



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
SoCAL CHAPTER

November 30, 2018

Chair Fran Inman and California Transportation Commission Commissioners
Chair Mary Nichols and California Air Resources Board Members
California Transportation Commission/California Air Resources Board Joint Meeting
Sent via Email

Re: December 4, 2018 Joint Meeting

Dear Chair Inman and Commissioners, and Chair Nichols and Board Members:

NAIOP, the Commercial Real Estate Development Association, is the leading national organization of developers, owners, and related professionals in office, industrial and mixed-use real estate. NAIOP advances responsible commercial real estate development, researches trends and innovations, provides educational programs, and advocates for effective public policy. The NAIOP SoCal Chapter serves Los Angeles and Orange Counties, and is the third largest chapter in the United States with a membership of over 1,000 members.

NAIOP SoCal appreciates this opportunity to comment on the California Air Resource Board's (CARB) SB 150 report, and planning priorities as they relate to AB 32 and SB 375 emissions targets and Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) development.

In California, everyone is working to improve the environment and there have been tremendous reductions in emissions over even just the last decade. This success should be celebrated, yet there is more to do. To continue the success we have already had in pursuing our environmental goals, it is imperative we do not lose sight of the need to also balance job creation and the economic well-being of all Californians. California has one of the highest poverty rate in the nation. Nearly 20%, 1 in 5, of Californians live in poverty and that includes almost 25% of its children. Homelessness is also at epidemic levels. Poverty and homelessness are crises that must be given serious consideration in any policy decisions made in this State. As we see every day, and as the data clearly shows, poverty and homelessness are also serious public health issues.

We believe the laws governing this State call for such a balancing of emissions reductions, and jobs and the economy to be done through factually based, careful analysis. According to AB 32, the California Air Resources Board "shall adopt rules and regulations in an open public process to achieve the maximum technologically feasible and **cost-effective greenhouse gas emission reductions** from sources or categories of sources." Over more than a decade under both AB 32 and SB 375, it is becoming increasingly clear to the business community that while our air quality is better today than it was in 2006, the attainment of cleaner air is also occurring in an environment with a challenging housing market and a changing economy. AB 32 states, "It is the intent of the Legislature that the State Air Resources Board design

NAIOP 2018 OFFICERS AND BOARD OF DIRECTORS

PRESIDENT

James V. Camp, Rockefeller Group

PRESIDENT-ELECT

Jeff Moore, CBRE

VICE PRESIDENT

Pamela L. Westhoff, Sheppard Mullin

TREASURER

Rob Antrobus, Prologis

SECRETARY

Alison Vukovich, LBA Realty

PROGRAMS AND EDUCATION LIAISON

Mike Hodges, Irvine Company Office Properties

PAST PRESIDENT

Lance Ryan, Watson Land Company

Taylor Arnett, CapRock Partners

Angela Azizian, Wells Fargo Bank

Marc Bonando, Kidder Mathews

Andy Bratt, Newmark Realty Capital, Inc.

Greg Brown, HFF, L.P.

Kevin Burkhalter, Walker & Dunlop

John Casasante, Deutsche Asset Management

John Cornuke, TH Real Estate

Drew Emmel, Allen Matkins

Ryan Gallagher, HFF, L.P.

Aaron Hill, Bixby Land Company

Eric Hinkelman, Voit Real Estate Services

Fran Inman, Majestic Realty Co.

Kevin Ivey, KPRS Construction Services, Inc.

Ryan Jones, Panattoni Development Company

Lillian Kuo, Shea Properties

Mark Mattis, PMRG

Gregory May, Newmark Knight Frank

Thomas McAndrews, Tiama Real Estate Services

Justin McCusker, C.J. Segerstrom & Sons

Jim McFadden, Cushman & Wakefield

Parke Miller, Lincoln Property Company

Zach Niles, JLL

Susan Orloff, Ryan

Dean Parsons, Bank of America Merrill Lynch

Steve Pearson, DAUM Commercial Real Estate Services

John Premac, Chicago Title Company

Rodney Richerson, KBS

Spencer Rose, Equity Office

David Rowley, Newmark Knight Frank

David Salisbury, U.S. Bank

Brad Schmitt, Savills Studley

Christopher Tipre, Trammell Crow Company

Stéphane Wandel, Thrifty Oil Company

NAIOP SoCAL EXECUTIVE STAFF

Cynthia G. Fusco, Executive Director

Vickie Talley, Director of Legislative Affairs

Peter Herzog, Asst. Dir. of Legislative Affairs

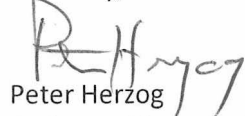
emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division ***in a manner that minimizes costs and maximizes benefits for California's economy.***" SB 375 further specifies that metropolitan planning organizations are to "set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, ***if there is a feasible way to do so***, the greenhouse gas emission reduction targets approved by the state board." SB 375 defines "feasible" as "***capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.***"

If California is to truly provide a beneficial quality of life for all the people of this State, California must equally consider the economic impacts of its planning activities when determining emissions targets. The pursuit of cleaner air should not exist in a vacuum, and cannot be the sole focus or driving force. Rules and regulations that favor emissions reductions over economic growth—instead of giving equal consideration to how California's emissions targets will impact the California economy—threaten to drive businesses and jobs out of our state.

Furthermore, while there may be many concepts or ideas on how to achieve all of our goals, any work must be based upon facts and what is realistic. What is actually cost-effective and technologically available must be front and center in any analysis. To come up with ideas that are not realistic or achievable is not productive for anyone. This will all require a very open public process as the issues we are facing are extremely complex, and no one agency, person or group has all the information or ideas. Solid, verifiable analysis of the issues will be critical to achieve our joint goal of a beneficial quality of life for all Californians.

NAIOP SoCal looks forward to working with everyone as we move forward in considering how our state is going to meet its emissions targets, and also balances the needs of keeping the California economy strong and growing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Herzog", with a stylized flourish at the end.

Peter Herzog
Assistant Director of Legislative Affairs



1215 K Street/Suite 1200
Sacramento, CA 95814
916/443-7933
fax 916/443-1960
www.cbia.org

2018 OFFICERS

Chair
MICHAEL BATTAGLIA
William Lyon Homes

Vice Chair
DAVE SANSON
DeNova Homes

CFO/Secretary
CHRIS AUSTIN
DPFG

President/CEO
DAN DUNMOYER

MEMBER ASSOCIATIONS

Building Industry
Association of
the Bay Area

Building Industry
Association of
Fresno/Madera Counties

Building Industry
Association of
the Greater Valley

Building Industry
Association of
San Diego County

Building Industry
Association of
Southern California

Building Industry
Association of
Tulare & Kings Counties

Home Builders
Association of
Central Coast

Home Builders
Association of
Kern County

North State Building
Industry Association

December 3, 2018

Fran Inman, Chair
California Transportation Commission (CTC)
Mary Nichols, Chair
California Air Resources Board (CARB)

Subject: CTC/CARB Joint Meeting December 4, 2018 – Informational Item SB 150 Report
Sent electronically to: CTC@catc.ca.gov

Dear Chair Inman and Chair Nichols:

On behalf of the California Building Industry Association (CBIA), thank you for the opportunity to offer these comments on the above noted document. CBIA is a statewide trade organization representing thousands of member companies including homebuilders, land developers, trade contractors, architects, engineers, designers, suppliers and other industry professionals. CBIA members are responsible for producing most of the market-rate housing in California. Additionally, CBIA was a principal force in the development of SB 375. We remain fully committed to seeing that law implemented in the most responsible way possible.

The core assertion in the report is that despite eight years of dedicated work by state, regional and local officials -- buoyed along the way and supported by private interests and other key stakeholders--California is not on track to meet the greenhouse gas reduction expectations of SB 375. This conclusion is reached even though, as the report notes, California has achieved *ahead of time* its overall 2020 statewide climate goals established under AB 32. The main reason for this somber, seemingly conflicting view is that vehicle miles travelled (VMT) are increasing statewide.

It is important to make two key points regarding VMT and its relationship to SB 375: First, the purpose and legislative intent behind SB 375 is to reduce GhG emissions. While an early legislative version of 375 focused on VMT-reduction, the legislature rejected that approach in favor of GhG reductions.¹ To suggest that SB 375 is underperforming or that it is not on track to meet expectations due to rising levels of VMT, misconstrues these realities. Second, not all VMT or GhG emissions are created equal. CO2 emitted from congested, idling vehicles impacts vehicle speed variance and reduces fuel economy. In turn this negatively influences goods movement and limits economic activity resulting in higher GhG per VMT emissions. Conversely, CO2 emissions from uncongested travel are lower per vehicle mile travelled while the social and economic benefits are increased. In this regard performance metrics focused solely or overly aggressively on reducing vehicular travel by limiting auto usage could very well encourage congestion and create rising levels of GhG emissions.²

¹ As amended by SB 375, Government Code 65080 identifies per-capita VMT as but one of a numerous set of indicators of mobility and means of travel that transportation planning agencies may quantify to achieve a balanced regional transportation system and to reduce GhG emissions from vehicular travel in connection with land use decisions.

² Travel is an activity that facilitates economic and social interactions. Regionally aggregated VMT is simply a collection of individual trips that produce some net benefit to the trip maker. Imposing additional policy and cost demands on transportation and congestion relieving activities (as proffered in the report recommendations and as advanced in other transportation diet recommendations) is likely to increase congestion. An increase in congestion very well may have the desired effect of reducing VMT but at the expense of increasing GhG emissions per vehicle mile traveled.

Considering the current conditions of decreased levels of transit ridership and increased levels of vehicular use, we acknowledge that there is an “achievability” disconnect between the ambitious targets (and the assumptions that underly those targets) and what is occurring on the ground, in the real world. This realization should not come as a surprise though given the understanding that land use and transportation and housing and sustainable communities decisions (and results) develop and materialize over time. In this regard, SB 375 has always been something of an anomaly from and deviation to the standard rules and practices surrounding the state’s GhG reduction mandates -- which are motivated by immediacy and a need to see dramatic, short-term results.

Balancing these oppositional forces requires patience, perseverance and sustained commitment. Focusing too sharply on short term metrics or outcomes ignores the very important ground work being undertaken in regions across the state that can provide longer-term payoffs. In this regard the report correctly points out positive changes that have occurred over the past decade such as increased investments for walking and cycling, road maintenance, and HOV lanes over general purpose lanes. To this we would add that most jurisdictions have worked to make their planning documents --- general plans, specific plans, climate action plans, zoning codes – more compatible with their SCS and have done so in the spirit of consensus and cooperation.

The report identifies eight ways to overcome the challenges to what it views as the failures of SB 375. Generally, the recommendations are focused on “improving” funding and incentives for transportation and housing projects that meet and achieve notions of equity, justice, sustainability, land conservation, health and subsidized housing objectives. More specifically, the report wonders out loud whether additional regional “targets” should be added to the SCS to account for health, equity/justice, and land conservation purposes.

While in another context these objectives deserve discussion and consideration, the stated goal of SB 375 is to reduce GhG emissions. Allowing for the “concept creep” of intuitive, force multiplying factors will undoubtedly subject pending and future transportation and housing projects to additional scrutiny, costs, litigation and rise in prices. This in turn will increase commute distances and VMT as individuals and families in search of housing are forced to drive until they qualify to purchase or rent a residence. Given the housing/poverty crisis we face today in California and the infrastructure challenges, these well-meaning but scarcity-producing recommendations should be rejected.

In closing we sincerely want to see the time and effort we put into SB 375 – both in the negotiations establishing the law and in the eight years of local implementation – succeed. To This end we offer the following recommendations for consideration:

- Adopt policies aimed at Increasing the supply of housing --- market-rate, subsidized, for sale, for rent, single family, multi-family – throughout California;
- Improve and streamline the housing entitlement and environmental review process for all areas included within an adopted SCS;
- Encourage jurisdictions to adopt and aggressively implement By Right zoning codes;
- Restore a more robust form of tax increment financing (TIF) to support communities that are approving and investing in the housing Californians need and that residents at all income-levels can afford and that advance state climate goals;

- Consider broad-based transportation pricing strategies that accurately reflect the cost of driving and that replace diminishing fuel-based charges;
- Ensure that future climate policies and strategies use real, verifiable data and that Californians are given the information they need to better understand the connections between these policies and the everyday costs of living and working in California.

Thank you again for the opportunity to offer these comments,

Respectfully,

Richard Lyon

Senior Consultant to CBIA

Mayor
LARRY MCCALLON
Council Member, District 5



City of
HIGHLAND
Inc. 1987



November 29, 2018

Dear Sir/Madam:

As a past President of the Southern California Association of Governments (SCAG) and current Governing Board Member of the South Coast Air Quality Management District (SCAQMD), I would like to offer input on the California Air Resource Board's planning priorities as they relate to AB 32 and SB 375 emissions targets and Regional Transportation Plan/Sustainable Communities Strategy development.

Achieving an ambitious reduction in emissions back to 1990 levels is bringing widespread benefits to communities across our state. Yet achieving our environmental goals must also balance job creation and the economic well-being of all Californians.

If California is to maintain its position as one of the largest economies in the world, California must equally consider the economic impacts of its planning activities when determining emissions targets. The pursuit of cleaner air should not exist in a vacuum. Rules and regulations that favor emissions reductions over economic growth—instead of giving equal consideration to how California's emissions targets will impact the California economy—threaten to drive businesses and jobs out of our state.

I ask that when the California Air Resources Board considers how our state is going to meet its emissions targets, it also balances the needs of keeping the California economy strong and growing.

Sincerely,


Larry McCallon
Mayor, City of Highland
SCAQMD Governing Board Member

(The views expressed are personal and may not necessarily reflect those of the City of Highland or any other City Council Member.)

lmccallon@cityofhighland.org
27215 Base Line, Highland, CA 92346
(909) 864-6861 · Fax (909) 862-3180
www.ci.highland.ca.us



Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95819

Fran Inman, Chair
California Transportation Commission
1120 N Street MS 52
Sacramento, CA 95814

Subject: Initial Response to Senate Bill 150 Report

Dear Chair Nichols and Chair Inman:

On behalf of the undersigned organizations, we are writing to offer our initial perspectives on the Senate Bill 375 (Steinberg, 2008) progress report being discussed at the December 4, 2018 meeting of the California Transportation Commission (CTC) and the California Air Resources Board (CARB). Our organizations have long followed the development, passage and implementation of SB 375 as a landmark policy to address multiple barriers to healthy and sustainable communities for all Californians.

The report required by Senate Bill 150 (Allen, 2017) provides a sobering view of where this policy has taken us and where it has to go. Unfortunately, despite efforts at the local, regional and state levels, the SB 150 report highlights that California remains significantly off course to achieving the goals and benefits envisioned to date. As stated in the report, “real-world results are falling significantly short of the SB 375 targets and are moving in the wrong direction.”

The inaugural SB 150 report challenges all levels of California leadership to take stock of what the data show, the barriers identified, and to build the collaborations needed to advance healthier, sustainable communities. In stark terms, the report makes clear that California is off track to achieve SB 375 community benefits. There is no single solution, but the SB 150 Report offers a strong starting point for focusing efforts on the development of a “Mobility Action Plan (MAP) for Healthy Communities” to achieve the vision of sustainable communities for all Californians. Specifically, our review of the report

prompted the following initial recommendations and observations for consideration before the CTC and CARB discussion. Further recommendations for the MAP are laid out in ClimatePlan network partners' submission to CTC and CARB dated November 30.

California is not on track to deliver emission reductions needed to achieve SB 375 goals, and many metrics for success are headed in the wrong direction. The report calls for all levels of government to coordinate better, align existing authorities and respond to significant challenges to reducing vehicle miles traveled and harmful pollution, including:

- Housing affordability and supply
- Equitable mobility choices
- Jobs/housing balance
- Anti-displacement strategies
- Transit ridership
- Transportation Network Companies
- Active transportation funding
- Compact development
- Agricultural land protection
- Data gaps

Focus the MAP for Healthy Communities on achieving equitable, healthy communities and begin this discussion as soon as possible. We applaud the goal of a focused local-regional-state dialogue on correcting the course to sustainable communities, identifying barriers and creating better data-tracking systems related to implementation. The focus of this effort should be to set priorities and develop climate strategies that will achieve equitable, safe and healthy communities for all Californians. We encourage state agency staff to begin laying the groundwork for this working group effort now and ensure that inequities and health disparities are addressed from the outset.

- We appreciate the recommendation in the report to develop a state vision for increasing mobility, access to jobs, affordable housing in underserved communities – this should inform the entire MAP process.

Ensure diverse stakeholder participation in creation of the MAP for Healthy Communities. We encourage state agency leads to create space in this process for outside expertise to inform the path forward. Equity, public health, conservation, active transportation, academic and other voices should be included as public members of the MAP committee. There are significant structural challenges to identify and address that are uniquely the responsibility of public agencies, but meaningful participation of stakeholders across a wide variety of disciplines and perspectives is vital to success.

Create accountability within the MAP process. The challenges of SB 375 implementation are well-documented in the SB 150 report, along with recognition that all levels of government have a shared responsibility to act. We encourage the parties involved in development of the MAP process to commit to actions, with accountable outcomes to measure progress in greenhouse gas reductions, mode shift, land use changes, equitable investment, land conservation and other key metrics at regular intervals.

Alignment of transportation funding with sustainability goals is critical. Incentive programs under the California Climate Investments program and new resources for active transportation, transit and sustainable planning under Senate Bill 1 recognize the need for alignment of transportation funding with state climate and clean air goals. Unfortunately, many funding decisions have no such link – and the SB 150 report notes “remarkably little shift in the overall spending allocations across roadway, transit, and bike and pedestrian infrastructure modes.” Fortunately, there is great opportunity to continue to make investments that support California’s goals: “Over \$1.1 trillion will be spent on transportation over the life of current transportation plans alone.” Alignment of funding and equitable transportation

investments must be central to the work of the joint CTC-CARB discussions and the broader MAP for Healthy Communities discussion.

- Given the findings of the SB 150 report, public funding should not be prioritized for transportation projects that work at cross purposes to achieving pollution reduction goals, and such projects should face far greater scrutiny regardless of funding sources.
- Public funding should be made more accessible to advance local projects that achieve SB 375 goals and benefits to climate, public health, conservation and equity.
- Public agencies with control of funding should coordinate to streamline application processes, technical assistance and outreach to local governments in order to broaden the reach and simplicity of application across funding sources.
- ***We recommend that CTC and CARB begin a process now to:***
 - Analyze where state funding is being spent,
 - Illustrate restrictions on how state funding is being spent,
 - Quantify the impacts of those projects on GHG emissions, mode shift and equity,
 - Develop recommendations for how to align funding with state goals.

We encourage the themes and best practices identified in the SB 150 report to guide ongoing discussions of the CTC and CARB, and to expand the conversation to include other state agencies involved in housing, transportation, planning, public health and other scopes of work that directly impact sustainability of communities. We look forward to working with your agencies, regional planning agencies, local governments and the Legislature to advance the vision of healthy, sustainable communities for all Californians.

Sincerely,

Matt Baker, Policy Director
Planning & Conservation League

Will Barrett, Director, Advocacy
American Lung Association in California

Tony Dang, Executive Director
California Walks

Kathy Dervin
350 Bay Area

Reverend Sophia DeWitt, Program Director
East Bay Housing Organizations

Jim Grant, Director, Social Justice Ministry
Diocese of Fresno

Reverend Earl W. Koteen, Environmental Justice Minister
Sunflower Alliance

Bryn Lindblad, Associate Director
Climate Resolve

Adam Livingston, Director of Planning and Policy
Sequoia Riverlands Trust

Bill Magavern, Policy Director
Coalition for Clean Air

Jonathan Matz, California Senior Policy Manager
Safe Routes to School National Partnership

Carter Rubin, Mobility and Climate Advocate
Natural Resources Defense Council

Linda Rudolph, Director of the Center for Climate Change and Health
Public Health Institute

Ella Wise, State Policy Associate
ClimatePlan



November 30, 2018

California Air Resources Board
Los Angeles County Metropolitan Transportation Authority
Board Room, 3rd Floor
One Gateway Plaza
Los Angeles, CA 90012

RE: 2018 Progress Report on Sustainable Communities and Climate Protection

Dear Chairwoman Nichols:

Orange County Business Council is grateful for the opportunity to comment and offer input on the California Air Resource Board's planning priorities as they relate to AB 32 and SB 375 emissions targets and Regional Transportation Plan/Sustainable Communities Strategy development.

Achieving an ambitious reduction in emissions back to 1990 levels is bringing widespread benefits to communities across our state. Climate change is real yet achieving the state's environmental goals must also balance social equity, job creation and the economic well-being of all Californians.

According to AB 32, the California Air Resources Board "shall adopt rules and regulations in an open public process to achieve the maximum technologically feasible and **cost-effective greenhouse gas emission reductions** from sources or categories of sources." Over more than a decade under both AB 32 and SB 375, it is becoming increasingly clear to the business community that while air quality is far better today than it was in 2006, the attainment of even cleaner air is also occurring in an environment with a challenging housing market and a changing economy. AB 32 states, "It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division **in a manner that minimizes costs and maximizes benefits for California's economy.**" SB 375 further specifies that metropolitan planning organizations are to "set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, **if there is a feasible way to do so**, the greenhouse gas emission reduction targets approved by the state board." SB 375 defines "feasible" as "**capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.**"

Page Two
CARB
November 30, 2018

California is facing an increase in vehicle miles traveled (VMT), not reductions. Jobs and certainly affordable housing across Southern California—unlike New York—are not necessarily located at convenient transit centers. Mandating the reduction of VMT in a steadily increasing population and growing economy with a severe workforce housing shortage of 3.5 million units is unsustainable. Fewer residents are able to take advantage of public transportation, specifically in under-served communities such as Banning, Beaumont and Coachella. They have limited options and must commute long distances to their jobs, traveling several hours a day. Identifying and funding innovative transportation choices for all communities, in addition to producing additional housing closer to jobs will significantly reduce the burden.

There is no argument that business and community stakeholders must do their part to combat climate change and reduce VMT. Government mandates, however, may not be as effective as developing a grassroots campaign that helps folks understand how to use transit, how to read a schedule and incentivizes them to consider transit alternatives to car use. OCBC has proposed an innovative program called *"Just One Trip a Week"* to encourage new transit riders, reduce VMT and GHG, a copy of which is attached and already in development in the city of Irvine. With "just one trip a week," congestion can be measurably reduced and environmental goals achieved with voluntary public support, not opposition as recently demonstrated in attempts to impose "road diets" in certain communities.

If California is to maintain its position as one of the largest economies in the world, California must equally consider the economic impacts of its planning activities when determining emissions targets. The pursuit of cleaner air should not exist in a vacuum. Rules and regulations that mandate emissions reductions over economic growth—instead of giving equal consideration to how California's emissions targets will impact the California economy and social equity—threaten to drive businesses and jobs out of the state.

Balancing environment goals with social equity and economic progress is the definition of sustainable success for California.

Sincerely,



Alicia Berhow
Senior Vice President of Government Affairs

AB:ld

Attachment: *"Just One Trip a Week"*



IRVINE *"Just One Trip a Week"* CAMPAIGN

CONCEPT BACKGROUND: The environmental movement began over 50 years with many of us just learning to recycle our trash. We carefully separated newspapers from egg shells and aluminum cans from chicken bones. To this day, we keep separate trash cans doing our part to reduce waste and recycle reusable materials.

In a few simple, personal moves, we made a difference in waste management.

In the same way, we might look at traffic, reducing VMT (daily vehicle miles traveled).

For example, take one city like IRVINE (each city could be unique).

In Irvine, a recent "no growth" measure was proposed to require city-wide vote on building with the idea that this will help curtail perceived and pervasive traffic congestion. In fact, the measure did nothing to alleviate congestion or improve mobility but the perception remains.

Irvine does have innovative transportation systems from iShuttle run by OCTA to UCI's "Surviving UCI Without a Car" to "Spectrumotion" partnership between the City of Irvine and Irvine Company—taking nearly 2 million car trips off the road each year—to corporate campuses with shared bikes, to OCTA's trip planner.

Travelers still prefer driving alone in a car.

In a recent UCLA study commissioned by the Southern California Association of Governments, despite numerous options available, transit ridership is actually down, car purchases are up and solo driver trips are up. This is a problem as road capacity is constrained, air quality improvements are constrained and quality of life is diminished.

Proposal: Like the movement to recycle, we need a new movement to introduce alternative modes including transit and biking in a new way: *"Just one trip a week."* Not every day, not every trip, not to make traveling harder or inconvenient. But, by introducing a *"Just one trip a week"* concept where everyone experiences a new mode—maybe to go to a business lunch via iShuttle instead of the car—or taking Metrolink—experimenting with new modes to find out what works for each person and allow each traveler to explore in a new way, learn how to read a schedule, make it cool or hip to do something other than the car, allay fears of the unknown and security/safety issues of public modes of mobility.

Viraling the Movement: This could be a perfect Earth Day project to begin a year-long movement. Partners in marketing with the City of Irvine, Chamber, FivePoint, Irvine Company,

Spectrum, Villages, Irvine Schools (helping kids push their parents to participate), UCI and other academic institutions. We need a marketing plan and implementation plan (a place where folks can find out what's available—website or app perhaps). Starting with one city like Irvine, promoting successes, reduced VMT, GhG, etc., and showcasing Irvine as an innovation leader in this field.

Benefit: Reducing congestion and increasing road capacity, air quality, health. And more importantly—if another no growth measure appears based on “traffic,” we can ask what have YOU done to alleviate congestion when there are plenty of options available? Also, with SB 743 implementation pending, and a need to reduce Vehicle Miles Traveled (VMT), contributing to the success of this program may help with otherwise costly mitigation for development.

A number of state agencies are developing “top down” mandates and fees to reduce VMT. A grassroots effort must be developed as state mandates will face serious resistance.

IN SUMMARY

GOALS:

1. Reduce VMT
2. Reduce traffic congestion
3. Reduce Greenhouse Gases
4. Cause behavior shifts in trip making
5. Provide potential VMT mitigation with SB 743 CEQA changes

POTENTIAL SPONSORS:

1. OCTA
2. Caltrans District 12
3. TCA
4. City of Irvine
5. Spectrumotion
6. Irvine Chamber of Commerce
7. OCBC
8. Irvine Company
9. Irvine Unified School District
10. UCI
11. Irvine Valley College
12. Metrolink
13. Amtrak

POTENTIAL PROGRAMS (extent of programs based on funding from sponsors)

1. Marketing campaign to educate Irvine residents and employees of benefits to reducing single occupant driving and options available to them
2. Develop an Irvine focused transportation website and/or smartphone app
3. Rewards program
 - a. Prize drawings for those who can demonstrate that they used an alternative mode of transportation (Could be Irvine retailers providing gift cards/discounts etc.)
 - b. Daily prizes given to randomly selected bike riders, iShuttle users, OCTA bus riders with publicity showing winners
 - c. Credit card rewards for paying for Metrolink, Amtrak, OCTA bus passes, etc.

4. Expansion of iShuttle routes into residential villages
5. Development of Uber/Lyft shared ride program in Irvine
6. Expansion of bike and car share programs
7. Create a City-wide "Leave the car behind" day with prizes and incentives (could be combined with a walk or bike to school day)
8. Develop a monitoring program to measure how program is reducing vehicular trips
9. Create competitions to see what entities can reduce single occupant trips the most (i.e., bikes/students or carpools/employees)

NEXT STEPS

1. Meet with OCTA and City of Irvine to seek their leadership in campaign
2. Invite potential sponsors to subsequent meeting to explain proposed program and goals
3. Seek sponsor funding
 - a. Sponsor funding could be for a very specific program
 - b. Sponsor funding could be to fund marketing, prizes etc.
4. May need to hire a consultant to manage program
5. Develop a methodology to measure success and VMT reduction
6. Develop a potential budget for a one-year campaign (marketing, website, app, prizes, consultant resources)
7. Develop a citywide app to help plan and select choices
8. Create an optional new development fee that could be used to mitigate VMT impacts identified in CEQA document
9. Create mitigation credit for developers investing in the program



November 30, 2018

Fran Inman, Chair
California Transportation Commission
1120 N Street MS 52
Sacramento, CA 95814

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95819

Sent via email and submitted to the CTC public comment docket for AB 179

Re: Resources for and response to proposed Mobility Action Plan for Healthy Communities

Dear Chair Inman and Chair Nichols:

We are supportive of the Air Resources Board's proposal for a 'Mobility Action Plan for Healthy Communities' (MAP) in its recently released SB 150 report¹. Further discussion of the SB 150 report is laid out in ClimatePlan network partners' November 30 submission to CTC and ARB with the subject line: Initial Response to Senate Bill 150 Report. This letter is intended to provide further resources and more specific recommendations for the proposed MAP.

Transportation Platform

We have included as an attachment to this letter a Transportation Platform signed by 48 organizations, which includes a number of possible actions that could be developed further and included in the MAP. The Platform exemplifies a cross-sector approach to improving access to opportunity and reducing reliance on driving. The twin goals of climate action and directing benefits to underserved communities are consistent and mutually-reinforcing. We can and must find solutions that address both climate and injustice. We hope that this Platform provides a helpful resource as the State acts quickly to develop the MAP.

¹ "2018 Progress Report: California's Sustainable Communities and Climate Protection Act." November 2018.
<https://ww2.arb.ca.gov/resources/documents/tracking-progress>

Workgroup and Action Plan

At the first joint meeting of CTC and ARB in June 2018, much interest was garnered around the idea of forming an interagency workgroup that meets between the joint meetings to move the work forward. Advocates proposed that the central task of the workgroup be to develop a much needed action plan for reducing car dependence. In July 2018, advocates submitted to CTC and ARB staff a proposal for a workgroup to develop an action plan. Based on discussions with Director Bransen and Deputy Executive Officer Cliff and their staff in October 2018, we refined our proposal. On November 26, ARB released the SB 150 report with their recommendation for the MAP. We provide this history to record the long-standing ask for an interagency workgroup to develop an action plan, in an effort to **add urgency to establishing the recommended MAP.**

We are grateful to see ARB's recommendation closely mirror our refined proposal and are generally supportive of the MAP. We support engaging Secretaries and Chairs of key California agencies and Commissions, and representatives from regional and local governments to outline a specific action plan responding to the challenges outlined in the SB 150 Report. We offer the following recommendations to help in the formation of the MAP:

1. Include public membership on the MAP taskforce. While the SB 150 report clearly calls for a public process, we urge the group membership to be inclusive of numerous and diverse public members that can support and best reflect the diversity and needs of our state. Including non-governmental organization (NGO) representatives, in addition to other members of civil society, as partners with seats at the table is the best way to ensure that the development of the MAP is informed by lived experience and is designed to meet the needs of frontline communities. Being plugged into the process in a meaningful way would enable civil society representatives to provide more actionable feedback (as solicited from their networks), rather than limiting public input to 1-minute public comment periods or often-unanswered public comment submittals, which stifle constructive exchanges. The NGOs should have expertise in equity, health, and rural issues, as well as geographic representation from Northern, Central, and Southern California.

One model for membership could be the California Transportation Infrastructure Priorities (CTIP) Workgroup. This workgroup was convened by the California State Transportation Agency (CalSTA) and included representatives from various state agencies, as well as non-state entities such as labor and industry groups, as well as environmental and social equity groups. Under the leadership of CalSTA, this workgroup provided an opportunity for state agencies to work collaboratively with non-profit organizations and labor entities to develop a series of recommendations for the Secretary of Transportation. Another model for membership could be the interagency workgroup that was developed for the Scoping Plan Appendix C on VMT reduction strategies. This Scoping Plan interagency workgroup is good foundation of state

agencies but should be expanded to include representation from the CTC, California Department of Transportation (Caltrans), and Metropolitan Planning Organizations (MPOs) as well as non-profit organizations.

2. Emphasize transportation and mobility justice² (in addition to equity) throughout the MAP. Transportation connects people to places, and is a major determinant of access to opportunity and economic mobility, and health outcomes. However, these benefits and burdens do not fall equally on all. In relation to the third challenge described in the SB 150 report, it is imperative that we work to accelerate progress toward not only equity in the vision for serving underserved communities, but that we work toward justice to right historical wrongs that continue to impact the quality of life of these same communities. California's transportation system--built primarily to facilitate single occupancy vehicles and goods movement, as well as sprawl development--has literally damaged, destroyed, and divided existing low-income communities and communities of color. In addition to the economic and social burdens of California transportation policy, our freeways and goods movement infrastructure place disproportionate air quality burdens on low-income communities of color. There are different ways to define "greatest need". For this MAP development process, we implore the taskforce to address head-on the past and ongoing transportation decisions that maintain and reproduce marginalized communities.
3. Begin immediately to achieve progress on a timeline. It has been a year since the 2030 Scoping Plan identified the need for greater state leadership to reduce reliance on cars to meet the state's climate goals. With the momentum of the SB 150 report, there is no time to waste. We recommend leaders of the MAP start convening in late January 2019. Given the diverse stakeholders, we recommend this taskforce meet bi-monthly around the state, with webconference technology available for all meetings. By the October 2019 joint CTC and ARB meeting, a draft outline of the MAP should be prepared.
4. Ensure strong leadership and facilitation. In order for a multi-sector, interagency body to produce and implement the MAP on a timeline, strong facilitation will be needed. For example, CalSTA or Caltrans may be appropriate leaders. With CTC's limited staff, it may be too much to expect them to host the MAP process, and although ARB should also play a central role, we believe CalSTA or Caltrans would be more appropriate given their expertise in transportation. Also, Caltrans or CalSTA could choose to hire a third-party / outside facilitator to ensure that the process and meetings are inclusive and focused.
5. Maintain focus on systemic shifts in transportation, housing, and land use. There are three ways to reduce transportation emissions: clean fuels, clean vehicles, and reduce driving. Each strategy is critical to the state's success and offers different benefits. As one component of an "all-of-the-above approach", we propose the MAP stay focused on reducing travel distances and improving multi-modal mobility to reduce reliance on

² Transportation justice can be defined as redressing inequitable outcomes specifically within the transportation system (e.g. fair and equitable access to public transit). Whereas mobility justice can be seen as an overarching concept for thinking about how power and inequality inform the governance and control of movement, shaping the patterns of unequal mobility and immobility in the circulation of people, resources, and information occurring at different scales. The transportation system is just one part of a broader mobility justice framework that requires intersectional action to effectively stem historical and structural inequalities that restrict the freedom of movement for marginalized and disenfranchised populations.

driving. ARB makes clear: “Even if the share of new car sales that are ZEVs grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030.”

We appreciate your consideration of our comments and look forward to the State’s leadership on aligning transportation policy and planning with California’s climate, health, and equity goals. We stand ready to help.

Sincerely,

Bryn Lindblad, Deputy Director
Climate Resolve

Jared Sanchez, Senior Policy Advocate
California Bicycle Coalition

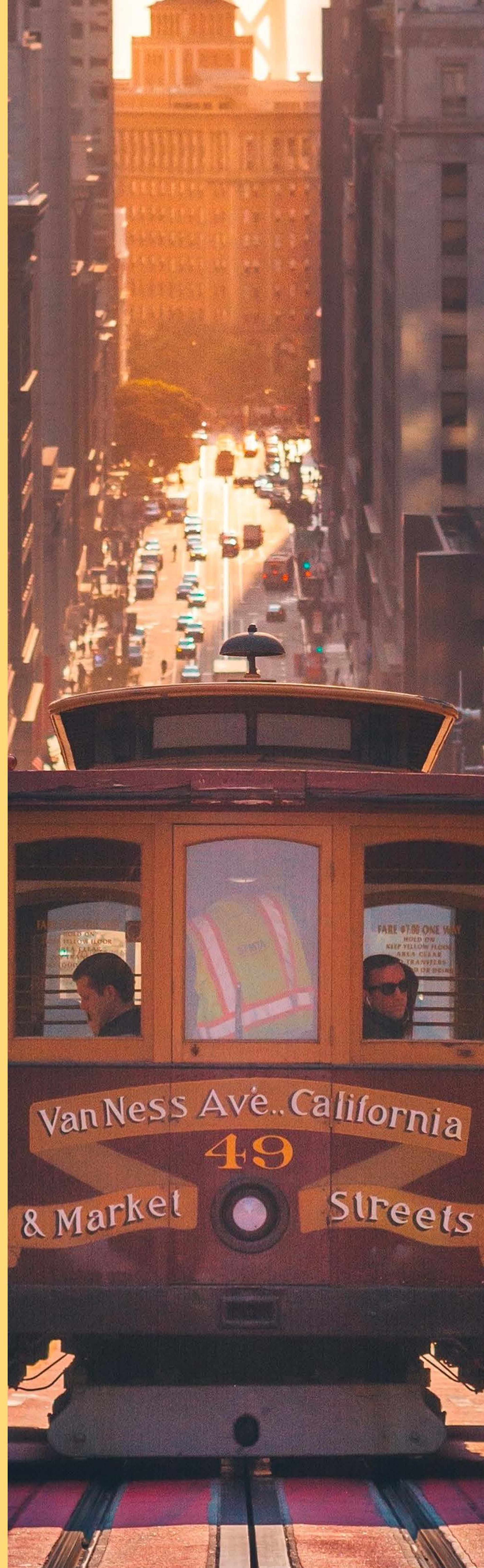
Ella Wise, State Policy Associate
ClimatePlan

Enclosures (1): Transportation Platform

Lead the Way, California

A Transportation
Platform to Move
Us Forward

November 2018





We stand with you

The undersigned organizations urge Governor-elect Newsom to show swift leadership and focused perseverance on these actions. We stand by as ready and enthusiastic partners to help achieve these actions, as well as others that will bring about a more vibrant, equitable, and resilient California.



It's time for California to lead the way, with transportation that connects everyone to a brighter future. It's time to break free of the dependence on outdated, unhealthy technology — cars, freeways, and dirty freight — that is hurting our communities and our climate. California is leading the nation on climate goals, but our transportation system is dragging us backward. It's time to think bigger, to be bold, and to invest in solutions that bring our values to life.

This transportation platform offers clear steps for California's new administration to lead the way.

Vision

Every Californian — especially people of color and low-income people burdened by past and present transportation decisions — can live in a community where:

- It is convenient, dignified, and affordable to get around on public transit, on foot, by bike, or by scooter;
- Streets are shared public space — where people can safely and comfortably walk, sit, and talk — not just thoroughways for traffic;
- Everyone can find and stay in a home they can afford, close to good jobs, shops, healthcare, and schools;
- Surrounding farmland and natural lands are protected, helping to sequester carbon, provide climate resilience against wildfire risk, and replenish clean water reserves; and
- Accessible natural open spaces provide a variety of recreational opportunities where all people can lead healthy and active lives.

Actions

Prioritize Transportation That Moves California Forward	Page 4
Act to Meet the Greatest Needs First	Page 8
Champion Housing Justice for California's Communities	Page 10
Clean Up California's Air	Page 12
Recognize the True Value of California's Landscapes	Page 14



Prioritize Transportation That Moves California Forward

For too long, development in California was built on the assumption that everyone should own cars and drive everywhere. This assumption drove California right to the current crises of climate change and inequality. The transportation sector is California's biggest source of greenhouse gases, and emissions are on the rise. And when people have no choice but to drive, those without cars are deprived of access to opportunity. We can change this, and we must. We can bring balance to our transportation system and build communities for people rather than cars, to bring about a shift toward a sustainable future. This will alleviate congestion, reduce climate pollution, relieve transportation cost burden, improve public health, and allow people to spend more time with their families — not in traffic.

- **Put our money where our goals are: bring state transportation funding and policy into line with state goals for climate, equity, and public health.** This year, California spent only 19% of its transportation funds on public transit, while 81% went towards highways and roads. It's time to flip that equation. When we free up millions of dollars by stopping polluting projects, we can invest in a sustainable future.

- **Examine exactly how state transportation funds are spent and why.** Make transportation spending transparent and accountable, specifically the State Transportation Improvement (STIP) and State Highway Operation Protection (SHOPP) programs so these funds prioritize complete streets and safer communities for all Californians. Legislative obstacles may exist to shifting funding away from road and highway projects and toward sustainable transportation; identify those obstacles (e.g., State Constitution Article XIX), and pass legislation to remove them.
- **Evaluate projects using state climate, equity, and health goals, and condition state funding on project performance.** Use relevant performance measures, such as: reduction of vehicle miles traveled (VMT); improvement of transit service and other alternative modes of transportation such as vanpools in disadvantaged communities and to lower-income jobs; and increased safety of walking and biking. Hold projects accountable for “induced demand,” that is, causing more driving. Use state funds to incentivize projects that support sustainable modes like public transit, biking, and walking. End the use of state funding on roadway capacity projects, which increase climate pollution and car dependence.
- **Invest in sustainable transportation and help regions meet their greenhouse gas reduction goals.** Keep existing buses and trains running, expand high-quality bus service, and build miles of safe walking and bike routes. Use road maintenance funds (SHOPP) to make streets better for walking, biking, and transit; e.g., convert car lanes into sidewalks, bike lanes, and transit-only or high-occupancy travel lanes. Leave no place behind; invest in non-traditional transportation ideas like vanpools and ridesharing for rural areas — Green Raiteros and Van Y Vienen are two such community-led, culturally-informed EV ride-share initiatives — and everyone needs sidewalks.
- **Prepare for the future by transitioning California’s transportation funding away from regressive tax structures such as the gas tax.** Use congestion pricing and high-occupancy toll lanes to disincentivize solo driving. Establish tiered fee structures to avoid overburdening low-income families.
- **Invest in street greening with state transportation funds.** Trees and plants along roadways help protect people from poor air quality and climate change impacts, such as extreme heat, storms, and flooding. These are low-cost, long-term solutions.

- **Harness innovation in emerging mobility technologies, including autonomous vehicles (AVs), to reach our state goals for climate, equity, and public health.**

Make sure that private companies serve the public good to improve mobility for all. Use regulations to protect the safety and conviviality of streets, and set pricing to encourage sustainable behavior and redress economic inequity.

- **Ensure mobility services improve access for most in need.** Regulate Transportation Network Companies (TNCs) such as Lyft and Uber, to set graduated TNC fees to provide discount multi-modal services for low-income passengers, seniors, fill in for sub-par transit service, and comply with legal accommodations requirements for people with disabilities.
- **Put people first on streets and sidewalks.** Reallocate street space from cars to bikes and micromobility to create more safe places to bike and scooter. Regulate mobility innovations such as scooter sharing and AVs, addressing parking, and sidewalk and curb space, to ensure they do not pose safety risks to people walking and biking.
- **Require AVs to prove that they see people, that they bear the burden of safety, and that they have no bias.** Before deployment, AVs must be able to fully see and safely understand and predict the behavior of people walking, biking, and using wheelchairs — without those people needing to do, wear, or own anything special. AV artificial intelligence must demonstrate cultural sensitivity and show that it is free of any bias or detrimental approach to people of color or with disabilities.
- **Require all AVs to help meet state goals.** All AVs should be electric, zero-emission, and part of a shared fleet under the jurisdiction of the PUC. Direct the PUC to regulate them to: meet VMT reduction targets, support growth management and sprawl containment, incentivize ride-pooling, and ensure accessibility and affordability for low-income riders and other marginalized people.
- **Start planning now for how to mitigate the labor impacts of AVs, as they will result in drivers losing their livelihoods.** Create replacement jobs for current TNC and transit drivers.

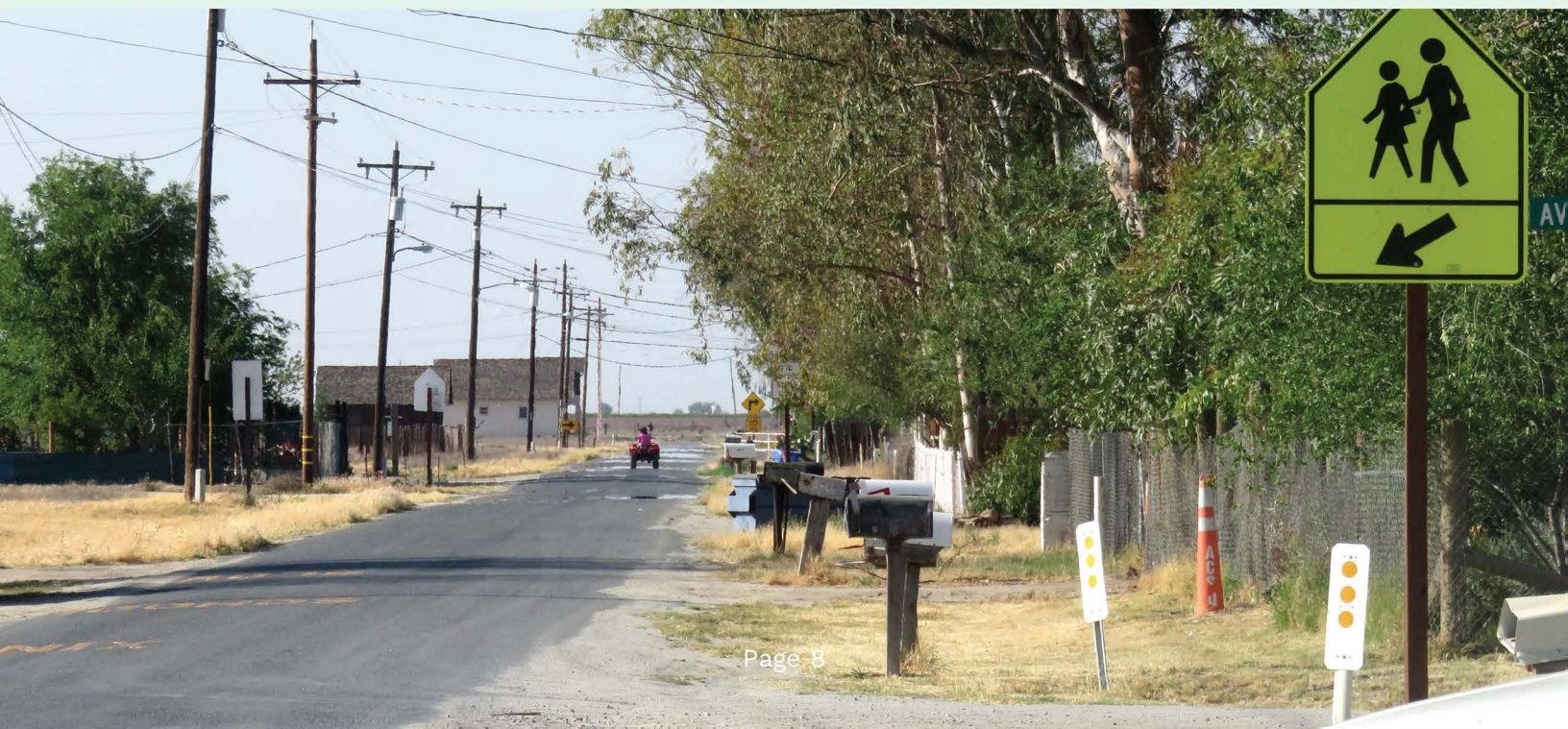
- **Set up good government and smart systems to address transportation and land use together.** Coordinate and hold entities at each level of government accountable for improving access and reducing emissions.

- **Create a task-force to develop a state Action Plan to improve access to opportunity and reduce emissions by shifting transportation and land use patterns.** Identify the timeline, responsible agencies, and performance indicators for each action.
- **Strengthen SB 375 by making local and regional transportation planning and spending more transparent and sustainable.** Require transparency and more public engagement in regions' year-by-year funding decisions. Help regions invest in sustainable transportation projects by bringing the local spending plans and sales tax expenditure plans of Congestion Management Agencies into line with state and regional climate and equity goals. Encourage regions to invest in seamless regional coordination of transit to improve access and environmental outcomes.
- **Hold regions accountable for doing all they can to implement their Sustainable Community Strategies per SB 375.** Identify which actions needed to meet a region's targets are within the region's authority, monitor the progress on those actions, and condition state funding on progress. Provide strong incentives to get local general plans into line with regional Sustainable Community Strategies.
- **Show state leadership in implementing CEQA reform per SB 743.** Direct Caltrans to analyze projects' impacts on VMT and establish a significance threshold of no net increase of VMT. Launch equity-focused VMT mitigation banks, an innovative strategy to reduce driving, fund sustainable transportation, and benefit disadvantaged communities.
- **Update the California Transportation Commission (CTC) to support state goals for climate, equity, and public health.** Update the mission and structure of the CTC so that state funds are raised and spent in ways that support these goals. Appoint commissioners who are equipped to understand equity issues and transportation justice; represent low-income communities from different geographies, including rural areas; and recognize the implications of different transportation funding decisions for public health and the climate.
- **Align the missions of state agencies in charge of transportation, climate, health, and housing.** Key agencies including Caltrans, the CTC, ARB, SGC, CDPH, and HCD should support each other in reducing car dependence. California Climate Investment programs offer a model; build on this for effective, cross-sector solutions.

Act to Meet the Greatest Needs First

Transportation decisions can harm or help. They can divide neighborhoods and burden communities with dirty air and dangerous streets — or they can open doors to opportunity and upward mobility. People in marginalized and disenfranchised communities suffer from pollution and poor health because of land use decisions putting heavy industry and freeways nearby, and often also lack good transit access, basic infrastructure like sidewalks, and safe crossings. We must address the vast inequities in California that disproportionately burden people of color and low-income communities, and do it in a way that shows value and respect for the state's most vulnerable populations. As we make more opportunities available to more people, our communities and our state's economy will flourish.

- **Redress inequity: get regions to invest first in safety and mobility for disadvantaged communities.** Use state authority to mandate that regions prioritize transportation spending to serve vulnerable populations, including those in unincorporated areas, for example with a set-aside like AB 1550. To do this, screening tools for state funding need to be updated to encompass mobility-specific inequities, in addition to correcting biases that make projects in urban areas more competitive than projects in rural areas. Overburdened communities have faced long-standing patterns of disinvestment and deserve relief, and better options. There should be no “wrong side of the tracks.” Substantially increasing spending on transit operating subsidies and reduced fares would both better meet the mobility needs of underserved residents and boost overall transit ridership.



- **Let the community decide: increase meaningful public engagement, participation, and decision-making, especially among low-income people and communities of color, in transportation investments.** This will ensure that transportation projects actually meet community needs. Use scoring criteria to incentivize robust public participation for transportation project development and planning. Support participatory budgeting at the local level so that residents can shape a set of community-driven priorities that actually get funded.
- **Support community-led transformation: expand programs like the “green zone” strategy in the state’s Transformative Climate Communities program.** These enable low-income community members to come together to lead the transformation of a pollution-burdened area into a healthy, thriving neighborhood. To be effective, these projects should remain community-driven through the entire process, including planning, programming and implementing.
- **Invest in people: leverage transportation funds for high-quality jobs and careers for low-income people and communities of color.** Use the state’s large transportation investments to expand workforce development and job access through targeted hiring policies, workforce training programs that serve people with barriers to employment, and partnerships with community-based organizations that provide wrap-around supportive services. Transportation investments offer an enormous opportunity to create quality local jobs, careers, and contracting opportunities for low-income people, people of color, women, and businesses they own. Expanding targeted local hire programs in this way can close inequality gaps and create opportunity for upward economic mobility.



Champion Housing Justice for California's Communities

Displacement is not just bad for people, it's bad for the climate. Low-income people are core transit riders that rely on — and sustain — public transportation networks, and when displaced from their neighborhoods, they tend to move to far-flung exurbs, where they are forced to drive long commutes. At the same time, the new higher-income residents moving in are much less likely to use transit. To stabilize communities, support sustainable transportation, and build community support for infill development and transit projects, strong, locally appropriate anti-displacement strategies are needed.

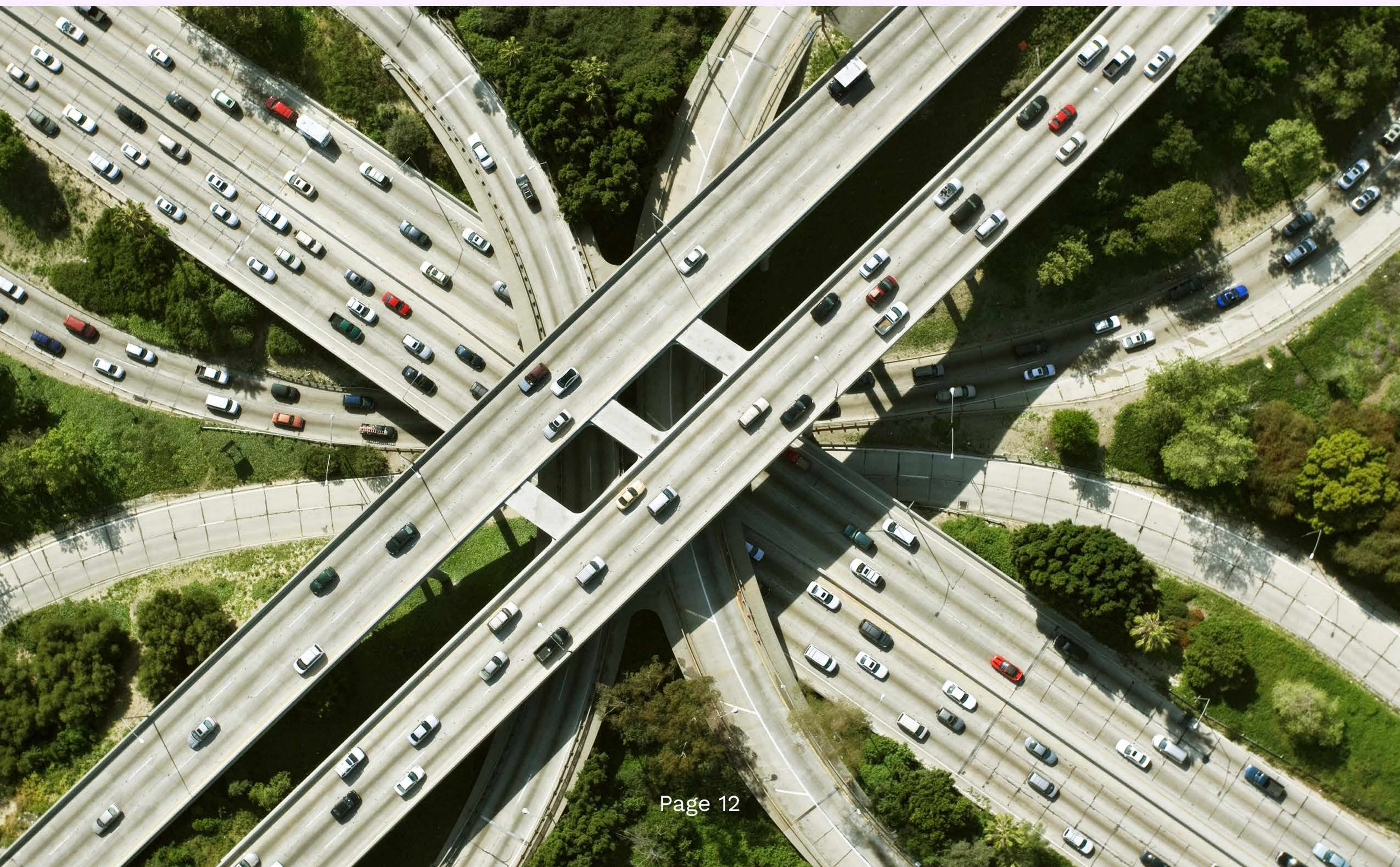
- **First, do no harm: require the implementation of anti-displacement policies for any transportation project receiving significant state investment.** Private development projects receiving state investment or benefiting from state policies, such as density enhancements for projects near transit, should avoid displacement of existing residents. The community should determine which strategies are needed to prevent displacement, and how to implement them. Strategies may include tenant protections; a no-net-loss requirement for affordable housing units; or inclusionary housing policies that actually produce not just fees but new affordable homes near transit. Displacement is likely to be an ongoing issue that requires ever-bolder actions with new tools.

- **Act to dismantle segregation: bring a “fair housing” lens to all investment decisions and housing policy.** This means both investing to meet local needs in disadvantaged communities and also, in areas with plentiful resources, acting to break down barriers to people of color. The recently passed AB 1771 and AB 686 call for actions to “address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, [and] transforming racially and ethnically concentrated areas of poverty into areas of opportunity.” State agencies, boards and commissions must now take these actions, and in their oversight roles, they must ensure that regional agencies do as well.
- **Encourage equitable infill development to reduce the need to drive.** Act to enable people of all income levels to meet their needs and wants without having to travel as far, or drive as much. Our state’s affordable housing crisis is increasing the need to drive; we must build more affordable homes in existing communities.
 - **Fill the gap left by redevelopment with a program focused on bringing affordable homes, jobs, and essential services closer together — and well-served by transit.** The program should aim for jobs-housing fit — that is, making sure that homes are available near jobs that pay enough to make those homes affordable — and making sure that grocery stores, healthcare, and childcare are reachable without a car. This will require building significant numbers of new affordable homes near jobs, and vice versa. It will also require making sure low-income neighborhoods have plenty of high-quality career opportunities and amenities.
 - **Act boldly to build and preserve thousands of affordable homes where they are needed.** Work with housing and equity experts to design and quickly roll out solutions to our state’s grave housing crisis. Dramatically increase the production of affordable homes near jobs and transit — in ways that benefit rather than harm people in vulnerable communities. Include a range of innovative housing and transportation solutions that fit the unique communities that make up California, from rural to urban.

Clean Up California's Air

Thousands of people in California have an immediate need for healthier air, especially disproportionately burdened low-income communities of color. The transportation sector is now the largest source of greenhouse gas emissions in the state, and cars account for half of that pollution. Currently, the Central Valley and South Coast Air Districts are in severe non-attainment of federal air quality standards. In the South Coast Air District alone, the health costs of bad air are over \$21 billion. The freight sector is responsible for half of the local air pollution that causes respiratory illness, and zero-emission technology already exists for many types of vehicles. Everyone has the right to breathe clean air. Plus, for people to bike and walk, including to transit, they need clean air. Funding sources like the Volkswagen settlement are a current opportunity to invest equitably in those communities with the greatest need.

- **Act now to clean up the freight sector; prioritize areas with the heaviest, most polluting truck traffic.** Accelerate the development and implementation of California Air Resources Board (CARB) standards for zero-emission technologies in the heavy-duty sector. Zero-emission technologies already exist for many types of heavy-duty vehicles, but strategies are needed to accelerate their deployment.



- **Help everyone drive cleaner cars; expand programs that provide access for lower-income people to clean vehicles, especially when they are not well-served by transit.** Expand the Charge Ahead equity programs, including culturally sensitive and affordable electric vehicle (EV) car-share systems, the Clean Cars 4 All scrap-and-replace program, and low-income EV financing. Launch outreach to make EV rebates more accessible to low-income families and make information available to them at banks and dealerships where financing deals occur. Also make other clean and more affordable modes, such as electric bicycles, more accessible to lower-income residents.
- **Make EV charging infrastructure widely available; set equity metrics and require that regions invest in this regionwide, not only in wealthier areas, and also in rural areas.** This will help ensure that lower-wealth areas are not left out of the transition to clean vehicles.
- **Keep fighting for California's Clean Air Act authority and ramp up the Zero-Emission Vehicle standard.** California should be able to establish stronger-than-federal standards for air quality, and by 2040, all new cars sold should have zero tailpipe pollution.
- **Make all buses zero-emission by 2040.** Phase in purchase requirements for zero-emission buses — including transit, school, and private buses — to reach this goal.
- **Accelerate deployment of zero-emission cars.** California must enhance programs to accelerate deployment of light-duty cars, SUVs, and pick-ups as well as medium-duty vehicles.
- **Reduce carbon in fuels to support clean air and a healthy climate.** Use the Low Carbon Fuel Standard to clean up harmful fuels, and continue progress on better alternatives.



Recognize the True Value of California's Landscapes

Transportation decisions affect land use; they can help preserve the ecosystem services that California landscapes provide, such as carbon storage, groundwater recharge, flood protection, and protection from wildfires, which in turn make our communities more resilient. In addition, when transportation investments support more sustainable development patterns, people can meet their needs in daily life without as much driving.

- **Invest state funding in regional “greenprints,” which use big data to make clear the full value of natural and agricultural lands.** This should include the land’s value in terms of its carbon sequestration capacity, its groundwater recharge functionality, its ability to reduce the risk of flooding and wildfire hazard, and habitat connectivity. Making this information available before development decisions are made will help to curb sprawl and encourage smart growth. It should also steer where mitigation investments are made.

- **Factor in the climate impact of developing land: add carbon sequestration to the state's climate change Scoping Plan to meet California's net-zero carbon neutrality goal.** Establish a statewide methodology for determining the carbon sequestration capacity of different land covers through the regional greenprints process above. This data can then be used to establish a carbon inventory for the state, and evaluate the consequences of land development for meeting state climate goals.
- **Slow the loss of farmland and habitat, invest in conservation: set a state target for reducing the rate of farmland and habitat development, increase state investment in strategic land conservation.** These investments should be guided by the information provided by the greenprints on land's ecosystem services.
- **Create incentives for regions to adopt urban growth boundaries (UGBs).** For example, make UGB adoption an eligibility threshold for certain state funds to help contain growth, protect lands, and reduce carbon emissions. When implemented alongside anti-displacement strategies, UGBs can be an effective tool to guide smart growth and enhance equity.

Acknowledgements

This document was made possible by the dedicated efforts of Climate Resolve, ClimatePlan, PolicyLink, California Bicycle Coalition, California Walks, and the Planning and Conservation League — a special thank you to Bryn Lindblad of Climate Resolve for her leadership.



Let's do this



**SOUTHERN CALIFORNIA
LEADERSHIP COUNCIL**



ie INLAND EMPIRE
ECONOMIC PARTNERSHIP
The Region's Voice for Business and Quality of Life



December 3, 2018

Hon. Chair Fran Inman and Commissioners of the
California Transportation Commission

Hon. Chair Mary Nichols and Members of the
California Air Resources Board

By electronic mail: ctc@catc.ca.gov

**Re: Comments on 2018 Progress Report on California's Sustainable Communities and
Climate Protection Act**

Dear Chairs Inman and Nichols, Ladies and Gentlemen:

Last week, the California Air Resources Board (CARB) issued its inaugural report pursuant to Senate Bill 150 (2017) (the "SB 150 Report"). In it, CARB set forth its analysis of the performance and effectiveness of the sustainable communities strategies (each an "SCS") that were adopted by metropolitan planning organizations ("MPOs") such as the Southern California Association of Governments ("SCAG") pursuant to Senate Bill 375 (2008) ("SB 375").

On behalf of the Southern California Leadership Council (SCLC), the Building Industry Association of Southern California (BIASC) and the other business/industry associations who have signed this letter, we appreciate this opportunity to comment on the SB 150 Report. Our organizations and the members and industries they represent have been deeply involved in the SB 375 process since its inception. As Southern California stakeholders, we have also been very actively involved in the formulation and adoption of SCAG's 2012 and 2016 RTP/SCSs. The individuals and companies that make up our collective memberships care deeply about economic

development, job creation and the quality of life in Southern California, with many of them directly engaged in developing the housing, business properties and infrastructure (i.e. transportation, water, utilities, etc.) that make the region a special place to live and work. Collectively, our organizations also include some of Southern California's largest employers. With that in mind, the comments set forth herein about the SB 150 Report and the performance of the SCSs adopted pursuant to SB 375 pertain mainly to the SCAG region, but may also have general applicability to the entire state.

We appreciate the work by CARB and the other involved agencies on the SB 150 Report. It makes sense to pause to evaluate SB 375 now that it has been ten years since its adoption and six years since SCAG's first RTP/SCS was approved under the SB 375 planning construct. Such an evaluation is particularly warranted because we believe that SB 375 is being pursued today very differently than how it was originally envisioned by the California Legislature. For example:

- Initially, CARB stated its intent to implement SB 375 by adopting GHG reduction targets that were to be “ambitious but achievable”;
- Shortly following the enactment of SB 375, CARB approved its original AB 32 Scoping Plan. It called for a relatively moderate GHG reduction from land use and related light duty vehicle transportation (which is the focus of SB 375) when compared to CARB's “business as usual” projection of then-perceived trends;
- SB 375 did not call for reductions in per capita vehicle miles traveled (“VMT”). Specifically, as we explain below, whereas an early draft of what eventually became the bill included statutory language calling for per capita VMT reductions in the most populated counties; the proposed VMT directive was removed by the Legislature, so the Legislative intent is clear. As adopted, the Legislature squarely aimed SB 375 at achieving GHG reduction – not at achieving per capita VMT reductions;
- as enacted, SB 375 very clearly respects the prerogatives and primacy of local governments concerning land use planning and approvals; and
- as enacted, SB 375 called for certain CEQA streamlining in order to foster more rapid development of the very type of housing (and other land uses) needed to achieve GHG emission reductions. To date, the envisioned CEQA streamlining has never been

effectively implemented and utilized; and hence desired GHG reduction benefits have not been realized.

The factors set forth above constitute parameters that, we believe, should have tempered CARB's GHG reduction target-setting under SB 375. As we explain below, however, CARB seemingly departed from these parameters early on (starting in 2010), and progressively over time, by establishing SB 375 GHG reduction targets that are now recognizably overly ambitious and not realistically achievable.

In the SB 150 Report, CARB discusses what progress has been made under SB 375 to date, but concludes essentially that the SCSs adopted by the MPOs are not performing satisfactorily. CARB proposes therefore that overall state policy should be revisited and potentially changed to make future SCSs work to attain CARB's prescribed GHG-reductions goals related to land use, transportation networks, modes of transportation and overall societal mobility.

We agree that significant progress has been made under SB 375 and that the extent and limitations of such progress should be examined in an open, public process. We believe, however, that – when undertaking such an examination – the two main questions that should be examined are: (1) whether CARB's GHG reduction targets promulgated under SB 375 are overly ambitious and unrealistic, so much so that they should be moderated accordingly, and (2) whether the state should institute more meaningful and helpful policies related to the reinstitution of a sound redevelopment program, the fair-share distribution of funding, and the adoption of meaningful CEQA streamlining, all of which can help the state and local agencies to move toward GHG reductions in more sound and sensible ways.

Therefore, although we are fully mindful and supportive of the overarching policy and regulatory imperative to address anthropogenic global climate change, we have consistently expressed concerns about (i) the assumptions and expectations that underpin the SCSs adopted to date, (ii) whether the SCSs could deliver the GHG reduction benefits that they promised, and (iii) the potential that some might seize upon the non-performance of SCSs to advocate for top-down mandates that should be rejected. In our opinion, as we consider why the SCSs adopted to date are not performing as hoped, the following points should be borne in mind:

- To the extent that SCAG's SCSs are not leading to societal changes sufficient to attain the GHG reduction targets that CARB set under SB 375, the failure should be viewed primarily as the result of overly-ambitious and unrealistic target setting.

- Given where we are now, the state policies that most need to be revisited are those which reflect the opinion that there should be expected and mandated sizable, actual reductions in per capita vehicle miles traveled (“VMT”). Ten years after enactment of SB 375, it is now clear that meaningful reductions in per capita VMT are not unfolding, given a healthy economy and growing state population. Instead, the real advances in GHG reductions since SB 375’s enactment have come from the quickening pace of technological improvements (for example, in fleet efficiencies and in fuels).
- In our view, CARB got off on the wrong foot from the outset, because SB 375 was supposed to be about GHG emissions reductions, not about per capita VMT reductions, and that basic tenet needs to be restored. CARB’s multi-year drift toward an insistence upon sizable reductions in per capita VMT, rather than focusing on achieving reductions in GHG emissions, is contrary to the intent of SB 375 as it was enacted by the Legislature in 2008. Specifically, when fashioning SB 375, the California Legislature considered but then rejected statutory language that would have aimed for per capita VMT reductions. This point is explained at length in the February 2009 memorandum attached hereto as Exhibit 1.

Secondly, when evaluating the effectiveness and shortcomings of SB 375 to date, policymakers should recognize where state government may have failed to adopt and effectuate policies that could have enabled or accelerated the realization of RTP/SCS goals. Some examples include:

- In 2010, SCAG’s Regional Council voted to reject CARB’s then-proposed GHG reduction target for the SCAG region unless it was accompanied by financial and policy support from the State to help with the transportation and other investments that would be required by local governments and agencies to meet the target. Such support from the state was promised but has been lacking ever since. For example, whereas favorable redevelopment funding policies were and are needed to promote urban renewal of the type to which the SCSs aspire, California eliminated redevelopment agencies and the funding and tools they provided to local government by 2012, just as the SCSs began calling for more urban redevelopment.
- Similarly, SCAG and its regional partners have pointed out to the state in recent years that the SCAG region has been given far less than its fair share of the cap-and-trade funds

gathered by the state government and distributed to the regions through the Greenhouse Gas Reduction Fund (GGRF).

- SB 375 contains provisions that purport to give certain CEQA exemptions to transit-oriented development which is consistent with an SCS; but these specific CEQA exemptions have largely been illusory and very little used. Had the state provided more meaningful and greater CEQA relief generally, it likely would have accelerated much-needed infill and transit-oriented redevelopment, smart new town development, and wise community growth – all of which would have helped progress toward meeting emission reduction goals.

As we stated above, we agree with the SB 150 Report insofar as it recommends that the effectiveness of SB 375 should be reexamined in a thoughtful and open public process. Should that happen, we will continue to urge respect for and adherence to the key principles that we hold and have been expressing throughout our involvement with SB 375. Briefly, among those principles are the following:

- Appreciate the organic nature of land use and development. Legislators and regulators, as policymakers, must appreciate the organic, dynamic nature of land development over time and the need for a balance between redevelopment and densification and smarter but ongoing new town and greenfield growth and development. Appreciation of this fact should naturally lead to the tempering of any regulatory expectations and further argues against using VMT as the key metric for measuring emissions reduction.
- Respect local governments' prerogatives. Policymakers need to respect the essential role of local government in sound land use decision-making, because local governments more than relatively central governments have the best understandings of local needs, pressures, aspirations of their growing and evolving communities. Just as importantly, maintaining the control of land use is essential to maintaining so-called “small d” democracy.
- SCSs cannot be rigid land use prescriptions. As SB 375 was envisioned, and consistent with reasonable policymaking, the SCS construct is a large-scale, conceptual and largely aspirational regional plan, and not a firm land use prescription or mandate concerning land uses and densities at given sites or within given communities.

- Provide more positive policy tools. If SB 375 is to be revisited, then the local governments should be given the appropriate incentives, tool and funding needed to more rapidly achieve the adopted RTP/SCS's planning vision.
- Assure Economic Benefits. Within our region, business, industry and other stakeholders have worked persistently with SCAG to assure that the final RTP/SCSs are evaluated for their economic impacts and that cost-benefit analyses are undertaken. We must all work to assure that each RTP/SCS achieves emission reductions in a way that also furthers economic development and job creation.

These principles reflect the breadth and depth of our concern about how SB 375 is now being implemented and might be in the future. We appreciate fully both the regulatory challenge that is inherent in SB 375 and the need for a robust re-evaluation looking at the status of its implementation and effectiveness. Given our longstanding involvement and our concerns, we look forward to participating in the future discussions about SB 375, its implementation and its betterment which are called for in the SB 150 Report; and we respectfully ask that you give meaningful consideration of these comments.

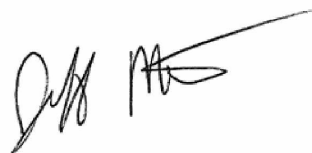
Sincerely,



Richard Lambros
Managing Director
Southern California Leadership Council



**SOUTHERN CALIFORNIA
LEADERSHIP COUNCIL**



Jeff Montejano
Chief Executive Officer
Building Industry Association
of Southern California

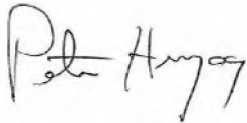




Paul Granillo
President & CEO
Inland Empire Economic Partnership



John Hakel
Executive Director
Southern California Partnership for Jobs



Peter Herzog
Assistant Director of Legislative Affairs
NAIOP SoCal



Michael W. Lewis
Senior Vice President
Construction Industry Air Quality



Wes May
Executive Director
Engineering Contractors Association



Clayton Miller
Executive Vice President
Southern California Contractors Association



EXHIBIT 1

February, 2009

A REVIEW AND ANALYSIS OF THE LEGISLATIVE HISTORY OF CALIFORNIA SENATE BILL 375

MOVING BEYOND VEHICLE MILES TRAVELED

By Andrew R. Henderson,
General Counsel
Building Industry Legal Defense Foundation¹ and
Nick Cammarota,
General Counsel California Building Industry Association

Senate Bill 375 (Steinberg, Chapter 728, Statutes of 2008) is an intricate and complex measure that links land use planning, housing law and regional transportation activities to California's greenhouse gas (GHG) reduction objectives pursuant to the *Global Warming Solutions Act of 2006* (AB 32) .

The primary objectives of SB 375 are to (i) instruct the California Air Resources Board (CARB) to set regional greenhouse gas reduction targets for passenger vehicles (cars and light duty trucks) and (ii) create a regional planning framework aimed at achieving the targeted reductions, if feasible, through the development of a Sustainable Communities Strategy (SCS).

From early iterations of the bill to the final enacted law, California homebuilders were intimately involved in the nearly two year-long public legislative process and negotiations that produced the final, enacted version of SB 375.

The purpose of this paper is to demonstrate that, based upon a careful review and analysis of the legislative history supporting SB 375, the plain intent of the California Legislature was to *reduce greenhouse gas emissions from vehicular travel (EVT)* in connection with land use choices.

By allowing regional agencies and (in the case of Southern California) sub-regional entities to develop their own strategies for GHG-EVT reductions, the California Legislature intended to allow each region to determine how it should evolve and grow in the future while still reaching assigned goals of reducing GHG-EVT related to passenger vehicular travel.

¹ The Building Industry Legal Defense Foundation (BILD) is an affiliate and the legal arm of the Building Industry Association of Southern California (BIA/SC).

While there are some who contend that a vehicle miles travelled (VMT) reduction should be the “currency” of SB 375 implementation, the measure’s legislative history undermines any such suggestion. SB 375’s legislative history shows that the California Legislature considered, but then ultimately rejected in the final bill, any singular focus on VMT reduction or VMT limitation. Although changes in VMT are certainly a factor to be considered when trying to reduce overall GHG-EVT, placing a singular focus on VMT limitation is contrary to what the legislature intended. In addition, VMT limitation is not the only way -- nor may it be the best way -- to achieve the desired reductions in overall GHG-EVT. By balancing policies of reasonable growth with attention to our carbon reduction objectives, our society can achieve the desired reductions in GHG emissions from vehicular travel while also accommodating reasonable and moderate ongoing growth in VMT.

I. Early Version of SB 375 Focused Squarely on Reducing or Limiting Vehicle Miles Travelled. SB 375 evolved substantially as it went through 15 drafts from its original introduction in February 2007 to its eventual passage in September 2008. The bill as originally introduced on February 21, 2007, was, to use the legislative vernacular, a “spot bill” (i.e., a space holder). The April 2007 amended version significantly broadened the scope of the bill and included a clear focus to reduce VMT. To illustrate, the April 2007 draft began with a Legislative Counsel digest describing the relevant aspects of the bill as follows:

This bill would also require the regional transportation plan to include a preferred growth scenario, as specified, designed to achieve certain goals for the reduction of vehicle miles traveled in a region.

Section 10 of the April 2007 version would have amended California Government Code section 65080 to require VMT reductions or limitations. Specifically, 65080, subsection (b) would have required the preparation of regional “preferred growth scenarios,” each meeting certain specified substantive requirements, including VMT reductions. The language proposing to amend section 65080 (b) (2) read as follows:

(A) For transportation planning agencies with populations that exceed 200,000 persons, the preferred growth scenario shall identify locations for new housing, employment centers, and commercial centers that, together with additional identified transit projects, will achieve a 10 percent reduction of vehicle miles traveled per household in the region by 2020 and a ___ percent reduction by 2050.

(B) For other transportation agencies, the preferred growth scenario shall identify locations for new housing, employment centers, and commercial centers that, together with additional identified transit projects, will prevent any increase in vehicle miles traveled over the life of the regional transportation plan and will reduce vehicle miles traveled per household to the greatest extent practicable.

II. Subsequent Versions of SB 375 Reflect Legislative Intent to Move Away from Mandating VMT Reductions. On May 2, 2007, the Legislature amended section 65080 (b) (2) to read as follows: (deletions in ~~strikeout~~ and additions in *italics*)

(A) A preferred growth scenario that (i) identifies areas within the region sufficient to house all the population of the region including all economic segments of the population over the course of the planning period taking into account net migration into the region, population growth, household formation and employment growth; (ii) identifies significant resource land and significant farmland and ~~excludes these lands from the preferred growth scenario to the greatest extent feasible, and (iii) complies from development areas in the preferred growth scenario all publicly owned parks, open space, and easement lands; open-space or habitat areas protected by natural community conservation plans, habitat conservation plans, or other adopted natural resource protection plans; and, to the greatest extent feasible, other significant resource lands and significant farmlands; and (iii) will allow the plan to comply with section~~ *Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).*

(B) No later than _____, the State Air Resources Board shall provide each region with greenhouse gas emission targets for 2020 and 2050, respectively, in order to implement Chapter 488 of the Statutes of 2006. In making these determinations, the board shall consider greenhouse gas reductions that will be achieved by improved vehicle emission standards, changes in fuel consumption, and other measures it has approved that will reduce greenhouse emissions in the regions. Consistent with data provided by the board, a preferred growth scenario shall inventory the region's emission of greenhouse gases and establish measures to reduce these emissions by an amount consistent with targets developed by the board.

As the last sentence above shows, the clear legislative decision here was to discard a statutory mandate aimed at reducing or controlling vehicle miles traveled (VMT) and replace it with a mandate to achieve reductions in *greenhouse gas emissions from vehicle travel and land use* (i.e., GHG-EVT).

Later in September of 2007, changes to the above-shown earlier Legislative Counsel digest reflect the legislature's intent to forgo the earlier-proposed mandates concerning the reduction of vehicle miles traveled (VMT) in favor of mandates aimed instead at greenhouse gas emissions from automobiles and light trucks in a region (GHG-EVT):

This bill would also require the regional transportation plan for specified regions to include a Sustainable Communities Strategy, as specified, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region.

III. The Final Version of SB 375 Provides That VMT is But One Factor to Consider in Achieving a Reduction of Greenhouse Gas Emissions from Vehicular Travel. As ultimately enacted, SB 375 provides that VMT is but one consideration, among others, that should be taken into account when fashioning or reviewing a strategy for reducing emissions from vehicle travel (EVT). Although the final text of SB 375 is voluminous, VMT is mentioned only three times in the final text. Each time VMT is included in a non-exhaustive list of considerations to be taken into account there is no legislative mandate to reduce VMT or limit its reasonable growth. Indeed, careful consideration of the three references in SB 375 to VMT undermines any claim that the Legislature intended VMT to be the singular means or the “currency” of implementation.

Section 2 of SB 375, shown below (with bolded text for emphasis), added a new section 14522.1 to the California Government Code. It includes two of the three statutory references to VMT:

SEC. 2. Section 14522.1 is added to the Government Code, to read:

14522.1. (a) (1) **The [California Transportation Commission]**, in consultation with the department and the State Air Resources Board, **shall maintain guidelines for travel demand models used in the development of regional transportation plans** by federally designated metropolitan planning organizations.

(2) * * *

(b) **The guidelines shall, at a minimum** and to the extent practicable, taking into account such factors as the size and available resources of the metropolitan planning organization, **account for all of the following:**

(1) **The relationship between land use density and household vehicle ownership and vehicle miles traveled** in a way that is consistent with statistical research.

(2) **The impact of enhanced transit service levels on household vehicle ownership and vehicle miles traveled.**

(3) Changes in travel and land development likely to result from highway or passenger rail expansion.

(4) Mode splitting that allocates trips between automobile, transit, carpool, and bicycle and pedestrian trips. If a travel demand model is unable to forecast bicycle and pedestrian trips, another means may be used to estimate those trips.

(5) Speed and frequency, days, and hours of operation of transit service.

The Legislature thus specified that VMT must be “accounted for” in guidelines to be established by the California Transportation Commission, in consultation with CARB, for use by metropolitan planning organizations in connection with travel demand models used in the development of regional transportation plans.

Specifically, the commission's modeling guidelines are directed to "account for" (i) the relationship between VMT and density and vehicle ownership, and (ii) the impact of enhanced mass transit on vehicle ownership and VMT. Nothing therein suggests that VMT is the singular "currency" of SB 375 implementation, or that VMT reduction constitutes the only way to achieve emission reductions from vehicular travel, or that VMT must be reduced or its reasonable growth limited.

The third and last reference in SB 375 to VMT is found in Section 4, which reads in relevant part (with bolded emphasis):

SEC. 4. Section 65080 of the Government Code is amended to read:

65080. (a) **Each transportation planning agency** designated under Section 29532 or 29532.1 **shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system**, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. **Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.**

(b) **The regional transportation plan** shall be an internally consistent document and **shall include all of the following**:

(1) **A policy element that describes the transportation issues in the region, identifies and quantifies regional needs**, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. **The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following**:

(A) **Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.**

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

- (C) Measures of means of travel, including, but not limited to, percentage share of all trips made by all of the following:
 - (i) Single occupant vehicle.
 - (ii) Multiple occupant vehicle or carpool.
 - (iii) Public transit including commuter rail and intercity rail.
 - (iv) Walking.
 - (v) Bicycling.

Pursuant to these amendments to Government Code section 65080, VMT is merely one of an unlimited set of “measures of mobility and traffic congestion” which themselves are but one of an unlimited set of enumerated “indicators” that transportation planning agencies with populations that exceed 200,000 persons *may* quantify. In other words, the Legislature expressed its permission or suggestion to quantify per capita VMT among countless other indicators.² We would go further and say that VMT is an important factor that definitely should be considered carefully in any EVT reduction analysis. But – plainly – there is no SB 375 mandate to reduce VMT or to limit its reasonable growth.

IV. Conclusion.

Clearly, if the Legislature had intended SB 375 to mandate VMT reductions or limit reasonable VMT growth, it would have retained vestiges of the statutory language concerning VMT limitations which it jettisoned early in the legislative process, and not relegated the ultimate discussion of VMT to the few references that remained in the final bill.

In contrast to the few SB 375 provisions regarding VMT, the final text of SB 375 sets forth clear goals and mandates concerning “greenhouse gas emission reduction” or “greenhouse gas emission reductions” – *17 times*. Given the evolution of the early drafts of SB 375 and its final text, the parties who are responsible for implementing SB 375 should recognize the Legislature’s intent to make the reduction of greenhouse gas emissions from vehicle travel (GHG-EVT) the singular and appropriately broad aim of the statute.

² Similarly, when the Legislature enacted SB 375, it left unchanged the pre-existing California Government Code section 65080.3. Subsection (a) thereof provides that an “alternative planning scenario” (APS) is *voluntary* (“agency...may prepare”). Subsection (d) (2) thereof provides that, if an APS is voluntarily prepared, then VMT must be *evaluated* in a report including the APS. The SB 375 provisions related to VMT are even less prescriptive than the pre-existing law concerning a voluntary APS, in that SB 375 requires no specific evaluation of VMT. Moreover, during the 2007-08 sessions, the Legislature considered – but then *rejected* (in favor of SB 375) an alternative to SB 375 – Senate Bill 303, which would have required *both* the preparation of an APS and VMT evaluation. Neither the pre-existing law, nor the rejected Senate Bill 303, nor SB 375 contains any substantive mandate to reduce or limit VMT.

Therefore, local governments, regional planners and others should be allowed to exercise their creativity to achieve GHG-EVT reductions. In doing so, they may achieve GHG-EVT reductions while nonetheless accommodating reasonable and moderate VMT growth – consistent with projections for a growing population. Accordingly, all those responsible for implementing SB 375 should honor the latitude that the Legislature extended to local governments and regional planners and focus instead on ways to reduce GHG emissions resulting from vehicular travel.

Importantly, existing law gives local governments in California the authority to take a number of steps that could change public behavior and lower local GHG-EVT without lowering VMT or curbing its reasonable growth. For example, California Vehicle Code section 22511(h) recognizes “the ability of local authorities to adopt ordinances related to parking programs within their jurisdiction, such as programs that provide free parking in metered areas or municipal garages for electric vehicles.”

Additionally, California Government Code Chapter 2.5 (section 65080 *et seq.*, Transportation Planning and Programming) and Chapter 2.6 (section 65088 *et seq.*, Congestion Management) also discuss many policies and strategies that local governments may choose to employ, by varying degree, to reduce emissions from vehicles. Local governments may choose to meet the pending SB 375 GHG-EVT reduction targets through various means (such as preferential parking pricing and similar local steps), which may become increasingly prevalent and robust.

Steps such as these, as well as steps that developers themselves can take to help assure appropriate outcomes, should be appreciated, explored, evaluated, and – where appropriate – implemented.

* * * *

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

December 1, 2018
By E-Mail to:
CTC@catc.ca.gov

Ms. Fran Inman, Chair
California Transportation Commission
1120 N Street MS 52
Sacramento, CA 95814

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: 2018 Progress Report

Dear Chair Inman and Chair Nichols:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit focused on reducing the climate impacts of transportation. We advocate for better transit and for reducing solo driving and VMT. We have been involved in each of ARB's Scoping Plans and SB 375 regional GHG emissions reduction target settings. We received an acknowledgment as contributing to the 2018 Progress Report ("Report").

In addition, we participated in the CTC Working Groups for the last three revisions of the RTP Guidelines and the CTP Guidelines. All the comment letters we have filed in these processes are available on our website.¹ In addition, we have over 20 years of experience in critiquing RTPs, and even developed the TRANSDEF Smart Growth Alternative for MTC's 2005 RTP FEIR. We believe it to be the first published Sustainable Community Strategy, published before that term even existed.

TRANSDEF wrote a piece for its website titled "Unprecedented candor on climate change"² which identified the high points of the Report, and of the coverage it received in the press. TRANSDEF applauds ARB for its candor in acknowledging that:

With emissions from the transportation sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary greenhouse gas emissions reductions to meet mandates for 2030 and beyond without significant changes

to how communities and transportation systems are planned, funded, and built. (Report, p. 5.)

This situation was precisely foreseen by the Legislature. It was the starting point for SB 375, as the legislative intent for the law makes clear:

...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

In responding to the most potentially catastrophic environmental crisis in human history, the Report's analysis of how we got to this point is simply not adequate. The Report fails to address the social, cultural, and political dimensions of how a State based on solo driving can move into a low-carbon world. TRANSDEF asserts that a lack of political will led to ARB's flawed implementation of SB 375. By understanding precisely how and why existing institutions have continued to support Business as Usual transportation policies, we hope to lay a foundation for policy change. We identify by footnote our contemporaneous comment letters that presented these issues to the respective agencies.

Governor

TRANSDEF met with the Director of OPR, and presented a list of policy disconnects between State climate policy and the actions of regional and local jurisdictions.³ We asserted that leadership from the Governor was needed to educate and inspire the public, to make possible the profound shifts in culture and policy required to change the trend of VMT growth. We were told, "That's not going to happen."

ARB

Back in 2010, TRANSDEF informed ARB that selecting per capita regional GHG emissions reduction targets that were numerically lower than the rate of population growth would guarantee that VMT and transportation GHG emissions would continue to grow.⁴ This is exactly what happened.

We commented that a top-down process was needed to reduce statewide transportation GHG emissions.⁵ ARB's bottoms-up process was apparently driven by the MPOs' resistance to substantive change. We further called for explicitly tying the regional targets process to the Scoping Plan.⁶

When ARB conducted a review of the effectiveness of the targets in 2014, it offered no quantitative analysis of the GHG reductions achieved in the first round of RTP-SCSs.⁷ We commented in 2014 that neither staff nor Board were acting as if they were aware of the impending catastrophic impacts of the climate crisis.⁸

We identified a serious problem with EIR evaluations of GHG emissions. We asked ARB to issue guidance that agencies evaluating the GHG impacts of projects needed to use EMFAC projections that did not include the GHG reductions resulting from state measures.⁹ Not taking credit for state measures would result in agency findings of significant impacts for all projects with increasing VMT, which would trigger mitigations or the adoption of project alternatives. ARB never replied.

CTC

The vast majority of transportation funding approved by the Commission is for highway projects. If the State is to reverse the trend of VMT growth, it will have to change where it allocates funding. Supporting highway expansion is a guaranteed method of encouraging VMT growth, with its resulting GHG emissions growth. By requiring a GHG analysis for all projects considered for funding, the CTC can start this shift in direction. TRANSDEF recommends that CTC set a date certain, after which GHG-increasing projects that are not under construction are eliminated from consideration.

TRANSDEF urges an end to so-called Managed Lanes as the State's strategy for accommodating increasing travel demand. As both congestion and GHG emissions continue to grow, it's clear that a shift to convenient transit is necessary for metropolitan areas of the State. See our published opinion piece.¹⁰

Caltrans

The Report on the State's failure to meet its goal of reducing transportation emissions never mentioned Caltrans as an obstacle to reducing GHGs. The incongruity of Caltrans' role as highway builder for suburbia in the Age of Climate Change was highlighted in the report that SSTI did for CalSTA.¹¹ Nothing outwardly has changed since then.

SB 391 mandated that the California Transportation Plan ("CTP") show how to reduce transportation emissions by 80% by 2050. Caltrans' Draft CTP 2040 did so,¹² but was then disappeared. The adopted CTP 2040¹³ stripped out all the climate-oriented recommendations. TRANSDEF asserted during the CTC's CTP Guidelines Working Group process that Caltrans had intentionally violated SB 391.¹⁴

In its FEIR for the San Mateo County Managed Lanes Project, Caltrans made the following statements disclaiming responsibility for mitigating the climate change impacts of its transportation projects (page references are to FEIR Volume 2):¹⁵

- Response to Comment 6-4 states "With regard to VMT, Caltrans has not adopted any VMT significance thresholds. Projects that add any capacity to the freeway are expected to increase VMT." (p. 1-26.)
- As a way to shift the responsibility for GHG reduction onto other agencies, the FEIR asserted that "The [Scoping] Plan's "known commitments" (including Road Pricing) show an overall reduction over time in the State's GHG emissions, and combined with the State's Cap-and-Trade program, achieve the State's targeted emission levels by 2030." (Response 81-9, p. 1-230, emphasis added.) This is false. The Scoping Plan carried an appendix "Potential Strategies to Reduce

Statewide VMT" to make up the gap in emissions. TRANSDEF had commented to ARB that these strategies were obviously incapable of producing significant results.¹⁶

- In response to TRANSDEF's comment pointing out the project's inconsistency with the 2017 Scoping Plan's call (p. 101) for a 7% reduction in VMT beyond existing plans, the Response to Comment R81-6 asserts "The Scoping Plan does not require that every project reduce VMT by 7 percent." Given that Caltrans is doing little to nothing statewide to reduce VMT, this is a clear rejection of responsibility for GHG emissions. (p. 1-230.)
- After TRANSDEF pointed out inconsistencies between the project and the Caltrans Local Development - Intergovernmental Review Program Interim Guidance, Response to Comments 21-15 stated "The guidance document states, 'the SMP targets are intended to articulate statewide goals, and should not be interpreted or used as specific thresholds in the review of individual development projects'. The proposed project is not inconsistent with this guidance or with Caltrans policies.'" (p. 1-110.) Caltrans is saying here that the policies it imposes on other agencies do not apply to its own projects.
- Response to Comment R81-12 admits that the Caltrans Strategic Management Plan sets a target of achieving per capita VMT reductions, but then awkwardly excuses its own substantial VMT increase by asserting that the number of people affected can't be counted. (pp. 231-2.)
- Caltrans set an arbitrary threshold for growth inducement: providing a new general purpose lane (p. 1-109) which is in obvious conflict with Response to Comment 6-4, which stated that "The [Managed Lanes] Build Alternative has been designed to accommodate more of the existing and future planned traffic than the No Build Alternative." (p. 1-26.)
- Refused to respond substantively to a comment about induced demand, thus prolonging the use of travel demand models that do not represent the real world impacts of capacity expansion. (Response 21-11, p. 1-108.)

TRANSDEF is convinced that managed lanes are the worst possible policy response to congestion. Because the root cause of congestion is too many solo drivers, the very last thing we should be doing is creating an out for wealthier solo drivers to pay a toll to continue their lifestyle. Managed lanes are contrary to the goals of VMT reduction and GHG emissions reduction. They are an attempt to preserve a system of travel that has stopped working.

MPOs

After Caltrans, MPOs have been the principal parties resisting the State's efforts to respond to climate change. MPOs were the source of the too-low regional GHG emissions reduction targets of 2010.¹⁷ They blocked a 2014 update to the regional targets, despite the discovery that the targets had produced less than the 5 MMTCO_{2e} placeholder in the 2008 Scoping Plan.¹⁸ They rejected previously agreed-to positions in comments on the 2017 revision of CTC's RTP Guidelines.¹⁹ Their plans all show large projected increases in VMT.

Because MPO Board members are mostly local elected officials, an unhealthy "I won't get into your business if you don't get into mine" stand-off tends to set in, leaving the region unprotected from actions by local jurisdictions that harm the region as a whole. For example, MPOs have failed to protect their regions from jobs/housing imbalances, when they could use CEQA effectively to require mitigation for imbalances that place extraordinary demands on the regional transportation network.²⁰

This culture of deferral to local jurisdictions means that transportation plans and sales tax measures are not evaluated for their impacts on the region or the State. Because state and federal funding sources have declined so much in the past decade, the slack has been picked up by county-level sales taxes, plus the occasional regional funding measure. Because these taxes are being pitched to voters, the expenditure plans focus on what voters want: the elimination of congestion on their commutes. The problem is, the expenditure plans then load up on highway projects that inevitably result in VMT increases, thereby impeding the achievement of the State's climate targets. TRANSDEF believes MPOs need to have both the authority and the obligation to ensure that local plans and sales taxes are consistent with regional plans.

Using MTC as an example, MPOs use their transportation funding for trading political favors. As a result of proceeding without regard to project outcomes, MTC has seen per capita VMT remain stagnant for decades, while per capita transit use had dropped significantly, despite dramatic population growth and billions of dollars spent on BART extensions.²¹ TRANSDEF terms that a massive institutional failure.

Part of the problem is that MPOs are under no obligation to justify their existence to anyone. For example, they are not required to perform evaluations of the effectiveness of their past transportation project funding decisions. This is why merely adding more money to TIRCP and other programs of transit funding is likely to result in even more waste. Strong independent technical oversight is needed to prevent the funds from being wasted on favors to political contributors. As judged by CalSTA's recent grant of TIRCP climate change funds to LAVTA for a parking structure (!!!), CalSTA is unable to provide that independent oversight.

Local Jurisdictions

We suggest that legislation be focused on giving policy direction to the institutions identified above, and especially to local agencies. Local government tends to take on the expectation that "someone else" is handling the issues of climate change. Local officials need to be firmly told that they are expected to show VMT reductions in their plans. Recent county plans in the Bay Area have tended to show a 21-28% increase in VMT by 2040. MPOs, as described above, receive these plans and make no comment. As SB 375 clearly recognized, these plans need to change if GHGs from transportation are to be reduced.

Part of this legislative effort should be to change the name of congestion management agencies to explicitly drop the mission of congestion management. That was a 20th Century concept, now hopelessly outmoded. CMAs are now the most resistant of all levels of government to the changes required to implement climate policy. They need to become 21st Century multimodal transportation planning agencies.

Limitations of SB 375

TRANSDEF fundamentally rejects the Report's analysis of the limitations of SB 375. We assert the Report unfairly ascribes limitations to SB 375. Contrary to the statements on p. 88, it is obvious to us that VMT reduction would result directly from more demanding regional targets. As expressed in our comment letter,²² MPOs could easily use funding to incentivize local compliance with regional goals, including VMT reduction. MPOs will avoid that controversy, however, unless tough regional targets effectively prohibit a continuation of status quo practices.

Pricing

Environmentalists have long asserted that users do not pay the full costs of driving on highways.²³ Until there is a price for using the mixed-flow lanes of highways, especially during congested periods, drivers will exercise rational self-interest and use them whenever they are convenient. Because congestion increases exponentially as highway capacity is approached, pricing's ability to influence demand needs to be part of California's future.

Academic studies strongly support the view that highway pricing is the most effective way to reduce congestion, VMT and GHG emissions.²⁴ It's even a popular option, after the public recovers from the initial controversy and experiences the benefits of pricing.²⁵ This is why TRANSDEF rejected ARB's assertions back in 2010 that regional targets needed to be set low in the beginning of the program, because the effects of land development take decades to manifest. We asserted that pricing could be accomplished relatively quickly.²⁶

Conclusion

As we wrote back in 2014:

The challenge for Board members now is the question "Are we facing a climate crisis?" When each member is able to answer it in a way that they could feel comfortable defending to future generations, ARB [and CTC] will be ready to make wise policy decisions.²⁷

TRANSDEF would be pleased to assist agencies in formulating and implementing the policies discussed above.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Endnotes

Please note that long URLs that extend onto two lines have a space at the end of the first line. Copy both lines into a browser, then delete that space to make the link work.

¹ <https://transdef.org/climate-change/>

² <https://transdef.org/climate-change/unprecedented-candor-on-climate-change/>

³ See pp. 3-4, <https://transdef.org/wp-content/uploads/sb-375-discussion-notes.pdf>

⁴ https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Targets%2009-23-10.pdf

⁵ https://transdef.org/Climate_Change/Climate_Change_assets/CARB%20regional%20targets%20comments.pdf

⁶ *Id.*

⁷ See p. 4, https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf

⁸ See p. 3, https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf

⁹ https://transdef.org/Climate_Change/Climate_Change_assets/EMFAC%20and%20SB%20375.pdf

¹⁰ <http://occupymtc.org/marin-independent-journal-publishes-transdef-opinion-piece/>

¹¹ SSTI Assessment and Recommendations, January 2014, accessed at <https://calsta.ca.gov>

¹² https://transdef.org/Climate_Change/Climate_Change_assets/CTP2040%20Draft_03022015.pdf

¹³ <http://www.dot.ca.gov/hq/tpp/californiatransportationplan2040/Final%20CTP/FINALCTP2040-Report-WebReady.pdf>

¹⁴ https://transdef.org/Climate_Change/Climate_Change_assets/CTP%20Guidelines%20comments.pdf

¹⁵ http://www.dot.ca.gov/d4/101managedlanes/docs/mlp_finaleireafonsi_v2.pdf

¹⁶ https://transdef.org/Climate_Change/Climate_Change_assets/2016%20Potential%20Strategies%20comment%20letter.pdf

¹⁷ https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20target%20setting%20re%20MTC.pdf

¹⁸ See p. 4, https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf

¹⁹ https://transdef.org/Climate_Change/Climate_Change_assets/RTP%20Guidelines%20Update%20Process.pdf

²⁰ <http://occupymtc.org/marin-independent-journal-publishes-transdef-opinion-piece/>

²¹ See charts at: <https://transdef.org/bay-area-basics/>

²² <https://transdef.org/wp-content/uploads/TRANSDEF-Climate-Change.pdf>

²³ <http://vault.sierraclub.org/sprawl/articles/subsidies.pdf>

²⁴ <https://www.sciencedaily.com/releases/2017/10/171005141729.htm>

²⁵ <https://nyc.streetsblog.org/2017/11/28/congestion-pricing-was-unpopular-in-stockholm-until-people-saw-it-in-action/>

²⁶ See p. 3, https://transdef.org/Climate_Change/Climate_Change_assets/CARB%20regional%20targets%20comments.pdf

²⁷ See p. 5, https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf