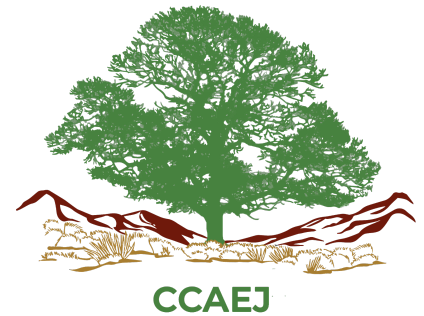


February 28, 2020

Dear Andre Freeman, Manager
Transportation and Toxics Division
California Air Resources Board
1001 I Street, Sacramento, CA 95814
freight@arb.ca.gov



Dear Mr. Freeman,

We submit these comments on the ‘Concept Paper for the Freight Handbook’ on behalf of the Center for Community Action and Environmental Justice (CCAIEJ). We are a community based organization with over forty years working within the Inland Empire region of California to improve the quality of life of our communities that are affected by inequitable land use, freight transportation pollution and the legacies of environmental racism. We thank the California Air Resources Board (CARB) for taking the time to assess how land use is inextricably linked to air pollution.

Our communities in the Inland Empire region, specifically the metropolitan region of San Bernardino and Riverside Counties, is known for its goods movement sector. The sector has largely boomed by promising the region economic benefits and employment, making the freight industry the region’s dominant employer. This system has connected millions of residents to the economy but has done so unilaterally. In the Inland Empire, employment has dropped but the region’s poverty level has risen¹. Even more concerning, is that the sector is highly dependent on diesel trucks and trains and increasingly the growth of air freight. This brings additional costs to our roads, infrastructure and health that our communities have had to externalize. Warehousing and the goods movement sector has largely influenced land use decisions in the past couple of decades. Almost all projects all passed through an Overriding Consideration under the California Environmental Quality Act (CEQA).

In the Southern California Association of Governments (SCAG) region we currently have 1,174,175,738 sq ft of building land². It is estimated by SCAG³ that by 2035 1.25 billion square feet of warehousing space will be needed. This can lead us to an 80% increase in truck vehicle-miles-traveled (VMT) on the regional highways that drive through our communities. Which also means we may see up to 53,000 trucks per day by 2035 driving to and from warehouses throughout the region.

This is daunting considering the encroachment and displacement we are already seeing in the Inland Empire. Just in the last two years we saw multiple proposals for warehousing projects

¹ <https://socialinnovation.ucr.edu/state-work-inland-empire>

² <http://www.freightworks.org/DocumentLibrary/Industrial%20Warehousing%20Report%20-%20Revised%202018.pdf>

³ http://www.freightworks.org/DocumentLibrary/Final_GMInfographics2013_R8.pdf

less than 100ft from resident's homes and schools, saw jurisdiction rezone residential communities to industrial and increased traffic levels to level 'F' LOS throughout the region. This cannot be the future reality if the industry is projected to grow. It is now more important than ever to set strong provisions to curb the further encroachment and displacement of communities. If the the industry is to expand it should grow in the form of retrofitting, improving its efficiency to move goods with reduced harm and provide the job security and safety that it promises when municipalities use an Overriding Consideration to pass it. CARB must be stern as it analyzes how warehouse projects impact our climate and air quality goals and reflect that in this Freight Handbook.

Summarized our points for the Concept Paper are that CARB:

- 1. Include strategies on how to make the Freight Handbook's concepts requirements and enforceable**
- 2. Expand the definition and proposed distance of the "transition zones"**
- 3. Require an analysis and actions based on cumulative impacts**
- 4. Does not recommend energy solutions that are not zero-emission**

Include strategies on how to make the Freight Handbook's concepts requirements and enforceable

We appreciate the direction that CARB is moving forward in. Too often we feel as if the local air districts and CARB have a bigger responsibility to address and influence land use decisions. However, we want to emphasize that this can only be the beginning. It is imperative that CARB find ways to make these recommendations requirements. Solely having recommendations have already cost people their quality of life and lives. It is an upsetting reality that many jurisdictions do not take CARB's 2005 Air Quality and Land Use Handbook recommendation for a setback seriously. This Freight Handbook cannot follow the same type of usage and implementation that the 2005 recommendation had.

If this handbook is intended not provide non-binding guidance to local decision makers, it must then additionally come up with alternate strategies to ensure that CARB will be exploring how to make these concept requirements in the future. Strategies such: as putting resources to assist the local government in implementing ordinances, pursuing legislation, working with other agencies, supporting local initiatives, weighing into general plans, specifically the environmental justice elements, and continuing to integrate this into planning material, training, etc. should be spelled out explicitly. Moreover, CARB should include pursuing these alternative strategies as goals that they must meet.

We appreciate CARB spelling out that “community residents and their advocates need a greater voice in freight facility siting, design, construction, and operation choices so the end result supports or enhances their environment, safety, and opportunities for employment.”. Given our experience working with local jurisdiction that wants to approve warehousing projects, we have come to understand that having accurate reporting and data helps our communities advocate before and after the process. CARB should include requesting comprehensive reporting requirements that will allow for more community transparency before projects are approved, help with CARB’s analysis on enforcement of their concepts and assist with understanding who is burdening the cost of clean vehicle adoption.

Expand the definition and proposed distance of the “transition zones”

Transition zones are referenced in CARB’s Concept Paper as ‘encouraged space that separates new or expanded freight facilities served by diesel and other combustion vehicles and equipment from sensitive receptors’. We believe that even if the cleanest form of vehicles are being used at a facility that there should still be transition zones established between these facilities and sensitive receptors. Using the cleanest form of vehicle technology does not negate the fact that the facility is an industrial usage that attracts heavy duty machinery and activities that put those in close proximity at risk. Making this explicit will highlight the need for planners and jurisdiction to look beyond only eliminating environmental burdens but also providing every part of their community all the necessary resources to thrive.

CARB’s intention to create a collaborative public process to identify minimum transition zone distances is important. However, CARB must learn from processes such as AB 617 that these collaborative public processes must exist with the understanding that the intent is to carry out the best public health policy for the benefit of local air quality and greenhouse gas reduction. Too often are government agencies outweighing these efforts with the need to not disrupt business practices, as if the current way business is being handled isn’t costing residents, government agencies and our goals more in the short and long term. We encourage CARB to ensure that in this collaborative public process has medical and public health professionals required to advise the minimum transition zone distance.

We believe that CARB should not keep a transition zone of 500ft. We do not understand on what basis this was recommended on and think CARB needs to clarify this part of their Concept Paper. When CARB worked on their 2005 Handbook they recommended distances based on reducing the risk by 80 percent. It would be helpful to understand how efficient this was and what case studies can be used. In the community of Mira Loma Village in Jurupa Valley, a truck route was recently passed⁴ and the study showed that it still did not reduce the cancer risk below the threshold. Having scenarios that illustrate what these distances mean for human health will be helpful as we move forward.

⁴ <https://ceqanet.opr.ca.gov/2018021020/2>

We need a distance that comes as close as possible to completely reducing or eliminating the cancer and health risks. CARB should include analyzing and including transition zones for the truck routes associated with the warehouse projects. We think it's important to do this because too many times we have been how cities and counties have placed truck routes through communities where residents and sensitive receptors are, which defeats the purpose of citing the warehouse a minimum distance away. CARB should be explicit that the transitional zone for both warehouses and truck routes are based on where a sensitive receptor lies, not what zoning it is in. We have seen communities in the Inland Empire that have been rezoned out of residential zoning and into industrial zoning, giving the jurisdiction justification for placing truck routes in those communities.

Require an analysis and actions based on cumulative impacts

CARB should be weaving in an analysis of cumulative impact throughout the strategies and concepts in the Freight Handbook. In many communities throughout the State and especially in Disadvantaged Communities (DACs) there is an oversaturation of polluting sites. This analysis is important because if we were to look solely at one project we would not understand the bigger picture if it lies with multiple projects that border a sensitive receptor. As CARB addresses new facilities, this analysis will help create strategies to prevent further cumulative impact. Additionally, when thinking about transition zones, CARB should consider including longer distance requirements for communities that are living in communities that have a high level of cumulative impact. This would address this issue that is incredibly prevalent in communities of color, communities of migrants and low-income folks.

When weighing in different scenarios, CARB should also take into account the increase of local air pollution during 'peak seasons'. Instead of solely discussing strategies based on square footage, it should also consider the rate of operations and what mitigations should occur at these facilities during these high seasons. During 'peak seasons' traffic will concentrate causing increased cases of idling near sensitive receptors. Taking into account this relationship between truck routes, peak seasons and required distances will more accurately protect communities.

Does not recommend energy solutions that are not zero-emission

CARB has taken one of its greatest leaps forward by solely pursuing zero emission rule-making for its fleet rules. We urge CARB to continue on that path and not include or explore concepts that use "near-zero" or dairy biomethane, 'renewable natural gas' for its Freight Handbook. In the San Bernardino/Muscoy AB 617 community, the steering committee identified a local natural gas refueling station for transit busses as a high level of concern. Smells, leaks and the dangers of living next to a combustible site led to that decision. CARB should not continue to support energy solutions that continue to rely on combustion and hazardous infrastructure. This type of investment is regressive for our shared goals of improving our air quality, reaching our climate goals and lessening the burden on environmental justice communities throughout the state.

Finally, assessing air quality impacts and freight exposure is incredibly important. CARB should strengthen the process in which the proposed freight committees discuss this matter by requiring a task to be how they get to a zero emission freight system by our climate and air quality goals. In other rule-making that CARB is part of they are taking the steps to figure out what's the stringency we need to get to our goals. CARB should also ensure that this Freight Handbook answers that question.

Thank you for the opportunity to comment on this Concept Paper. We look forward to working together to incorporate and implement these ideas. If any questions arise or clarifications are needed, please feel free to contact Andrea Vidaurre at andrea.v@ccaej.org.

Sincerely,

Andrea Vidaurre

Policy Analyst, Center for Community Action and Environmental Justice