



SFMTA

Municipal
Transportation
Agency

Environmental Review of SFMTA Projects Under CEQA



SFMTA Board of Directors
February 2, 2016 Special Meeting

- CEQA Basics
- Applicability to SFMTA Projects
- MTAB Calendar Items
- Updates to CEQA Reform
- Questions & Answers

- California Environmental Quality Act (CEQA) – State of California Law
- Signed by Governor Ronald Reagan in 1970
- Provide decision-makers and the general public with an objective analysis of a proposed project's impact on the physical environment
- Not intended as overall analysis of project's merits



Smog shrouding Downtown Los Angeles,
October 1968

MTA Board's role is to ensure discretionary decisions have been reviewed to comply with CEQA before approval.

California Environmental Quality Act (CEQA)

- Statute requiring agencies to identify environmental impacts of their actions. Applies to discretionary projects proposed to be carried out or approved by public agencies:
 - SFMTA Board Approval
 - Staff Approval
 - Award of Contract
 - Legislation

National Environmental Policy Act (NEPA)

- Federal environmental law triggered if projects have federal connection:
 - Funding (includes pass-through, e.g. OBAG)
 - Permits
 - Federal Property (e.g. GGNRA, Presidio of SF)

What Constitutes a ‘Project’ Under CEQA?

“an activity which may cause either a **direct physical change in the environment**, or a reasonably foreseeable **indirect physical change in the environment**”



Potentially Harmful Projects



Beneficial Projects

How Does CEQA Define the 'Environment'?



D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- | | | |
|--|--|---|
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Wind and Shadow | <input type="checkbox"/> Hydrology and Water Quality |
| <input checked="" type="checkbox"/> Cultural and Paleo. Resources | <input type="checkbox"/> Recreation | <input type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Transportation and Circulation | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mineral/Energy Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Public Services | <input type="checkbox"/> Agricultural and Forest Resources |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mandatory Findings of Significance |

All environmental factors are considered in CEQA Analysis

X = Topics that may require further study for SFMTA Projects

Traffic & Parking

- Removing multiple on-street parking spaces
- Changes to meter rates
- New traffic regulations



SFpark On-Street Meter

Streetscape Improvements

- Road diets
- New bicycle lanes
- Curb extensions
- Rapid flashing beacons
- Pedestrian countdown signals
- Daylighting
- Bicycle Facilities



Cesar Chavez Road Diet

Transit Improvements

- Transit signal prioritization
- Transit bulbs
- Muni service changes
- New fixed guideway (e.g. Van Ness BRT)
- Infrastructure replacement & facility overhaul (e.g. Twin Peaks Tunnel Trackway Improvements)



Forest Hill Station

Other

- Some grant applications
- Acceptance of some grant funds
- Funding requests and approvals
- Large capital procurements
- Certain leases and permits
- Transportation Code revisions



Siemens LRV Rendering

- **Exemption**
- Negative Declaration
- Environmental Impact Report (EIR)
- Supplemental EIR
- **Statutory Exemption (StatEx)**
 - No analysis required
 - Project must fit within the definition of the statutory exemption
- **Categorical Exemption (CatEx)**
 - Limited analysis may be required
 - Project falls under category determined to be exempt by CEQA Guidelines

- Exemption
- Negative Declaration
- Environmental Impact Report (EIR)
- Supplemental EIR

If a project is not deemed statutorily or categorically **exempt**, preparation of a **negative declaration** or **environmental impact report** is **required**.

Addendums can build off prior environmental review for related projects.

- Exemption
- **Negative Declaration**
- Environmental Impact Report (EIR)
- Supplemental EIR
- **Negative Declaration (ND)**
 - Initial study shows that there is no substantial evidence that project will have a significant effect on the environment
- **Mitigated Negative Declaration (MND)**
 - Project could potentially have negative impacts, but strategies are incorporated to mitigate impacts to less than significant levels

- Exemption
- Negative Declaration
- Environmental Impact Report (EIR)
- Supplemental EIR

- EIR
 - Extensive analysis
 - Examines environmental impacts of project at all phases
- Supplemental EIR
 - Limited analysis
 - Needed if project scope changes; only required to address information that would make previous EIR adequate as revised



Step 1: Is this a project under CEQA?

- Consult with SFMTA Environmental Review Team & Planning Department,
- Go to Step 2 if it is a project

Step 2: Initial Environmental Review

- Categorical or Statutory Exemption from CEQA (Go to Step 4), OR
- Has potentially significant environmental impacts (Go to Step 3) OR
- Is part of a larger effort that has completed CEQA review (Go to Step 4)

Step 3: Address Environmental Impacts

- Prepare Mitigated Negative Declaration, OR
- Environmental Impact Report

Step 4: Approval

- Project approved by Board or staff
- Environmental review must be complete prior to approval

---> Possible Appeal or Litigation

- Planning Department is San Francisco's lead agency under CEQA for all environmental documents under SF Administrative Code Chapter 31 with limited exceptions. CatEx/StatEx determinations are by staff or Environmental Review Officer.
- SFMTA staff have been delegated authority to issue certain Categorical/Statutory Exemptions, Findings of Consistency with Certified EIRs/MNDs, No Project Determinations.
- Planning Commission: Adopt Negative Declarations and certify EIRs as adequate and complete.
- Board of Supervisors: Hearing body for appeals of Planning Commission CEQA determinations.

Routine parking and traffic modifications are cleared via a Class I CatEx with the Public Hearing Agenda unless covered by previous environmental clearance; Agency approval for these items is through the City Traffic Engineer or SFMTA Board



CITY and COUNTY of SAN FRANCISCO
SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
Order # 5383
FOR PUBLIC HEARING

- 21(c). **ESTABLISH – TOW-AWAY NO STOPPING, BUS & TAXI ONLY LANE, 6 AM TO 10 AM AND 3 PM TO 7 PM, MONDAY THROUGH FRIDAY**
Bush Street, north side, from Sansome Street to 151 feet easterly
(extends part-time Muni only lane, MONDAY TO FRIDAY, 7AM to 9AM AND 3PM to 7PM)

Categorically exempt from Environmental Review: Class 1(c) (9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.

Frank Kenya Wheeler, 2-20-15
Frank Kenya Wheeler, SFMTA Date

The following items are pending environmental clearance:

- 22(a). **ESTABLISH – NO RIGHT TURN**
Market Street, eastbound, at Grant Avenue
- 22(b). **RESCIND – TOW-AWAY NO STOPPING, 7 AM TO 9 AM AND 3 PM TO 7 PM, MONDAY THROUGH FRIDAY**
3rd Street, west side, from Mission Street to Market Street
- 22(c). **ESTABLISH – TOW-AWAY NO STOPPING ANY TIME**
3rd Street, west side, from 55 feet to 118 feet south of Market Street (removes 3 commercial metered spaces, Meter #008, #010, #012)
O'Farrell Street, north side, from Grant Avenue to 26 feet westerly (removes 1 commercial metered space, Meter #002)
- 22(d). **ESTABLISH – MUNI & TAXI ONLY LANES**
A. Market Street, westbound center track lane, from 8th Street to 3rd Street
B. Market Street, eastbound center track lane, from 5th Street to 3rd Street
C. 3rd Street, northbound, from Stevenson Street to Market Street (replaces right turn pocket)
- 22(e). **ESTABLISH – NO RIGHT TURN EXCEPT FOR BICYCLES, BUSES, TAXIS, and COMMERCIAL VEHICLES**
A. 3rd Street, northbound, at Market Street
B. Ellis Street, eastbound, at Market Street
C. 5th Street, northbound, at Market Street
D. Cyril Magnin Street, southbound, at Market Street
E. 6th Street, northbound, at Market Street

- Under Chapter 31 of SF Administrative Code, Appeals of CEQA Findings to Board of Supervisors must be filed within 30 days of “Approval Action.”



- *Typically, first approval of project by SFMTA Board relying on exemption*
- Appeals are heard by BOS 21-45 days after appeals period expires
- If appeal is denied, a lawsuit is the only other remedy available to an appellant.

- SB 743 mandated that Level of Service (LOS) be replaced
- OPR published guidance stating that LOS should be replaced with **Vehicle Miles Travelled (VMT)** and that **Safety** should be considered.
- CEQA reform means MTA projects can be delivered faster!

When will it happen?

Haven't we talked about this forever?

It will happen at the State level by the end of
2016 – probably

It could happen in SF earlier

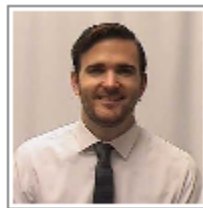
- Frank Markowitz: Section Manager, Approved Development Monitoring & Environmental Review
- Kenya Wheeler: Environmental Review Team Manager
- Erik Jaszewski: Associate Environmental Planner
- Daniel Sheeter: Assistant Environmental Planner
- Bjorn Griepenburg, Transportation Analyst
- Viktoriya Wise: Chief of Staff, Sustainable Streets Division



Markowitz, Frank



Wheeler, Kenya



Jaszewski, Erik



Sheeter, Daniel



Griepenburg, Bjorn



Wise, Viktoriya A



Questions?