

The Environmental Council of Sacramento (“ECOS”) appreciates the work done by the California Air Resources Board (“CARB”) to date to implement SB 375. However, it has recently become clear to us that the currently proposed “regional targets” for vehicle miles traveled (“VMT”) related greenhouse gas (“GHG”) reductions may be too low, and, therefore, may be insufficient to actually implement the Legislature’s intent in enacting SB 375, which was to *decrease* VMT-related GHG emissions going forward.

Specifically, ECOS is concerned that the currently proposed “per capita” emissions reduction targets have not adequately been explicated or explained in the context of anticipated population growth in the state. ECOS recognizes that SB 375 specifically allows the targets adopted by CARB to be specified on a “per capita” basis. However, that should not be interpreted to undermine the fundamental purpose of SB 375, which is to *reduce* (not merely attenuate increases in) VMT-related GHG emissions going forward.

The targets that are currently under consideration propose a 5-10% reduction in per capita VMT emissions by 2020, with 2005 as a base year. However, California’s population is expected to grow by considerably more than 5-10% over that same time period. Accordingly, it appears that all of the recommended targets (when factored with expected population growth) will actually result in *more* VMT-related GHG emissions, albeit less than in the Business-As-Usual scenario. Accordingly, ECOS requests that CARB at least develop, disclose and put on the table for consideration, alternative targets that would keep pace with projected population growth to achieve actual, overall *reductions* in VMT-related GHG emissions.

ECOS recognizes and agrees that reducing VMT-related GHG emissions through smart land use planning is necessary for the success of the Global Warming Solutions Act of 2006 (AB 32). Implementation of SB 375 is a critical component in achieving AB 32’s lofty goals. However, to do so, SB 375 targets must be set that support and enhance, rather than erode and compromise, the state’s achievements in other vehicle-related GHG reduction efforts (i.e., changes in fuels and fleet). With regard to this point, SB 375 has often been referred to as one “leg” of a “three-legged stool.” ECOS would observe that a three legged stool with two legs that reach the ground (GHG reductions related to fuels and fleet), and a third that does not (SB 375 targets that increase VMT-related GHG emissions), is hardly a stable platform for achieving AB 32’s purposes.

ECOS’ concern is further underscored by the fact that, in enacting SB 375, the Legislature made a policy “trade off,” allowing exemptions under the California Environmental Quality Act (“CEQA”) for specified project that are consistent with an adopted “Sustainable Community Strategy” (“SCS”) meeting CARB’s adopted SB 375 targets. The irony of the currently proposed per capita targets is that the state’s Metropolitan Planning Organizations (“MPOs”) will be authorized to adopt SCSs that will actually *increase* VMT-related GHG emissions, yet specified projects under the SCS will be granted relief or exemption from CEQA provisions for environmental protection, public disclosure or informed decision-making. Allowing projects under an SCS that will *increase* VMT-related GHG emissions to avoid CEQA’s environmental review and

mitigation requirements would appear to undermine both the Legislature's intent in enacting SB 375 as well as broader environmental protection efforts in the State.

ECOS is also very concerned that the RTAC and CARB have proposed to adopt targets requiring *no* VMT-related GHG emission reductions *at all* for several of the smaller MPO's in the state. Put simply: if these MPO's are going to be allowed to conduct business as usual and do *nothing* to contribute toward SB 375's goal of reducing VMT-related GHG emissions, *why* should they be granted CEQA exemptions under SB 375?

ECOS is similarly concerned about the extremely low targets that have been proposed for certain regions of the state, such as the San Joaquin Valley. The result of such lax targets may well be the exact opposite of CARB's intent: providing unintended incentives to shift and *intensify* regional growth pressures and *increase* urban sprawl in an area of the state that can least afford the air quality impacts, while concurrently providing CEQA streamlining and exemptions to the projects that will cause those same, adverse air quality impacts.

ECOS does recognize that the proposed draft targets incorporate perceived fiscal, infrastructure and other constraints. ECOS urges CARB not to measure the "feasibility" of its SB 375 targets based on the ability of every MPO in the state to adopt an SCS, however, because that is not what the Legislature intended. SB 375, by also expressly providing for the adoption of Alternative Planning Strategies ("APS"), demonstrates the Legislature's understanding that, to achieve *real* VMT-related GHG reductions, *the targets may have to be set too high for SCS's to be adopted by the MPOs*. By defining "feasible" to mean that the targets must be set low enough for all MPOs to adopt an SCS, CARB would be ignoring the statute's provisions for the adoption of APS's, where an MPO finds itself unable to formulate an SCS that *would* achieve actual VMT-related GHG emissions reductions.

Absolute emissions reductions must be at least considered and addressed in the final SB 375 targets release, to fulfill the SB 375 charge of achieving VMT-related GHG emissions *reductions*. Moreover, SB 375's land use emissions reductions strategies are long-term, requiring that the targets be revisited and updated every four years – potentially allowing future targets to achieve what CARB decides near-term targets cannot. Accordingly, ECOS requests that the public release of the MPOs' targets expressly disclose and address the per capita targets that *would* be required to *reduce* VMT-related GHG emissions, so that, at a minimum, the issue is squarely on the table for future SB 375 target updates.