

Just Saying...

State Legislators had a lot to say about Governor Newsom's infrastructure package

The state Assembly and Senate held four informational hearings over four days in June to question Governor Gavin Newsom's administration about infrastructure proposals that would reduce environmental and public health protections and government accountability and transparency.

"Governor Newsom's Administration has not identified any specific projects except the Delta Tunnel, produced evidence that any federal funding is at risk, or made any real effort to collaborate with the legislature or stakeholders to develop equitable, thoughtful policy ideas that would actually help bring online critical infrastructure related to safe drinking water and clean energy," said Brandon Dawson, director of Sierra Club California, which is advocating against the truncated public process and the Governor's proposals along [with more than 100 environmental, environmental justice, and conservation organizations.](#)

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- Senator Steve Padilla
(D-San Diego)

Helen Kerstein, testifying for the nonpartisan [Legislative Analyst's Office](#): "The Governor indicated in his press conference introducing these measures that the Administration has been working for over a year to put them together. It is challenging for you as a legislative body to fully vet them, to talk to all the stakeholders, to understand what the tradeoffs and implications are in this really compressed timeframe that the Administration is asking you to act on. They indicate it is absolutely urgent for these proposals to happen right now, but we as an office don't believe the Administration has provided compelling evidence that that is the case. It is unclear to us what specific money the state would potentially miss out on and how in practice these specific proposals would allow us to get funding we wouldn't otherwise get."

The concerns articulated by nearly two dozen state legislators at the informational hearings can be grouped into three takeaways:

1. The Governor is jamming the legislature and truncating the public process.

"It is starting to feel that we are being jammed by design. When we move a process forward in this manner, one of the things we miss out on the most is stakeholder input. Our communities are stakeholders and they don't have time when the legislative process or the CEQA process is truncated. I am still struggling to find and determine what criteria and evidence is being used for statements to be made that this has to be moved forward in such a quick timeline." **Senator Monique Limón (D-Santa Barbara)**

“I am very uncomfortable that this has come so late in the game. With something of this magnitude, we shouldn’t be using the trailer bill process. I ask that the Administration consider that when normalizing that process for something that has this much of an effect on coastal and all communities in California. This is not the process to do this.” **Assemblymember Dawn Addis (D-Morro Bay)**

“The reality is that most of the content that underlies these trailer bill propositions by the Administration is not new. The sense of urgency is not new. The cost for expediency should never be our process of government and the checks and balances of government. The cost here is you have the Administration more and more engaging in the legislative process directly and legislating for us, essentially. This puts the legislature in an almost untenable situation. Pick your poison: take this trailer bill, amend these policies, and have your budget, or not. And that is just not good government for the people of California. In the interest of future legislatures, this is not ok. I feel an obligation to the institution to say that on the record. I will partner with this Administration to the best of my ability, but I’ll be damned if I’ll be silent in the face of a pattern that is not good for the people of California.” **Senator Steve Padilla (D-San Diego)**

“We have so many questions we cannot fit them into this hearing; so, that’s something to think about.” **Assemblymember Brian Maienschein (D-San Diego), Chair, Assembly Judiciary committee**

“The trailer bills and the deliberations in a matter of days to consider such major changes is problematic.” **Senator John Laird (D-Santa Cruz), former California Natural Resources Secretary**

“These proposals regardless of their policy merits are not related to the budget. They are also not strictly focused on expediting projects that will reduce greenhouse gas emissions or otherwise have a climate benefit. These proposals raise a number of questions from overall priorities to basic drafting issues, as well as the justification for pushing them and the eligible projects through an abbreviated public process.” **Assemblymember Luz Rivas (D-San Fernando Valley), Chair, Assembly Natural Resources Committee**

“Shortening judicial timelines could lead to rushed cases with inadequate information and thereby harm disadvantaged communities and the natural environment. We are talking about issues that have been around for decades and we’re talking about getting it done by July 1. I have deep concerns about the process being rushed.” **Assemblymember Ash Kalra (D-San Jose)**

“The Administration says they have spent over a year working on these proposals and now there seems to be an expectation that the legislature move in less than four weeks – after the Administration has taken 12 months to draft their proposal. Just being honest about it: it wouldn’t be acceptable if the shoe was on the other foot. There are some massive policies here that this branch of government must weigh and evaluate and that’s the way the system works.” **Senate Majority Leader Mike McGuire (D-Santa Rosa)**

“This is a concerning process for me. These are complex issues that do require time and attention. I understand the urgency but our democracy calls upon us as legislators to go through a

public hearing process where all stakeholders have plenty of time to review proposals and submit testimony. These are important issues and we need to work together.” **Assemblymember Gail Pellerin (D-Santa Cruz)**

“These are not new concepts. We’ve known this for fifty years, and here we are on June 7th, and asking us to do this rapidly.” **Senator Susan Eggman (D-Stockton)**

“Slow down, we have time to get it right. We have no time to get it wrong.” **Senator Brian Dahle (R-Bieber)**

“We need sustained urgency, but we also need durable change. If the change is not durable, we actually will erode support for urgency around climate change. Durability combined with sustained urgency requires tremendous engagement of stakeholders and tremendous responsiveness particularly to the legislature. Stakeholders were not engaged and the legislature has asked for more specificity. To get to durable change requires much more extensive commitment to responsiveness and engagement.” **Assemblymember Steve Bennett (D-Ventura), Chair, Assembly Budget Subcommittee for Climate Crisis, Resources, Energy, and Transportation**

“Why are we doing this now? This is big conceptually, big philosophically. We make a living being representatives of our districts and it seems like there is some circumventing of this process. You want to talk about public engagement? We want to be engaged. We were sent here because our districts sent us here to engage fully and robustly, notwithstanding urgency.” **Assemblymember Diane Papan (D-San Mateo)**

“There’s a tension between doing it right now and doing it right, and we need to be careful about that. The burden is on you [the Administration] to show us why you need to do these things and what level of precision is being proposed in the proposals you’re doing to give us confidence that we know what we’re doing. I think all these things deserve careful analysis and the timeframe that we’re looking at makes that difficult.” **Assemblymember Gregg Hart (D-Santa Barbara)**

2. California must build equitably to reach climate goals.

“We all agree we want to draw down as much federal money as we can, to move as quickly as possible on infrastructure projects that are good for communities and the environment. But what the Governor is proposing here suggests that the best way to get this done is to undermine the very laws that the legislature has written that shape the projects that we indeed call good. This is a false premise. What is lacking from this conversation are efforts and investments in early and thoughtful planning for infrastructure projects that are so often the key to successful projects. The proposal lacks investment in permitting agencies and courts. We need to give them the staff and capacity to permit and do judicial review. The package sends the message that the key to getting projects done is to let agency staff make decisions out of the administrative record, limit judicial scrutiny of huge complex projects, and make it harder for small organizations with limited resources to engage in CEQA enforcement. All of this sounds like a California that we don’t want to be.” **Assembly Majority Leader Eloise Gomez Reyes (D-Colton)**

“What concerns me most is the absence of a real focus on equity in what’s been presented and I want to understand in more detail how we ensure that this one in a generation investment that is going to come to address infrastructure does not completely skip over communities that are hardest hit and those that have been historically marginalized and excluded from so many of the sectors that fall under the infrastructure umbrella. If we are not intentional, there will not be an intentional outcome.” **Senator Lola Smallwood-Cuevas (D-Los Angeles)**

“You’re saying these proposals are the product of stakeholder engagement, that you developed these proposals based on stakeholder input, that this is what stakeholders want, and that you went to our districts and talked to our constituents. I’m saying never in my life -- outside of government workers and government officials -- have I had a stakeholder say to me: ‘please limit the public record.’ If this is coming from my constituents, I would like to know.”
Assemblymember Dawn Addis (D-Morro Bay)

“Historically, we know that one of the things that our nation and our state has done is take highways and put them in communities of color and destroy those communities. Let's be honest about that history and what we're talking about in this proposal. We should be behaving differently and doing better for those communities.” **Assemblymember Rebecca Bauer-Kahan (D-Orinda), Chair, Assembly Water, Parks & Wildlife committee**

“In order to get speed, you’re telling communities: ‘we’re not going to take and review your evidence.’ This is particularly hard on our environmental justice communities whose voices are sometimes silenced in different ways. Giving money to a community that has been impacted is not enough, and it is not the same as mitigating the impact. That is what CEQA has helped us do.” **Senator Monique Limón (D-Santa Barbara)**

“When we start thinking about accelerating a process, streamlining processes, sometimes our most marginalized populations and minority contractors and others tend to get left in the dust.”
Assemblymember Corey Jackson (D-Perris)

3. The Governor’s package does not include typical environmental and labor protections.

“If we say go ahead and build those plants, and let’s do it in a hurry, you’re asking us to run on hope. And we have learned our lesson that when we operate that way, we end up either red-lining communities or creating low wage jobs.” **Senator Dave Cortese (D-San Jose), Chair, Senator Labor, Public Employment and Retirement committee**

“To the point that these projects are about addressing the climate crisis, then why propose to eliminate many of the GHG reduction requirements and environmental leadership requirements. Why not have them in there if that’s truly the underlying goal? Why would it hurt to have that specificity?” **Assemblymember Ash Kalra (D-San Jose)**

“This is an extraordinary opportunity, and we will not achieve it if we just have superficial references. Fluff language does not get it. Maps are not an enforceable mechanism. We have to have explicit language. We do have explicit language. Maybe we can just agree to it here: we

need ‘high road’ standards for training and jobs.” **Senator Maria Elena Durazo (D-Los Angeles)**

“Some of these proposals would allow streamlining for projects that actually increase GHG emissions.” **Assemblymember Dawn Addis (D-Morro Bay)**

“If we are going to give CEQA flexibility, then there must be a discernable and narrowly tailored focus on environmentally beneficial projects.” **Senator Ben Allen (D-Santa Monica), Chair, Senate Environmental Quality Committee**

“There is a difference between streamlining and expediting. Expediting means you’re going to do all the process and all the steps in a faster way. Streamlining is a decision to say we’re going to omit pieces of the process.” **Senator Monique Limón (D-Santa Barbara)**

This is not the first time the Governor has used budget trailer bills, executive orders, or other means outside the normal legislative process to rush through large projects and significant policy changes with minimum review, debate, or public awareness.

It should be the last.

UPDATE: “In the end, Newsom agreed to remove the [Delta] tunnel from the list of streamlined infrastructure projects, according to several sources involved in the negotiations. Lawmakers also successfully pushed for the final deal to require that the state seek to lessen impacts on disadvantaged communities.”

- “Takeaways from the California budget deal between Newsom and Democratic lawmakers,” *L.A. Times*, June 26, 2023.