

April 20, 2022

The Honorable Laura Friedman  
Assembly Transportation Committee, Chair  
1020 N Street, Room 112  
Sacramento, CA 95814

Honorable Chair Friedman,

As the metropolitan planning organization and regional transportation planning agency for the Fresno County region, Fresno Council of Governments opposes AB 2348 for the following reasons:

AB 2438 defines “State Climate Goals” to include the California Transportation Plan (CTP), Climate Action Plan for Transportation Investment (CAPTI), and the state’s greenhouse gas (GHG) emission reduction goals under SB 32 and SB 375. We are not opposed to these goals and generally support the documents’ objectives and strategies. Similarly, Fresno COG has dedicated years producing its sustainable communities’ strategy to reduce greenhouse gas emissions, implement SB 375, and—in many respects—augment the CAPTI recommendations.

Our opposition derives from *how* AB 2348 applies these documents in ways that are at times inconsistent with other state laws and requirements.

AB 2438 would require multiple state transportation programs to align with “State Climate Goals” without any analysis of their consistency with other state goals (such as housing). For example, the *AB 285 Report* found that although state goals can be complementary, they often vary and can even conflict with one another. Not every climate strategy aligns perfectly with all state equity objectives.

This kind of internal resolution process must be a prerequisite to imposing a blanket alignment requirement like what AB 2438 proposes. What is a regional or local agency to do when required to align with climate goals that do not correlate perfectly with state goals around equity, housing, or resilience? AB 2438 provides no answer.

Additionally, though we concur that the CTP should include a financial “gap” analysis, AB 2438’s current language (and corresponding alignment requirement) has three flaws. First, any gap analysis should analyze **both** the financial **and** scenario-based assumptions included in the CTP. For example, the CTP assumes a 50% increase in vehicle operating costs (which equates to the \$2.25 cent gas tax).

If this were to materialize, it would have a dramatic effect on how much people drive. Imposing such a pricing policy would also require a heavy political lift, meaning that the scenario envisioned may not actually materialize. There are also “aspirational” assumptions about land use growth and full funding of the state rail plan.

We object to the term “align” regarding a state plan that includes both an aspirational vision and a realistic fiscal analysis. Are state funding programs supposed to align with the aspirational vision part of the plan? Or should they align with CTP’s statement baseline or current fiscal reality?

A fiscal and feasibility analysis would help assure the CTP will describe the difference between where California is today and where we want to be as a state in 2050. Understanding this gap lays a framework for further action. The CTP can then be used to develop new programs and policies that will assure California realizes its 2050 climate goal.

AB 2438 would require multiple funding programs—most of which are either totally or partially funded by SB 1—to be consistent with “State Climate Goals,” including the CTP. But even Caltrans acknowledges that the CTP does not “accurately capture the current and future state of transportation” that results in “extreme difficulty” in actually implementing the CTP.

Furthermore, AB 2438 is premature for two reasons. First, the Strategic Growth Council is still in the process of prioritizing its recommendations from the *AB 285 Report*. Second, the Air Resources Board will release its first draft of the updated *SB 150 Report* within the next few weeks. The *SB 150 Report* takes a more detailed review of SB 375 implementation (vs AB 285’s focus on the relationship between state and regional plans). It’s a fair assumption that the *SB 150 Report* will generate another set of (potentially conflicting) legislative ideas. Given that the two documents are so close to delivery, the more holistic approach would be to review both documents before adopting statutes.

Fortunately, there is time. If the requirement to align with the CTP is removed, the two laws included in AB 2438’s definition of “State Climate Laws” already require or result in alignment:

- **SB 375 Alignment.** A metropolitan planning organization that adopts a regional transportation plan (RTP) must have it approved by ARB to assure that it meets the SB 375 target (which in turn has been identified in the Scoping Plan to be in alignment with SB 32). As a result, every project funded by the programs affected by AB 2438 must be consistent with an RTP that has been approved by the Air Resources Board. Thus, we think that this requirement is largely a restatement of existing law.
- **CAPTI Alignment.** CAPTI is an administrative action that guides to state transportation investments. The Administration is already applying CAPTI to state funding programs. While AB 2438 would elevate the alignment requirement to statute, that elevation is not likely to significantly change investment decisions in the short term given the Administration’s commitment to CAPTI’s implementation.

Thank you for the opportunity to express our opposition. Fresno COG remains open to conversations that further the author’s underlying goals.

Sincerely,

Michelle Roman, Chair  
Fresno Council of Governments  
Councilmember, City of Kingsburg