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Re: Comments on Draft Sustainable Freight Action Plan.

To Whom It May Concern:

On behalf of the undersigned organizations of the California Cleaner Freight Coalition (“CCFC”), we submit the following comments on the Draft Sustainable Freight Action Plan (hereinafter “Plan”). The CCFC includes grassroots environmental justice, environmental, science, and health groups in California. The mission of the CCFC is to create transformational changes to 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, and believe that now is the time to lay out the plan for achieving that transformation.

This Plan has great potential to do what prior goods movement plans have failed to do – meaningfully address the urgent public health needs of reducing freight emissions through

agency actions and infrastructure investments. CCFC believes this was a central objective of the Governor's Executive Order B-32-15. Unfortunately, as drafted, the Plan provides no assurance that the communities around freight facilities will see any reduction in emissions or other impacts. While, we support the agencies' vision of deploying zero emissions technology wherever it is available and near-zero emissions equipment with low-carbon renewable fuels in sectors that lack zero emission options, the Plan needs significant changes to make that vision a reality. We offer the following recommendations for revising the Plan to achieve the goals Governor Brown laid out in Executive Order B-32-15.

I. The Plan Should Describe and Address the High Portion of Localized Pollution Caused by Freight Transportation.

Our organizations have come together because freight operations are responsible for some of the most significant public health impacts in California. The Plan recognizes that freight equipment accounts for nearly half of statewide emissions of diesel particulate matter and nitrogen oxides (NOx), and notes that freight hubs are a significant source of air toxics that can cause localized cancer hotspots.¹ But this passing discussion fails 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 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 even 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 is a human carcinogen.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

¹ DRAFT CALIFORNIA SUSTAINABLE FREIGHT ACTION PLAN, 6 (2016) ("DRAFT PLAN").

² Teagan K. Boehmer et al., *Residential Proximity to Major Highways — United States*, 62 MORBIDITY AND MORTALITY WKLY. REP 46 (2013), <http://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm>.

³ See U.S. COMM'N ON CIVIL RIGHTS, NOT IN MY BACKYARD: EXECUTIVE ORDER 12,898 AND TITLE VI AS TOOLS FOR ACHIEVING ENVIRONMENTAL JUSTICE, 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, 17 (2015) ("PATHWAYS REPORT").

⁵ *Id.* at 17-19.

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. By comparison, the nearby Los Angeles Department of Water and Power Haynes Power Plant in Long Beach emitted just over 100 tons per year of NOx.¹⁰ Agencies responsible for protecting public health and maintaining the public trust would hopefully pause before allowing 140 such power plants to be sited in a single area, yet this Plan not only allows this problem to persist but prioritizes expansion of these sources with no assurance that this growth will be directed in a way that reduces emissions or otherwise protects surrounding communities.

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.*” (emphasis added). Our organizations appreciate the inclusion of a Guiding Principle to “[r]educe or eliminate adverse community impacts, including air pollution emissions of particulate matter, nitrogen oxides, greenhouse gases, and other pollutants, especially for communities disproportionately affected by major freight corridors and facilities.”¹¹ But simply including a Guiding Principle without actual substance in the Plan does not truly address the current unacceptable pollution levels. While we acknowledge that some of the measures included in Appendix C may have some ancillary benefits to disproportionately impacted communities (e.g., adoption of certain regulations), the Plan should more directly address the disparate impact this industry poses to certain communities in California.

Most notably, the targets and specific commitments identified by this Plan are not tied to any reduction in community or environmental impacts. CCFC believes the current draft Plan falls short of the goals of the Executive Order. For example, to create a sustainable freight system, the Plan must set zero emission technology targets that are not only consistent with

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, 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”).

⁷ RAILYARD COMMITMENTS REPORT, at 18.

⁸ PATHWAYS REPORT, at 19.

⁹ *Id.* at 20.

¹⁰ US EPA, “Technology Transfer Network Clearinghouse for Inventories & Emissions Factors,” <https://www.epa.gov/chief>.

¹¹ DRAFT PLAN, at 8.

achieving health-based pollution requirements, but that prioritize the elimination of disparate impacts in low-income communities and communities of color. Similarly, infrastructure investment and planning should not just minimize the impacts of expanding freight activities but actually “reduc[e] community and environmental impacts” as intended by the Executive Order. Above all, the Plan must be clear that the current disproportionate localized impacts that have been created by freight facilities have no place in a sustainable freight system and must be addressed.

The Plan must include the commitment to develop a prioritization process for implementation of the goals and policies to provide relief in the most heavily burdened regions and communities. For example, we recommend ARB develop a prioritization process for implementation of mitigation and cleanup efforts in the most heavily burdened regions’ disadvantaged and environmental justice communities. State laws, policies, and programs provide mechanisms and frameworks that identify regions and communities facing inequitable environmental and socio-economic burdens. Prioritizing implementation of the Plan’s goals and policies in the most polluted regions, specifically the South Coast and San Joaquin Valley air basins, and in the most vulnerable communities within these regions would address historic patterns of disinvestment and limited planning.

Finally, The Plan presents an opportunity to introduce a health impact assessment (HIA) as a component of freight project review in addition to health risk assessments. A Los Angeles and Long Beach Maritime Port Health Impact Assessment Scoping document has already been published and sponsored by the U.S EPA Region 9 in May of 2010.

II. The Plan’s Targets Should be Tied to Addressing the Public Health Impacts of Freight.

Executive Order B-32-15 directs the agencies to “establish clear targets to improve freight efficiency, transition to zero emission technologies, and increase competitiveness of California’s freight system.” The Plan provides these targets without any explanation of their basis, let alone any explanation of how these targets will address the various findings outlined in the Executive Order. CCFC is particularly troubled by the disconnect between these targets and the Executive Order’s recognition of the need to reduce freight-related emissions to meet air quality and greenhouse gas requirements and address the localized health threats. As outlined below, the proposed targets are less than ambitious and will not put California on a path to address its public health, environmental, and community sustainability needs.

A. Transition to Zero Emission Technology Target

The Executive Order requires a target “to transition to zero emission technologies.” The Plan proposes a target of deploying over 100,000 freight vehicles and equipment capable of zero emission operation by 2030. The Plan provides no breakdown of how this number was derived or how this target is consistent with a “transition” to zero emission technologies. More importantly, there is no demonstration of how this number is consistent with meeting any of the emission

reduction obligations required to comply with the national ambient air quality standards, achieve greenhouse gas goals, or address localized pollution hot-spots.

ARB's 2012 Vision for Clean Air projected that to meet air quality and greenhouse gas requirements, 35 percent of in-state heavy-duty truck sales and 45 percent of medium-duty truck sales would need to be fully zero emissions by 2030.¹² With a total in-state population of roughly 1.5 million trucks, achieving this level of sales would mean the State needs well over 100,000 zero emission trucks on the road by 2030. This number does not include other equipment. It also does not include trucks capable of zero emission operation such as hybrids or dual-mode trucks such as trucks capable of using a catenary system. A recent U.C. Davis study also illustrates the importance of scaling up zero emission truck technologies quickly to achieve climate targets by 2050.¹³ The analysis demonstrates that to be on track to reduce GHG emissions 80% by 2050, 10% to 40% of new truck sales nationally would need to be ZEV technologies by 2030, with the lowest estimate requiring major increases in low carbon biofuels predicated on significant technological advancement.¹⁴ The study authors also acknowledge that in California an even faster adoption of ZEV technology would be needed to meet air quality targets.¹⁵

The Plan's target will not achieve this level of transition. Piecing together numbers from the May 2016 Mobile Source Strategy, it appears that ARB staff plans to achieve over half of the 100,000 target by electrifying forklifts.¹⁶ The 100,000 number likely targets fewer than 40,000 zero emission trucks on the road by 2030. As noted below, CCFC believes these numbers significantly undercount the status quo, but even if accurate, will not put the State on a path to meeting air quality and greenhouse gas targets.

ARB staff has explained that the proposed 100,000 target comes from an assessment of what staff believes is currently feasible by 2030. But an ICF International analysis commissioned by the California Electric Transportation Coalition with input from the California Energy Commission and ARB found that California already has 100,000 pieces of freight equipment capable of zero emission operation¹⁷ and that even under its least aggressive assumptions (i.e., assuming minimal anticipated natural growth and minimal regulatory compliance drivers), the population of electric freight equipment will approach 300,000 by 2030.¹⁸ This projected number

¹² AIR RESOURCES BOARD, VISION FOR CLEAN AIR: A FRAMEWORK FOR AIR QUALITY AND CLIMATE PLANNING - APPENDIX, 23 (2012) ("Vision for Clean Air").

¹³ LEW FULTON & MARSHALL MILLER, STRATEGIES FOR TRANSITIONING TO LOW-CARBON EMISSION TRUCKS IN THE UNITED STATES, (2015), <http://steps.ucdavis.edu/files/06-11-2015-STEPS-NCST-Low-carbon-Trucks-in-US-06-10-2015.pdf>.

¹⁴ *Id.* at 4, "... ZEVs must account for close to 40% of new truck sales by 2030 and account for nearly all new trucks by 2040 in order to hit an 80-in-50 target. If ZEVs are not close to achieving this type of market share growth by 2030, it probably means they will not be able to achieve an 80-in-50 goal without the help of very large volumes of biofuels."

¹⁵ *Id.* at 2.

¹⁶ AIR RESOURCES BOARD, "MOBILE SOURCE STRATEGY,"132 (2016) (projecting that 2/3 of the 100,000 forklifts could be electrified by 2035).

¹⁷ ICF INTERNATIONAL, CALIFORNIA TRANSPORTATION ELECTRIFICATION ASSESSMENT-PHASE 1, at 10 (2014) (The 2013 inventory of electric technologies include over 94,000 forklifts, 3,000 transport refrigeration units, 1,000 pieces of airport ground support equipment, and 1,000 medium and heavy-duty trucks).

¹⁸ *Id.* at 10.

includes over 100,000 electric medium- and heavy-duty trucks alone.¹⁹ An aggressive adoption scenario would see over 1 million pieces of freight equipment, including 900,000 medium- and heavy-duty vehicles with electric technologies, and over 500,000 zero emission truck miles operating on catenary systems along the I-710 and State Route 60.²⁰

The Plan should significantly increase its target for zero emission technology deployment. The target should put the State on a path to have over 100,000 zero emission trucks on the road by 2030, drive the broad adoption of hybrid and dual-mode technologies for the population of trucks operating around the Ports of Los Angeles and Long Beach, and require all forklifts, cargo handling equipment and ground support equipment to transition to zero emission technologies. To achieve these objectives, the target should be to deploy **over 500,000** freight vehicles and equipment capable of zero emission operation by 2030. CCFC believes even a 500,000 target is likely conservative and recommends that the Plan include a commitment to re-assess this target every three years to consider how technologies have advanced. More importantly, whatever target it chooses, the Plan should explain how this number is consistent with protecting public health, and how it will address the unacceptable localized impacts of our freight system.

In addition to increasing the target, the California Public Utilities Commission (CPUC) must be committed to this target and a primary stakeholder agency in the adoption and implementation of the Sustainable Freight Action Plan. Vehicle electrification, whether passenger vehicles or freight vehicles, requires supporting charging infrastructure and electricity rate plan design considerations. As the main regulatory authority for the state's investor-owned utilities, the CPUC must also be committed to achieving a sustainable freight system. The CPUC has committed to other zero emission vehicle goals including the Zero Emissions Vehicle Action²¹ plan as part of the Governor's Interagency Working Group on Zero Emission Vehicles. The CPUC should also commit to the Plan to ensure sustainable freight is a foremost consideration in the efforts of the CPUC as they guide utility investments and set regulatory policy related to transportation electrification.

B. Freight Efficiency Target

The proposed target seeks to improve freight system efficiency by 25 percent by increasing the value of goods and services produced from the freight sector relative to the amount of carbon that it produces by 2030. Agency staff explained that this target was selected because it is more than the 10 percent 2020 target established in Caltrans' 2015 Strategic Management Plan. CCFC is again concerned that there is no connection between this target and the greenhouse gas reduction path that needs to be achieved by freight in order for the State to meet its 2030 and 2050 greenhouse gas emission reduction goals. Using the projected increases in Gross Domestic Product (GDP) provided in Table B-1 of the Plan, a 25 percent efficiency target would still mean that CO₂e emissions will increase by 10 percent between 2014 and 2030.

¹⁹ *Id.*

²⁰ *Id.* at 19.

²¹ GOVERNOR'S INTERAGENCY WORKING GROUP ON ZERO -EMISSION VEHICLES, 2013 ZEV ACTION PLAN (2013), [https://www.opr.ca.gov/docs/Governors_Office_ZEV_Action_Plan_\(02-13\).pdf](https://www.opr.ca.gov/docs/Governors_Office_ZEV_Action_Plan_(02-13).pdf).

It is difficult to reconcile such an increase with the State's goals for reducing greenhouse gas emissions. Moreover, a continuing increase in greenhouse gas emission also means that the emissions of other co-pollutants such as NOx and particulate matter are likely to increase, worsening the public health impacts in surrounding communities. Even if the goal were to just maintain greenhouse gas emissions at their 2014 levels, with projected GDP increases, the efficiency improvement target should be 37 percent.

Setting aside the disconnect between the selected target and the State's emission reduction goals, the target again fails to live up to the transformative aspirations of the Executive Order. Again, using the data provided in Table B-1, between 2000 and 2015, freight efficiency improved by over 20 percent (between 2000 and 2014 that increase was over 22 percent). It is worth noting that over this period, the State saw little change in greenhouse gas emissions and experienced a massive recession. The projections for future years also fail to reflect emission reductions that will be achieved by EPA's Phase 2 greenhouse gas emission standards for trucks and do not project what is possible through the various measures proposed in the Plan. More is possible and the target should require more than incremental improvements to business as usual.

The Plan must include a target that is consistent with protecting against localized impacts as the value of freight throughput increases, and that compels the freight system to contribute its fair share to meeting the State's goal of reducing GHG emissions 40 percent below 1990 levels by 2030. Finally, as with the zero emission technology target, we recommend the agencies to revisit this target every three years.

C. Competitiveness Target

The final proposed target is to foster economic growth within the freight and goods movement industry by promoting increased volumes and working to lessen immediate potential negative economic impacts. This proposed target is not described at all in the Plan, includes no metrics for defining success, fails to connect these factors to any of the public health and environmental findings of the Executive Order, and does not even explain how this target meets the Executive Order's directive to improve the competitiveness of the freight system. To make room for growth in freight throughput volumes, it is mandatory that the freight system see a reduction in emissions in absolute terms. The continuing failure to meet ever tightening federal air quality standards will constrain growth by curtailing transportation funds and leading to local objections to expansion projects.

If competitiveness is tied to increasing throughput volumes,²² the Plan must demonstrate that it will transform the freight system to one built around zero-emitting technologies because this is the only way the system can expand. Such transformation, while requiring upfront investments, will promote economic growth in the many advanced technology companies that

²² We also note that while many project proponents tout the economic benefits and jobs created by freight projects, many of these jobs are illusory or do not occur in communities most impacted. Accordingly, we recommend that any target related to economic benefits of freight activities include an assessment of how many living wage jobs exist and are created as a result of these efforts, including an assessment of how many of those jobs employ people in the most impacted communities.

have located in California, will reduce the costs and uncertainty associated with variable fossil fuel costs, and reduce the significant economic losses caused by the public health impacts of freight-related pollution, which the Plan reports were between \$16 and 24 billion in 2012.²³ Unless the externalities of freight are meaningfully addressed by the target, there is no basis for claiming that the Executive Order's competitiveness goal will be met, and growth will continue to be limited by law and opposed by the communities surrounding these facilities.

III. The Plan's Specific State Agency Actions Do Not Reflect a Commitment to Addressing Localized Impacts.

Appendix C of the Plan ties together the variety of actions currently underway at the various agencies and includes several new commitments that are laudable and that CCFC supports. Missing from the list of actions, however, is any commitment to address the disproportionate public health impacts of the freight system. Critical regulatory requirements that would benefit communities around freight facilities are missing. Instead, the Plan relies heavily on proposed subsidies that have no assurance of being funded, along with voluntary industry action. Nor is there any commitment in the infrastructure planning actions to actually reduce freight emissions, support zero emission technologies, or mitigate the impacts of projects on surrounding communities. Communities hurt by freight activities see no promise in the proposed Plan that their lives will be made better. To the contrary, the commitments seem to focus on growing the freight industry even if that results in greater public health impacts.

A. The Plan Must Include Regulatory Commitments that Will Reduce Emissions in Communities Around Freight Hubs and Corridors.

The Sustainable Freight Action Plan should be a plan for overcoming the barriers to accelerating the deployment of zero emission vehicles and equipment. It should not simply explore piecemeal opportunities and collect the various initiatives that are already underway. Greater deployment of zero emission vehicles and equipment will require concerted and targeted investments and policies that encourage a shift from conventional fuels to zero emission technology. Virtually all stakeholders recognize that achieving this transformation will require

²³ DRAFT PLAN, at G-7.

technology-forcing regulatory actions.²⁴ Incentives for voluntary action and technology development can be an effective tool to encourage early compliance with regulations, but voluntary incentives alone cannot possibly facilitate the scale of transformation that California needs to address air quality standards, reduce greenhouse gas emission, and protect public health.

The proposed Plan relies too heavily on incentivizing a voluntary transition to zero emission technology. First, it is unrealistic to believe that sufficient public funding can be found to achieve the scale of change that is necessary. Second, it is simply not an effective policy tool. Whether it is driving the development of zero emission passenger vehicles or zero-emitting renewable sources of electricity, California's success has always come through enforceable mandates that send strong market signals for the development of these technologies.

The regulatory backbone of the proposed Plan needs to be strengthened. CCFC supports regulations to drive zero emission technologies in forklifts, ground support equipment, transport refrigeration units, and last-mile delivery trucks. Zero emission technologies have already been demonstrated for each of these categories of trucks and equipment. Missing from the Plan, however, are regulations to drive zero emission technologies in drayage trucks and on-port cargo handling equipment. Both of these categories are ripe for transition to zero emission technologies and could provide significant health benefits to communities around ports.

Even for those categories of equipment that are less ripe for full electrification, the Plan should include commitments to next generation regulations that will promote transition technologies such as hybrid technologies or other systems that allow for periods of zero emission operation. Thus, while CCFC supports revision of the NOx standards for heavy-duty trucks, the Plan should commit to considering standards that will promote technologies that will facilitate the future development of zero emission technologies. Similarly for federal regulations, the Plan should acknowledge the need to advocate not only for standards that lower NOx emissions, but

²⁴ See, e.g., PORT OF LOS ANGELES, DRAFT ZERO EMISSION WHITE PAPER, 55 (2015), https://www.portoflosangeles.org/pdf/Zero_Emissions_White_Paper_DRAFT.pdf (“The fastest scenario for widespread implementation of zero emission technologies to occur is if a national or statewide regulatory requirement for their use is imposed. At a minimum, a statewide requirement would attract OEM participation by signaling a strong and reliable market, presumably large scale, and thereby (hopefully) drive down costs closer to conventional truck costs, while not imposing a competitive disadvantage to particular region, industry or facility.”); CALIFORNIA HYBRID, EFFICIENT AND ADVANCED TRUCK RESEARCH CENTER (CALHEAT), DRAFT CALHEAT RESEARCH AND MARKET TRANSFORMATION ROADMAP FOR MEDIUM- AND HEAVY-DUTY TRUCKS, 16 (2013) (“CALHEAT ROADMAP”), http://www.calstart.org/Libraries/CalHEAT_2013_Documents_Presentations/CalHEAT_Roadmap_Final_Draft_Rev_7.sflb.ashx) (assuming “[a]ggressive new state and federal regulations by 2020 that motivate manufacturers to produce, and fleets to purchase, large numbers of advanced technology vehicles”); EELCO DEN BOER, ET AL., CE DELFT, ZERO EMISSIONS TRUCKS: AN OVERVIEW OF STATE-OF-THE-ART TECHNOLOGIES AND THEIR POTENTIAL, at 105 (2013) (“CE DELFT REPORT”), http://www.theicct.org/sites/default/files/publications/CE_Delft_4841_Zero_emissions_trucks_Def.pdf) (“The widespread uptake of zero emissions vehicles and the distribution of a fuel/charging network therefore requires support by an EU strategy that provides clear long term signals to the trucking industry. Therefore, a roadmap for the introduction of zero emissions trucks needs to be developed and needs to be supported by a full policy package. This policy package should swiftly change from stimulation to regulations in order to reach the European goal of reducing GHG emissions from transport with 60% by 2050 as compared to 1990, a goal set in the European Commission’s White Paper on Transport.”)

also that support development of advanced technologies consistent with the need to transition to zero emission technologies for all freight equipment.

The Plan should also include a commitment to regulating freight facilities as indirect sources. Even as engines get cleaner, much of the harm to communities stems from concentrating equipment at freight facilities. The precedent for such a regulatory approach is well established in the Clean Air Action Plans for the San Pedro Bay Ports and in the federal Clean Air Act and California's Health and Safety Code.²⁵ Such rules could require global emission reductions or performance standards, and could also prescribe design standards or other best practices that would facilitate the adoption of zero emission technologies and reduce emissions.²⁶ Such rules also provide an important guarantee to communities living around these facilities that they will see actual reductions in emissions and resulting improvements in public health. Moreover, it will provide a level playing field for those wanting to site freight facilities or expand existing facilities about what are the basic requirements. The revised Plan should add facility performance standards to the list of regulatory commitments.

Finally, the Plan should create tools to address the number of freight facilities in communities. For example, a survey by the environmental justice organization the Coalition for a Safe Environment revealed that there were over 60 container storage yards in the Port of Los Angeles harbor community of Wilmington off-port tidelands property. Certain large facilities require ancillary land uses, which are dramatically impacting communities. The Plan needs to include ways to address the cumulative impact of these freight facilities.

B. Infrastructure Planning Must Reduce Freight Emissions.

1. The Plan must include Policies and Commitments to Address the Findings of the Governor's Executive Order.

Regulatory requirements driving the development of zero emission technologies must be coupled with the expansion of infrastructure to support such vehicles and equipment. Yet nowhere in the proposed actions identified in the Plan is there a commitment to build out this infrastructure. Nor is there any commitment to ensure that infrastructure projects address localized impacts, actually reduce emissions, or otherwise address the findings of the Governor's Executive Order. Indeed, CCFC is concerned that there is a long list of legacy freight projects in the planning "queue" that will actually worsen freight impacts and allow for emissions to increase. While a fix-it-first approach is articulated in the Plan, CCFC remains concerned by the lack of attention paid to how reducing vehicle miles traveled from passenger vehicles – as called for in the Sustainable Communities and Climate Protection Act of 2008 and SB 743 – could address congestion and other freight system inefficiencies. In conversations with staff, much of the blame for the current system has been placed on decisions made by local jurisdictions. While

²⁵ See, e.g., PORT OF LOS ANGELES, SAN PEDRO BAY PORTS CLEAN AIR ACTION PLAN – 2010 UPDATE, at ES-3 (Oct. 2010), <http://www.cleanairactionplan.org/documents/2010-final-clean-air-action-plan-update.pdf>); see also 42 U.S.C. § 7410(a)(2) (authorizing state indirect source review programs); CAL. HEALTH AND SAFETY CODE § 40918(a)(4) (requiring indirect source control programs in attainment plans).

²⁶ These "performance standards" are sometimes referred to as "facility caps."

CCFC agrees that local jurisdictions (i.e., Port Authorities, cities, etc.) must do more to avoid projects that create incompatible land uses, state agencies also must lead by example. For example, the California Department of Transportation (CALTRANS) should be a much greater leader in sustainability. It is a major player in many freight-related projects throughout the State, and, most importantly, is often the designated lead for environmental review under CEQA and NEPA.

The state agencies, therefore, should exercise their oversight authority to announce in this Plan actions that will ensure that infrastructure planning will facilitate actual emission reductions associated with freight, will mitigate impacts on communities, and will target and remove barriers to widespread adoption of zero emission technologies. For example, for passenger vehicles, the Governor directed agencies to adopt action plans, and local areas were required to develop readiness plans.²⁷ The proposed Plan includes actions to collect lessons learned from these activities and support similar voluntary activities related to zero emission freight vehicles and equipment.²⁸ But there is no mandate or deadlines for such planning activities, and no express goal to be achieved. Without such directives or goals, there is no reason to believe that progress will occur.

A central goal for infrastructure planning should be the elimination of pollution hot spots, which fall almost entirely within low-income communities of color. The Plan should commit to adopting specific project criteria that prevent harmful projects and/or ensure projects that could increase pollution burdens on environmental justice communities are redesigned and developed in partnership with residents. Community driven mitigation measures should be prioritized and consistency with existing community land use plans must be required. In environmental justice communities where such plans do not exist, the development of community land use plans should be prioritized.

Part of this commitment should include a rejection of the debunked and stale assumption that congestion mitigation and efficiency improvements will necessarily equate to emission reductions. Without express commitments to reduce pollution and address hot spots, the proposed Plan offers no assurance that the State's current approach to infrastructure planning will change in any meaningful way that serves the goals of the Governor's Executive Order.

These commitments should also be coupled with consistent policies on the allocation of infrastructure funding. For example, the State's freight transportation spending should be prioritized according to how well projects implement the Plan. In addition, transportation funding packages should follow the successful Proposition 1B structure of setting aside \$1 for zero emission equipment incentives for every \$2 spent on infrastructure.

²⁷ See "2013 ZEV ACTION PLAN."

²⁸ See DRAFT PLAN, at C-15 and C-16.

2. The Plan Should Commit to Zero Emission Alternatives for the I-710 and Otay Mesa Projects.

In Appendix E, the proposed Plan identifies the Interstate 710 and the Otay Mesa East Port of Entry as projects that “could be critical in developing a sustainable freight transport system.”²⁹ These two specific projects are critical to the future of a sustainable freight system in California. There is no debate about their importance. These are landscape changing expansion projects of unprecedented scope for the freight industry. If done well, these projects could go a long way to addressing localized impacts of the freight industry. If not done well, the options for finally addressing these impacts could be severely limited for decades. Also, at least for the I-710 expansion project, this seems like an immense opportunity to show leadership because CALTRANS is the lead agency. As such, these projects should be included as pilot projects to make sure sustainability and protection of health and welfare of communities remain front and center in the development of these projects. These projects and others should be wrapped into this Plan to design major infrastructure projects that address the needs of all stakeholders.

3. An Unenforceable Freight Handbook Will Not Solve Environmental Justice Concerns.

While committing to a voluntary freight handbook is an important exercise, the agencies should not assume this will solve community concerns around facilities. In 2005, ARB issued land use guidance that provided some basic recommendations about siting new facilities. These recommendations have been routinely ignored in the communities where CCFC works. For example, the Community of Mira Loma Village, in Western Riverside County, was situated in close proximity to industrial development. The result, according to a community survey, was over 800 freight vehicles per hour circulating less than 30 feet from homes. CCFC members in Fresno report that several parks have recently been built directly adjacent to major highways.

Proper land use is critical, and ARB should be a leader in advising local entities about appropriate practices. But, like many of the other strategies, compliance with land use guidance is voluntary. Communities have been bearing the brunt of this industry for so long that we need more than just voluntary guidelines to solve the public health crisis imposed by the freight industry.

4. Any Streamlining Should not Curtail Environmental Review or Reduce Public Participation.

The Plan includes significant discussion of various strategies that could streamline permitting and decision-making processes. If these strategies are pursued, all the agencies must ensure public participation is not curtailed and full assessment of the environmental and health impacts takes place.

²⁹ DRAFT PLAN, at E-2.

5. The Vision Statement Should Incorporate Community Stakeholders.

The role of communities and the importance of equity in achieving a sustainable freight system must be acknowledged in the vision for a sustainable freight transport system. As noted throughout these comments, the Plan must address the disproportionate impacts of the freight system on low-income and communities of color who currently bear the brunt the health impacts of moving goods. The proposed Vision Statement in the Plan directly acknowledges a role for industry but fails to acknowledge a similar role for community stakeholders. In addition, it describes attributes of a future freight system in terms of being safe, reliable, and operating with zero- or near-zero emissions equipment. Missing, however, is a vision for a future freight system that does not create disproportionate impacts in certain communities. This is an essential component of achieving a sustainable freight system and must be acknowledged. The Vision statement should be modified as follows (additions in caps and bold):

*Utilize a partnership of federal, state, regional, local, **COMMUNITY**, and industry stakeholders to move freight in California on an **EQUITABLE**, modern, safe, integrated, and resilient system that continues to support California's economy and livability. Transporting freight reliably and efficiently by zero emission equipment everywhere feasible, and near-zero emission equipment powered by clean, low-carbon renewable fuels everywhere else.*

6. Sensitive Site Mitigation Should be Included in the Plan.

Because many of the solutions to the health and environmental justice crisis in freight communities may not be fully realized for more than a decade, we must protect communities and sensitive sites now. The Plan should include strategies to protect children, the elderly and residents from the harmful impacts of the freight industry. Examples of this sensitive site mitigation include air filtration systems and vegetative buffers. These strategies should not be ignored as an interim stop gap until the freight system is truly sustainable for our communities.

7. Improving Safety and Security is Missing as an Important Element of the Plan.

The Plan includes Guiding Principles which include, “[r]educ[e] freight-related deaths and injuries, and security threats,” but provides little information on what will be done. It provides little guidance on how it will increase or improve safety or security awareness, prevention, and protection while allowing commerce to flow.

The Plan should require a freight transportation public impact and safety study to identify the number, type, and cause of public and worker accidents and deaths. Every year longshoreman dock workers, truck drivers, cargo handling equipment operators are injured and even killed on the job. Every year there are numerous drayage truck accidents on public streets, bridges, freeways and highways causing public injury and even death. Train derailments also occur in California. Yet there are no reports that address how to prevent accidents and deaths

from the freight industry. We must compile this baseline data to understand how future actions make the system safe.

The public, fire department, CHP and even city officials have little information about the increasing volume of hazardous and explosive materials now being imported and transported throughout California. In the event of a natural disaster like a tsunami or earthquake no one agency really knows what is being transported at any given time and there is no plan to protect the public or inform the public as to what to do to protect themselves and their families. Thousands of trucks and trains pass every day within 100 feet of residential homes, public schools and parks in environmental justice communities. This needs to be addressed.

We appreciate your consideration of these comments. Please do not hesitate to contact Nidia Erceg at nidia@ccair.org if you have any questions.

Sincerely,



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