

March 11, 2021

The Honorable Ben Allen, Chairman
Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: OPPOSE POSITION for SB 261: Regional Transportation Plans: Sustainable Communities Strategies.

Senator Allen:

Regretfully, Fresno Council of Governments must oppose SB 261 as an unnecessary intrusion into, and a usurping of local authority over transportation and land use planning and decision making. Along with its member jurisdictions, Fresno COG has clearly demonstrated its commitment to state greenhouse gas and vehicle miles traveled (VMT) reduction goals through its investments in active, sustainable transportation projects in its Regional Transportation Plan/Sustainable Communities Strategy and regional transportation sales tax, known as Measure C.

Fresno COG has been an active, enthusiastic partner with California Air Resources Board (CARB) staff in negotiating realistic, achievable GHG target reductions for the Fresno County region. Unfortunately, this bill would require, rather than encourage, metropolitan planning organizations to work with the CARB for that purpose.

SB 261 also requires that the sustainable communities strategy be submitted within 60 days of adoption, and require CARB to reject an MPO's determination that the strategy submitted would achieve the greenhouse gas emission vehicle miles traveled reduction targets if it determines that certain criteria are met.

In practice, this provision gives CARB the authority to cherry-pick individual projects out of the RTP/SCS, regardless of local sentiment and funding to grow regional communities in the way our region sees fit, keeping in mind state GHG goals.

Furthermore, SB 261 requires each city and county to biennially report to its MPO the number of housing and jobs, and transit supportive infrastructure, existing and planned, that demonstrates implementation of strategies included in the SCS. This places an additional burden on Fresno COG's member jurisdictions, most of which are severely disadvantaged communities that suffer from high poverty and high municipal staff turnover.

Additionally, the bill adds these burdens to MPOs and local governments despite our best efforts to meet state GHG-reduction goals, principles and guidelines in good faith – while simultaneously ignoring the 7 percent gap in emissions reductions that the state has failed to address in its own processes. There is a 7 percent gap in the CARB's Scoping Plan framework to achieve reductions in SB 375 category emissions. The gap results from the difference between the 25 percent reduction need identified in the Scoping Plan and the 2018 SB 375 targets that equate to an 18 percent statewide

reduction. As a result, there is 7 percent gap between the SB 375 targets and the Scoping Plan objective.

CARB acknowledges that although the SB 375 targets “make significant progress,” they do not “provide all of the reductions that will be needed” to meet the State’s climate goals. [See [Scoping Plan](#), page 75; see also [Scoping Plan-Identified VMT and State Climate Goals](#), page 4]. CARB’s [Staff Report to Update SB 375 Targets \(2018\)](#) identifies the 7 percent gap in GHG emissions as “new State-initiated VMT reduction strategies.”

Fresno COG acknowledges that there is always room for improvement in our relationship with CARB and that we could certainly do a better job of working together. Nevertheless, we strongly believe it is not helpful to create a process that doubles down on pitting CARB against MPOs. Indeed, the message of the SB 150 report was that we should be working together more cooperatively. In that vein, Fresno COG is committed to working with your office and the EQ Committee to engage constructively and develop a better framework.

In that spirit of cooperation, we recommend recasting some of the strategies identified in the Draft Mobile Source Strategy as points where CARB and the MPOs could work cooperatively to improve MPO/CARB relationships and help achieve state GHG and VMT reduction goals.

- VMT Mitigation Banks.
 - The Draft MSS includes a recommendation to develop a VMT/GHG mitigation bank. A more specific strategy would be to help seed and establish regional mitigation banks around the state to get other agencies involved in the mission and funding the same types of programs. The corresponding grant and funding agreements could allow CARB to identify the types of projects and programs for which its funding could be used, and in this way could leverage its own policy framework at the regional and local level.
- Conservation.
 - The Draft MSS suggests that these mitigation banks should focus at least in part on land conservation easements. This seems reasonable.
- Innovative Pilot Projects with MPOs.
- We were at first heartened to read that innovative pilot projects could be an important strategy. We support using pilot projects to encourage innovation. For example, Fresno COG invests its Measure C local funding into infill strategies that could change the way that our region develops. But then we noted with disappointment the Draft MSS fails to recommend partnerships with MPOs or local governments. Instead, it calls for CARB to partner with local air districts; or to develop statewide transportation control measures. We believe MPOs might be the ideal entity for an innovative pilot program.
- Draw Lessons from the Regional Early Action Program (REAP).
 - In 2018, the Governor’s budget included \$125 million to support regional planning for housing. Over \$100 million went directly to MPOs (acting in their capacity of councils of governments) to develop and implement programs to create more housing. It would be fair to say that until REAP, most regions did not get involved in housing beyond forecasting and distributing the regional housing needs allocation. However, REAP has required MPOs to develop new innovative housing programs and focus more intently on housing in a way that is in line with state goals. Moreover, HCD and MPOs are strengthening their working relationship and are building a foundation for greater cooperation. This kind of program—where funds are distributed with tight strings to assure specific outcomes—could be a way for CARB to leverage its own policy and expertise, share lessons learned, collaborate with MPOs, and adapt to the varying conditions within each region.

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To summarize, Fresno COG remains fully committed to reducing VMT and GHG emissions in line with California's overall climate change goals and guidelines; however, we believe local government should have the autonomy to customize its approach to how this occurs. What we require is a better relationship with CARB to ensure that progress is incremental, productive and sustained.

Thank you for your time and consideration.

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive, flowing style.

Tony Boren
Executive Director