

# Transportation Solutions Defense and Education Fund

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

September 24, 2019  
By E-Mail to:  
Sustainable  
Communities  
@arb.ca.gov

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

Re: SCS Guidelines

Dear 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 were acknowledged as contributing to the 2018 Progress Report. [All the comment letters](#) we filed in these processes are available on our website.

Our message over the past decade has been consistent: ARB is only pretending to try to reduce transportation GHG emissions. Along with the rest of the State's bureaucracy, ARB has been unwilling to implement effective programs to reduce the VMT, GHG and congestion impacts of solo driving. Implementation of SB 375 has been a failure, as indicated by the statewide rise in VMT. We believe the former Governor ordered this hands-off approach, to avoid political controversy. We hope the new Governor will have the courage and commitment to order a change in direction.

The release of the 2018 Progress Report should have triggered Board direction to evaluate what went wrong with the transportation GHG emissions program. Instead, with these Guidelines, the agency is doubling down on a strategy that is a proven failure. Does senior management really want to be remembered for dragging its feet?

TRANSDEF was pretty much alone in making these charges over the past ten years. In 2019, however, major newspapers are calling for meaningful change: "But we must stop dawdling and forge ahead if we are to protect ourselves and our planet." ([Los Angeles Times editorial](#).)

The Climate Strike last Friday attracted large crowds around the world. Will that outpouring of public support for climate-protective change finally give ARB the courage to take effective steps to stop transportation GHG growth?

The world is changing, but ARB remains stuck in its "let's pretend we're reducing VMT" past. More of the same by ARB is completely unacceptable in the wake of the Climate Strike. Adopting the Final Draft SCS Program and Evaluation Guidelines would constitute an endorsement of the failed implementation of SB 375, strongly implying that the program is working well. That would be a profoundly cynical step by the nation's self-proclaimed Climate Leader.

In our last letter to ARB (attached), TRANSDEF identified a multitude of program elements that would greatly increase ARB's effectiveness in dealing with transportation GHGs. For generations, the CTC has encouraged growth in VMT, which undoes the GHG reductions ARB has achieved in the past decade. As recently as the early 2019 Joint Board meeting, CTC still doesn't get it. ARB needs to vocally advocate for a massive shift away from highways in the allocation of transportation funds.

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 will be ready to make wise policy decisions. (page 5.)

The Final Draft SCS Program and Evaluation Guidelines are firmly part of Business As Usual, or more precisely, Bureaucracy As Usual. They are a very clear statement that ARB still does not recognize the existential threat of climate change.

TRANSDEF would be pleased to assist ARB in formulating and implementing the policies needed to break out of a decade of stasis.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

Attachment

# 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.<sup>1</sup> 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"<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> This is exactly what happened.

We commented that a top-down process was needed to reduce statewide transportation GHG emissions.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

### 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.<sup>11</sup> 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,<sup>12</sup> but was then disappeared. The adopted CTP 2040<sup>13</sup> 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.<sup>14</sup>

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):<sup>15</sup>

- 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.<sup>16</sup>

- 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.<sup>17</sup> They blocked a 2014 update to the regional targets, despite the discovery that the targets had produced less than the 5 MMTCO<sub>2e</sub> placeholder in the 2008 Scoping Plan.<sup>18</sup> They rejected previously agreed-to positions in comments on the 2017 revision of CTC's RTP Guidelines.<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup> 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,<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> It's even a popular option, after the public recovers from the initial controversy and experiences the benefits of pricing.<sup>25</sup> 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.<sup>26</sup>

### 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.<sup>27</sup>

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.

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

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

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

<sup>4</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20Targets%2009-23-10.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Targets%2009-23-10.pdf)

<sup>5</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/CARB%20regional%20targets%20comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/CARB%20regional%20targets%20comments.pdf)

<sup>6</sup> *Id.*

<sup>7</sup> See p. 4, [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20Target%20Update%20Comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf)

<sup>8</sup> See p. 3, [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20Target%20Update%20Comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf)

<sup>9</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/EMFAC%20and%20SB%20375.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/EMFAC%20and%20SB%20375.pdf)

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

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

<sup>12</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/CTP2040%20Draft\\_03022015.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/CTP2040%20Draft_03022015.pdf)

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

<sup>14</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/CTP%20Guidelines%20comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/CTP%20Guidelines%20comments.pdf)

<sup>15</sup> [http://www.dot.ca.gov/d4/101managedlanes/docs/mlp\\_finaleireafonsi\\_v2.pdf](http://www.dot.ca.gov/d4/101managedlanes/docs/mlp_finaleireafonsi_v2.pdf)

<sup>16</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/2016%20Potential%20Strategies%20comment%20letter.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/2016%20Potential%20Strategies%20comment%20letter.pdf)

<sup>17</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20target%20setting%20re%20MTC.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20target%20setting%20re%20MTC.pdf)

<sup>18</sup> See p. 4, [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20Target%20Update%20Comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf)

<sup>19</sup> [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/RTP%20Guidelines%20Update%20Process.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/RTP%20Guidelines%20Update%20Process.pdf)

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

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

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

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

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

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

<sup>26</sup> See p. 3, [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/CARB%20regional%20targets%20comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/CARB%20regional%20targets%20comments.pdf)

<sup>27</sup> See p. 5, [https://transdef.org/Climate\\_Change/Climate\\_Change\\_assets/ARB%20Target%20Update%20Comments.pdf](https://transdef.org/Climate_Change/Climate_Change_assets/ARB%20Target%20Update%20Comments.pdf)