



September 2, 2020

The Honorable Gavin Newsom
Governor, State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: SB 288 (Wiener)—**California Environmental Quality Act: Exemptions—VETO**

Dear Governor Newsom:

The California Environmental Justice Alliance (CEJA); the Center on Race, Poverty & the Environment (CRPE); Communities for a Better Environment (CBE); Physicians for Social Responsibility-Los Angeles (PSR-LA); and PODER (People Organized to Demand Environmental and Economic Rights) write to oppose SB 288 and respectfully urge you to veto this bill. We appreciate the bill's intent to create more sustainable transportation projects. Unfortunately, SB 288 would lead to severe harm in environmental justice communities by allowing certain types of large transportation projects to bypass CEQA's critical environmental review and accountability processes, and would create a troubling precedent for future bills that wish to exempt projects that should in fact undergo a full and robust CEQA process. Furthermore, this bill has been misleadingly portrayed as a bill that narrowly focuses on bicycle and pedestrian projects when it would in fact allow light rail, bus rapid transit, and other forms of mass transportation to be exempt from CEQA.

As environmental justice (EJ) advocates, we care deeply about ensuring that the low-income families with whom we work are able to walk, bike, and have access to clean public transportation to get to work, school, and other necessary locations. These fundamental needs are underscored by the COVID-19 crisis, which disproportionately impacts low-income families;

black, indigenous, and people of color; *and* populations who live in areas suffering from high pollution levels.¹

CEQA is one of the few legal tools that allows low-income and EJ communities to meet both their transportation and environmental health needs. It allows a community to be notified of projects that are being proposed for their neighborhoods, to share their concerns regarding such projects, and to recommend ways to improve a project so that it better serves and protects the community. CEQA also provides a mechanism for holding certain projects accountable if they insufficiently analyze potential harms against local residents and neighborhoods. The current pandemic highlights that we must carefully analyze and reduce the environmental impacts that projects may bring in order to protect the most vulnerable residents throughout the state, who are extremely susceptible to such public health threats.

Although SB 288 aims to promote sustainable transportation projects, it would in fact exempt large-scale projects from undergoing critical environmental review and accountability processes that will likely bring long-term, significant air quality, and other environmental and environmental health impacts. These include bus rapid transit, light rail, very high occupancy vehicle lanes, and plans that combine multiple project types covered by the bill.² These large-scale transportation projects are exactly the kinds of projects that should continue to be analyzed through CEQA. Only through a robust CEQA process can agency decision-makers and the public fully understand the scope and scale of their impacts, find ways to mitigate the significant impacts, and then decide whether to approve the projects. The full CEQA process is likely the only way for low-income communities of color to learn about, participate in, and influence these projects that will likely impact their families' health, and their ability to stay in their homes and neighborhoods. Especially given our nation's history, these communities are more than entitled to have a say in the transportation infrastructure being brought to and near their neighborhoods.

Additionally, as CEQA already provides a suitable public process, we do not see the need to create a separate process where communities will not be provided with any environmental analysis to evaluate the pros and cons of a project, nor the ability to hold project proponents accountable. While we appreciate the addition of an equity analysis for these types of projects, we do not believe that such an analysis can replace the CEQA process or would sufficiently analyze the disproportionate pollution levels that low-income communities and communities of color have suffered from these types of projects. An equity analysis will also not stop the potential displacement of low-income communities who often live in proximity to or in the footprint of these types of projects. Furthermore, the implementation of an equity analysis would not be enforceable by law.

For these reasons, the undersigned organizations oppose SB 288 and respectfully urge you to veto this bill.

¹ See Lisa Friedman, *New Research Links Air Pollution to Higher Coronavirus Death Rates*. April 7, 2020. Available at: <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html>.

² See Section 4 of the bill (amending Pub. Res. Code Sec. 21080.25(b)).

Sincerely,

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