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# Sustainability ON EARTH

ENVIRONMENTAL AND NATURAL RESOURCES LAW AT THE UNIVERSITY OF OREGON SPRING 2015

## Taking the Road Less Traveled—Literally

*Reducing vehicle miles traveled is vital to reducing greenhouse gases*

By Rory Isbell

To avoid catastrophic climate change, policymakers in the United States must find ways to reduce greenhouse gas emissions. The transportation sector comprises one third of total US greenhouse gas, due in part to rapid urbanization beginning in the mid-20th century. For example, in the 15 years between 1982 and 1997, the amount of urbanized land in the US increased by 47 percent, while the population grew by only 17 percent.<sup>1</sup> Thus, we are consuming land at a startling pace, and in travelling across our vast urbanized

areas we are burning a startling amount of carbon in our automobiles.

In their influential 2007 report *Growing Cooler: Evidence on Urban Development and Climate Change*, Ewing et al. describe greenhouse gas emissions from the transportation sector as a three-legged stool composed of vehicles, fuel, and vehicle miles traveled (VMT).<sup>2</sup> While technological advances in vehicles and fuels are decreasing automobiles' carbon output, a continued rise in overall VMT is stifling significant progress in reducing greenhouse gases from the transportation sector.<sup>3</sup>

As the energy sector and residential-commercial building sectors—two of the other largest sources of greenhouse gas emissions in the United States—gradually shift away from dirty fossil fuels, the transportation sector becomes a crucial piece of the puzzle in curbing domestic greenhouse gas emissions.

Under a scenario where global greenhouse gas emissions peak by 2080 and then decline, warming of the global climate is still likely to exceed 3.6 degrees Fahrenheit by the end of the 21st century.<sup>4</sup> That level of warming

*continued on page 2*



## Taking the Road Less Traveled—Literally

*continued from page 1*



**Oregon's** legislature passed greenhouse gas reduction goals, but mandatory reductions from light duty vehicles are only imposed on the Portland metropolitan region, governed by Metro regional government. Metro developed the “Climate Smart Strategy” that, if properly funded, will reduce emissions from automobiles by 20 percent by 2035.



**California's** Air Resources Board sets greenhouse gas reduction targets by region and delegates the responsibility to reduce VMT to the state's metropolitan planning organizations (MPOs). Each MPO must develop a sustainable community strategy that coordinates housing and transportation development to reduce regional VMT.

will cause difficult changes to life on earth. It is critical that all levels of government make efforts to reduce emissions from all economic sectors. While the federal government is largely gridlocked (the federal gas tax has not been raised since 1993), it is critical that through states' experimentation with different policy approaches, overall VMT can be significantly lessened, thereby decreasing the transportation sector's portion (30 percent) of the US greenhouse gas emissions pie.

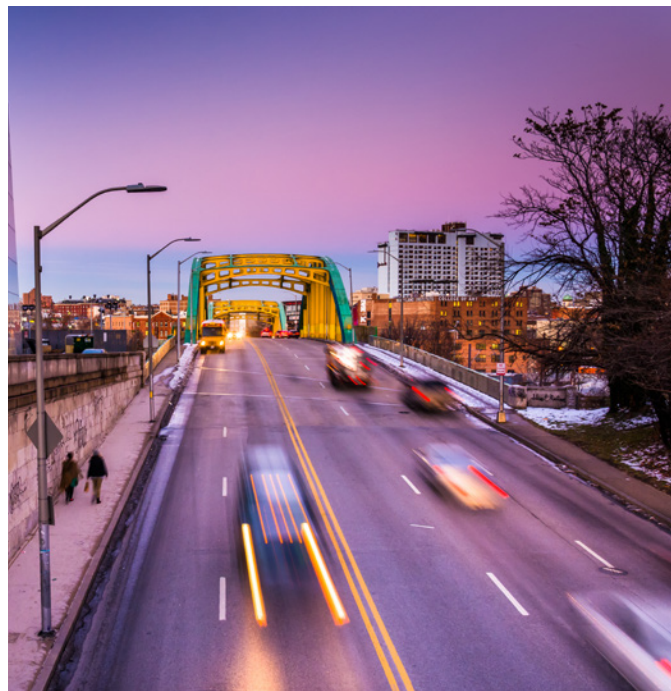
As of 2014, 32 states have created climate action plans to reduce greenhouse gas emissions, including those from the transportation sector. In a study entitled “Assessing State Efforts to Integrate Transportation, Land use, and Climate Change,” a team<sup>5</sup> at the Sustainable Cities Initiative at the University of Oregon is assessing four of those states' efforts to reduce VMT: California, Oregon, Washington, and Maryland. Each of these states approaches land use and transportation planning to reduce VMT differently.

While each of these states faces unique obstacles in

successfully implements its approaches to reducing VMT, they all share a common strategy: coordinate land use planning with transportation infrastructure in order to prevent superfluous miles traveled. While this research is still underway, some initial findings are apparent. To meet greenhouse gas reduction goals, states need strong vertical integration among state, regional, county, and local governments. They also need strong horizontal integration among different state agencies, between regional and county governments, and among local governments. States with strong leadership from both their executive and legislature are better poised to be successful in meeting greenhouse gas reduction goals. Inventories of greenhouse gas emissions and VMT, monitoring of trends in both areas, and enforcement of reduction goals by an authoritative state agency or regulatory commission are all needed to ensure progress toward goals. States also benefit from integrating the cobenefits of reducing VMT into policies, including benefits to public health with more active transportation and less pollution, benefits to businesses because cyclists and pedestrians are more likely



**Washington** passed legislation aimed specifically at reducing VMT, but agency responsibility is unclear and results have yet to be seen. County plans must meet state goals, but counties have the ultimate say in how they plan to reduce VMT.



**Maryland** has a strong state framework to address climate change, but recent political changes might alter state policy priorities. The 2009 Greenhouse Gas Reduction Plan requires a progress report be submitted to the legislature in October 2015. Then the Maryland legislature will use its authority to maintain, reverse, or eliminate GHG reduction targets.

to engage in economic transactions on their commutes, and benefits to overall transportation system efficiency as fewer cars fill our roadways. Provisions for social equity, such as inclusionary zoning regulations and accessible transit networks, also must be part of land use and transportation plans aimed at VMT reduction. Perhaps most important, states need reliable sources of funding for multimodal transportation infrastructure and development that prevent reliance on automobiles. These and other findings from each of the four states' plans to reduce VMT will be submitted for publication in academic journals, as well as made available as a policy brief, this summer and fall.

Our reliance on automobiles is entrenched in our expansive road system, our land use patterns and urban design, and largely in our national psyche, too. Reducing VMT will not be easy, but states' experimentation with various policies toward that goal is a necessary first step. This research into four states' approaches will hopefully inform further efforts by other states in the future.

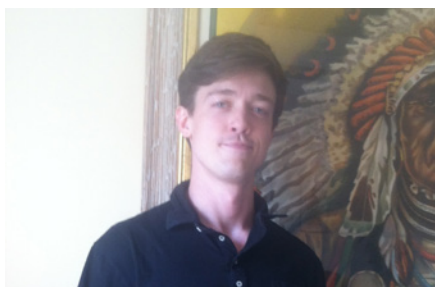
*Rory Isbell is a second-year concurrent-degree student at the University of Oregon School of Law and the University of Oregon Department of Planning, Public Policy and Management. He is an ENR fellow in the Sustainable Land use Project.*

#### Notes

1. Fulton, Pendall, Nguyen, and Harrison. 2001. "Who Sprawls Most? How Growth Patterns Differ across the US." The Brookings Institution Center on Urban and Metropolitan Policy. July 2001 Survey Series.
2. Ewing, R., Bartholomew, K., Winkelmann, S., Walters, J., and Chen, D. (2007). *Growing Cooler: The Evidence on Urban Development and Climate Change*. Washington, D.C.: Urban Land Institute.
3. Ibid.
4. IPCC, 2014: Summary for Policymakers. *In Climate Change 2014: Impacts, Adaptation, and Vulnerability*. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Field, C. B., V. R. Barros, D. J. Dokken, K. J. Mach, M. D. Mastrandrea, T. E. Billir, M. Chatterjee, K. L. Ebi, Y. O. Estrada, R. C. Genova, B. Girma, E. S. Kissel, A. N. Levy, S. MacCracken, P. R. Mastrandrea, and L. L. White (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, New York, USA, pp. 1–32
5. Rebecca Lewis, PhD; Rob Zako, PhD; Alexis Biddle; Emily Kettell; Elizabeth Miller; Rory Isbell.

## 2014–15 First-Year Fellows Spotlight

Each year, first-year law students are given the opportunity to serve as Environmental and Natural Resources Law Center fellows under the Dean’s Distinguished Environmental Law Fellowship and the Chapin Clark Fellowship. This year, ENR welcomed three first-year fellows: Esack Grueskin, Jaclyn Hise, and Kristen Sabo. Esack and Jaclyn joined the Conservation Trust Project and Kristen joined the Food Resiliency Project.



Esack Grueskin

**Esack Grueskin** was born in Iowa City, Iowa. He earned a bachelor of science degree in integrative physiology from the University of Iowa. At 26, Esack left the heartland and joined the University of Oregon School of Law to pursue a growing interest in environmentalism. His experiences this year as a Conservation Trust Project Fellow and Public Interest Environmental Law Conference volunteer cemented the environment as a lifelong passion for him.

As a member of the Conservation Trust Project, Esack was able to meet incredible attorneys and environmental advocates from around the world and learn about environmental law beyond the normal scope of first-year classes. He looks forward to delving even deeper in his second year.

This summer, Esack will be in Washington, D.C., working with Save America’s Forests, a nonprofit environmental organization committed to preserving America’s remaining ancient forests through conservation biology and policy.

**Jaclyn Hise** was born and raised in Big Spring, Texas. She graduated from the University of Texas with a degree in history, and then took a graduate



Jaclyn Hise

course where she studied devastating wildfires, the overhunting of buffalo, and the overwhelming damage fossil fuels cause to the environment through oil and natural gas drilling. These environmental issues stirred her passion and led her to pursue a career in environmental and natural resources law.

Jaclyn became an ENR fellow because she wanted to become involved in environmental law research and work as soon as possible. The Conservation Trust Project interested her because of its focus on compelling government to manage public environmental resources in a sustainable fashion for the benefit of present and future generations. Since becoming a member of the Conservation Trust Project, Jaclyn has interviewed the president of the McKenzie River Trust and served as a volunteer for the 2015 Public Interest Environmental Law Conference. She is currently working on a wildlife corridor project with various external experts.

This summer, Jaclyn will be working at Cascadia Wildlands, a nonprofit environmental organization located in Eugene, Oregon. She is excited to add her efforts to their work preserving old-growth forests and native wildlife in the Cascadia bioregion.



Kristen Sabo

**Kristen Sabo** grew up in Falmouth, Maine, but left for the warmth of Chapel Hill, North Carolina, to earn her degree in international studies and sustainability studies from the University of North Carolina. Her experiences cultivating the land alongside permaculture gardeners in Puerto Rico, Peru, and Uruguay, in addition to other stateside work at farmers’ markets and seed-to-table initiatives, naturally drew her to the ENR Center’s Food Resiliency Project.

Kristy found the project was an essential outlet for staying environmentally inspired during her first year of law school, as it kept her connected to food policy issues and efforts. She was able to build on her understanding of the Eugene food network, which is an exciting and thriving scene. She worked with her group to explore funding options for implementing a Supplemental Nutrition Assistance Program–user Market Match program at the Eugene Farmers’ Market, in addition to building new, exciting collaborations within the UO community.

This summer, Kristy will be working at a small law firm in Lincoln, Nebraska. Much of her work will focus on environmental issues such as coriparian water quality agreements and standards.

## Mary Wood Sits Down with Bill Moyers



*Professor Mary Wood on the Moyers & Company set.*

In January, journalist and political commentator Bill Moyers asked University of Oregon law professor Mary Wood to join him as the final guest on his long-running public television program Moyers and Company.

The episode, titled “The Children’s

Climate Crusade,” addresses the tough questions of whether environmental law has failed and, if so, can law be used to fix it? “If this nation relies on a stable climate system,” answered Wood, “and the very habitability of this nation and all of the liberties of young people and their survival interests are at stake, the courts need

to force the agencies and the legislatures to simply do their job.”

Moyers and Wood explored this topic at length in the interview, frequently drawing from Wood’s new book, *Nature’s Trust*. By interweaving legal concepts inherent in a democracy, the book explores a modern application of the public trust doctrine as a tool for addressing climate change.

This research is currently being used in lawsuits and petitions brought on behalf of children and youth throughout the United States and in other countries, spearheaded by the organization Our Children’s Trust.

In a recent interview with Oregon Public Broadcasting this May, Moyers remarked, “[Mary Wood] is the one who may save us from global warming, because she has developed this notion of the Nature[’s] Trust. It’s the most exciting new approach to dealing with climate change and the environment . . . that I’ve seen. She was our final show of my 40-some-odd years of broadcasting, and one of which we are both extremely proud.”

Watch the interview at [billmoyers.com/episode/full-show-climate-crusade](http://billmoyers.com/episode/full-show-climate-crusade).

## Cropping Up Conference Draws Record Crowd

On February 6, 2015, three Oregon Law student groups joined forces to host a conference dedicated to addressing the right to food on both local and global scales. The conference was titled, “Cropping Up: Exploring Food Rights in Your Backyard and Around the World.” Keynote speakers included renowned international food justice advocate and executive director of Food First, Eric Holt-Giménez, and Sustainable Economies Law Center staff attorney, Neil Thapar. The conference was attended by more than two hundred people and was organized by Oregon Law’s Green Business Initiative, *Journal of Environmental Law and Litigation*, and *Oregon Review of International Law*.



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Spring 2015 Vol. 15 No. 1

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**Highlights**

- 1 Taking the Road Less Traveled—Literally
- 4 First-Year Fellows Spotlight
- 5 Mary Wood Sits Down with Bill Moyers

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