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Comments: **The 2017 Climate Change Scoping Plan Update: The Proposed Strategy For Achieving California's 2030 Greenhouse Gas Target January 20, 2017**

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.

California homebuilders lead the nation in innovation and the use of environmentally friendly designs, materials and practices. CBIA continually works toward that next level of design and efficiency and we are proud that we've been able to help design the last six triennial updates of California's Title 24 code – by far, the nation's most aggressive building and energy code.

We've also long recognized that today's modern land use planning requires a dynamic approach to responsible development with coordination between local, regional, state and federal agencies. This is what led us to be a key architect of SB 375, and why we remain fully committed to seeing that law implemented in the most successful way possible.

Housing Supply & Cost Should be Key Considerations

California has a deep and unremitting housing supply and affordability crisis.[1]

This point was well-articulated recently by the state's Legislative Analyst (LAO) in its report *California's High Housing Costs: Causes and Consequences*. It correctly noted that the primary cause of the problem is fundamental: Supply is not keeping pace with demand driven by population growth, job creation and household formations. The median price of an average California home is nearly two-and-a-half-times the national average. The state's average rent per month is fifty percent higher than the rest of the country. Tellingly, the LAO points out that a significant contributing factor to undersupply are regulatory and legal obstacles to the delivery of new housing units.

[1] "[T] he average person, especially in the Bay Area and Southern California, is essentially priced out of the market. The only way they can buy a home is with a high-paying job or their parents helping them out."

"[T] he importance of housing in California is greater … than it is elsewhere. California is very real estate-dependent and it's a very important part of the economy. Home ownership is tied to economic growth." Sung Won Sohn, professor of economics, California State University, Channel Islands. Sacramento Bee, *Rising home prices in California concern economists, prompt action by lenders.* April 9, 2017.

Working Californians' and their families are struggling financially to make ends meet and establish a better life for themselves. This noble goal is made significantly more challenging due in large part to the exceptionally high cost of housing and rents. Poverty rates in California are high and getting higher as costs of living, i.e., housing costs, increase. The United Way of California produced a report in 2016 showing that nearly 25 percent or nine million Californians are living in poverty – the highest rate in the nation.

As the Board moves forward with the next round of climate strategy, we urge that it be done in a way that is cognizant of and balanced with the need to grow the California economy and meet the housing supply and housing affordability expectations of Californians --- especially those working and middle-income families and individuals.

Proposed Scenario & Alternatives

Set against a business-as-usual benchmark that includes existing policies to achieve the 2020 limit – including SB 375 – CBIA believes that Alternative 3 – the *All Cap-and-Trade* -- is the most effective and comprehensive scenario and would likely provide the greatest amount of certainty to achieve the GhG emissions reduction established in SB 32. We note that under the current Proposed Scenario Californians would likely see increasing energy and housing costs (and higher poverty rates) which will negatively impact homeownership and overall economic growth.

Transportation Sustainability/ Reduction of Vehicle Miles Travelled (VMT)

The plan update notes that the greatest amount of reductions of GhG in the transportation sector will come from new technologies and low carbon fuels. In addition, the update states that …"a reduction in the growth of VMT is also needed. VMT reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in the plan." The main focus of the strategy to reduce VMT relies on parallel strategies to SB 375 in order to close the gap between what 375 can deliver and what is needed to meet the scoping plan goal of 2030. SB 375 applies to proposed new development and does not impact the existing built environment. New residential construction adds less than 1 percent annually to the state's total housing stock. While California homebuilders are certainly willing to do their share to help the state achieve its GhG emissions reduction goals, expecting to achieve a "…broad , statewide vision for more sustainable land use" and the necessary VMT reductions from new residential construction (that has averaged approximately 74,000 units annually over the past decade) is seriously misplaced and will lead to higher housing costs, increased commute distances and higher GhG emissions as consumers are forced to move farther away in order to afford housing.

Academic studies[2] have shown that urban housing is expensive. It is affordable, primarily, for the well-to-do. The middle/working classes that comprise over 80% of the population are leaving the urban centers and moving to non-urban settings as a result. This phenomenon undermines the goal of the scoping plan to reduce GhG emissions. It is imperative that the scoping plan provide for flexible, least-cost alternatives for GhG reductions. Most consumers have limited funds and simply cannot pay more for housing.

[2] Wired, *The Year in Housing: The Middle Class Can't Afford To Live in Cities Anymore* (2016) - https://www.wired.com/2016/12/year-housing-middle-class-cant-afford-livecities-anymore/

For every $1,000 increase in the cost of a home, 15, 328 California families are priced out of the market.[3]
If VMT reductions are to be part of the scoping plan strategy and if the associated benefits are to be shared by all Californians as the scoping plan notes then the duty to reduce must apply across the board to all motorists and not just those struggling to find new housing accommodations. [4]

Efforts to Reduce Greenhouse Gases / Transportation Sustainability
Include developing and implementing state level VMT reduction strategies by (among others):

- Accelerate transit and infill development;
- Adopt urban growth boundaries;
- Promote development patterns that maximize land protection from development;
- Adopt VMT and other pricing strategies to reduce mobile emissions.

Transit: Despite decades of investments in public transit, carpool lanes, and other alternative modes for commuting, California commuters have continued to show a clear preference for the privacy, security, and flexibility of single occupant vehicles as the housing choices they can afford move further away from the urban cores.

Previous analyses of Census data [5] show that commuters' use of public transit and other alternative commuting modes has changed little since 1980. In 1980, 3.2 million California commuters used public transit, carpools, and other modes such as bicycling and walking. Thirty five years later in 2015, the number had only increased to 3.6 million. In the same period, the number of commuters choosing to rely on single occupant vehicles went from 7.2 million to 13.0 million, an 81% increase relying on the state's deteriorating and congested roads.
One of the precepts behind greater public inve
stments in public transit is that it enables commuters the option of partially offsetting higher housing costs near urban cores with lower commute times and costs. The continuing data series by the University of Minnesota's *Access Across America* shows that these opportunities remain limited to most Californians, even in areas such as the Bay Area and Southern California which have invested heavily in transit over the past decades.

These studies estimate the number of jobs accessible on average by different transportation modes over different time periods. The table below shows the 2015 results for the California metro areas covered in the reports. For example, the typical Los Angeles commuter would have access on average to 10,213 jobs within 20 minutes

[3] http://eyeonhousing.org/2016/12/nahb-releases-the-2016-priced-out-estimates/
[4] The California Legislative Analyst found that a 10% increase in a metro area's rental costs was associated with a 4.5% increase in commuting times: *Our analysis found that many important factors have statistically significant effects on commute times. These include: whether the commuter drives, walks, or takes public transit to work; the metro areas land size, population, and density; the metro's median income; and weather. After controlling for these factors – in essence isolating the effect of housing costs on commute times – a 10 percent increase in a metro's median rent is associated with a 4.5 percent increase in individual commute times.* (LAO, March 2015).
[5] California Center for Jobs & the Economy, November 2016.

of where he/she lives if they were able to use public transit, but 1.1 million jobs within 20 minutes to choose from if they commute by car.

Weighted Average Number of Jobs Accessible by Different Commute Modes, 2015

	Public Transit			Car		
	20 min	*30 min*	*60 min*	*20 min*	*30 min*	*60 min*
Los Angeles-Long Beach-Santa Ana	10,213	39,564	358,984	1,110,002	2,323,105	5,577,313
Riverside-San Bernardino-Ontario	1,251	4,238	34,910	270,737	583,025	2,378,179
Sacramento–Arden-Arcade–Roseville	3,161	9,483	71,009	350,433	606,135	1,084,079
San Diego-Carlsbad-San Marcos	3,730	11,999	107,182	474,148	809,037	1,408,331
San Francisco-Oakland-Fremont	22,118	71,107	374,615	518,120	1,134,881	2,946,891
San Jose-Sunnyvale-Santa Clara	4,440	16,739	184,272	703,935	1,060,964	2,673,982

Source: University of Minnesota (September 2016; December 2016)

As housing costs increase, the options available to commuters become even more constrained. In open and elastic markets, Californians have the freedom to make measured decisions about the cost of travel, employment, and the cost of housing. The data shows that, by far, greater and more cost-effective job access exists when commuting by car than by public transit. This outcome will become more pronounced as housing costs near transit rise and affordability becomes more limited to higher income segments, and as the housing/commute equation for many middle and lower incomes gets pushed further away from the urban cores.

Urban Growth Boundaries: A broad-adoption of urban growth boundaries (UGBs) would significantly and negatively affect the ability of the state and its municipalities to accommodate projected future housing development. UGBs increase housing costs inside the boundary pricing many people out which in turn *increases VMT and GhG emissions*. Decisions to implement UGBs are essentially arbitrary and political. They are not based on the physical capability of the land to support development but rather on a set of political decisions and capricious accommodations about growth. Furthermore, the notion that California's future housing needs can be met through infill development within artificially-drawn UGBs is a fantasy. Because UGBs arbitrarily limit the availability of land to accommodate projected growth needs, do not contain the entitlement streamlining measures necessary to ensure project approvals and significantly drive up the cost of housing they significantly favor higher-income buyers, exacerbate the gap between the haves and the have-nots and promote economic segregation. Bottom line: They do not produce either equitable or practical outcomes.

Protect Land From Development: While this strategy might, on its face, sound reasonable, perspective is necessary to avoid one-dimensional conclusions. Of California's 101 million acres, approximately 5 percent or 5.3 million acres are currently occupied by the existing population. Fifty million acres are in federal, state or tribal ownership; 25.5 million acres are in identified as agriculture; over 20 million acres are designated as critical habitat (no development) pursuant to the federal Endangered Species Act. Factoring in the state endangered species act, the designations applicable to

the 113 protected species extends to at least 25 percent or more of the total land area of the state.

California has historically failed to meet its housing supply needs and relying on a urban-yes greenfield-no housing strategy as the scoping plan proposes will only make California's scarce and high-cost housing even less attainable more expensive. We clearly understand that infill can make a great deal of sense in many localities. Infill development alone though cannot solve California's supply crisis – not by a long shot. A 2005 HCD report[6] found that under optimal market and regulatory circumstances roughly 25% of California's housing need can be satisfied through infill building. That figure is likely outdated and we believe that currently it is even lower, given that infill proposals are increasingly denied throughout the state and numerous cities have sought to impose moratoriums either through city council adoption or voter initiative. Without reforms to state planning law and CEQA, building infill will only become even more difficult.

Pricing Strategies: Homebuilders are committed to help make SB 32 and SB 375work. We know from the scoping plan statements that higher and even more-challenging GhG-reduction targets are a likely result. Achieving those targets without the availability of "tools' such as redevelopment or tax increment financing; without a state commitment to provide ongoing and certain funding for affordable housing; without the necessary regulatory reforms necessary to assist in locating housing closer to transportation systems; without widely-vetted pricing strategies adopted by the Legislature and applicable to all drivers to help reduce mobile emissions … the chances of achieving the land use and transportation goals articulated in the scoping plan will not be realized.

Scoping Plan & CEQA

The draft scoping plan includes several specific new directives on how the California Environmental Quality Act (CEQA) should be implemented to address climate change. The draft Plan also includes numerous policy directives, including example in the Vibrant Communities appendix, that appear to or actually do rely on changes to current CEQA Guidelines and implementation practices. We urge CARB to remove its CEQA proposals from the Scoping Plan. SB 97 (Dutton, 2007) expressly mandates the required process for integrating GHG compliance obligations into CEQA: The Office of Planning & Research is required to complete the rulemaking process for amending the CEQA Guidelines. Under SB 97, CARB is authorized but not required to provide guidance to OPR, but only OPR through the rulemaking process can implement such CARB recommendations.

Our specific concerns about the CEQA provisions in the draft scoping plan include:

I. Local Plans

CEQA requires an assessment of consistency with a plan that is adopted to avoid or mitigate an environmental effect. CARB recommends immediate implementation of a

[6] *The Future of Infill Housing in California: Opportunities, Potential, Feasibility and Demand.* University of Pennsylvania, 1-1-2006, Landis et al.

uniform statewide local agency planning target of no more than 6 tons of CO2E per capita by 2030 to meet the SB 32 target, and no more than 2 tons of CO2E per capita by 2050 to meet the Executive Order target, to be included in local plans. Average per capita CO2E emissions are currently just under 12 CO2E per year.

CARB provides no evidence as to how either of these recommended local planning targets can feasibly be implemented, or how local governments should take into account the scores of GHG reduction mandates and programs (including the expanded cap and trade program) that are also part of the Scoping Plan, and are CARB's primary mechanism for reducing the state's per capita emissions independent of any local plan adopted by a city or county. For example, the overwhelming majority of GHG emissions come from electricity generation, transportation fuels, and stationary sources – and as the Scoping Plan explains, reductions from these and other sectors is absolutely critical to meaningful reductions in statewide emissions. However, cities and counties lack jurisdiction and control over transportation technologies and fuels, the renewable energy component of the state's electricity grid, and stationary sources that are not seeking local agency discretionary approvals. Without a metric that allocates to local agencies a GHG reduction target that can legally and feasibly be implemented by a local agency that takes into account GHG reductions from these other sectors, the CARB per capita targets place an impossible burden on most local agencies as well as creating an infeasible new CEQA target for local plans, and yet another ripe CEQA lawsuit opportunity for those seeking to challenge higher-density, transit-oriented development plans and infill projects.

CARB's "one-sized fits all" per capita local agency planning metric also fails to take into account significant differences in climate, existing development patterns, transportation options, economic production activities, and population densities in California's hundreds of cities and counties. The CARB metric is also discriminatory. Per capita GHG thresholds are far easier to achieve in wealthy retirement communities with few people commuting to work and virtually no children requiring rides to school or extracurricular activities, and far more difficult to achieve in economically stressed households with multiple adults holding down multiple jobs while also raising a family. There are hundreds of statutes that govern land use planning in California, but all recognize and respect the fact that there is no single quantitative metric that should have a "cookie cutter" application to all communities in this complex state. Any GHG numeric threshold must take into account local differences across multiple factors, and must not discriminate against struggling families forced to "drive until they qualify" for housing they can afford.

CARB's planning metric acknowledges that this target "may" not be achievable in some communities, such as those with economies that rely on higher energy uses. However, higher energy uses are ubiquitous in those areas of California where the vast majority of the population actually lives. Goods movement, for example, is responsible for about 30% of the economic activity of the state – and about 40% of the economic activity in the Los Angeles region. CARB has identified numerous strategies for reducing GHG from the goods movement industry, but its "per capita" metric assigns to local government the GHG produced by the state's critical logistics sector. Similarly, California manufactures thousands of products – which if not manufactured here would be manufactured in other states or countries with less stringent GHG reduction mandates. California's

agricultural sector also grows food that helps feed the world, California's research universities and hospitals educate, innovate and cure people from around the world, California's tourism industry attracts visitors from around the world, and California's entertainment and technology sectors lead the world. To place on local government the burden of reducing GHG to a per capita metric requiring local GHG reductions to offset global goods movement, manufacturing, agricultural, tourism, and other global economic activity fundamentally tilts the state in the direction of mandating "leakage" of these higher-GHG activities to other states and countries. This strategy also again disproportionately impacts the many middle and lower income workers who are employed in these sectors, without achieving any net global GHG reduction. CARB's per capita CEQA approach places a new legal burden on communities to "prove the negative" by demonstrating why the per capita metric -- which is one of the many issues that would be thoroughly assessed and debated through the CEQA rulemaking process -- is the sole means by which CARB can attempt to change CEQA.

CARB's planning metric also equates a statutory direction (the 2030 target) with an Executive Order (the 2050 target), even though the 2050 target has been repeatedly rejected by the Legislature. There is no legal mandate to reduce GHG 80% below existing per capita GHG levels, nor are local agencies in any position to achieve such an outcome. A planning objective that is inherently infeasible to achieve creates more legal uncertainties and an affirmative disincentive for communities seeking to update plans and (rightfully) fearful of the litigation costs and risks created by lawsuit challenges to updated plans and accompanying CEQA documents.

CEQA's GHG compliance requirements are already opaque, with even the California Supreme Court identifying only compliance pathways that "may" be adequate. CARB appropriately acknowledges that one of the compliance pathways endorsed by the Supreme Court is compliance with local GHG reduction plans. However, CARB's proposal undermines rather than strengthens the Court's deference to such plans. Unless the requirements for such plans can feasibly be implemented by local government, are fair and do not disproportionately impact individuals and families living in disparate communities, climates and economic sectors, and do not result in population or employment leakage then CARB's proposal will increase global GHG while causing still more suffering for California's working poor. For California to succeed as a climate leader, CARB cannot drive still more people into poverty or migration to higher per capita GHG states.

II. Project-Level CEQA Compliance

CARB has proposed that for project-level CEQA reviews (even for projects that comply with a local land use plan), "all feasible" mitigation be required to fully offset project-related GHG emissions. In support of this change to CEQA, CARB cited to examples that include GHG emissions from direct project activities (e.g., building and occupying a new structure), as well as indirect and offsite project related activities (e.g., using electricity to provide water and wastewater to a project site, or using vehicles to move residents, employees, vendors and visitors to and from the project site). Under the CARB proposal, there is no "di minimis" or any quantitative threshold below which "all feasible" mitigation would not be required.

CARB's proposal is contrary to CEQA case law, as well as contrary to OPR conclusions that CEQA cannot be used to impose a "one molecule" rule (i.e., GHG must be reduced to zero). As case law makes clear, there is no "one molecule rule" in CEQA."

It is also critical to understand that this "all feasible" CEQA threshold discriminates against the "new" and the "have-nots" – and protects the "old" and the "haves." People who own their homes and are at or near retirement engage in few activities that would be directly affected by a new local plan with CARB's per capita GHG thresholds, apart from the certain inconvenience caused by intentionally increasing traffic congestion as a climate strategy consistent with the OPR SB 743 "Discussion Draft" guidance cited with approval by CARB. As exhaustively documented by multiple sources, the hundreds of thousands of California families who lack access to housing that is proximate to their workplace and affordable for their income level, will disproportionately be burdened by the imposition of ever higher costs and fees. The examples of projects that have fully offset their GHG emissions are the "leadership projects" to build costly facilities new wealthy professional sports teams, the world headquarters for one of the world's wealthiest companies, and a very large new master planned community project that has been and remains in lawsuits spanning more than 20 years. These projects have agreed to impose on their customers and residents increased financial burdens, including purchases of GHG reduction offsets, which do not apply to employees and residents of existing facilities. Customers and residents of these exemplar projects must pay the higher electricity bills, and higher fuel costs and fees, which are imposed by other CARB mandates – but they must also then "double-pay" to fully offset emissions that other Californians are not required to pay. This strategy seems aimed precisely at assuring that even more Californians leave the state (and our current out-migration is higher than in-migration), even though other states have far higher per capita GHG emissions than California.[7] SB 32 and the Executive Order did not license CARB to discriminate against young families, or families that lost their homes to foreclosure during the Great Recession, or to workers forced to commute more than 3 hours per day because California's coastal community leaders or residents have used exclusionary zoning, CEQA, and other tools to prevent development of adequate housing supplies.

An expert agency endorsement of an unlawful and discriminatory one molecule significance threshold, coupled with allowing lead agencies to "prove the negative" by explaining why any particular project mitigation to zero is infeasible, creates significant new CEQA project litigation risks. For example, none of the example projects identified by CARB have been litigated to a final judicial outcome. However, all of these projects have agreed to add fees and costs, in part based on OPR's and CARB's acceptance of payments to unregulated non-profit entities as a means of achieving GHG offset credits. Among the many legal objections that have been raised against such arrangements are the increased financial burdens placed on occupants and customers of these new projects (especially to the extent these would result in increased housing costs given the ongoing housing crisis), and the fact that these non-profit entities may spend fees collected on speculative, distant, and unregulated GHG reduction programs that provide no co-benefits to California communities. In fact, reliance on international and non-California mitigation has never been affirmed by a court as being lawful or adequate

[7] For example, according to data assembled by US EPA during the Obama administration, per capita GHG emissions in Texas are nearly three times higher than California.

under CEQA, nor is there any authorizing legislation for the transfer of California-based mitigation obligations outside California.

It is also important to note that precisely the types of projects that CARB is attempting to encourage – most notably infill, transit-oriented housing – are the most frequent targets of CEQA lawsuits. In a recent study of three years of CEQA lawsuits filed in the Los Angeles region, for example, about 14,000 housing units were targeted by CEQA lawsuits. 98% of those projects were in existing communities, and 70% were located in transit priority areas and high quality transit corridors. These CEQA lawsuits against housing are predominantly filed in wealthier, whiter and healthier communities: 70% of the residential units targeted by CEQA lawsuits were outside the disadvantaged environmental justice communities as mapped by California EPA. Other studies have confirmed that agencies lose nearly 50% of CEQA lawsuits in reported appellate court cases, and since a lawsuit loss typically results in rescission of project permits such losses can either kill or add years of additional cost and delay to projects. CEQA has repeatedly been cited by the Legislative Analysts' Office and the Governor as a major obstacle to building adequate and affordable housing near employment. Transit is another frequent CEQA lawsuit target, and in a statewide study there were more CEQA lawsuits targeting transit projects than highway and roadway projects combined.

Since CEQA lawsuits target precisely the high density residential, mixed use and transit projects that CARB is reliant on as a model for the future, it is particularly troublesome that CARB's CEQA proposals expand CEQA and create greater uncertainty and legal risk.

III. "Road Diet" and VMT OPR Guidance

CARB also endorses the OPR Discussion Draft Guidance for expanding CEQA to include vehicle miles travelled (VMT) as a new transportation impact, and to limit statewide highway construction to intentionally increase congestion to force more people to use transit instead of cars. As with CARB's proposed per capita GHG metric and one molecule GHG threshold, including this VMT Guidance in the Scoping Plan is both an unlawful avoidance of the CEQA rulemaking process required by SB 97 and a highly discriminatory tactic that disproportionately affects workers and their families who are forced to "drive until they qualify" for housing given the housing crisis in coastal communities.

There are many problems with this OPR Guidance, which was also initially included in a "Final" Caltrans Guidance document that was later revised.

SB 32 does not overrule federal and state air quality laws that require efficient movement to reduce excess emissions from gridlock, nor does it provide any basis for including a statewide limit on highway projects intended to address safety and mobility concerns under federal and state laws, as approved by CARB in Regional Transportation Plans (and as often expressly approved by voters in transportation bond measures). And as shown in a recent University of Minnesota accessibility study, only 0.7% of the jobs in the Los Angeles Metro Region are accessible via a 30 minute transit ride, and only 7% of those jobs are accessible by a 60 minute transit ride. The California Legislature has recognized how critical lawful access to driving an automobile to work actually is by authorizing undocumented immigrants to obtain drivers' licenses (approximately

800,000 have done so thus far). We are also in the midst of a transportation revolution, with increasing sales in California of electric vehicles and the likely emergency of automated electric vehicle fleets in the very near future – even while traditional transit options (especially fixed route bus service) continue to show ongoing ridership declines. "Intentionally increasing congestion" also has adverse mental and physical health impacts on drivers, and multi-generational adverse family and public health impacts from absent or stressed parent commuters.

CARB does not have the legal authority to regulate VMT under CEQA or otherwise. The Legislature directed Caltrans to complete a pilot study of VMT volunteers, and report on the results on that study prior to proposing or adopting any VMT fee or VMT regulatory program. SB 743 allowed but did not require OPR to use VMT as a potential CEQA transportation metric in lieu of any delay-based metric, but only after OPR completed the CEQA rulemaking process. The Scoping Plan should be modified to delete references to VMT reductions as a GHG strategy until or unless OPR has completed the required SB 743 rulemaking, Caltrans has completed the required VMT pilot study, and the Legislature has authorized the direct regulation of individual use of private automobiles as a GHG reduction strategy given its disparate impact on rural, inland, lower income, and housing-cost burdened Californians.

IV. Other CEQA Changes

Although not expressly called out as changes to CEQA, the "Vibrant Communities" appendix to the Scoping Plan – announcing the intent of eight state agencies to become enmeshed in local land use planning and project approvals – appears to include numerous proposals that lack any statutory authority and appear to be premised on changes to CEQA. These include, for example, but are by no means limited to proposals to adopt a fee for "eco system services" to be charged to infill housing locations, imposition of urban growth boundaries. Numerous comments were submitted when the "Vibrant Communities" policy was unveiled without prior notice last Fall; none of these comments were acknowledged or addressed in the Scoping Plan or the unchanged draft of the Vibrant Communities policy included in the Scoping Plan.

To the extent that the Scoping Plan is proposing direct new measures under CEQA or land use planning laws and regulations, these must be clearly described. No such changes can become operative absent additional Legislative or rulemaking.

In closing, thank your again for the opportunity to provide these comments.

Respectfully,

Richard Lyon
Senior Vice President