[Conform Environmental Guidelines to Transit First Policy.]

Resolution urging the Planning Commission to set policy directing the Environmental Review Officer to modify local Environmental Review guidelines to remove the requirement that an Environmental Impact Report is required when a lane of automobile traffic is replaced with a bicycle or pedestrian facility under certain circumstances.

WHEREAS, San Francisco is a Transit First City per Charter section 16.102, to wit: "travel ... by bicycle and on foot must be an attractive alternative to travel by private automobile."; and

WHEREAS, The Bicycle Lane Network stands as the centerpiece of San Francisco's bicycle planning because it enhances the actual and perceived safety and perception of safety of bicyclists, thereby facilitating the choice to bicycle instead of drive; and,

WHEREAS, San Francisco's historic pattern of dense development and the limitations of its street network mean that there will always be competition between transportation modes for limited road space, and the Charter is clear that those conflicts should be resolved in favor of transit, bicycle and pedestrian modalities; and,

WHEREAS, The California Environmental Quality Act (CEQA) requires that significant adverse environmental impacts be analyzed and mitigated when appropriate projects are undertaken in the public realm to resolve those conflicts; and,

WHEREAS, Section 21080.19. of CEQA states: "This division does not apply to a project for re-striping of streets or highways to relieve traffic congestion."; and,

WHEREAS, Title 14. California Code of Regulations, Chapter 3, Section 15304, Guidelines for Implementation of the California Environmental Quality Act exempts "The

creation of bicycle lanes on existing rights-of-way" as a class 4 exemption, "Minor Alterations to Land."; and,

WHEREAS, Section 21000 (e) of CEQA states: "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment."; and,

WHEREAS, Bicycles occupy less street space per person than private automobiles and generate no air pollution, and increased bicycling has been proven to reduce the number of automobiles in traffic on a given street and to reduce the aggregate air pollution generated; and,

WHEREAS, CEQA grants broad authority to municipalities to implement its provisions; and,

WHEREAS, The City and County of San Francisco implements CEQA through Section 31 of the Administrative Code, which delegates administration of CEQA to the Planning Department's Office of Environmental Review (OER) and Environmental Review Officer (ERO), and vests with the Planning Commission final authority on setting guidelines and policies with which the Office of Environmental Review implements CEQA locally; and,

WHEREAS, An Environmental Impact Report (EIR) is required when the ERO determines that a project carries significant adverse environmental impacts as defined by California statute, San Francisco's Administrative Code and local guidelines; and,

WHEREAS, An EIR is costly, time consuming and only suggests rather than requires potential mitigations; and,

WHEREAS, The OER has historically, through guidelines, used a metric called the Level of Service (LOS), which runs from level 'A,' or free flow of traffic to level 'F', or total congestion, to determine whether a street project causes the significant impact of increasing air pollution due to low speed auto travel and thus triggers an EIR; and,

WHEREAS, Current OER guidelines require that if a bicycle lane project might degrade the LOS at an intersection to levels 'E' or “F,' an EIR must be prepared; and,

WHEREAS, LOS ‘E’ and ‘F’ are designated as an adverse impact to the environment because, in decades past, slow moving traffic theoretically led to ‘hot spots’ where pollutants accrue to levels that can cause harm to the environment and people; and,

WHEREAS, The effects of hot spots, if any, can be evaluated and mitigated independently of LOS; and,

WHEREAS, Automotive emission control technology has advanced over the intervening decades such that slower traffic is unlikely to cause any ‘hot spots,’ thus obviating CEQA’s concern over LOS as a measure of environmental impact; and,

WHEREAS, The Bay Area Air Quality Management District has not registered an automotive generated ‘hot spot’ in the 9 county Bay Area over the past decade; and,

WHEREAS, Invariably, mitigating LOS through increasing roadway capacity degrades environmental quality by increasing vehicle trips and vehicle volume and consequently increasing air pollution and greenhouse gas pollution, and increasing danger for bicyclists and pedestrians; and,

WHEREAS, LOS measures auto delay at intersections, not mid block and ignores all pedestrian and bicycle delay and safety; and,

WHEREAS, LOS analysis does not account for modal shift, where reduced motor vehicle capacity encourages auto trips to shift to other travel times, routes or travel modes; and,

WHEREAS, LOS, as constructed, favors the incumbency of the automobile, the most inefficient mode of transportation, at the expense of bicycles, pedestrians, and public transit; and,

WHEREAS, Auto LOS as a metric does not recognize that projects such as transit lanes, bicycle lanes, traffic calming, and sidewalk widening may reduce auto LOS but increases capacity for non-automobile modes, which can increase the total number of persons moving through a given corridor; and,

WHEREAS, LOS does not take into account relationships and conflicts among modes, such as the interplay between higher traffic speeds, higher flows, broader roadways, lateral separation and the negative, harmful consequences of those factors to pedestrian safety; and,

WHEREAS, LOS does not take into account the qualitative impacts on all users, including safety both real and perceived as well as trip quality; and,

WHEREAS, There is no historical evidence that removing a lane of automobile traffic for a bike lane has triggered mitigations based on an EIR or even a mitigated negative declaration; therefore, be it

RESOLVED, That the San Francisco Board of Supervisors finds that automobile LOS analysis alone is not an appropriate metric for pedestrian and bicycle projects that improve overall environmental quality in conformance with Section 16.102 of the Charter; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors seeks to enforce section 16.102 of the City Charter by urging the Planning Commission and the Office of Environmental Review to implement CEQA local ER guidelines that remove the requirement that an EIR is required in the case of removing or reducing automobile traffic lanes for a bicycle lane or pedestrian facility based on automobile LOS degradation to level ‘E’ or ‘F’ alone.