area. While local governments are not required to comply with Plan Bay Area, there are incentives for doing so and for encouraging developments that reduce the demand for travel and capitalize on existing transit networks.

SB 743 Changes to Environmental Review

In September 2013, Governor Jerry Brown signed Senate Bill No. 743, which transforms the way that development-related transportation impacts are analyzed and mitigated under the California Environmental Quality Act (CEQA). The law makes it no longer acceptable to use automobile level of service (LOS) as a measure of the transportation-related environmental impact of proposed projects. Instead, the environmental performance of projects will need to be assessed in relation to other criteria such as vehicle miles traveled (VMT) including induced travel demand effects.² These new metrics better reflect the State's goals of reducing greenhouse gas emissions, and more appropriately balancing congestion management with statewide goals related to promote infill development, public health, and sustainability. They will mean that past mitigation measures, such as roadway widening, intersection expansions, and locating projects in greenfield sites, will no longer be encouraged as a means of improving environmental quality.

CEQA Guidelines

Based on SB 743, the Governor's Office of Planning and Research (OPR) released Revised Proposal on Updates to the CEQA Guidelines was released in January 2016. These Guidelines indicate that the most appropriate measures of a project's transportation impacts are vehicle miles traveled (VMT), effects on transit and non-motorized travel, and safety of all travelers. For residential developments tour-based VMT is most relevant and for retail projects total VMT is most relevant. The Guidelines

¹ Executive Order G-14-028 ABAG and MTC's Sustainable Communities Strategy: ARB Acceptance of GHG Quantification Determination

² SB 743, Chapter 386. 2013.

also recognize that various project and program attributes affect travel demand as outlined in the following table:³

Figure 1: Attributes affecting Trip Generation as outlined in the Proposed CEQA Guidelines

Project Alternatives that Reduce VMT	Project Attributes that Reduce VMT	TDM Measures that Reduce VMT	Project Attributes that <i>Increase</i> VMT
<ul style="list-style-type: none"> ▪ Locating project in an area of the region that already exhibits low VMT ▪ Locating project near transit (within 1-mile of a major transit stop or high quality transit presume no significant impact unless counteracted by excessive parking etc.) ▪ Increasing project density ▪ Increasing the mix of uses within the project or surrounding area e.g. locating project near employment and services ▪ Increasing connectivity and/or intersection density on the project site ▪ Deploying road or lane management e.g. pricing, HOV requirements 	<ul style="list-style-type: none"> ▪ Improving or increasing access to transit ▪ Increasing access to common goods and services e.g. groceries, schools, and daycare ▪ Incorporating affordable housing into the project ▪ Orienting project toward transit, bike and pedestrian facilities, not parking supply ▪ Improving pedestrian or bicycle networks, or transit service ▪ Providing traffic calming 	<ul style="list-style-type: none"> ▪ Incorporating neighborhood electric vehicle network ▪ Providing bicycle parking ▪ Limiting or eliminating parking supply ▪ Unbundling parking costs ▪ Pricing parking or roadways or providing parking cash-out program ▪ Implementing or providing access to a commute reduction program ▪ Providing car-sharing, bike sharing, and ride-sharing programs ▪ Providing transit passes 	<ul style="list-style-type: none"> ▪ Excessive parking (higher than City's minimum requirement disqualifies transit-proximate developments from presumption of insignificant impacts) ▪ New roadway capacity (new lane miles increases VMT through induced travel demand)

³ Office of Planning and Research (OPR), "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA: Implementing Senate Bill 743 (Steinberg, 2013)." 2016.
https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf

AB 744 Planning and Zoning: Density Bonuses, 2015

As noted above, excessive parking supplies negate the TDM benefits of transit-oriented development. AB 744 acknowledges the high cost of parking and the fact that affordable housing projects located near transit have lower than average travel and parking demand. The law states that cities cannot require developers to provide more than 0.5 per unit (inclusive of handicapped and guest parking) for 100% affordable housing developments located within an unobstructed 0.5 mile walk of a major transit stop. Major transit stops include rail station or the intersection of two bus routes with headways of 15-minute or better during the AM and PM peak commute periods.