



# Legal Pathways to Deep Decarbonization Model Laws

February 11, 2025



Toolbox  
Tuesday

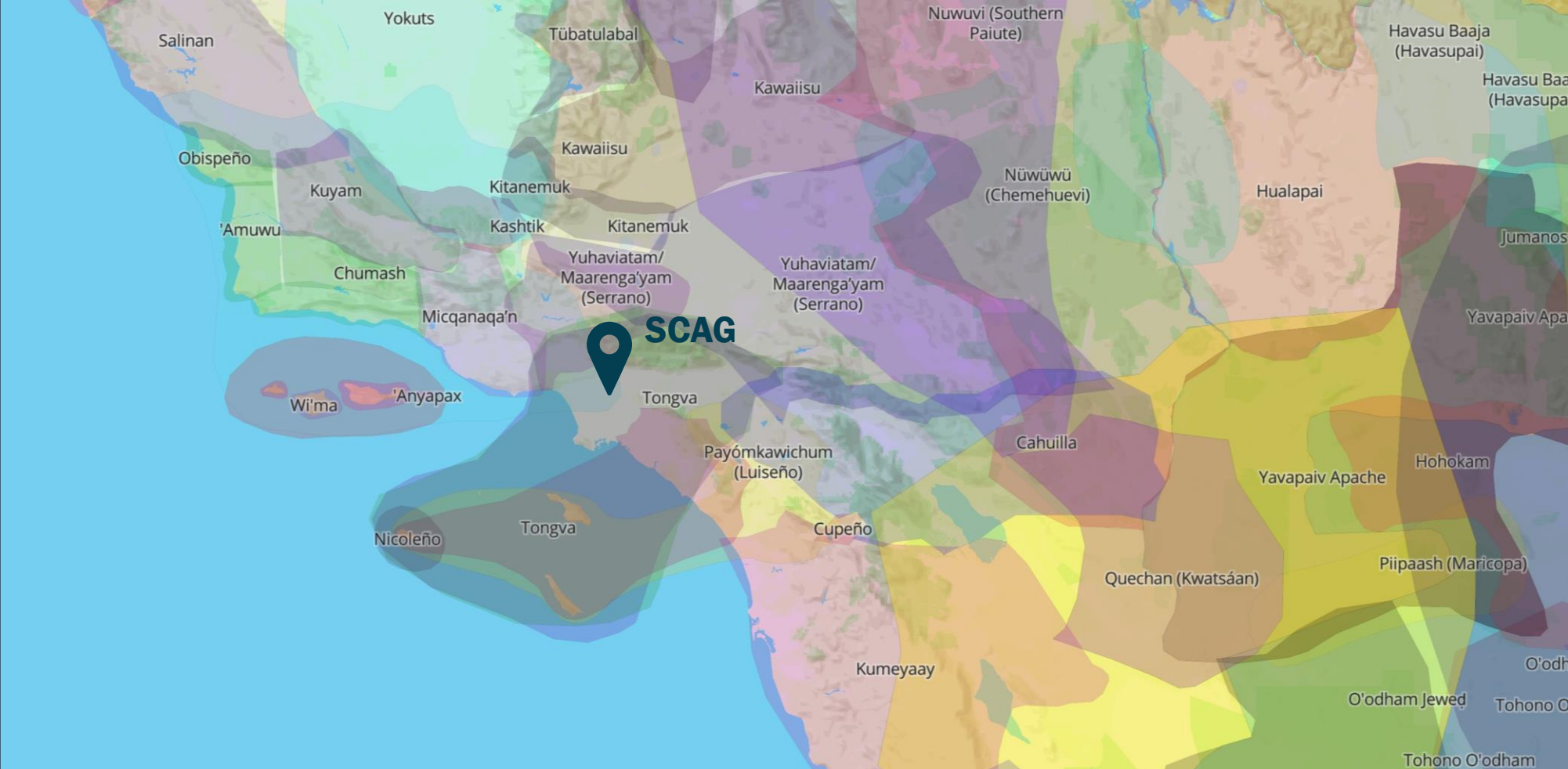
[WWW.SCAG.CA.GOV](http://WWW.SCAG.CA.GOV)

# Housekeeping

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1. Meeting length: 1.5 hour
2. This meeting is being recorded
3. All participant lines will be muted
4. At the end, there will be a Q&A session
5. If you have a question during the presentation, please type it into the chat box or press the "raise hand" function
6. We will log all questions and then voice a selection at the end of the presentation
7. Closed captioning can be turned on by clicking "Show captions" on the Zoom ribbon
8. A recording of this webinar and the PowerPoint slides will be available on the SCAG website. We will send a link to everyone who has registered after the event
9. Please fill out our survey at the end to help us improve future Toolbox Tuesdays!

# Land Acknowledgement



# Agenda

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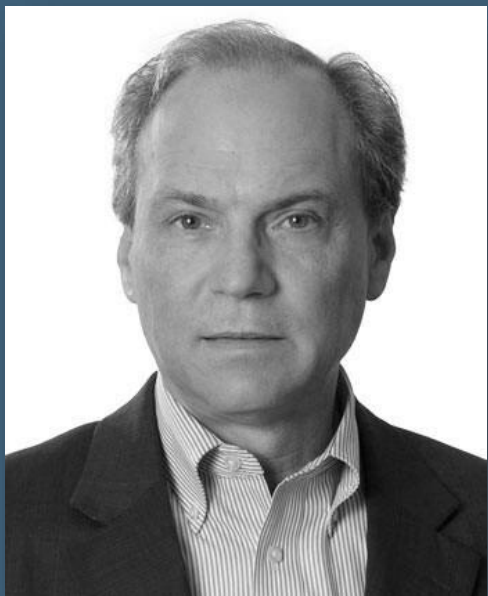
- Legal Pathways Overview
- Website Demonstration
- Case Study: Climate Action Planning for a California Local Jurisdiction
- Questions and Discussion

## Level Setting – Poll Questions

- What type of organization are you representing today?
- Where are you located?
- Are you involved in planning or other activities related to decarbonization?
- If yes, what types of activities?
- In what capacity are you involved?

# Speakers

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**Rick Horsch**



**Jordan Gerow**



**Jim Geocarlis**



**Alexis Fineman**

# Legal Pathways to Deep Decarbonization Model Laws Project

Presentation to:

**Southern California Association of  
Governments**

Jim Geocaris  
Jordan Gerow  
Rick Horsch  
Alexis Fineman

February 11, 2025

# The LPDD Project: Introduction

- The LPDD Model Laws Project drafts model laws to mitigate climate change and makes them available to policymakers at every level of government in the United States
- The Project provides policymakers tools to decarbonize all sectors of the economy.



# The LPDD Project: Introduction

- The Project has enlisted dozens of law firms and scores of individual lawyers around the country to use their legal skills to address climate change.
- Our website – [lpdd.org](http://lpdd.org) --provides free access to high quality legal work to legislators and nongovernmental organizations.
- We are part of the Sabin Center for Climate Change Law at Columbia Law School.
- The Project is nonpartisan.

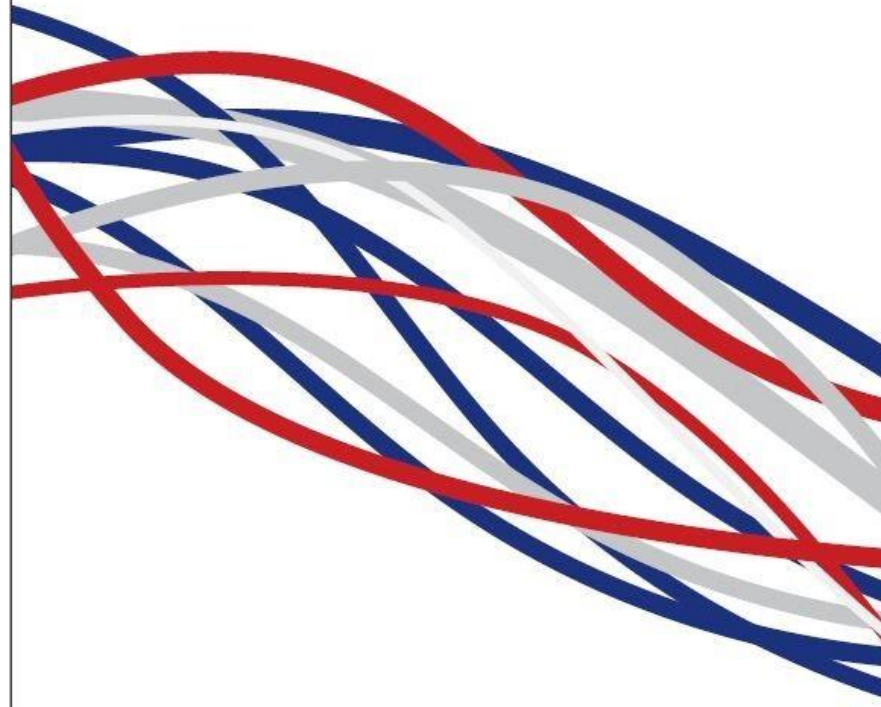
# Legal Pathways to Deep Decarbonization in the United States

- The genesis of the Project is a book titled *Legal Pathways to Deep Decarbonization in the United States* -- a playbook of state, local, federal, and private legal options for enabling the U.S. to address climate change by reducing U.S. greenhouse gas emissions to net zero by 2050.
- The book:
  - was edited by Professors Michael Gerrard at Columbia Law School and John Dernbach of Widener University Law School;
  - was published by the Environmental Law Institute (“ELI”);
  - has 35 chapters, each addressing a sector of the energy economy, with more than 60 authors, each an expert in their field;
  - includes more than 1500 recommendations for legal actions that can be taken to decarbonize all sectors of the economy.

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LEGAL  
PATHWAYS TO  
DEEP DECARBONIZATION  
IN THE UNITED STATES

MICHAEL B. GERRARD AND JOHN C. DERNBACH, EDITORS



# The LPDD Model Laws Website

- To date, more than 80 model laws have been prepared and posted on the LPDD website -- [lpdd.org](http://lpdd.org)
- Each model law is accompanied by an explanatory memorandum.
- The website also contains more than 2,500 actual and proposed statutes, ordinances, and other resources relating to decarbonization from various jurisdictions across the country.

# Preparing the Model Laws: Drafting and Peer Review

- Each model law has been drafted by a lawyer or law firm and peer reviewed by a person with deep expertise in the area.
- Dozens of law firms, individual attorneys, law professors and retired judges are participating in the Project on a pro bono basis.
- Some Participating Pro Bono Firms:

Allen & Overy

Kilpatrick Townsend

Arnold & Porter

Morrison & Foerster

Davis Wright Tremaine

Shearman & Sterling

Hughes Hubbard & Reed

Wilson Sonsini

## Peer Review

- We have more than 90 peer reviewers from across the country. All are experts in their field.
- In some circumstances, there may be more than one peer reviewer for a model law -- one with substantive expertise, a second with legislative drafting expertise.

# Inclusion of Environmental/Climate Justice Considerations

- Our drafting and peer review protocols instruct drafters and peer reviewers to incorporate climate justice provisions into the model law, to the extent relevant.
- Our Environmental/Climate Justice Advisory Committee advises the Project on environmental/climate justice issues.

# Model Law Preparation

(1) Assess, select & prioritize recommendations:

- consult with chapter authors where appropriate



(2) Prepare template for each recommendation:

- template is a short (1-2 pages) document that summarizes: (a) recommendation, (b) type of legal document to be drafted (i.e. local ordinance, state law, amendment to existing law) & (c) other relevant information



(3) Draft Model Legal Document



(4) Final Model Legal Document is Peer Reviewed



(5) Model Legal Document posted to LPDD Website



# Scope of Model Laws Available

- The model laws and other resources cover all sectors of the US economy that must be decarbonized if we are to reach net-zero by 2050:
  - Energy Generation
  - Transportation
  - Buildings
  - Industry
  - Agriculture

# LPDD Model Laws Website – [lpdd.org](http://lpdd.org)

- LPDD Project staff is available to work pro bono with agencies on searches of the LPDD database for materials relating to decarbonization subjects of particular interest.
- We prepare and send out monthly updates, highlighting our new model laws as well as recent and significant actual and proposed statutes, ordinances, and other resources relating to decarbonization from various jurisdictions across the country.

-- You can sign up to receive our free monthly updates at [lpdd.org](http://lpdd.org)

# Thank you

□ LPDD Model Laws Project – **lpdd.org**

□ Contact:

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# LPDD.org Demo and Walkthrough

LPDD TOP RESOURCES MODEL LAWS PATHWAYS SEARCH ABOUT GET INVOLVED

MODEL LAWS FOR DEEP  
DECARBONIZATION IN THE UNITED  
STATES



- The United States needs

00:00 01:39

# Alexis Fineman (she/her)

Town of San Anselmo, Marin County, pop. 13,000

## **Councilmember**

- Appointed to San Anselmo Town Council in 2019
- Elected in November 2020
- Vice Mayor: 2020-2021
- Mayor: 2021-2022

## **Appointed Representative (County & Regional)**

- MCE (formerly Marin Clean Energy)
  - California's first CCA, serving 1,000,000+ customers Bay Area
- Marin Wildfire Prevention Authority (MWPA)
  - JPA with 17 member agencies
  - Cross-jurisdictional vegetation management, evacuation planning, and home hardening
- Marin County Council of Councilmembers, Climate Action Committee
  - Chair, 2021-2022

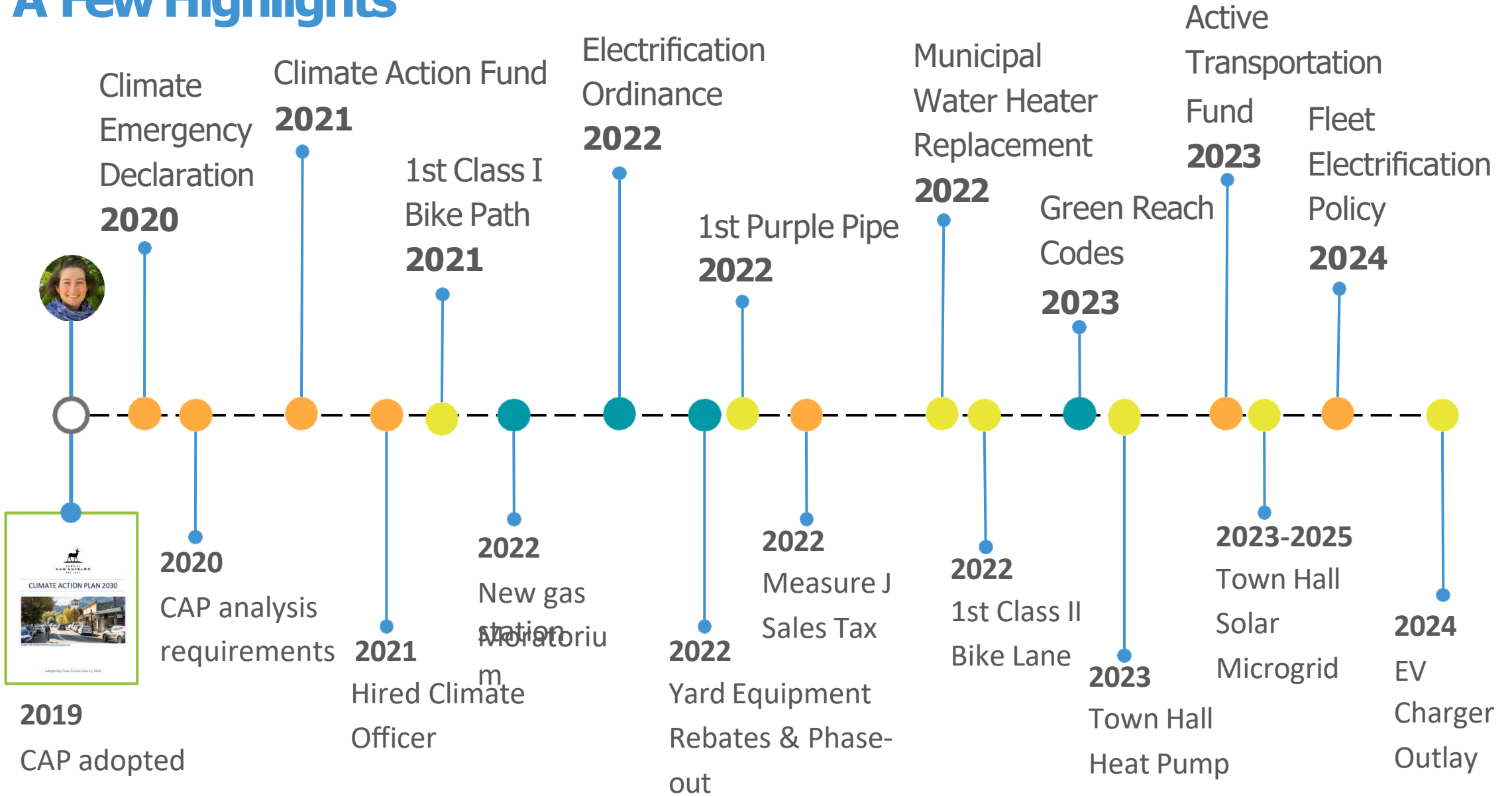


Priority 1: Implement as much of our Climate Action Plan as possible

Priority 2: Lay the foundation for *continued* CAP implementation



# A Few Highlights



# Some Challenges We've Encountered

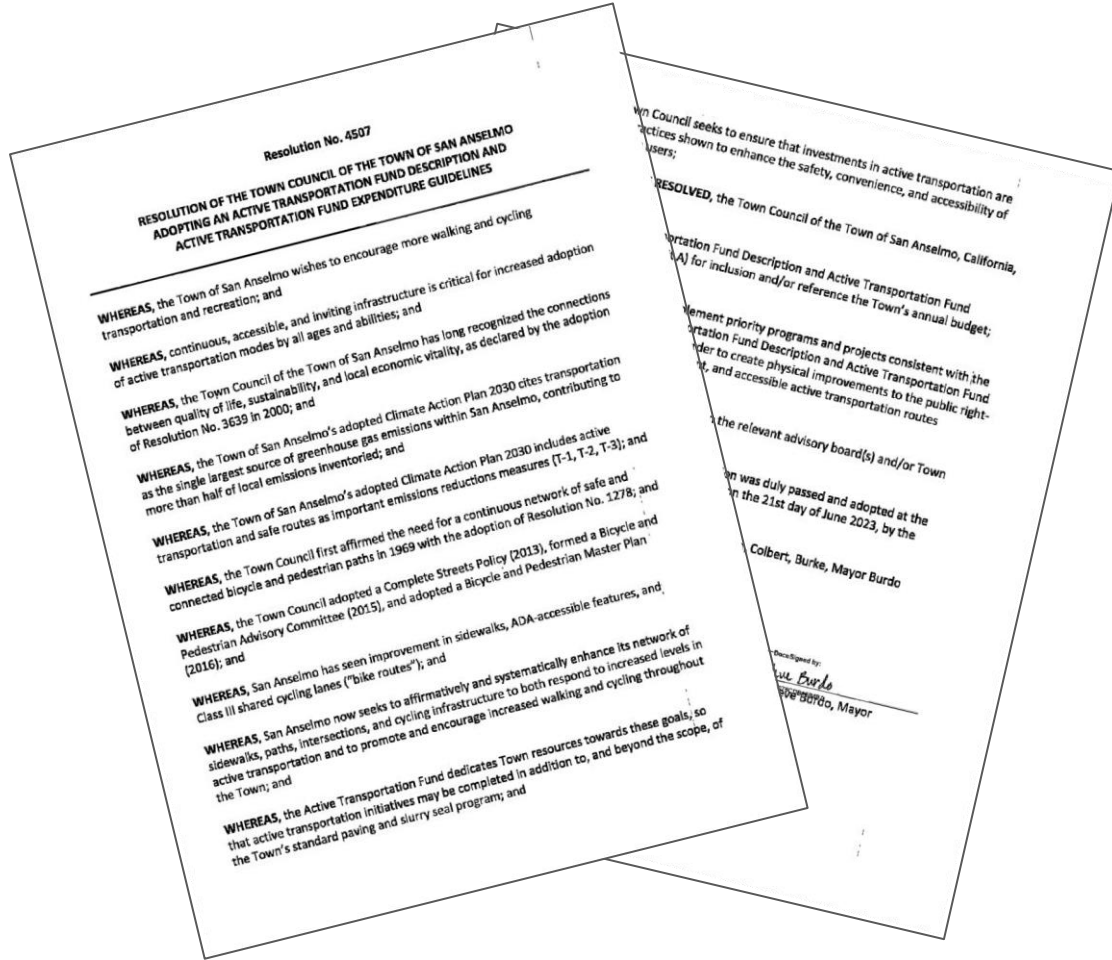
- **Inspiration**
  - A vision for what's possible
  - Tangible examples (policies, programs, and projects)
- **Legal confidence**
  - Tactical examples
  - Proof of concept
  - Models and templates
- **Dedicated time and staffing**
  - Climate position(s) *and*
  - Expectations and accountability across departments
- **Dedicated funding**
  - (And not just from grants!)
- **Political will and (sufficient) alignment:**
  - Electeds, staff, community



## LPDD's Model Law and Resource Database can help!

- **Provides inspiration and education**
  - Breadth and depth of policy solutions is unparalleled
  - Starting point for any initiative
- **Eases staff time**
  - Resources are professional and have been vetted
- **Reduces discomfort (political) or perception of risk (legal)**
  - Strength in numbers and precedent
  - Added bonus of Columbia's brand power
- **Outlines the specific role(s) of local jurisdictions**
  - *Unique* authorities!
- **Amplifies and connects good work in practice**
  - Local actions → nation-wide implications

# Zooming In: Active Transportation Fund & Expenditure Guidelines



	Examples
<ul style="list-style-type: none"> <li>• Raised crosswalks</li> <li>• Pedestrian refuge islands</li> <li>• Pedestrian- or cyclist-activated HAWK Beacons</li> <li>• Flashing Beacon</li> <li>• Installation of new signals</li> <li>• High visibility residential or local streets</li> <li>• ADA-compliant sidewalk</li> </ul>	<p>Examples</p> <ul style="list-style-type: none"> <li>• Sidewalk gap closures</li> <li>• Sidewalk repaving and/or regrading</li> <li>• Sidewalk widening</li> <li>• ADA compliance</li> <li>• Steps, Lanes, and Trails program implementation and maintenance</li> </ul>
<p>Guideline D: Lower the posted speed limit and/or install traffic calming, hardscape and infrastructure</p>	<p>Guideline B: Promote systems of separated, protected bicycle facilities per MUTCD Class I and Class IV guidelines when feasible</p> <ul style="list-style-type: none"> <li>• Grant applications and matches</li> <li>• Designs, reports, and schematics to get to "shovel ready" status</li> <li>• Quick-build infrastructure</li> <li>• Expenditures to reallocate existing lanes of traffic or street parking towards active transportation</li> <li>• K71 bollards, precast curbs, k-rail, armadillo</li> </ul>
<p>Guideline E: Promote secure and protected bicycle parking, heavy, or bicycles and</p>	<p>Guideline C: Modify intersection hardscape and traffic signals to prioritize pedestrians, ADA users,</p> <ul style="list-style-type: none"> <li>• Bicycles</li> <li>• Transit</li> </ul> <ul style="list-style-type: none"> <li>• Advance green signals for cyclists</li> <li>• Advance green signals for pedestrians</li> <li>• Signal actuators (i.e. "Beg buttons")</li> <li>• Intersection modifications, signal up signage to remove unprotected right-of-way lights</li> <li>• ADA-compliant ramps</li> <li>• ADA-compliant signal actuators</li> <li>• Intersection modifications to crosswalk daylighting</li> <li>• Curb extensions and bulb-outs at</li> </ul>
<p>Guideline F: Facilitate first-mile, last-mile connectivity with public transit</p>	

# Funding Climate Action: Active Transportation Fund

## Core Problems:

- How could we fund ongoing climate action in a sustained way over time
- How would we ensure funding was going to high-impact projects?

## Possible Sources of Funding:

- ARPA, Grants, General Fund allocation, Tax Revenues

## Initial Successes:

- Established & funded San Anselmo Climate Action Fund (2021)
- Established & funded San Anselmo Active Transportation Fund (2023)

Ongoing Task: Ensure funding is directed toward **effective** projects, especially for Active Transportation Fund (ATF)

# LPDD Highlighted Key Examples

## Funding Climate Action:

“Other cities are doing it, and here’s how”

### 2. CROSS-CUTTING APPROACHES TO REDUCING EMISSIONS

2.1 CARBON PRICING (CH. 2) [64]

2.2 BEHAVIOR (CH. 3) [84]

2.3 TECHNOLOGICAL INNOVATION (CH. 4) [55]

2.4 FINANCING LARGE SCALE PROJECTS (CH. 5) [86]

2.5 FINANCING AT THE GRID EDGE (CH. 6) [102]

- **LPDD:** Compiled climate tax measures from Boulder, Denver, Berkeley, Albany, and Long Beach
- **San Anselmo:** allocated a portion Measure J revenue → climate action

## Drafting ATF Expenditure Guidelines

“Infrastructure > Signage”



- **LPDD:** Profiled Complete Streets grant programs (e.g., MassDOT, Healthy Streets Policies)
- **San Anselmo:** aggregated best practices and adopted official guidelines

# Six Core Guidelines and Shining Examples

- **Guideline A: Safe, accessible, and complete sidewalks**
- **Guideline B: Separated/protected bike lanes**
- **Guideline C: Intersection safety upgrades** →
- **Guideline D: Traffic calming/slowing vehicle speeds**
- **Guideline E: Bicycle parking**
- **Guideline F: First-mile, last-mile connections**

## Guideline C examples

- Advance green signals for cyclists
- Advance green signals for pedestrians
- Signal actuators (i.e. “Beg buttons”) for cyclists
- Intersection modifications, signal upgrades, and/or signage to remove unprotected right turns at red lights
- ADA-compliant ramps
- ADA-compliant signal actuators
- Intersection modifications to remove slip lanes
- Crosswalk daylighting
- Chicanes and bulb-outs at pedestrian crossings
- Raised crosswalks
- Pedestrian refuge islands
- Pedestrian- or cyclist-activated crossings, with HAWK Beacons preferred to Rectangular Rapid Flashing Beacons (RRFBs)
- Installation of new crosswalk infrastructure and/or new signalized intersections
- High visibility crosswalks on residential/neighborhood streets (speeds limits at or lower than 25 mph)
- Advance cyclist waiting positions (i.e. bike boxes)
- Protected intersections
- Reduced curb radii

# Zooming In: Building Electrification, Berkeley Lawsuit, and Next Steps

2022

## San Anselmo requires new homes to be all electric



By **ADRIAN RODRIGUEZ** | arodriguez@marinij.com | Marin Independent Journal  
PUBLISHED: June 17, 2022 at 2:43 PM PDT



Listen to this article

San Anselmo will be requiring all-electric utilities in new residential buildings. The Town Council voted 4-0 Tuesday to approve an ordinance banning gas lines from being installed during construction of new residences as a way to reduce greenhouse gas emissions. Councilmember Ford Greene was absent from the meeting.

The move follows a Marin County Civil Grand Jury report that called on local governments to [speed up the transition](#) from gas-fueled appliances to electric ones. San Anselmo, San Rafael and MCE — the electricity provider formerly known as Marin Clean Energy — have been working on such efforts, and Fairfax adopted a similar ordinance in 2021.

Mayor Alexis Fineman said the ordinance is an important step and she looks forward to “continued efforts to electrify and decarbonize our built environment.”

“The science is clear: We have an urgent and moral imperative to transition away from fossil fuels and greenhouse gases,” Fineman said. “As we begin to phase out natural gas infrastructure, we should also seek out creative opportunities to support our residents and businesses to make this challenging, but necessary, transition easier for our community.”

Fineman said methane, the primary component of natural gas, is a dangerously potent greenhouse gas and plays an outsized role in contributing to the climate catastrophe, locally

2024

## Berkeley settles lawsuit to repeal gas ban, in final blow to dozens of California measures

By **Ari Plachta**  
March 25, 2024 5:00 AM |



The flame of a gas stove flares up the side of a wok as chef Quan Sun cooks Chinese cuisine at Frank Fats in downtown Sacramento on May 25, 2023. Paul Kitagaki Jr. [pkitagaki@sacbee.com](mailto:pkitagaki@sacbee.com)

# San Anselmo's Building Electrification Process to Date

- **All-electric ordinance for new construction (2022)**
- **Electric-preferred pathways in Green Reach Codes for renovations and remodels (2023)**
- **Suspended enforcement of all-electric ordinance in 2023**
- **Repealed all-electric ordinance in 2024**
- **Formed San Anselmo Building Electrification Ad Hoc Subcommittee to identify possibly pathways forward**
- **Though some legal pathways to mandate all-electric construction appear to remain open, the Ad Hoc was not comfortable with associated risks**
- **Instead, interested in meaningful incentives and disincentives**

# LPDD: Transferrable Examples and Possible Pathways

## Carrots for New All-Electric

- **Density Bonus**
  - LPDD: Density Bonuses for Renewable Energy or Efficiency
    - McCall, ID
    - Hinesburg, VT
    - Charleston, SC
- **Floor Area Ratio Boost**
  - LPDD: FAR premium for high efficiency buildings (Minneapolis)
- **Property Tax Exemptions**
  - LPDD: Cheshire, CT solar

## Sticks\* for New Mixed-Fuel

- **Time of Sale Energy Assessments & Disclosures**
  - LPDD: Berkeley
- **Ongoing Benchmarking and Audits**
  - LPDD: Los Angeles
- **Greenhouse Gas Emissions Reporting**
  - LPDD: Boston
- **Additional hearings for permits**
  - No LPDD example yet



# Discussion & Questions

# Tell us how we did!

Take a quick 2-minute survey to help us improve future Toolbox Tuesdays!



*SCAN ME*