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September 28, 2016

Mr. Ken Alex, Director
Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812

Re: Public Comment on Vibrant Communities and Landscapes

Dear Mr. Alex:

The Engineering Contractors' Association respectfully submits the following comments on the draft state agency vision statement entitled *Vibrant Communities and Landscapes*.

We recognize that as a "vision statement" that this document has no legally binding authority, but is more in the nature of a trial balloon to express the state's approach to climate change under the vision of Governor Brown and his allies in the environmental movement in our state.

We want to assure you, the governor, the various state employees and the invited environmentalists who drafted this policy plan that we are in favor of a balanced approach to safeguarding the future growth, prosperity and health of all Californians, current and future.

Unfortunately, balance is the key ingredient missing from the prescriptions outlined in the list of "Actions" proposed. While vigorously espousing concern for socio-economic equity for communities it would destroy the dream of the residents of those places to own a home of their own, with a command and control approach to in-fill housing that would condemn them to Soviet-style apartment blocks.

For those Californians already occupying the 6, 883, 493⁽¹⁾ single-family homes in our state, this vision would condemn them to an eternity trapped on our freeways under the "road diet" plan expressed in the unreferenced companion "discussion document" on vehicle miles traveled⁽²⁾ which is the backbone of your comments regarding transportation.

For the three million Californians over the age of 65⁽³⁾, among the fastest growing segments of our population, you offer a prescription of "active transportation,"—walking or bicycling—to meet their needs for food and medical care, not to mention trips to friends, family or other venues, not a very golden age prospect.

The "vision statement" lacks any supporting documentation to demonstrate the efficacy of the policy prescriptions that it outlines, not to mention the alleged "benefits" that make up a fourth of the ideas expressed in the paper. We have to assume that you have at least some of this material, but since there was no public input to the plan, other than that from the "invited" environmentalists, which is a critical failing in the state's approach in this document.

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Oddly enough, California state government action is still a democratically controlled effort and the rule of law still applies. Based on that, visionary assertions such as the goal of an 80 percent reduction in greenhouse gas emissions by 2050 are not official state policy, other than from executive orders issued by the current governor, which can be repealed by a future governor. The current state legislature has specifically recoiled from such an extreme measure, making sure it was not contained in the recently passed SB 32.

We are confident that the eight-agency approach to regulatory control expressed in your vision statement will be recalled and retooled, opened to public scrutiny and participation and brought before the Legislature before it is enacted. Then, the full process of the state's Administrative Procedures Act can be brought to bear, complete with full Brown Act compliance so that no more backroom bureaucratic deals will be struck with favored constituencies.

Balance between the goals expressed in the rough draft *Vibrant Communities and Landscapes* and the real needs of California and its citizens will be a paramount consideration. We recommend the following.

1. Immediate withdrawal of the proposed policies, including a companion policy issued earlier this year to expand the California Environmental Quality Act (CEQA) to impose a statewide "road diet" and make the act of driving one mile in a car or pickup truck an adverse new environmental impact.
2. A commitment to obtain Legislative authorization prior to taking any agency action in furtherance of the non-statutory 80% GHG reduction target in any sector.
3. A commitment to engage in formal rulemaking prior to proposing or adopting any plan, policy, or regulation that modifies existing regional GHG reduction targets established under SB 375 in the land use and transportation sectors.
4. A commitment to use all available state resources and authority to timely complete transportation and infrastructure improvement projects approved by California voters, and transportation and land use plans and policies approved by local and regional agencies, that are consistent with the state's approved SB 375 GHG reduction targets and Sustainable Communities Strategies, and to refrain from applying any new state policy, plan or regulation that would increase costs or otherwise increase regulatory obligations, burdens or risks on these voter-approved and SB 375 compliant projects.
5. A commitment to fully disclose and analyze the social, equity, economic, employment, and global (not just California) GHG consequences, to complete a comprehensive environmental impact report under CEQA, and to seek express Legislative authorization, prior to taking any action to modify any regional SB 375 targets or otherwise adopting any policy, plan or regulation that would increase the compliance costs, litigation risk, or cause any further delay, in the implementation of SB 375-plan compliant projects, policies and plans.

Sincerely,



Wesley F. May
Executive Director

CC: Anthony Rendon, Assembly Speaker
Kevin DeLeon, President Pro Tem California State Senate
All Members of the Legislature

- (1) <http://www.infoplease.com/us/census/data/california/housing.html>
- (2) <https://www.arb.ca.gov/cc/scopingplan/meetings/091316/Potential%20VMT%20Measures%20For%20Discussion%209.13.16.pdf>
- (3) https://cps.ipums.org/cps/resources/cpr/24_ps.pdf