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# **CPDC - LUPER Technical Bulletin**

## **LUPER 19-01**

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**Distribution:** Executive Facilities Officers, Directors of Planning, Design and Construction, Facility Planners

**Subject:** California Environmental Quality Act - SB 743 Guidance

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SB 743, signed by Governor Brown in 2013, is changing the way transportation impacts are identified. Specifically, the legislation directed the Office of Planning and Research (OPR) to look at different metrics for identifying transportation impacts under the California Environmental Quality Act (CEQA). The updates to the CEQA Guidelines, effective December 28, 2018, identify vehicle miles traveled (VMT) as the preferred metric moving forward; analyses under CEQA were previously based primarily on congestion/delay. Based on the updated guidelines, the provisions of the new section of the CEQA Guidelines (Section 15064.3) related to transportation impacts shall apply statewide beginning on July 1, 2020, with an opt-in period extending from final approval of the CEQA Guidelines through July 1, 2020.

Given the timing of implementation, the California State University (CSU) has developed guidance related to addressing VMT for CSU projects, including master plans and master plan revisions, going forward. With respect to technical guidance, the *CSU Transportation Impact Study Manual* (TISM) will be released which incorporates appropriate methodologies consistent with SB 743 VMT analysis requirements, as provided in the CEQA Guidelines themselves and in the corresponding *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018). The update to the CSU TISM will provide a host of technical information needed to perform comprehensive VMT analyses.

The attached document provides guidance for providing VMT analysis in “in-progress” CEQA documents on track to commence public review prior to July 1, 2020. It also provides guidance for addressing VMT analysis in already certified CEQA documents, when subsequent CEQA analysis is required prior to July 1, 2020.

Attachment

Applicability:

Applicable to all CSU Campuses.

## CSU CEQA SB 743 GUIDANCE

### MARCH 11, 2019

#### 1. INTRODUCTION

SB 743, signed by Governor Brown in 2013, is changing the way transportation impacts are identified. Specifically, the legislation directed the Office of Planning and Research (OPR) to look at different metrics for identifying transportation impacts under the California Environmental Quality Act (CEQA). The updates to the CEQA Guidelines, effective December 28, 2018, identify vehicle miles traveled (VMT) as the preferred metric moving forward; analyses under CEQA were previously based primarily on the level of service (LOS) metric. Based on the updated guidelines, the provisions of the new section of the CEQA Guidelines (Section 15064.3) related to transportation impacts shall apply statewide beginning on July 1, 2020, with an opt-in period extending from final approval of the CEQA Guidelines through July 1, 2020.

Given the timing of implementation, California State University (CSU) has determined to develop guidance related to addressing VMT for CSU projects, including master plans and master plan revisions, going forward. With respect to technical guidance, Fehr and Peers is in the process of revising the *CSU Transportation Impact Study Manual (TISM)* on behalf of CSU to incorporate appropriate methodologies consistent with SB 743 VMT analysis requirements, as provided in the CEQA Guidelines themselves and in the corresponding *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018). The revised CSU TISM will provide technical guidance on how to screen or analyze VMT-related impacts associated with campus projects.

This document provides guidance for providing VMT analysis for “in-progress” CEQA documents on track to commence public review prior to July 1, 2020. It also provides guidance for addressing VMT analysis in already certified CEQA documents, when subsequent CEQA analysis is required prior to July 1, 2020.

#### 2. PENDING UPDATE TO CSU TRANSPORTATION IMPACT STUDY MANUAL

As previously noted, the CSU Chancellor’s Office presently is undertaking an update to the CSU TISM to reflect SB 743 and the revisions to the CEQA Guidelines. The update to the CSU TISM, currently planned to be completed during 2019, will provide a host of technical information needed to perform comprehensive VMT analyses, including:

- VMT baseline data, where available;
- Specific methodology to be applied to estimate and forecast VMT;
- Methodologies for analyzing both project-generated VMT (i.e., project impacts) and a project’s effect on VMT (i.e., cumulative impacts);

- Identification of additional data collection or survey information required to complete a VMT analysis;
- VMT significance criteria for evaluating transportation impacts; and
- Appropriate mitigation measures and related methodologies to quantify the VMT reductions associated with implementation of such mitigation.

Once the CSU TISM is updated and available to all CSU campuses, it will serve as an essential technical tool in support of the preparation of VMT analyses to be presented in CEQA documents for CSU projects and plans going forward.

### **3. PURPOSE OF SB 743 CEQA GUIDANCE**

This SB 743 CEQA Guidance is intended to provide each CSU campus with guidance on how to address VMT analysis within the context of in-progress CEQA documents and/or already certified CEQA documents, when warranted. This Guidance is subject to revision due to future changes in policies, guidelines or statutes.

### **4. SB 743 CEQA GUIDANCE**

#### **4.1 In-Progress CEQA Documents**

This section provides guidance on including VMT analyses, per CEQA Guidelines Section 15064.3, in CEQA documents currently under preparation. CEQA documents include program, project-level, or tiered Environmental Impact Reports (EIRs) and Initial Study/Negative Declarations or Mitigated Negative Declarations (ND/MNDs). Underlined text is provided for emphasis and clarity.

If a Draft CEQA document will be released for public review prior to issuance of the CSU TISM update, such CEQA documents should include analysis of the project's transportation-related VMT impacts to the extent reasonably feasible. Specifically, until the CSU TISM is updated and the CSU Chancellor's Office has approved the use of the new VMT-related impact methodologies and significance thresholds in the TISM, the VMT analysis incorporated in such "in-progress" CEQA documents should be limited to estimating the project's VMT and comparing the VMT estimate to the relevant VMT average. However, any conclusions regarding the significance of such impacts should *not* be made; thus, the analysis should be provided for information purposes only and not for the purpose of identifying significant impacts.

After issuance of the updated CSU TISM and before July 1, 2020, a VMT analysis following the VMT methodology presented in the updated CSU TISM, should be incorporated into such in-progress CEQA documents, as determined by the CSU Chancellor's Office. Specifically, the analysis would determine whether the project can be screened from a detailed VMT analysis and if not, a detailed VMT analysis per the TISM would be included in the in-progress CEQA document. If a detailed VMT

analysis is warranted, the Chancellor's Office will be consulted to determine whether this analysis would include the identification of significant impacts, as applicable, and the development of mitigation measures, if required to reduce impacts to a less-than-significant level.

If a Draft CEQA document will be released for public review after July 1, 2020, the CEQA document shall include VMT screening or, if required, a comprehensive VMT analysis, as required by CEQA Guidelines Section 15064.3(c). The VMT analysis shall be consistent with the methodologies and thresholds outlined in the updated CSU TISM, including the identification of significant impacts and development of feasible mitigation measures, if required to reduce impacts to a less-than-significant level.

Prior to preparing any VMT analysis, the CSU Chancellor's Office shall be consulted about the inclusion of VMT analyses in all CEQA documents currently under preparation, and about the methodology to be utilized in conducting the analysis.

## **4.2 Already Certified CEQA Documents**

This section provides guidance on what would trigger subsequent environmental review and related VMT analyses under SB 743 for a project for which a CEQA document has already been prepared and certified or adopted.

CEQA applies only to discretionary projects proposed to be carried out or approved by public agencies (CEQA Statutes Section 21080). Once a project has been approved and its associated CEQA document certified or adopted, the lead agency's role in project approval is completed, unless further discretionary approval of that project is required. Therefore, "new information" within the meaning of CEQA that arises following a project approval does not require reopening of that approval unless further discretionary approval of that project is required (CEQA Guidelines Section 15162(c)).

In considering this issue, previously certified master plan and other program EIRs are first addressed, followed by project-specific CEQA documents.

### *Master Plan and Other Program EIRs*

Once a program EIR, such as a comprehensive master plan EIR, has been prepared and certified by the CSU Board of Trustees, any subsequent discretionary approval<sup>1</sup> that may be required for projects being implemented under the master plan will require CEQA review and compliance. In some instances, that CEQA compliance can be provided by the previously certified program EIR. In

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<sup>1</sup> A typical subsequent discretionary approval in the CSU system is a schematic design approval for a specific project if such approval was not granted at the same time the underlying project was approved by the Trustees.

other instances, a subsequent tiered environmental review document is required to provide adequate coverage under CEQA for the subsequent discretionary approval. Tiering to the program EIR is used in such cases. Under CEQA Guidelines Section 15152(a), “tiering” refers to using the analysis of general matters contained in a broader EIR with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

If a subsequent discretionary approval is required after the initial master plan approval and associated program EIR certification, the specific project under the master plan must be examined in light of the program EIR to determine whether an additional environmental document must be prepared.

If a later activity would have potentially significant effects that were not examined in the program EIR, and the later activity is not statutorily or categorically exempt from CEQA, a new tiered initial study would need to be prepared if needed to evaluate new potentially significant effects that were not addressed by the program EIR (CEQA Guidelines Section 15168[c][1]). If the tiered initial study indicates that no new significant effects or substantial increase in the severity of previously identified significant effects would result with the project, based on criteria in CEQA Guidelines Section 15162, the CSU can approve the activity as being within the scope of the project covered by the program EIR. No new environmental document would be required (CEQA Guidelines Section 15168[c][2]).

The preparation of the tiered initial study for specific projects requiring subsequent discretionary approvals shall be prepared in coordination with the Chancellor’s Office. When applicable, the tiered initial study should incorporate appropriate VMT analysis per the guidance provided in Section 4.1 above and in consultation with the Chancellor’s Office, in order to determine whether a new significant environmental effect may occur for this topic. Once the tiered initial study is completed, the need for additional environmental review shall be determined in consultation with the Chancellor’s Office.

If a later activity would not have potentially significant effects beyond those examined in the program EIR and the later activity is not statutorily or categorically exempt from CEQA, a technical memo containing a VMT analysis could be prepared rather than a tiered initial study.

### *Project EIRs or ND/MNDs*

If a project-level EIR or ND/MND is prepared and certified or adopted to support a project approval or set of approvals, there will typically not be subsequent discretionary approvals. As provided in CEQA Guidelines Section 15162(c), once a project has been approved and its associated CEQA document certified or adopted, the lead agency’s role is completed unless further discretionary approval of that project is required, even if new information appears after the approval and environmental review is complete. Therefore, absent a subsequent discretionary approval, the need

to determine whether subsequent environmental review is required will not apply in such cases and a VMT analysis will not be required.

If there is in fact a subsequent discretionary approval for a previously approved project and related project-level EIR or ND/MND, then the triggers under CEQA Guidelines Section 15162, 15163 and 15164 will need to be reviewed in coordination with the Chancellor's Office to determine what, if any, additional environmental review or documentation will be needed.