

# Is SB 743 the End of LOS?

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## Senate Bill 743 Signed By Governor Brown Might Eliminate Vehicle Delay and Level of Service as a CEQA Impact by July 2014

On September 27, 2013, California Governor Jerry Brown signed Senate Bill 743 that made the new proposed downtown arena for the Sacramento Kings exempt from traffic level of service standards for streets. However, the new bill goes much further than just exempting the new arena.

### What Changes?

Building on other proposed California legislation (the shelved SB 731) the bill prohibits the use of level of service (LOS) based on traffic congestion or delay within infill opportunity zones as a measure of environmental impact.

It further directs the Office of Planning and Research (part of Governor Brown's office) to establish metrics for determining transportation impacts for projects within transit priority areas. By July 1, 2014 these draft guidelines will be circulated by the Office of Planning and Research.

A transit priority area is an area within one-half mile of a major transit stop, which is a rail transit station, a ferry terminal served by either a bus or rail transit

service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during morning and evening peak hours.<sup>i</sup>

The existing home of the Sacramento Kings is located outside of the downtown area and is not serviced by the region's existing rail service. The proposed new arena would be located near rail transit facilities that maximize the opportunity for non-automobile access to the arena.

### Support for Making the Decision

The bill cites other recent California legislation that supports sustainable communities, climate protection, global warming solutions, and complete streets. The Sustainable Communities and Climate Projection Act of 2008 (SB 375) encourages land use

sets greenhouse gas emissions targets for regional planning organizations. The Complete Streets Act of 2006 (AB 1358) requires local governments to plan for a balanced multi-modal transportation network that meets the needs of all users including vehicle drivers, bicyclists, pedestrians and transit users.

### What Metrics Are Eliminated and What New Metrics Are Considered?

The bill calls for the need to develop new methodologies for evaluating transportation impacts in order to promote the state's goal for infill development, improved public health through active transportation and reduced greenhouse gas emissions.

Traffic delay and volume-to-capacity ratios, typical traffic impact measures, are specifically

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*By July 2014 new metrics for determining transportation impacts will be established.*

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and transportation planning decisions that reduce vehicle miles traveled (VMT) and reduce greenhouse gas emissions. The California Global Warming Solutions Act of 2006 (AB 32)

ruled out as possible metrics for consideration. The bill suggests the office shall recommend potential metrics to measure transportation impacts that may include, but are not limited to

vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. It does not preclude local general plan policies (e.g. Congestion Management Plans) or thresholds. Other environmental impacts that are related to traffic delay (e.g. air quality, noise, etc.) may also still require traffic LOS analysis.

Office of Planning & Research also *may* adopt guidelines establishing alternative metrics to traffic levels of service outside transit priority areas. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office.

### **What about Pedestrians, Bikes, Transit and Parking?**

Pedestrian, transit, or bicycle LOS, methodologies recently formalized in the Highway Capacity Manual 2010, are not mentioned as potential metrics.

Parking adequacy, irrespective of transit availability, had already been removed as a significance criterion in 2009 by the California Natural Resources Agency from its guidelines for the California Environmental Quality Act (CEQA). Senate Bill 743 codifies this into statute, at least within transit priority areas.

### **Conclusion**

By July 1, 2014, the Office of Planning and Research will issue new draft metrics for transportation impacts. Whatever those metrics may be,

they will not measure traffic congestion within a half-mile of a major transit stop. In many urbanized areas, that could exclude most of the local street network. Typical traffic mitigation measures triggered by CEQA, such as additional lanes of traffic, may become a thing of the past. However, the law does not preclude local general plan policies or thresholds; and other environmental analysis (air, noise, etc.) may still require traffic LOS analysis. So it may be some time before traditional LOS is gone.

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<sup>1</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21060-21072>