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VIA ELECTRONIC MAIL: RTP.Guidelines.Update@dot.ca.gov

Priscilla Martinez-Velez
Division of Transportation Planning MS-32
California Department of Transportation
P.O. Box 942874
Sacramento, CA 94274-0001

RE: Comments on the 2016 Draft RTP Guidelines for MPOs

Dear Ms. Martinez-Velez:

On behalf of the California Cleaner Freight Coalition ("CCFC"), we submit the following comments on the 2016 Draft California Metropolitan Planning Organization Regional Transportation Plan Guidelines (hereinafter "Draft RTP Guidelines"). CCFC includes grassroots environmental justice, environmental, science, and health groups in California. CCFC's mission is to transform the freight transportation system in California in order to protect the public's health, clean the environment, and promote social justice and equity. Our members have a huge stake in seeing the current freight system transformed to one built around zero-emission technologies, and believe that planning agencies must elevate this transformation as a priority in regional transportation planning.

Our comments focus on three issues critical to our members: (1) cleaning up the freight industry; (2) transportation electrification; and (3) promoting environmental justice. For each of these, we offer general background followed by specific line edits to the current draft document. In section IV, we have collected some other technical edits to improve the draft document. Our comments focus on the freight industry and do not address, for example, the investments that MPOs should make in transit versus freeways or the weight that MPOs should place on encouraging zero emission transportation relative to encouraging active transportation.

I. Addressing Freight's Health and Environmental Impacts

Our organizations have come together because freight operations are responsible for some of the most significant public health impacts in California. Freight equipment accounts for nearly half of statewide emissions of diesel particulate matter and nitrogen oxides (NOx), and freight hubs are a significant source of air toxics that can cause localized cancer hotspots.[1] Though startling, these numbers still fail to communicate the concentrated and discriminatory impacts that this industry has on the largely low-income communities of color that surround these freight hubs and corridors.[2] The siting of freight facilities highlights the environmental racism and injustice

[1] California Sustainable Freight Action Plan, at 6 (2016) ("Freight Action Plan").
[2] Tegan K. Boehmer et al., Residential Proximity to Major Highways — United States, 62 Morbidity and Mortality Wkly. Rep, at 46 (2013), http://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm.

that has shaped the development of California's goods movement system.[3] Communities near freight facilities experience increased illness and death, emergency room visits, doctor visits, hospital admissions, and missed school days. The California Air Resource Board's (ARB) April 2015 "Sustainable Freight Pathways to Zero and Near-Zero Emissions" discussion draft ("Pathways Report") noted that freight emissions in 2012 were responsible for between 1,700 and 2,700 annual deaths,[4] but again, these numbers fail to describe how these impacts are concentrated across a small number of already heavily impacted communities.

Between 2004 and 2008, ARB conducted a series of health risk assessments to look at the risk levels in specific communities attributable to freight-related diesel particulate emissions, which are carcinogenic.[5] In a study examining communities near four rail yards—BNSF San Bernardino, Union Pacific Commerce, BNSF Hobart, and Union Pacific Intermodal Container Terminal Facility/Dolores—researchers found maximum individual cancer risks ranging from 180 in one million to 650 in one million.[6] Residential communities closest to the Ports of Los Angeles and Long Beach had increased cancer risks greater than 500 in one million.[7] Around the Port of Oakland, cancer risk estimates from diesel truck emissions were as high as 1,200 in one million.[8] While ARB expects these risks to decline over time with the replacement of older diesel equipment, it also acknowledges that these risks may actually be 1.5 to 3 times higher because new health risk assessment methodologies now recognize the increased impact of childhood exposures.[9]

The magnitude of emissions that leads to these disproportionate risks is staggering. In 2013, the Ports of Los Angeles and Long Beach combined to emit roughly 14,000 tons per year of NOx.[10] By comparison, the nearby Los Angeles Department of Water and Power Haynes Power Plant in Long Beach emitted 68 tons of NOx in 2012, less than 5% of the pollution emitted by the ports.[11] Agencies responsible for protecting public health and maintaining the public trust would hopefully pause before allowing 200 such power plants to be sited in a single area.

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[3] *See* U.S. Commission on Civil Rights, Not in My Backyard: Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice, at 15 (2003), http://www.usccr.gov/pubs/envjust/ch2.htm ("Zoning practices and decisions that, on their face are race neutral, routinely allow communities of color and poor communities to be zoned "industrial" and significantly contribute to the disproportionate placement of hazardous and toxic industries in these neighborhoods.").

[4] Air Resources Board, Sustainable Freight: Pathways to Zero and Near-Zero Emissions, at 17 (2015) ("Pathways Report").

[5] *Id.* at 17-19.

[6] Air Resources Board, Supplement to the June 2010 Staff Report on Proposed Actions to Further Reduce Diesel Particulate Matter at High-Priority California Railyards, at 3 (Table 1) (2011) ("Railyard Commitments Report"); *see also* South Coast Air Quality MGMT. Dist., Final Report: Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-IV) at 6-2 (2015) ("MATES-IV")("The spatial distribution of diesel PM2.5 emission in MATES IV is similar to the diesel PM emission pattern derived in CalEnviroScreen 2.0, both showing the highest diesel PM emission in Central Los Angeles and area around the Ports.").

[7] Railyard Commitments Report, at F-28.

[8] Pathways Report, at 19.

[9] *Id.* at 20.

[10] Port of Los Angeles, Inventory of Air Emissions for Calendar Year 2013, at 179 (2014) https://www.portoflosangeles.org/pdf/2013_Air_Emissions_Inventory_Full_Report.pdf; Port of Long Beach, Air Emissions Inventory – 2013, at 114 (2014) http://www.polb.com/civica/filebank/blobdload.asp?BlobID=12238.

[11] U.S. Environmental Protection Agency, Emissions & Generation Resource Integrated Database (eGRID), eGRID 2012, https://www.epa.gov/energy/egrid or https://www.epa.gov/sites/production/files/2015-10/egrid2012_data.xlsx.

Executive Order B-32-15 found that "freight transportation in California generates a high portion of local pollution in parts of the state with poor air quality" and that "future investments to upgrade freight vehicles and infrastructure should utilize technologies, energy sources, and fuels that enable greater transportation efficiency *while reducing community and environmental impacts.*"[12] The Sustainable Freight Action Plan includes as a Guiding Principle that it will "[r]educe or eliminate health, safety, and quality of life impacts on communities that are disproportionately affected by operations at major freight corridors and facilities. This includes reducing toxic hot spots from freight sources and facilities, and ensuring continued net reductions in regional freight pollution."[13]

The Draft RTP Guidelines must reflect not just improving the efficiency of the State's goods movement system, which is the focus of the current draft's discussion of freight, but also the need to reduce emissions from this industry and to address the impacts that it has on surrounding communities. As discussed in the next section, the key to both supporting economic growth in this industry and simultaneously addressing emissions is to support the widespread electrification of freight-related equipment and infrastructure.

To better reflect the Governor's directives regarding freight, and the newly adopted commitments in the Sustainable Freight Action Plan, CCFC offers the following recommended edits to the Draft RTP Guidelines:

A. Section 6.11 at pages 147-48

On page 147, the RTP Guidelines note that "the CTP recognizes the importance of enhancing freight mobility, reliability, and global competitiveness…" CCFC recommends that freight efficiency be added here, and that the term (i.e., "**freight efficiency**") be defined here and throughout the document according to its definition in the California Sustainable Freight Action Plan: **"a measure of the value of goods transported divided by the amount of greenhouse gas emissions generated from its transportation."** This definition of freight efficiency based on the value of goods transported and associated emissions should replace or at least be added to items 4 and 13 on page 148.

To encourage and facilitate development of RTPs that benefit overburdened communities, CCFC recommends inclusion of a disaggregated analysis of the impacts of freight. This would include a comprehensive analysis -- disaggregated by race, place, and income -- of air quality standards and health impacts in the State's major freight corridors.

The RTP section discussing goods movement should include the following:

1. A discussion of the role of goods movement within the region (the types and the magnitudes of goods moved through the region and their economic importance);

[12] Executive Order B-32-15, https://www.gov.ca.gov/news.php?id=19046 [emphasis added].
[13] Freight Action Plan, at 9.

2. An inventory of all major highway and roadway routes consistent with the National Highway Freight Network, including critical urban freight corridors, ~~used for trucking,~~;
3. An inventory of seaport facilities, air cargo facilities, freight rail lines, and major warehouses and freight transfer facilities within the region;
4. An analysis of the efficiency of existing goods movement transportation infrastructure (e.g. bottlenecks, gaps, etc.);
5. **An analysis of zero-emission and near-zero-emission freight technologies available for goods movement applications;**
6. **An analysis of the greenhouse gas and criteria air pollutant emissions associated with goods movement in the region;**
7. **Identification of regional hotspots for pollution associated with goods movement;**
8. **An analysis of the demographics of the communities within and adjacent to regional hotspots for pollution associated with goods movement;**
9. **An analysis of the health impacts associated with pollution from freight, both in the region at large as well as in the identified regional hotspots;**

~~5.~~ **10.** Discussion of how the region's projected population growth will affect the demand for goods movement, and identification of land areas where goods movement facilities (such as intermodal facilities and warehouses) necessary to support this demand can and should be located;

~~6.~~ **11.** Specific projections, by mode, of future freight demand;

~~7.~~ **12.** Identification of freight-elated highway and roadway improvement needs;

~~8.~~ **13.** Identification of expansion or improvement needs at seaport and airport facilities that handle cargo and issues regarding land side access to these facilities;

~~9.~~ **14.** Identification of expansion or improvement needs for freight rail lines within the region;

~~10.~~ **15.** Identification of intermodal connection issues between different modes (e.g. freight, rail and seaport facilities), as applicable;

~~11.~~ **16.** Identification of USA/Mexico border crossing issues, if applicable;

~~12.~~ **17.** Discussion of ITS and advanced technology opportunities for goods movement, with the aim of maximizing operational efficiencies and minimizing emissions; ~~and,~~

~~13.~~ **18.** Identification of opportunities or innovations that improve freight efficiency **and support the State's freight system efficiency target as established in the California Sustainable Freight Action Plan; and,**

19. Identification of opportunities or innovations that reduce greenhouse gas emissions and criteria air pollutant emissions associated with freight.

CCFC recommends the following language for the Best Practices segment of section 6.11, beginning on page 149:

Best Practices: The state's ~~Goods Movement Action Plan (GMAP)~~ California Freight Mobility Plan (CFMP) is a policy and action agenda document that supports the improvement of California's goods movement infrastructure while preserving the environment. MPOs ~~and RTPAs~~ are encouraged to review the ~~GMAP~~ CFMP for guidance, and ensure consistency while addressing goods movement within their RTPs. The RTPs and the ~~GMAP~~ CFMP will ideally function in a feedback loop, as the goods movement strategies and projects identified in RTPs will be incorporated into the next update of the ~~GMAP~~ CFMP. **MPOs are also encouraged to consider developing or updating freight plans for their region, as these plans can help MPOs improve the efficiency and sustainability of goods movement in their regions.**

~~http://www.dot.ca.gov/hq/tpp/offices/ogmlinks_files/gmap-1-11-07.pdf~~
~~http://www.scag.ca.gov/rtp2008/index.htm~~
~~http://www.mtc.ca.gov/planning/rgm~~
~~http://www.sandag.org/index.asp?projectid=292&fuseaction=projects.detail~~
http://www.dot.ca.gov/hq/tpp/offices/ogm/
http://rtpscs.scag.ca.gov/Pages/default.aspx
http://www.alamedactc.org/goodsmovement
http://www.ops.fhwa.dot.ca.gov/freight/infrastructure/nfn/index.htm
http://www.sandag.org/index.asp?classid=13&fuseaction=home.classhome

II. Transportation Electrification

ARB has concluded that for California to meet not only its greenhouse gas (GHG) emission reduction targets, but also basic health-based air quality standards, the State must pursue widespread electrification of the way we move both passengers and freight.[14] This recognition has been codified in several executive orders and pieces of legislation.

In Senate Bill ("SB") 1275, the legislature found that "zero-emission and near-zero-emission vehicles, including light-, medium-, and heavy-duty vehicles and buses, can improve the health and welfare of all residents, especially those in lower income households and disadvantaged communities, by reducing air pollution and greenhouse gas emissions," and adopted the goal to "place in service at least one million zero-emission and near-zero-emission vehicles, including cars, trucks, and buses, by January 1, 2023, and to establish a self-sustaining zero-emission and near-zero-emission vehicle market in which zero-emission and near-zero-emission vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets."[15] In addition, "it is the goal of the state to increase access for disadvantaged, low-income, and

[14] California Air Resources Board, Mobile Source Strategy: Discussion Draft, at 13-15 (2016).
[15] SB 1275 Section 1(e), (k), http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1251-1300/sb_1275_bill_20140921_chaptered.html.

moderate-income communities and consumers to zero-emission and near-zero-emission vehicles and to increase the placement of those vehicles in those communities and with those consumers in order to enhance the air quality, lower greenhouse gases, and promote overall benefits for those communities and consumers."[16]

Similarly, SB 350 finds: "widespread transportation electrification is needed to achieve the goals of the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code)"[17] and "requires increased access for disadvantaged communities, low- and moderate-income communities, and other consumers of zero-emission and near-zero-emission vehicles, and increased use of those vehicles in those communities and by other consumers to enhance air quality, lower greenhouse gases emissions, and promote overall benefits to those communities and other consumers."[18] As a result, SB 350 announced that "[i]t is the policy of the state and the intent of the Legislature to encourage transportation electrification as a means to achieve ambient air quality standards and the state's climate goals."[19] The law requires that "agencies designing and implementing regulations, guidelines, plans, and funding programs to reduce greenhouse gas emissions shall take [these findings] into account."[20] As a result, MPOs designing greenhouse gas reduction plans under SB 375 (Sustainable Communities Strategy) must consider the findings of SB 350.

To date, much of the focus on transportation electrification has been focused on the passenger vehicle sector. Both SB 1275 and SB 350, however, include the need to electrify the medium- and heavy duty vehicle fleets. In addition, the Governor directs State agencies to "establish[] clear targets to . . . transition to zero emission technologies" in the freight system.[21] The Sustainable Freight Action Plan includes a target of 100,000 vehicles and pieces of equipment "capable of zero emission operation" by 2030.[22]

As the Sustainable Freight Action Plan acknowledges, achievement of these specific targets and, more generally, the legislature's goal of widespread transportation electrification, will require targeted infrastructure investments. RTPs must reflect these goals and ensure that projects will support these goals and requirements. To that end, CCFC offers the following recommended edits to the Draft RTP Guidelines:

A. Section 1.1 at page 4

Long-range transportation planning is a critical part of California meeting its air and climate goals. In 2015, SB 350 set even higher standards for air quality and greenhouse gas emission

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[16] SB 1275 Section 1(l), http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1251-1300/sb_1275_bill_20140921_chaptered.html.
[17] Pub. Util. Code Section 740.12(a)(1)(B).
[18] Pub. Util. Code Section 740.12(a)(1)(C); see also id. at (a)(1)(D), (a)(1)(I) ("[r]educing emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification" and "light-, medium-, and heavy-duty vehicle electrification results in approximately 70 percent fewer greenhouse gases emitted, over 85 percent fewer ozone-forming air pollutants emitted").
[19] Pub. Util. Code Section 740.12(a)(2).
[20] Pub. Util. Code Section 740.12(a)(2).
[21] Executive Order B-32-15, https://www.gov.ca.gov/news.php?id=19046.
[22] Freight Action Plan, at 10.

reductions in California, and long-range transportation planning should reflect those standards. SB 350 found that transportation electrification is necessary to meet National Ambient Air Quality Standards (NAAQS) and to meet California's 2030 and 2050 greenhouse gas emission reduction targets.[23] MPOs are required to account for the findings described in SB 350 and to prioritize transportation electrification as part of long-range transportation planning.

The Draft RTP Guidelines should be edited to include the following language after the first paragraph on page 4:

> ~~In addition, the executive order recommends that the State shall~~ **Executive Order B-32-15 also directs State agencies to** take climate change into account in planning and investment decisions, and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives. Planning and investment shall be guided by the following principles:
>
> - Priority should be given to actions that both build climate preparedness and reduce greenhouse gas emissions
> - Where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts
> - Actions should protect the state's most vulnerable populations; and
> - Natural infrastructure solutions should be prioritized
>
> As a result of state legislation and executive orders, GHG emission reduction**, transportation electrification, and climate resilience have also** ~~has~~ become ~~one of the~~ key priorities in the statewide and regional transportation planning process in addition to improving transportation mobility, addressing federal air quality criteria pollutants and ensuring that the statewide regional transportation system addresses tribal, local, regional, and statewide mobility and economic needs.

B. NEW Section 2.3 at page 26

CCFC proposes the language below for a new section describing the importance of MPOs promoting transportation electrification via RTPs.

> **2.3 Promoting Transportation Electrification**
>
> **Transportation electrification will play a critical role in reducing greenhouse gases and criteria air pollutants throughout California, and the MPOs in turn will play a critical role in facilitating widespread transportation electrification. SB 350 clearly describes the importance of widespread transportation electrification for meeting climate goals and federal air quality standards. MPOs are encouraged to invest in and plan for widespread transportation electrification and the infrastructure necessary to support it.**

[23] Pub. Util. Code Section 740.12.

The language of SB 350 focuses on "widespread" transportation electrification. The use of the word widespread is important because adhering to existing patterns of investment in wealthier communities relative to low- or moderate-income communities would result in underinvestment in low-income communities and overinvestment in wealthier communities. SB 350 notes that "widespread transportation electrification requires increased access for disadvantaged communities, low- and moderate-income communities, and other consumers of zero-emission and near-zero-emission vehicles."[24]

MPOs, as "agencies designing and implementing regulations, guidelines, plans, and funding programs to reduce greenhouse gas emissions,"[25] are required to incorporate the directives from SB 350 in their planning processes. MPOs shall prioritize widespread transportation electrification by including significant investment in transportation electrification in their plans for disadvantaged communities, as well as low- and moderate-income communities. These investments must be sufficient to develop infrastructure to support widespread transportation electrification that will advance California toward the standards and goals outlined in Public Utilities Code Section 740.12(a)(1). These include:

- **Reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.**
- **Achieving the goals of the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code).**
- **Meeting air quality standards, reducing petroleum use, improving public health, and achieving greenhouse gas emission reduction goals.**
- **Attracting investments and high quality jobs.**

Requirements (Shalls)
Federal: None
State: Pub. Util. Code § 740.12, Health and Safety Code Section 44258.

Recommendations (Shoulds)
Federal: None
State: California Sustainable Freight Action Plan.

C. Section 5.1 at page 117

CCFC recommends the following edits to the 4th paragraph of section 5.1:

> A change to transportation analysis in environmental review under CEQA occurred with the Governor's approval of SB 743. It requires an update in the metric of transportation impact used in CEQA from Level of Service and vehicle

[24] Pub. Util. Code Section 740.12(a)(1)(C).
[25] Pub. Util. Code Section 740.12(a)(2).

delay to one that promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Per ARB Vision Model results, reductions in VMT growth **and widespread transportation electrification** are needed to achieve sufficient greenhouse gas emissions reduction for climate stabilization, as reflected in executive orders on 2030 and 2050 greenhouse gas targets. ~~when determining significant transportation impacts. This helps better support active transportation, greenhouse gas emission reduction, and smart growth.~~ The regulatory language (CEQA Guidelines changes) to implement the law are pending, though VMT has been identified by the Governor's Office as the preferred metric to determine significant impacts. A future update of the RTP Guidelines will capture any "shoulds" or "shalls" resulting from the formal rulemaking process.

D. NEW Section 5.9 at page 130

CCFC recommends the inclusion of a new section 5.9 to describe the environmental considerations around transportation electrification in RTPs.

5.9 Transportation Electrification

State law requires MPOs to encourage the development of transportation electrification and the deployment of electric vehicles in their RTPs. Section 740.12 of the Public Utilities Code describes the importance of transportation electrification for meeting greenhouse gas emission reduction targets and air quality standards. Section 740.12 demands that agencies developing plans that address greenhouse gas emission reductions consider the findings included in the law, and promote greater adoption of transportation electrification.

Transportation electrification is essential to meeting the targets established in Section 44258 of the Health and Safety Code. That section, otherwise known as the Charge Ahead California Initiative, sets a target of one million zero-emission and near-zero-emission vehicles on the road by 2023. MPO RTPs must include an evaluation of how the RTPs advance the goals described in Section 740.12 and in the Charge Ahead California Initiative.

Requirements (Shalls)
Federal: None
State: Public Utility Code Section 740.12, Health and Safety Code Section 44258.

E. Section 6.1 at pages 133-134

The Summary of RTP Components must include a reference to the requirements of SB 350 that apply to MPOs as they develop their RTPs. The following language should be added to Section 6.1:

At page 134:

A. Measures of mobility and traffic congestion;
B. Measures and needs for road and bridge maintenance and rehabilitation;
C. Measures of means of travel;
D. Measures of safety reliability and security;
E. Measures of equity and accessibility;
F. Other sources of data and information may also be used, such as a regions own source/s of information and data.
G. **Measures of the need for infrastructure supporting transportation electrification**
H. **Measures of infrastructure supporting transportation electrification in disadvantaged communities**

At page 136:

Recommendations (Shoulds)
Federal: None
State: California Public Utilities Code Section 740.12

F. Section 6.8 at pages 144-145

The Draft RTP Guidelines should include a recommendation that MPOs encourage the development of infrastructure for zero emission vehicles in highway projects so that California complies with the requirements of SB 350, Executive Order B-32-15, Executive Order B-16-12, and SB 1275. CCFC recommends the following sample language, to be added to page 145:

9. **Consider investing strategically to reduce greenhouse gas emissions, by promoting the use of zero-emission vehicles on highways.**
10. **Consider investing strategically to advance widespread transportation electrification.**

Recommendations (Shoulds)
Federal: None
State: Pub. Util. Code Section 740.12; Health and Safety Code Section 44258.4(b); Executive Order B-32-15; Executive Order B-16-12.

G. Section 6.24 at pages 172-182

The Sustainable Communities Strategy section of the Draft RTP Guidelines must incorporate SB 350 requirements that apply to planning agencies. While the new section 5.9 will describe SB 350 requirements in greater detail, section 6.24 must also connect SB 350's intent of developing widespread transportation electrification to the development of the Sustainable Communities Strategy.

On page 180, under the heading "Designing a Forecasted Development Pattern in the SCS," the Draft RTP Guidelines should list "**Design and layout of transportation facilities to facilitate access to charging in low- and moderate-income neighborhoods, as well as wealthier neighborhoods**" as one of the factors to consider when creating the forecasted development

pattern. MPOs must consider access to electric vehicle infrastructure in the development of their Sustainable Communities Strategies and transportation plans, with the goal of expanding access to electric vehicles and electric vehicle infrastructure to lower-income communities and communities of color.

On page 180, under the heading "Considering Social Equity in the SCS," the Draft RTP Guidelines note that MPOs must "encourage" the use of tools that demonstrate social equity impacts of different policies. SB 350 requires MPOs, as agencies that develop plans to reduce greenhouse gas emissions, to understand that "[w]idespread transportation electrification requires increased access for disadvantaged communities."[26] The text under the "Considering Social Equity in the SCS" heading should be altered as follows:

> The inclusion of the entire range of community interests in the development of the RTP (including the SCS) is a key element in the process, and is required by state and federal law. Providing more transportation and mobility choices such as increased transit, bicycle, and pedestrian facilities, as well as appropriate housing choices near job centers increases opportunities for all segments of the population at all income levels. Each MPO is encouraged to develop, enhance, and use visioning tools during the SCS development process enabling the public and policy makers to clearly see social equity impacts of various planning scenarios and make informed choices. These include impacts on air quality, access to transit, **access to electric vehicle charging,** household transportation costs, housing costs and overall housing supply. Additional information regarding specific statutory requirements for social equity and environmental justice considerations in the RTP is available in Section 4.2 and additional information regarding social equity and environmental justice issues in the public participation process is available in Section 4.3.

III. Achieving Environmental Justice

A. Section 6.8 at pages 144-45

Highway projects deeply impact communities adjacent to highways, and those communities deserve the opportunity to contribute their opinions and ideas to projects that will shape their environment. CCFC recommends that the RTP Guidelines include community participation processes as best practices. Agencies must significantly improve their efforts to incorporate community-developed alternatives. In the case of the I-710 expansion project, the Coalition for Environmental Health & Justice developed an alternative that the agencies fought vigorously. When outside entities develop reasonable alternatives, agencies should be more open to evaluating these in the California Environmental Quality Act and/or National Environmental Policy Act environmental reviews.

CCFC recommends adding the following language to this section, on page 145:

> 5. Data collection and other infrastructure requirement for ITS; ~~and,~~

[26] *See* Pub. Util. Code Section 740.12(a)(1)(C).

6. Unmet highway needs
7. Consider CTP policy suggesting to invest strategically to optimize performance; ~~and~~
8. Consider CTP policy suggesting for the application of sustainable preventative maintenance and rehabilitation strategies~~.~~**;**
9. **Emissions from highways, and their impact on adjacent communities; and**
10. **Community participation in the design and development of highway transportation projects.**

B. Section 6.11 at pages 147-48

CCFC recommends the following edits to the Goods Movement section, on page 147:

> MPO ~~and RTPAs~~ must plan for the goods movement infrastructure in the same way they plan the transportation infrastructure for the movement of people to support projected population growth and economic development. Goods movement planning is in the public interest because of the potential ~~economic~~ benefits **to the regional economy, environment, public health, and community well-being**. Improvements to the goods movement transportation system ~~often~~ **can** result in co-benefits to the overall system **when planners consider California's economic, equity, and environmental goals simultaneously**. The CTP recognizes the importance of enhancing freight mobility, reliability, and global competitiveness, which is why MPOs should consider deploying cost-effective technologies that can help expedite goods movement and reduce congestion at our ports. As a rail improvement project takes trucks off the highway, congestion is reduced and potentially reduces greenhouse gas emissions. A seamless, efficient**,**
>
> (Page 148)
>
> ~~and~~ **low-emitting,** well-maintained, multi-modal transportation system is paramount to the state's economic strength and its ~~citizens'~~ residents' quality of life. Planning this system involves a broad base of stakeholders, including affected community representatives, local organizations agencies in charge of seaports and airports, trucking associations, Class I and short line railroads, ~~and~~ freight shippers**, local air districts, electric and gas utilities, and multiple state agencies (e.g., California Air Resources Board, California Energy Commission, Caltrans, California Public Utilities Commission)**.

Given that freight facilities can account for a relatively large share of pollution within a regional air district and may be located near residential developments, CCFC suggests adding language to the Recommendations (Shoulds) section to encourage MPOs to follow General Plan Guidelines used for the siting of industrial facilities. That is, the California Government Code Section 65040.12 stipulates that General Plan Guidelines must "[p]ropose methods for providing for the location, if any, of industrial facilities [e.g., ports, rail yards, intermodal freight transfer stations, and warehousing and distribution centers] and uses that, even with the best available technology,

will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, in a manner that seeks to avoid overconcentrating these uses in proximity to schools or residential dwellings."

In order to ensure limited direct emissions in environmental justice communities, the Draft RTP Guidelines should provide guidance to curb logistics sprawl, particularly sprawl that will increase socioeconomic and/or environmental burdens in environmental justice communities. The Draft RTP Guidelines should provide clear criteria, based on socioeconomic, health, and air quality assessments, to ensure that infrastructure planning deters future logistics centers from being placed within or adjacent to overburdened communities. It would follow that the Draft RTP Guidelines should provide explicit guidance on necessary mitigation measures for sensitive land uses such as schools, hospitals, and housing.

Specifically, CCFC recommends the following language on page 149:

> **Recommendations (Shoulds)**
> **Federal:** ~~None~~
> **State: Government Code Section 65040.12 (General Plan Guidelines must "[p]ropose methods for providing for the location, if any, of industrial facilities [e.g., ports, rail yards, intermodal freight transfer stations, and warehousing and distribution centers] and uses that, even with the best available technology, will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, in a manner that seeks to avoid overconcentrating these uses in proximity to schools or residential dwellings.")**

C. Section 6.18 at page 164

The Draft RTP Guidelines give examples of performance measures that MPOs can include. Missing from the list is a performance measure that addresses and seeks to remedy the inequities that have resulted in communities of color and low-income communities being disproportionately burdened by pollution from transportation. CCFC recommends that the Draft RTP Guidelines add "**Health Equity**" to the list of examples of performance measures on page 164.

A Health Equity performance measure introduces a consideration of the public health disparities that have been neglected in the Draft RTP Guidelines. The Environmental Quality performance measure addresses the air pollution, land use, and other environmental impacts associated with transportation, but fails to address the disparities in how the public experiences these impacts. Investment Equity seeks to ensure equity in the funds and attention that various communities and transportation projects receive, but will not necessarily result in a reduction or elimination of the disparate health impacts that low-income communities and communities of color experience.

CCFC recommends that the Draft RTP Guidelines also include criteria that address health disparities due to transportation impacts. Specifically, the Guidelines should include the following language in the list of sample criteria to "measure the performance of specific

projects": "**Reduction of the disparity in health impacts in the most impacted communities relative to health impacts in less impacted communities.**"

On page 165, the Draft RTP Guidelines continue on to give sample criteria for "measuring cost-effectiveness of specific projects in the RTP." CCFC recommends that the Guidelines include this language as one of the criteria to measure the cost-effectiveness of the Health Equity performance measure: "**Decrease in air pollution emissions and greenhouse gas (GHG) emissions in highly impacted communities per thousand dollars.**"

IV. Other Technical Edits

A. Section 5.7 at page 126

CCFC recommends the following edits to Section 5.7:

> Federal and State Clean Air Act
> The Clean Air Act as amended in 1990 is the primary federal law that governs air quality. This law mandates the US EPA to establish ~~sets~~ the standards for ~~the quantity~~ **concentrations** of pollutants that can be in the air. ~~Subsequently, the~~ The US EPA **must review** ~~revises~~ the standards ~~from time to time~~ **every five years and revise them as necessary to protect public health and welfare**. These standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants that have been linked to health concerns; the criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO2), ozone (O3), particulate matter (PM), lead (Pb), and sulfur dioxide (SO2). The State Implementation Plan (SIP) is the statewide plan for achieving the goals of the Clean Air Act and describes how the NAAQS will be met. The SIP has both statewide and regional components. The California Air Resources Board is responsible for submitting the SIP to the U.S. Environmental Protection Agency (EPA), and for developing and implementing statewide control measures such as those related to on-road mobile sources (vehicle emission controls). **Local air pollution control and air quality management districts (APCD or AQMD) are responsible for regional control measures, which may also include measures that affect mobile sources (e.g., fleet rules, indirect source review requirements).**
>
> There is a California Clean Air Act in the Health and Safety Code that is generally similar in concept to the Federal Clean Air Act. Under the California Clean Air Act, the California Air Resources Board sets and updates State air quality standards. The State air quality standards are usually more stringent than the Federal, but the State air quality planning structure does not include the fixed attainment deadlines and conformity process found in the Federal program.
>
> ~~Air pollution control and air quality management districts (APCD or AQMD)~~ **APCD and AQMD** perform regional air quality planning in consultation with the MPO/~~RTPA~~, including development of on-road mobile source emission budgets that are part of the State Implementation Plan (SIP) required by the Federal Clean

Air Act. APCDs and AQMDs are the main implementation agencies for stationary source emission control programs.

The U.S. EPA designates an area as "attainment" if the area meets the national ambient air quality standards (NAAQS) mandated by the Clean Air Act. If the area does not meet the NAAQS, it is designated as a non-attainment area. Once a non-attainment area attains a NAAQS, ~~if~~ the area may develop~~s~~ a maintenance SIP and ~~submits~~ **submit** a re-designation request, the U.S. EPA can re-designate the area as a "maintenance" area. The shaded areas on the map below illustrate the areas of the State that have not attained, or have attained with a maintenance SIP, the National Ambient Air Quality ~~Attainment~~ Standards. All of California except Lake County fails to attain one or more of the State ambient air quality standards.

V. Conclusion

CCFC appreciates the opportunity to provide feedback on the Draft RTP Guidelines. These guidelines will be an important tool in California's efforts to comply with federal air quality standards and State greenhouse gas emission reduction standards. The RTP Guidelines must encourage MPOs to develop RTPs that prioritize the health of the communities experiencing devastating health impacts as a result of pollution from the transportation system. The edits recommended in this letter will help clarify the MPOs' responsibility to address the disproportionate impacts of freight and to reduce emissions of criteria air pollutants and greenhouse gases by investing in a transition to zero-emission technology in the transportation sector.

Sincerely,

The California Cleaner Freight Coalition