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**Judge Rules SANDAG's Transportation Plan Violated California Law**  
*Ruling Emphasizes SANDAG's Failure to Adequately Address Climate Pollution in 2050  
Regional Transportation Plan/Sustainable Communities Strategy*

**SAN DIEGO** – Superior Court Judge Timothy Taylor ruled yesterday that the San Diego Association of Governments violated state law by failing to fully account for, and take steps to reduce, climate pollution in its environmental review of the region's long-term transportation plan.

SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy will *increase* climate-disrupting greenhouse gas emissions from development and transportation through mid-century, at precisely the time 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. The Associated Press [reported yesterday](#) that greenhouse gas emissions continue to rise rapidly around the world and that such increases will likely lead to an even greater increase of global temperatures than previously predicted.

“The court is setting an important example here for regional planning agencies throughout California,” said Kathryn Phillips, director of Sierra Club California. “We cannot wait another 40 years to adopt sensible transportation and land-use policies. Thanks to California laws requiring public agencies to be open about their plans, we were able to hold SANDAG accountable for its faulty planning practices.”

“Climate change is here, it's dangerous, and we can't keep ignoring the warning signs,” said Kevin Bundy, a senior attorney with the Center for Biological Diversity. “We also need our elected leaders to be honest with us about choices that affect our future. This ruling means that SANDAG can no longer just hide the ball and pass the buck when it comes to climate pollution.”

Judge Taylor ruled that SANDAG broke the law by ignoring Gov. Schwarzenegger's executive order and failing to use its considerable authority to reduce the region's contribution to dangerous climate disruption through the transportation plan. He noted that much of San Diego County is in a low-lying area that is likely to be affected by sea-level rise. He also said

SANDAG’s approach of “kick[ing] the can down the road” and leaving compliance with state law to local jurisdictions charged with approving specific projects is not permissible.

“Today’s ruling will create a brighter future for San Diego,” said Jack Shu, president of the Cleveland National Forest Foundation.

### Background

The ruling comes in response to a lawsuit brought by Cleveland National Forest Foundation, the Center for Biological Diversity and Sierra Club under the California Environmental Quality Act. California Attorney General Kamala Harris intervened in support of the lawsuit on behalf of the people of the state of California. A companion case challenging the transportation plan was filed by CREED-21 and Affordable Housing Coalition of San Diego County. The lawsuit centered on a number of serious concerns about the SANDAG Plan, which invests heavily in freeways at the expense of public transit. Rather than promoting “smart” growth, the plan will lead to sprawl development, increasing climate disrupting pollution and other significant air pollution throughout the region.

SANDAG approved its \$200 billion plan in October 2011. The Regional Transportation Plan was a planning update that is required every four years. The Sustainable Communities Strategy, on the other hand, was the first SCS in the state to be adopted since the passage of S.B. 375, a new state law intended to reduce greenhouse gas emissions — and combat climate disruption — through smarter land-use and transportation planning. As Judge Taylor’s ruling indicates, SANDAG’s failure to address the severe impacts of its long-term transportation plan on global climate change subverted the overarching purpose of S.B. 375.

The adopted transportation plan front-loads the expansion and extension of freeways, thus inducing sprawl and reinforcing the region’s dependence on expensive, car-oriented transportation. Petitioners demonstrated that the SANDAG Plan’s heavy reliance on automobile transportation will lead to a regional per capita increase in greenhouse gas emissions that directly conflicts with state guidelines.

SANDAG must now conduct new environmental review for its 2050 plan to ensure it adequately addresses the risk of climate change. It is likely that the more rigorous environmental review will lead to a revised plan that does a better job of reducing greenhouse gas emissions, as required by state law.

### About the Petitioners

**The Cleveland National Forest Foundation** ([www.cnff.org](http://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](http://www.biologicaldiversity.org)) is a national, nonprofit conservation organization with more than 450,000 members and online activists dedicated to the protection of endangered species and wild places.

**Sierra Club California** ([www.sierraclubcalifornia.org](http://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](http://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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