

ClimatePlan

Addressing the land use decisions that shape our climate and our lives

To: Panama Bartholomy, California Energy Commission
Jeff Weir, California Air Resources Board

Re: Comments on LUSCAT Report and Haagen-Smit Proceedings

Date: May 21, 2008

ClimatePlan is very pleased to have the opportunity to submit the following comments on the LUSCAT Submission to CARB Scoping Plan (hereafter, “the LUSCAT Report”) and on the proceedings documents from the 2008 Haagen-Smit Symposium (hereafter, “the Haagen-Smit Declaration”). All ClimatePlan partners have been impressed by the speed and openness with which these proceedings have been conducted, and the professionalism and helpfulness of the staff. Given the tremendous scope of the land use-climate change issue, it is testament to your work that these documents are so complete and timely. We thank you both very much and look forward to working together.

ClimatePlan Supports the General Framework: A Comprehensive Approach to Land Use GHG Reductions & Prominent State Role in Prioritizing GHG Reductions in Land Use and Transportation

ClimatePlan supports the overall approach to land use-related GHG emissions spelled out in both the LUSCAT Report and the Haagen-Smit Declaration: Fostering regional collaboration to achieve reductions in GHGs related to land use and transportation, while creating a prominent role for the State in setting reduction targets, offering incentives, technical assistance and best practices to regional and local governments.

We support the assignment of regional land use-related GHG reduction targets to the regions, when coupled with mechanisms to help local governments achieve the targets. Very few Californians live, work and play in the same city, but rather conduct their economic, cultural and social lives across California’s regions. A regional approach is important for capturing and addressing the real-world dynamics of land use, transportation and travel behavior. However, since local governments are the ultimate arbiters of land use, the framework must recognize and reflect that important role. We explore that concept more fully in the next section.

We also support a prominent role for the State of California in the area of technical assistance, modeling and best practices. The State should create standards by which to quantify GHG emissions, model land use impacts on GHG emissions, and chart progress in GHG reduction. This will ensure a level playing field for California’s localities and leverage the size and expertise of the State to assist often cash-strapped and understaffed local governments. We also support the State acting as a clearing house for best land use practices, model land use regulations, and planner training. The State of California should also model the changes it recommends for localities in their own siting, development and transportation decisions.

The State has historically played a significant role in the direction of development in California through its infrastructure investment decisions. We support a strong role for the State in using its infrastructure funding to incentivize GHG-efficient development and discourage development that is not GHG-efficient. This “carrot and stick” approach would reverse decades of typical American planning policy that has led to sprawl and more driving. Getting the incentives right is crucial and could help us avoid more direct State regulation to reach our emissions reductions goals. State funding in all areas, not just transportation infrastructure, should include GHG emission criteria.

We are encouraged by the inclusion in the LUSCAT Report of many of the policy and program recommendations put forward by ClimatePlan and its members. We support convening work groups to explore what we feel are some of the most important policy options, including the Indirect Source Rule, the treatment of CEQA with regards to GHG emissions, and two important policies proven to change individual driver behavior: Pay As You Drive Insurance and Congestion Pricing. All ClimatePlan members are also clearly committed to identifying and removing unnecessary obstacles to GHG-efficient development. ClimatePlan looks forward to participating in these efforts.

Questions, Concerns and Comments

As stated above, ClimatePlan is generally encouraged by the direction of the LUSCAT Report and the Haagen-Smit Declaration. However, we have a number of concerns which we have summarized below. We ask that the following issues be addressed in upcoming planning documents, including the CARB scoping plan.

- **The current framework is broad and non-specific:** Given the broad scope and tight timeline mandated by AB 32, it is perhaps no surprise that both the LUSCAT report and Haagen-Smit Declaration are very general in their approach, and postpone definitive determinations on many crucial issues to a later date. ClimatePlan nonetheless believes that for the CARB Scoping Plan, specificity and definitiveness are vital. The relationship between land use and GHG emissions is a relatively new field of policy focus. Local agencies, developers, environmental advocates and other stakeholders are anxiously looking for focus and clear direction. ClimatePlan asks CARB to give very clear, definitive direction with respect to land use and California’s AB32 goals in the Scoping Plan.
- **The framework needs mechanisms for ensuring accountability:** Clearly, if we want to ensure that the land use sector is helping reach our AB32 goals, we need not only to provide incentives, but also provide a backstop of measurable benchmarks and goals and consequences for not achieving those benchmarks. We need to begin the discussion of effective and reasonable enforcement options, with the understanding that, if incentives are not resulting in GHG reductions, we must be prepared to, at some point, take stronger actions.
- **The role of local governments must be addressed:** While we support assigning GHG reduction targets to regions, it is local governments that have the primary responsibility for land use decisions. Thus it is critical to clearly identify mechanisms for ensuring that local governments do their share. Local governments should have

both incentives to meet the regional targets, and consequences for failing to act. The current framework doesn't do enough to address this critical component. One possible mechanism is the sub-allocation of regional targets to individual jurisdictions. We encourage CARB to explore the feasibility of local targets, along with other possible mechanisms.

- **The discussion of costs is unrealistic:** Although the LUSCAT Report states that its recommendations will have “zero net cost” to localities, ClimatePlan believes major changes to land use planning and infrastructure investment will require significant sources of new funds. We support the Haagen-Smit Declaration’s priority on securing “new and continuous funding,” and encourage LUSCAT to revisit, or offer more detail, on its Strategy Costs and Costs Savings section.
- **Regions and local governments need authority to raise revenues:** In addition, ClimatePlan recommends that regions and localities be given the authority to raise their own funds to promote GHG-efficient land use and transportation. Fees derived from Congestion or Cordon Pricing could serve this purpose, as well as voter-approved surcharges on gasoline. If we are to ask regions to take responsibility for meeting GHG reduction targets, we should give them the authority to implement proven programs and raise revenues. Requirements for implementing legislation from Sacramento hinder these efforts.
- **Roles of regional agencies should be clarified:** We believe it is possible to create a framework that respects local authority in land use while ensuring regions hit their GHG reduction goals. If regional planning is to work effectively, agencies such as COGs, MPOs, RTPAs and AQMDs will need not only to work collaboratively like never before but also have clear and distinct responsibilities and authority for planning, implementation and, if need be, enforcement of new GHG reduction requirements. Each of these agencies has different strengths and capabilities that should be utilized. We would ask LUSCAT and CARB to focus on this area and make detailed recommendations as to the appropriate roles of different regional agencies given new GHG reduction requirements.
- **The framework should specifically integrate incentives for land conservation and disincentives for sprawl:** GHG-efficient land use is not only about where we locate development, but where we do not, or should not, develop. ClimatePlan commends the LUSCAT for their increased attention to the role that natural and working landscapes play in climate mitigation, and supports the recommendation to provide further incentives for conservation. Going forward, we encourage LUSCAT and ARB to focus on what disincentives need to be put in place to discourage inefficient development and secure the carbon sequestration benefits of undeveloped open space. We not only need to “pull” development into the best locations, but we also need to “push” it there through strategic policies and programs. An important mechanism for achieving this is through a statewide mitigation program to address the net emissions and cumulative impacts of land conversion.
- **Public transportation needs greater attention:** Both the LUSCAT Report and the Haagen-Smit Declaration firmly address the need for better land use planning and

transportation infrastructure planning and investment. What is clearly missing from either document, however, is a comprehensive treatment of public transportation. Studies show that proximity to public transportation is among the most important variables in discouraging car trips and leveraging the GHG benefits of compact development. Rising gas prices are resulting in unprecedented increases in ridership, yet the Governor's May Revise recommends once again using public transportation money to fill the State's budget gap. ClimatePlan strongly believes that a more complete treatment of public transportation is warranted, as is a full set of recommendations on improving performance and expanding service. We would specifically ask for attention to finding a sustainable source of funding for public transportation operations, not simply capital investment.

Thank you again for your time, attention and all your work so far. We know that together we can make a major contribution to California's sustainable environmental future. If you have any questions, or would like any additional information, please contact Autumn Bernstein, ClimatePlan Coordinator at 530.544.1092 or autumn@climateplanca.org.

Signed,

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