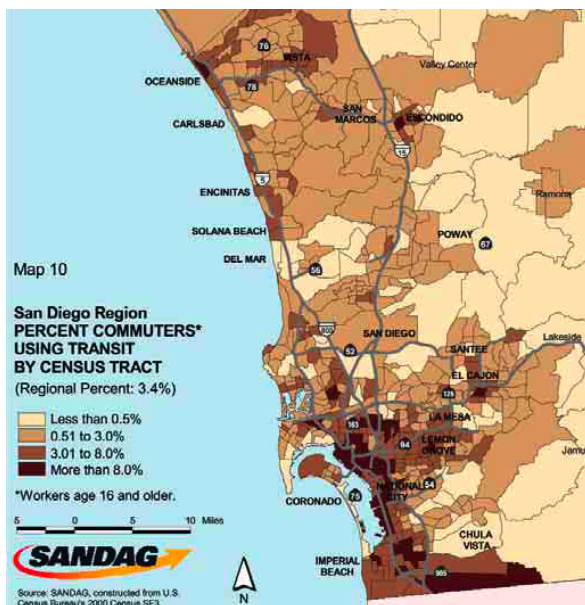


Breaking News: Judge Rules San Diego's SB 375 Transportation Plan Violates State Environmental Law | 1

San Diego Superior Court Judge Timothy Taylor today [ruled](#) that the San Diego Association of Government's (SANDAG) regional transportation plan, with a sustainability chapter as required by SB 375, violated the California Environmental Quality Act (CEQA). Judge Taylor concluded that the environmental review accompanying the plan, as required by CEQA, did not sufficiently analyze the greenhouse gas impacts of the plan through 2050.



SB 375 requires transportation plans like SANDAG's to meet specific emissions targets by both 2020 and 2035, through more sustainable land use and transportation investments. Although the SANDAG plan technically met those targets on paper, as I [blogged](#) about back in 2011, the plan relied on temporary measures like telecommuting and highway widening to meet the targets and then projected significant backsliding in emissions reductions, from 14% per capita in 2020 to 9% by 2050.

Judge Taylor focused on the deficient 2050 analysis in the CEQA review in part because former Governor Schwarzenegger issued an executive order requiring the state to reduce its greenhouse gas emissions 80% from 1990 levels by 2050. Although the order is not codified by statute, the agency implementing AB 32, California's global warming law that requires greenhouse gas emissions reductions to 1990 levels by 2020, relied on the executive order in its AB 32 implementation plan. In addition, state and local policy makers have cited the executive order in formulating a diverse array of policies. Finally, even SANDAG's own plan projects emissions beyond 2020, thus necessitating analysis of environmental impacts through the years covered by the executive order.

Judge Taylor made the right decision holding SANDAG's feet to the fire. While the agency was constrained politically by its local government members and financially by a pre-

existing local sales tax measure, the sustainability plan it produced failed to articulate and advocate for the kind of long-term changes necessary to invest in liveable communities instead of exurban sprawl. For example, the agency refused to commit to altering how it would spend local sales tax revenue to meet sustainability goals, and it also took an overly narrow view of what highway projects were considered "committed" and therefore beyond reconsideration in light of SB 375.

Land use changes take decades to materialize, and bad ones stay with us just as long. With this lawsuit, SANDAG now has the legal and political cover to develop a sustainability plan that can actually work for the citizens of San Diego, investing in transportation improvements for those who want to walk, bike, or take transit to work and to services. SANDAG will likely appeal this decision, but other regional planning entities around the state are on notice. Even though SB 375 lacks enforcement measures as an incentive-based system, CEQA will be lurking to make sure their plans do as much as they can and actually meet the greenhouse gas emissions targets.