



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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2014

September 15, 2014

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Mr. Matthew Rodriquez  
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Ms. Mary Nicols  
Chairman, California Air Resources Board  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812

Re: CalEPA Identification of Disadvantaged Communities & ARB Interim Guidance

Dear Secretary Rodriquez and Chairman Nicols:

The San Francisco Bay Area Rapid Transit District (BART) – a regional rail transit provider in the greater Bay Area providing over 400,000 daily trips – respectfully offers the following comments on the identification of disadvantaged communities (DACs) proposed by the California Environmental Protection Agency (CalEPA) pursuant to Health & Safety (H&S) Code 39711 and the Interim Guidance proposed by the Air Resources Board (ARB) for state agencies administering Greenhouse Gas Reduction Fund monies pursuant to H&S Code 39715.

BART was an active participant in the development of the region’s Senate Bill 375-guided *Plan Bay Area*, which focuses growth within locally designated priority development areas (PDAs) to support the day-to-day needs of residents and workers in pedestrian environments near transit. To provide an attractive alternative to driving and reduce greenhouse gas emissions, *Plan Bay Area* is highly dependent on a robust, reliable transit network, and nearly every BART station is located in, or adjacent to, a PDA.

***Comments on Identification of Disadvantaged Communities***

While BART strongly supports the goal of investing funds in and for the benefit of disadvantaged communities, we have significant concerns about the proposed use of the CalEnviroScreen’s 20% cutoff (Method 1) as the way to identify such communities. One of the sustainability objectives of transit is to serve disadvantaged communities by providing a low cost form of mobility for households that are car-free. As such, directing

transit resources to some communities over others may ultimately not be the most beneficial for economically disadvantaged Californians – particularly if the most impoverished communities in a given region are neglected.<sup>1</sup> For example, several BART stations in areas with high concentrations of low income, minority, and/or Limited English Proficiency households – such as the east side of Richmond, Lake Merritt (Oakland), and West Oakland – would not directly qualify under the proposed definition of Disadvantaged Communities. Most critically, many of these same neighborhoods are also experiencing rapid demographic change and are highly vulnerable to displacement of low-income residents to areas with significantly less transit service. Under the proposed approach, too many low-income and environmentally burdened communities in the Bay Area would be moved to the back of the funding line.

We respectfully urge you to consider alternatives that capture the Bay Area’s communities already known widely to face significant economic and environmental disadvantages. This could be done in a number of ways such as: identifying the top 40% of CalEnviroScreen 2.0 census tracts; establishing a methodology that allows tracts to score highly in environmental or economic factors; or considering more refined methodologies. In particular we see advantages to the alternative put forward by the Bay Area Air Quality Management District (BAAQMD) as “Method 6.” BAAQMD Method 6 builds on the CalEnviroScreen approach yet more accurately reflects regionally vetted definitions of disadvantaged communities, and the Bay Area’s state-mandated plans to reduce GHG. In addition, we agree that whatever tool is adopted ought to account for cost of living differences and that the use of “rent burden” is an appropriate way to make this adjustment given that the cost of living differences are largely due to the cost of housing. This is particularly appropriate given the potential negative health effects of residential instability resulting from displacement, and households over-burdened by housing costs.

### ***Comments on ARB’s Interim Guidance on Investments to Benefit Disadvantaged Communities***

BART appreciates ARB’s work to date to offer interim guidance on what it means to “Be Located Within” or “Benefit” Disadvantaged Communities. In particular we acknowledge the challenge that ARB faces in establishing these definitions for the Low Carbon Transit Operations and Transit and Intercity Rail Capital programs, given that the benefits of transit are in connecting multiple communities, and in particular key job centers and other areas of opportunity. Hence we acknowledge the challenge ARB has faced in applying Census tract-based definitions to investments that are made at the corridor or regional scales.

Given this fact, BART fully supports ARB’s work to keep the definitions of “benefiting disadvantaged communities” broad and flexible for the transit programs. BART supports the use of the half-mile radius for some types of investments given the greater propensity of commuters living within a half-mile to walk to transit stops. The application of zip codes, or other methods which acknowledge travel corridors, could be acceptable, and presently offers much-needed flexibility to offset CalEPA’s limited proposed definitions of Disadvantaged Communities.

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<sup>1</sup> In a 2012 survey of BART riders, 36% of respondents had a household income below \$40,000 (roughly 200% of the Federal Poverty level), vs. 28% of Bay Area households in the American Community Survey. 12% of respondents were classified as Limited English Proficient. 23 of our 41 stations are in Census tracts with a concentrated share of low income households, and 21 stations are in Census tracts with a concentrated share of minority residents, compared with our 4-county service area (Alameda, Contra Costa, San Francisco, San Mateo).

It appears that further clarity is needed on what it means to “improve transit” in a way that benefits Disadvantaged Communities, and it is unclear if this is part of CalSTA’s forthcoming work on the transit programs. Some of the language in the guidance suggests improvements will be focused on increasing frequency of service. BART recommends also including improved reliability of service, and capacity of service on high volume corridors, as investments that benefit Disadvantaged Communities. Travel reliability and on-time performance are important for all BART customers, but are essential for low-income shift workers who are on rigid schedules or balancing multiple jobs, and who may be traveling at non-peak hours when more frequent track or station repairs could result in unpredictable service.

BART’s top three capital priorities – replacing our aging train cars, modernizing our train control system, and improving the Hayward Maintenance Complex – are focused on maintaining BART’s on-time performance and reliability, and expanding train and station capacity to safely and comfortably serve anticipated demand. These improvements benefit all of our riders – in particularly our more transit-dependent riders in disadvantaged communities.

BART looks forward to continuing to follow the development of guidance for this exciting program, and appreciates the opportunity to provide ongoing input. Thank you for your thoughtful consideration of these comments.

Sincerely,



Val Joseph Menotti  
Planning Department Manager