Regular Council Meeting

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August 29, 2024

FRESNO CITY COUNCIL

City of FRESNO

Public Comment Packet

ITEM(S)

3-C (ID 24-1109)

Actions pertaining to the South Central Fresno AB 617 Community Truck Reroute Study, Fresno Community Environmental Health Impact Assessment, and to City of Fresno Truck Route Map

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Public comment email

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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August 26, 2024

Annalisa Perea, President
Fresno City Council
2600 Fresno Street
Fresno, CA 93721

Submitted Electronically

RE: ITEM 3-C (ID 24-1109): South Central Fresno AB617 Community Truck Reroute Study

Dear Council President Perea and Councilmembers,

INVEST Fresno and the undersigned are writing today to express our strong opposition to the Truck Routing and Implementation Strategies Report (Report), as currently proposed.

South Central Fresno is the city's economic engine, generating approximately $13 billion in economic activity, more than $100 million in tax revenue, which supports

essential city services like public safety, parks, and infrastructure improvements, and 25% of the City's full-time employment.

As proposed, the recommendations put family-sustaining jobs and critical tax revenue at risk. The City of Fresno is currently facing a roughly $47 million budget deficit, it is crucial to avoid policies that hinder businesses in the area's ability to efficiently access their facilities, add potentially costly monitoring programs, and open the door to more onerous restrictions.

Removal of Central Avenue

Specifically, the Report recommends the removal of Central Avenue, among others, as a designated truck route. Central Avenue is the primary route for two of the City's largest sales tax revenue generators and job providers. According to the City's budget, just two of the distribution centers located along Central Avenue, generate roughly $30 million in sales tax revenue annually and nearly 8,000 jobs, all of which bolsters the City's General Fund.

Additionally, the removal of Central Avenue forces traffic to North Avenue, when in many cases, Central Avenue is the most direct and efficient route – increasing emissions and vehicle miles traveled (VMTs). Particularly as there is pending litigation to halt much-needed infrastructure improvements to revitalize and expand the North Avenue interchange (Caltrans South Fresno State Route 99 Corridor Project), which will reduce traffic congestion and facilitate a smoother and more efficient flow of traffic along a main arterial of Highway 99.

Moreover, the City is currently in the process of updating the South Central Specific Plan, intended to inform future land use planning and policy within South Central Fresno. While public comments on the Draft Environmental Impact Report are still being reviewed, the currently proposed "Blended Plan" proposes primarily employment uses south of Central Avenue, which will be left stranded without a direct truck route.

Truck Regulated Areas

Furthermore, there is a lack of clarity regarding the "Truck Regulated Areas." We understand and respect the City's attempt to reduce pass-through traffic, especially near sensitive receptors. However, we are concerned that the lack of a truck route adjacent to or near businesses in the area will be utilized to restrict potential future new or existing expansion project approvals and discourage new operators from entering the city.

Over the past 40 years, we have seen historic reductions in air pollution – leading to a 95% reduction in cancer risk for Valley residents from exposure to air pollutants according to the San Joaquin Valley Air Pollution Control District.

There are two factors driving the Central Valley's improving air quality. First, a growing, more prosperous economy that innovates and can afford to transition to newer, cleaner technologies. Second, sensible rules and regulations. Since 1992, San Joaquin Valley Air Pollution Control District has implemented nearly 650 rules and regulations that along with California's nation-leading regulations on cars and trucks are helping to steadily improve the air quality in the Valley.

However, these two factors: a growing economy and sensible air quality regulations have to work in tandem. For instance, the transition to zero-emission heavy-duty trucks cannot be achieved if policies that stunt Fresno's economic growth, which is necessary to afford this new technology, are enacted.

We appreciate your time and consideration and respectfully urge the Council to reject the Report as currently proposed and instead provide recommendations that support existing businesses and create an environment that encourages a diverse, sustainable economy, fostering economic development and growth.

If you would like to discuss this matter further, please do not hesitate to contact Ben Granholm at info@INVESTFresnoCA.com. We look forward to working with you and staff to help keep Fresno's economy moving.

Sincerely,

Ben Granholm
INVEST Fresno

Advanced Emission Control Solutions, LP
Betts Company
Buzz Oates
Cedar Avenue Recycling & Transfer Station
Central Valley Business Federation
Certified Meat Products
Cossette Investment
Diversified Development Group
Don Pickett & Associates
Fresno Chamber of Commerce
JD Food
GraybaR®
Newmark Pearson Commercial
Pickett Solar
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Tank Specialties of California
Valley Wide Beverage

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August 27, 2024

VIA EMAIL

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Andreina Aguilar
Chief Engineering Technician
Active Transportation Coordinator
Public Works Department
CITY OF FRESNO
2600 Fresno Street, Room 4019
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Re: AB617 Truck Reroute Study

Dear Honorable Councilmembers and Ms. Aguilar:

My law firm represents numerous businesses and landowners within and adjacent to South Central Fresno. I am writing to submit comments on the South Central Fresno AB 617 Community Truck Reroute Study: Truck Routing and Implementation Strategies Report (April 2024) (the "Study") and the accompanying proposed Bill modifying the City Ordinance (the "Proposed Ordinance"), both of which are being considered by the City Council on August 29, 2024.

In short, to ensure the City of Fresno remains competitive in its ability to attract high-quality businesses, while at the same time promoting strategies that foster a healthy and respectful interface between those businesses and the neighborhoods they inhabit, several

modifications to the Study are required. Many of these concerns were articulated in my May 22, 2024, letter to the City, which is enclosed as **Exhibit "A"** for your reference.

Removal of Arterials Adjacent to Properties Currently Occupied by Warehouse/Industrial Uses. The existing truck route ordinance, adopted in 2005, designates both Elm Avenue and Central Avenue as Truck Routes.[1] The inclusion of both roadways as truck routes makes practical sense, as they are abutted by hundreds of thousands of square feet of industrial land uses, and are commonly traversed by trucks. The businesses adjacent to those roadways rely heavily on those roadways to reach S.R. 41 and S.R. 180.

The Study and the Proposed Ordinance, however, ignore this practical reality and instead seek to remove the designation from these roadways. This will result in several negative unintended consequences. The removal of these roadways as Truck Routes could divert much needed resources to maintain the roadways to other facilities that have lesser needs. This would directly undermine the entire purpose of the Study. There is also significant concern the removal of these facilities as Truck Routes could be used as a justification to deny future discretionary approvals to industrial and commercial developments and end-users.

The same concerns exist regarding the so-called "Truck Regulated Areas," including the potential for the City or project opponents to use a business's location in such an area as a justification to deny project entitlements.

Elimination of all East-West Routes Other than S.R. 180. The Study and the Proposed Ordinance also seek to eliminate all east-west truck routes other than S.R. 180. This is inefficient, and would have the unintended consequence of routing trucks several miles out of the way, resulting in greater trip lengths and vehicle miles traveled. As explained in my prior comments, (see **Exhibit "A"**), the environmental consequences of these actions were not evaluated in either the Study or any other related document.

Recommended Deployment of Zero Emissions Trucks. Shortly before circulation of the Study for public review, I understand the Study was modified to recommend that businesses within the AB 617 area transition to Zero-Emissions Trucks. For the reasons stated in my prior comments on the Study, (see **Exhibit "A"**), as well as my July 30, 2024, comments to the City on the Proposed South Central Specific Plan ("SCSP"),[2] the City Council should clarify that it is not accepting that portion of the Study's recommendation.

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[1] https://www.fresno.gov/wp-content/uploads/2023/04/Fresno-Truck-Route-Map-2005.pdf

[2] My July 30, 2024, letter raised significant concerns regarding the potential environmental effects associated with the mandatory deployment of electric vehicles at a rate far faster than that required by the California Air Resources Board in its recent Advanced Clean Fleets regulation.

Concerns Regarding the Relationship Between the Study, the Proposed Ordinance, and the SCSP. I understand the Proposed SCSP, and the related environmental document, rely upon the Study. There are likewise several mitigation measures in the SCSP's environmental document that concern and depend upon the Study's recommendations. Because the Study, the Proposed Ordinance, and the SCSP are all interlinked, from a practical perspective it would make sense to evaluate each of these potential actions together. This would also allow the City to assess the environmental consequences in one document, rather than in piecemeal fashion.

Conclusion. Based on the above comments, and those stated in my prior comments, I respectfully urge the Council to:

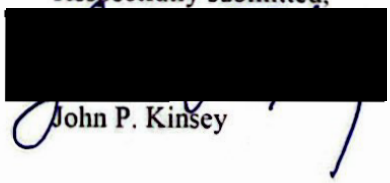
- Modify the Proposed Ordinance to (i) reinstate Elm Avenue and Central Avenue as Truck Routes, and (ii) provide at least one East-West Corridor across the planning area (other than S.R. 180).

- Clarify that the location of a business or development within or adjacent to a "Truck Regulated Area" may not be used as a basis for the denial or modification of any future project or approval.

- Expressly decline to accept the portion of the Study recommending the transition to electric trucks at a rate faster than that required by the California Air Resources Board in the Advanced Clean Fleets regulation.

Thank you for your consideration of these comments.

Respectfully submitted,



John P. Kinsey

Enclosure

My letter also raised significant concerns that any such endeavor may be preempted by State and/or Federal law. My July 30, 2024, letter is incorporated as if set forth fully herein.

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EXHIBIT “A”

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May 22, 2024

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Re: AB617 Truck Reroute Study

Dear Ms. Aguilar:

I am writing to submit comments on the South Central Fresno AB 617 Community Truck Reroute Study: Truck Routing and Implementation Strategies Report (April 2024) (the "Report"). My law firm represents numerous businesses and landowners within and adjacent to boundary of the South Central Fresno Community identified in the maps accompanying the Report, many of which will be directly affected by the recommendations and strategies in the Report. To ensure the City of Fresno remains competitive in its ability to attract high-quality businesses, while at the same time promoting strategies that foster a healthy and respectful interface between those businesses and the neighborhoods they inhabit, several modifications to the Report are required.

A. The Report Should Be Amended to Include Arterials Adjacent to Properties Currently Occupied by Warehouse/Industrial Uses, Including Elm Avenue

Figure 4 of the Report illustrates the location of Proposed Truck Routes in South Central and Southwest Fresno. Although the City's General Plan designates Elm Avenue as an "arterial," and over 800,000 square feet of relatively new warehouse/industrial development exists along Elm Avenue between E. Vine Avenue and North Avenue, Figure 4 shows Elm Avenue deleted as a Truck Route. These light industrial/warehouse properties are also located in a "Proposed Truck Regulated Area."

Elm Avenue should be maintained as a Truck Route, and the area immediately to the west of S.R. 41 should be removed as a Proposed Truck Regulated Area. By removing Elm Avenue as a Truck Route, the Report ignores the reality that Elm Avenue is lined on both sides by long-standing light industrial and warehouse land uses whose businesses rely in large part on truck trips.[1] Moreover, it makes very little practical sense to include most of the land adjacent to S.R. 41 within the Proposed Truck Regulated Area, as the land bounded by S.R. 41, E. Vine Avenue, Elm Avenue, and E. North Avenue contains no residential areas or sensitive receptors. (*Cf.* Report at 8 ["The addition of truck regulated areas aims to reduce the number of truck routes present in residential areas."].)

I understand the City asserts that the removal of Elm Avenue as a Truck Route is only intended to limit bypass trips on Elm Avenue, and that the City does not intend to prohibit trips to a business from a freeway. While that might be accurate, my clients are concerned that the lack of a Truck Route adjacent to or near their properties and their location in a Truck Regulated Area will be used in the future by project opponents, the City, and other public agencies to assert that affected landowners and businesses should be denied discretionary approvals. They are likewise concerned about potential arguments that their present and future operations are inconsistent with the City's plan-level documents and policies, as well as the air pollution and exposure reduction strategies included in the AB 617 Community Emission Reduction Program. The City should at a minimum provide assurances that the location of a business within a Truck Regulated Area and/or the lack of an adjacent Truck Route shall not be used to limit, deny, or discourage an otherwise lawful land use.

In addition, from a practical perspective, eliminating arterials upon which significant industrial businesses are currently located as Truck Routes may actually impede the primary objectives of the Report. Specifically, one of the core objectives of the Report is the identification and prioritization of infrastructure designed to improve the interface between industrial and residential land uses—*i.e.*, the installation of bike lanes, crosswalks, sidewalks, and

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[1] The same is true of other arterials, including E. Central Avenue, on which numerous light industrial land uses are located.

signage; the elimination of queuing; fixing damaged street surfaces and potholes; and synchronizing traffic signals. All areas within South Central Fresno that will continue to experience truck traffic should be prioritized for these improvements; however, by eliminating some of those areas—such as Elm Avenue—as Truck Routes, improvements that would benefit both residents and business owners are less likely to be identified, funded, and implemented. Rather than recommending the removal of Truck Routes on arterials where trucks are currently operating, and will continue to operate in the future, the Report should instead acknowledge existing and likely future conditions, and prioritize improvements in areas that could benefit most from those improvements.

B. The Lack of Linear East-West Bypass Routes South of S.R. 180 Will Result in Longer Vehicle Trips and More Trucks on Local Roadways

When the truck rerouting study was initially proposed, the San Joaquin Valley Air Pollution Control District asserted the Report would have "indirect benefits" if "the results of the study identify feasible alternative truck routes that have the potential to reduce resident's [*sic*] exposure to emissions from heavy-duty vehicles without shifting emissions to another community or resulting in a significant impact to regional air quality through an increase in vehicle miles traveled (VMT) . . . ." (See San Joaquin Valley Air Pollution Control District Project Plan: South Central Fresno Community Emission Reduction Plan: HD.11 Heavy Duty Truck Rerouting at 3.)

Now that the Report has been released, this does not appear to be the case. Specifically, Figure 4 does not designate any east-west corridors as Truck Routes south of S.R. 180. This would eliminate the capability of trucks driving eastbound or westbound to drive through portions of the City without being forced to take lengthy detours, resulting in an increase in VMTs. For example, a truck traveling eastbound on Jensen Avenue (from the direction of Kerman) would be forced to turn right on Marks Avenue, going approximately two miles out of the way, before heading in an eastbound direction again on E. Central Avenue; however, because E. Central Avenue east of S.R. 41 is not designated as a Truck Route, the truck would then have to travel two miles northbound on S.R. 41 to get back to Jensen Ave. This is inefficient, contrary to the objectives of AB 617, and makes little practical sense. To the extent the Report recommends the elimination of all east-west corridors south of S.R. 180, the Report should be augmented to include an assessment of whether the location of the proposed Truck Routes and Truck Regulated Areas would increase VMTs.

C. The Report Should Not Include the New Recommendation that Would Mandate Deployment of Zero-Emissions Trucks

Based on recommendations contained in the UC Merced Health Impact Assessment, I understand the Report was recently modified to recommend that area businesses transition to Zero-Emissions Trucks. CARB has already adopted regulations such as the Advanced Clean Fleets regulation and the Advanced Clean Truck regulation to foster the transition to ZEVs, and any effort by the City to adopt similar regulations would substantially overlap with CARB's

generally-applicable regulations. This would at best be a wasteful effort that is largely duplicative of CARB's efforts. However, there is a greater danger that the City could create conflicting regulatory requirements that would result in confusion and extensive compliance costs for regulated industry. This is of particular concern since ZEVs (i) are not widely available; (ii) are vastly more expensive than trucks with combustion engines, (iii) cannot carry the same load as a truck with a combustion engine; and (iv) would require extensive infrastructure upgrades (both at individual project sites and across California's roadway network).

To the extent the Report includes a recommendation to mandate ZEVs, the Report should be expanded to address the potential unintended consequences of such a mandate, including:

- Impacts associated with the increased number of ZEVs needed to haul the same amount of goods compared to combustion engines, including the impact of the increased number of ZEVs would have on VMTs.

- Because ZEVs are heavier than trucks with combustion engines, the impacts of such a mandate on the upkeep of local roadways.

- The economic and environmental impacts associated with area businesses being required to upgrade their facilities to accommodate ZEVs, including charging infrastructure.

- The economic impact on area businesses required to purchase ZEVs on an accelerated timetable.

- The availability (or lack thereof) of ZEVs in the marketplace.

- Whether regional charging infrastructure exists to accommodate ZEVs at this time, and when such infrastructure may be developed.

It is also questionable whether the City has the legal authority to require businesses to use zero emissions vehicles. Under Section 209(a) of the Clean Air Act, states and their political subdivisions are preempted from adopting or attempting to enforce standards relating to the control or emissions from new motor vehicles. (See *Engine Mfrs. Ass'n v. S. Coast Air Quality Mgmt. Dist.* (2004) 541 U.S. 246.) While states, such as California, can seek a waiver of 209(a)'s preemptive effect, Section 209's waiver provisions apply only to states—not their political subdivisions.

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D. Conclusion

Thank you for your consideration of these important comments.

Respectfully submitted,

[redacted]

John P. Kinsey