



June 24, 2022

California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted Online

Re: Comments on the Draft 2022 Climate Chance Scoping Plan

Dear Members of the Board,

Transportation California and our undersigned member organizations and associations, representing the transportation industry and workforce that builds, repairs, and maintains California's statewide multimodal transportation system, write to provide comments on the Draft 2022 Climate Change Scoping Plan (Draft Plan) and in particular, the recommendations within Appendix E – Sustainable Communities.

For the first time, the California Air Resources Board (CARB) is incorporating the goal of achieving carbon neutrality by 2045 into the Scoping Plan in addition to statutorily derived greenhouse gas (GHG) emissions reduction goals. The resulting Draft Plan and the recommendations therein are unprecedented and increasingly ambitious. We concur with many of the Draft Plan's foundational arguments, including that traffic congestion costs individuals, families, and the economy billions of dollars annually and that maintenance costs for the existing transportation system have ballooned beyond available revenues. The transportation construction industry supports the state's climate goals and we stand ready to build the multimodal transportation infrastructure of the future envisioned in the plan. At the same time, we are concerned about many of the recommendations in the Draft Plan that would undermine the underpinning of our surface transportation network, make certain types of transportation projects infeasible, and limit the ability of local communities to generate local funding for multimodal infrastructure improvements. Our specific comments and concerns are as follows:

Draft Plan Lacks Clear Evidence of a Widening First Strategy

The Draft Plan is based on the perception that the State of California and its regional and local government partners are engaging in an auto-centric capacity increasing and widening first strategy which is not borne out by publicly available data. While past practices may have prioritized auto-centric

capacity transportation solutions, the State, regions, and local governments now pursue multimodal transportation solutions. Even when widening a highway or road, lead agencies are incorporating bicycle and pedestrian safety and access components, providing better accommodation for transit, and/or are using new roadway space to promote high-occupancy vehicles. While the Draft Plan provides detailed information on vehicle miles traveled (VMT) growth and projections in the state, it does not provide equally informative data about widening and other capacity increasing projects used to draw its conclusions. We urge CARB to provide information to the public that sufficiently justifies its roadway widening and capacity assertions which are the foundation for its recommendations that would drastically alter transportation funding, programs, and projects in the state.

Draft Plan Would Move State Away from a Driving-First Model by Making Driving More Difficult

The Draft Plan offers a vision for the future that grants most Californians access to high-quality rail and public transit and active transportation. The transportation construction industry supports the state's multimodal future, but it cannot support many of the recommendations for achieving this vision. **Our industry vehemently opposes opening Article XIX of the California Constitution to use already insufficient gas excise tax revenue for transit operations and other sustainable transportation-related uses (Action D).** The 2021 State Highway System Management Plan indicates that Caltrans only has 45% of the necessary revenue to address its \$122.9 billion 10-year funding needs and cities and counties are facing a funding shortfall of \$78.9 billion over the next decade. In total, just for the maintenance and rehabilitation of the existing system, California is underfunding transportation by \$14.7 billion annually. Transit and active transportation programs do need additional, robust, and sustainable revenues, just not at the price of our maintenance, rehabilitation, and safety goals.

Another recommendation in the Draft Plan is to provide reduced voter thresholds for local sales tax measures if the expenditure plans only fund transit and active transportation solutions (Action C). California currently has 25 local county transportation agencies delivering super majority voter-approved transportation sales tax measures throughout the state. These sales tax measures are carefully crafted with significant public input to include investments into programs and projects that reflect the priorities of the residents choosing to tax themselves. While no two sales tax measures are the same, a consistent theme common among all measures is that it takes a variety of types of investments to achieve the necessary two-thirds support of a community. Nearly every expenditure plan invests a portion of its revenues into all, or some combination of, local streets and roads, active transportation, transit, safety, goods movement, and/or congestion mitigation projects or programs. **Limiting the types of projects and programs locals can fund would only render fewer local sales tax measures in the future and harm the prospects of the very multimodal transportation infrastructure envisioned by the Draft Plan.**

Finally, as noted in the Draft Plan, the California Department of Transportation is already rescoping projects on the state highway system and implementing SB 743 (Steinberg, Chapter 386, Statutes of 2013) which requires lead agencies to analyze projects for VMT impacts and to mitigate for VMT impacts. While SB 743 implementation on state highway projects is still in its infancy, early indications are that it will result in a notable change in terms of project alternatives and mitigations. **As such, the transportation construction industry is very troubled by the concept of limiting the use of statements of overriding considerations in the California Environmental Quality Act.** Already, SB 743 implementation on state highways is suggesting mitigations that may cost as much as the project itself. If lead agencies do not retain the flexibility to override mitigation requirements that are not feasible for legal, economic, technological, or other reasons supported by substantial evidence, then these vital transportation

projects may not move forward. The profound ripple effects of such limitations must be fully vetted prior to CARB blessing such a concept.

Areas of Agreement

As mentioned above, the transportation construction industry does agree with aspects of the Draft Plan, and we would be remiss if we did not also indicate our support for some of the recommendations. We support increased funding for the Active Transportation Program and have been leading the charge to ensure surplus revenues in the 2021-22 and 2022-23 state budget help reduce the backlog of high scoring bicycle and pedestrian projects in the program. We also support broadening the types of active transportation projects the program funds, including pilot funding for city and countywide active transportation networks so that residents have realistic alternatives to their vehicles.

Our industry sponsored SB 1077 (DeSaulnier, Chapter 835, Statutes of 2014) that authorized California's investigation of a road user charge. Considering the Draft Plan and CARB's Draft Advanced Clean Cars II Regulation, a sustainable revenue stream to replace the gas tax to support the *maintenance and rehabilitation of the existing transportation system* in the next five-years is critical to our transportation future (Action H). We look forward to continuing to aid the state in identifying and implementing a gas tax replacement solution.

We also support the exploration of roadway pricing strategies as a way to optimize the existing transportation system and increase funding to support the implementation of sustainable communities strategies (Action A). As noted in the Draft Plan, these strategies are projected to achieve up to 27% to 37% of the needed per capita VMT reduction to meet state goals. The major metropolitan planning organizations already include pricing strategies in their long-range transportation plans. Our industry wants to partner with implementing agencies to ensure mitigation of negative impacts on lower- and middle-income communities as well as on industries and businesses which require their living-wage labor force to travel for work and for which alternative modes are not suitable.

Ongoing Importance of the Existing System

California's network of highways, local streets and roads, and bridges will remain a vital feature of California's mobility future even under the Draft Plan's vision for less driving and more mass transit, biking, and walking. The state highway system (49,000+ lane miles), the local street and road system (335,000 lane miles), and the more than 25,000 state and locally owned bridges in California must be rehabilitated and maintained in a safe and efficient condition to support vehicle travel (zero emission and automated), travel by transit bus, or travel by bike or on foot. Moreover, California's economy is built on the movement of goods in and out of our land and seaports which requires a good roadway network. Unfortunately, California still has the second worst roads in the nation and 68% of major roads and highways are in mediocre or poor condition. Approximately 50% of bridges in California have exceeded their design life and thousands of bridges require major rehabilitation or repair. In meeting California's climate goals, we must not abandon our fundamental mobility system. Our vast network of state highways and local streets and roads can become more multimodal and help advance the state's climate goals but will remain the backbone of the state's transportation system, economic engine, and way of life.

On behalf of the statewide transportation construction industry, thank you for the chance to provide comments on the Draft Plan. We look forward to CARB's Scoping Plan Listening Sessions and the opportunity to work with CARB to ensure the state can meet its critical climate change goals while

preserving the statewide multimodal transportation network and the jobs, economic opportunity, and mobility and access it affords all Californians.

Sincerely,

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California State Council of Laborers

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