



**RECEIVED**

By Melissa Hermann at 5:29 pm, May 07, 2024

May 6th, 2024

Attn:

Tulare City Council  
491 North "M" Street  
Tulare, California

**Re: City Council Agenda item 9.4 Discussion of Truck Routes**

Dear City Council and Staff,

Leadership Counsel for Justice and Accountability (“LCJA”) submits this comment to elevate concerns shared by Matheny Tract, an SB 535 disadvantaged community (“DAC”) within the City of Tulare’s sphere of influence, to highlight impacts associated with the City’s truck routes faced by Matheny Tract residents and highlight considerations the City should keep in mind when updating the truck route ordinance to assist you in developing enforcement measures and truck route ordinance goals that advance the environmental justice, promotes health and safety, and equal access of communities most burdened by truck traffic generated by the City’s industrial development. This is an opportunity for City staff to consider communities neighboring heavy land uses and facing cumulative impacts on the environment and community, and establish mechanisms to mitigate and prevent environmental hazards and adverse effects.

**The City should address the impact of truck traffic on the community.**

Matheny Tract is burdened by heavy truck traffic due to surrounding existing industries, including JV Recycling and Demolition, Truck & Trailer Repair, Valmetal Tulare Inc., a manufacturer of agricultural and dairy equipment, and Truck Tub Int, which houses and traffics large semi trucks near the community. Matheny Tract also neighbors the Saputo Cheese factory, Ruiz Foods, and other large supply shops like Mid-Valley Pipe & Supply Inc., California Industrial Rubber, and Hydraulic Controls. Due to the community’s close proximity to industrial uses, the community is heavily impacted by truck traffic and pollution from trucking.

Heavy truck traffic on City roads has led to various safety concerns for residents. Residents are impacted by the poor road conditions caused by heavy truck traffic and compounded by the City’s and the County’s lack of road maintenance. Residents have reported damages to their vehicles due to severe potholes, damage to their windshields due to truck



debris, and car accidents due to heavy truck traffic. Residents rely on Paige Ave. and I St. to enter their community, which are currently designated truck routes.

Truck traffic heavily impacts air quality for Matheny Tract and the surrounding City of Tulare. Specifically, Matheny Tract is in the 96th percentile of CalEnviroScreen’s ranking of California communities’ pollution burdens, making it one of the most polluted communities in the State. The community suffers from being in the 99th percentile for groundwater contamination, 95th percentile for PM2.5 pollution, and 85th percentile for ozone pollution. As a result, the community’s cardiovascular disease rate is higher than 87.23% of the census tracts in California. The community’s asthma rates are also 75% higher than all other California census tracts. The City’s decision to designate roads near Matheny Tract and allow warehouses and other industrial land uses around Mathey Tract makes it nearly impossible for MTC to overcome its pollution burden. It forces the community to suffer the environmental and health consequences of the City’s actions.

The City of Tulare must consider the impacts of heavy truck traffic generated by the City’s industrial development around Matheny Tract, a neighboring community. These impacts are compounded by the City’s poor land use decisions and lack of enforcement mechanisms to limit diversions of large freight trucks into communities and other routes not designated for trucks.

**The Truck Route Ordinance fails to consider environmental justice, safety, and health.**

The summary of considerations in the Staff Report and truck route ordinance fails to identify considerations for traffic safety. The goal of the truck route ordinance is "ensuring [ing] that mobility for all roadway users is preserved and that freight and goods can move safely and efficiently so that the local economy continues to prosper". *See* City of Tulare Staff Report, Item 9.4 for City Council meeting, May 7, 2024, Agenda Packet p. 256. This narrow goal exclusively prioritizes the safety and efficiency of freight and goods movement. Consequently, this goal ignores the impacts of traffic safety imposed by truck traffic on neighboring communities and neglects to establish objectives to protect communities. Moreover, the staff report highlights that “truck route programming *should* be paired with enforcement efforts to ensure that oversized vehicles are not diverting off-network” (City of Tulare Staff Report, Item 9.4 for City Council meeting, May 7, 2024, Agenda Packet p. 257). Despite recognizing the need for ‘enforcement efforts,’ no such efforts are identified, listed, nor made tangible or implementable.

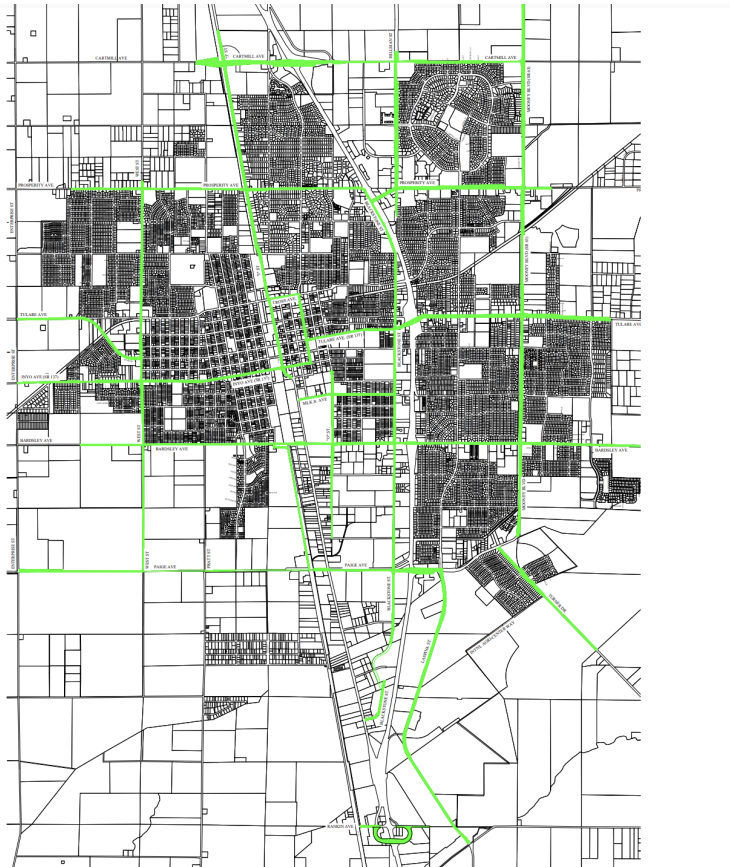
The staff report and current ordinance also fail to identify and address impacts on environmental justice communities and health risks associated with truck traffic. Tulare County



identified Matheny Tract as an environmental justice community pursuant to Government Code Section 65302(h). *See* Tulare County Environmental Justice Element p. 9. As such, the City of Tulare should ensure its truck routes do not continue to disproportionately impact environmental justice communities to reduce pollution exposure and associated health risks. Moreover, we urge the City to collaborate with Tulare County to ensure its truck route ordinances and municipal code advance environmental justice. In addition, we recommend the City engage in a truck reroute study to identify alternative truck routes and mitigation measures to improve conditions in Matheny Tract and surrounding City of Tulare residential communities. The Department of Justice has also provided a list of recommendations the City can take to address impacts from heavy truck traffic and industrial development. The City should strongly consider and include recommendations provided by the DOJ in the Truck Route Ordinance and municipal code. *See* City of Tulare Zoning Ordinance Update, City of Tulare - Attorney General's Comment Letters February 13, 2023.

Furthermore, Exhibit A of the staff report (see image attached below) indicates that past Paige Avenue, I Street is not a designated truck route under City jurisdiction. However, residents report heavy truck traffic on I st which will increase given that an entrance for the Paige Avenue Industrial Project exists on I Street. The City's truck ordinance should indicate how the City is coordinating with the County on the use of I Street to limit truck traffic impacts deriving from the City's industrial development on the community of Matheny.

Most importantly, the City should engage with Matheny Tract residents to ensure all truck traffic impacts are addressed in the truck route ordinance.



### **Duty to Affirmatively Further Fair Housing and Avoid Discrimination**

The City of Tulare has a duty to ensure their actions further fair housing considerations to Affirmatively Further Fair Housing (“AFFH”), including in establishing truck routes. The City must take meaningful actions to prevent segregation patterns Cal. Gov. Code §8899.50(a)(1), and must “take no action that is materially inconsistent with its obligation to affirmatively further fair housing” Cal. Gov. Code § 8899.50(b)(1). The City must comply with its duty to AFFH and ensure its truck routes do not induce disparate and discriminatory environmental impacts on the community.

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The current zoning of heavy industrial surrounding Matheny Tract is an extension of the City of Tulare’s historical practice of racism and discrimination. Although Matheny is not within City boundaries, industrial development, and future industrial land use planning within the City boundaries adjacent to the community is generating more and more truck traffic, thus impacting the lives and health of Matheny residents. We ask the City Council and staff to consider the



impacts and recommendations listed above when updating the truck route ordinance and act upon their commitment to addressing concerns, including establishing enforcement mechanisms to reduce large freight trucks entering the community to safeguard public health and safety. Thank you for considering our comments.

We look forward to further discussions on our concerns regarding the current limitations of the truck route ordinance.

Sincerely,

/s/

Ashley Vega,

Tulare County Policy Advocate