



April 12, 2021

The Honorable Eloise Gomez Reyes
Member, California State Assembly
State Capitol, Room 319
Sacramento, CA 95814

**RE: Assembly Bill 1547 – OPPOSE
As Amended March 25, 2021**

Dear Assembly Member Reyes:

On behalf of the Rural County Representatives of California (RCRC), I am writing to regretfully express our opposition to your Assembly Bill 1547 concerning warehouse facilities. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county.

AB 1547 requires local governments approving a warehouse development project to perform additional notification to the surrounding community and hold additional public meetings on the proposed project. AB 1547 also requires these projects to use specified types of equipment in construction and operation and vests the Air Resources Board (ARB) with authority to regulate indirect sources of emissions.

RCRC opposes AB 1547 because it will have a disproportionately harmful impact on the development of warehouse projects in rural areas and invites ARB to regulate land use decisions, which are appropriately the purview of local governments.

Economic development is often limited in many rural unincorporated areas where the median household income is generally lower and unemployment is higher than the statewide average. Warehouses and logistics facilities represent a tremendous opportunity for economic growth in many of these areas and can have a very significant benefit on the economic well-being of residents involved in construction and operation of the project.

RCRC is troubled by AB 1547's prohibition on the siting of new warehouse development projects within 3,000' of sensitive land uses. This intrudes on local land use authority and ignores requirements imposed under the California Environmental Quality Act to mitigate a project's significant impacts on the environment. Furthermore, it is unclear what constitutes a "sensitive land use" or a "warehouse development project," thereby opening the door to NIMBY lawsuits designed to delay a project past the point of economic feasibility.

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RCRC also objects to predetermining project mitigation requirements by requiring the use of Tier 4 vehicles for all construction equipment and use of all electric equipment in operation of the facility. We observe that ARB has already established aggressive emissions reductions requirement for construction vehicles and is in the process of adopting ambitious and transformative electric vehicle regulations. We fear that such a one-size-fits-all requirement well in advance of existing ARB-deadlines will significantly limit the ability for many smaller- and medium-sized firms to participate in these construction projects. This is especially troubling in rural areas of the state where those types of firms predominate.

Finally, RCRC also opposes shifting responsibility for regulating indirect emission sources to ARB. Under federal law, indirect sources include any "facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution." ARB currently regulates mobile sources of pollution and many consumer products. Stationary sources of pollution, like buildings and structures, are regulated by local air pollution control or air quality management districts. While local air district boards are comprised of local residents, only six of ARB's 14 members represent local air districts.

RCRC opposes AB 1547 because it invites ARB to enter into land use regulation, which is the traditional domain of local government. Regulation of indirect sources has much in common with land use regulation. Land use decisions are best made at the local level where the representatives are more closely connected and directly responsive to residents and communities. Granting ARB more authority to regulate local businesses, parking lots, and roads will open up a new level of state intrusion into traditionally (and appropriately) local areas of decision-making. These sensitive decisions necessitate a closer relationship with the impacted residents than ARB is capable of.

For these reasons, we regretfully oppose your AB 1547. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is written in a cursive style with a large, looping "J" and "K".

JOHN KENNEDY
Legislative Advocate

cc: Members of the Assembly Natural Resources Committee
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee