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California Court of Appeal confirms San Diego's freeway-focused transportation plan violated environmental law

Ruling emphasizes SANDAG's failure to adequately address climate pollution and public health in review of 2050 Regional Transportation Plan/Sustainable Communities Strategy

SAN DIEGO – A California appeals court today upheld a superior court ruling against a San Diego-area planning agency for failing to fully assess the climate and public health risks of a transportation plan that invests heavily in freeways and subsidizes sprawl at the expense of public transit. The decision, by the Fourth District California Court of Appeal, Division 1, confirms that the San Diego Association of Governments, or SANDAG, violated state law by failing to fully account for, and take steps to reduce, greenhouse gases and harmful air pollution in its environmental review of the region's long-range transportation plan.

Cleveland National Forest Foundation, the Center for Biological Diversity and Sierra Club challenged SANDAG's review of the transportation plan under the California Environmental Quality Act. California Attorney General Kamala Harris joined in the challenge on behalf of the People of the State of California.

"The Court of Appeal confirmed that San Diego County officials can't sweep the threat of climate disruption under the rug," said Kevin Bundy, a senior attorney with the Center for Biological Diversity. "If we're going to make the changes necessary to avoid global warming's worst effects, our leaders must be honest with us about the long-term consequences of their choices. California's extended drought is teaching us that the stakes are very high."

Today's decision signals that agencies must evaluate their long-term projects for consistency with the climate pollution reductions that climate scientists and California policymakers agree are necessary by mid-century to avoid the worst effects of climate disruption. The decision further requires agencies to take real, concrete steps to

address climate impacts—not just “kick the can down the road,” as the superior court put it. SANDAG also failed to disclose available information about existing air pollution problems, failed to detail how the transportation plan’s increase in pollution from cars and trucks could harm public health in neighboring communities, and failed to take meaningful steps to reduce that pollution.

In addition, the court faulted SANDAG for failing to consider any alternative to its plan that focused on reducing the number of miles that residents drive. Even though SANDAG’s own Climate Action Strategy acknowledges the need for such reductions in driving, SANDAG only analyzed alternative scenarios that addressed short-term congestion relief rather than long-term reductions in driving. Finally, the court found SANDAG used incomplete and inaccurate data to assess the plan’s effects on agricultural land.

“Other regional planning agencies throughout California have properly analyzed the environmental and public health impacts associated with their long-range transportation and land use plans; SANDAG didn’t even try to complete an accurate analysis,” added Kathryn Phillips, director of Sierra Club California. “We salute the court for holding SANDAG to account on these important issues.”

SANDAG never disputed that its 2050 Regional Transportation Plan/Sustainable Communities Strategy would *increase* climate-disrupting greenhouse gas emissions from development and transportation through mid-century, at precisely the time that the best science — reflected in a landmark executive order signed by former Governor Arnold Schwarzenegger — shows dramatic *reductions* are necessary to avoid dangerous climate disruption. SANDAG’s 2050 Plan would have put the region’s greenhouse gas emissions at a level about 700% higher than the state-mandated target for emissions reductions in 2050.

“Our leaders in San Diego are sadly ineffectual when it comes to making the changes that will ensure a brighter future for San Diegans,” said Jana Clark of the Cleveland National Forest Foundation. “Taking steps to reduce regional air pollution is essential for local residents today and for generations to come. I hope that SANDAG has gotten the wake-up call it needs to finally change its old-school approach to transportation planning.”

Background

SANDAG approved its \$200 billion Regional Transportation Plan in October 2011. SANDAG’s plan was the first in the state to contain the Sustainable Communities Strategy required by S.B. 375, a state law intended to reduce greenhouse gas emissions — and combat climate disruption — through smarter land-use and transportation planning.

SANDAG’s plan, however, front-loads the expansion and extension of freeways, inducing sprawl and reinforcing the region’s dependence on car-oriented transportation. The SANDAG plan’s heavy reliance on automobile transportation will lead to overall and

per capita increases in greenhouse gas emissions that directly conflict with both state policy and climate science.

A companion case to the lawsuit filed by the Center, CNFF and Sierra Club challenging SANDAG's transportation plan was filed by CREED-21 and Affordable Housing Coalition of San Diego County, and was consolidated with the other cases by the Superior Court.

For information about the full history of this lawsuit, key documents and a link to an alternative, [transit-oriented plan](#) that was not considered by SANDAG in its planning process, go to <http://www.transitsandiego.org/>.

About the Petitioners

The Cleveland National Forest Foundation (www.cnff.org) is made up of private citizens who believe that action must be taken to protect the remaining undeveloped lands in the forest and that sound regional planning to build sustainable, quality urban communities is fundamental to saving the integrity of our wilderness areas.

The Center for Biological Diversity (www.biologicaldiversity.org) is a national, nonprofit conservation organization with more than 800,000 members and online activists dedicated to the protection of endangered species and wild places.

Sierra Club California (www.sierraclubcalifornia.org) represents the Club's 13 local chapters and 160,000 statewide members and advocates to protect California's natural resources and to improve the health and safety of Californians.

CREED-21 works to ensure open, accountable, responsive government in order to protect the San Diego region's environment.

Affordable Housing Coalition of San Diego County advocates on behalf of the public to preserve the supply of affordable housing in San Diego County, ensure that residents have access to affordable public transportation and other services, and to ensure informed government decision-making on policies and activities that increase the demand for affordable housing in the region.

Shute, Mihaly and Weinberger LLP (www.smwlaw.com), whose attorneys are lead petitioners' counsel in the case, specializes in government, land use, natural resource and environmental law. Since 1980, the firm has provided representation to public agencies and community groups throughout California.

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