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September 15, 2014

Matt Rodriquez
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95812

Dear Secretary Rodriquez,

The Peninsula Corridor Joint Powers Board (Caltrain), the San Mateo County Transit District (SamTrans) and the San Mateo County Transportation Authority applaud the State for passing the Fiscal Year 2014-2015 budget and trailer bill for long-term Cap and Trade transportation funding. The new transportation investment programs offer Peninsula communities an unprecedented opportunity to secure funding for our region's most critical infrastructure improvements to accommodate population and job growth, improve air quality, and reduce traffic congestion.

As directed in the legislation, your agency, in cooperation with the Air Resources Board must identify disadvantaged communities (DACs) and develop guidance for State agencies on approaches to maximize benefits to these communities.

We strongly support the intent of SB 535 (DeLeón, 2012) and SB 862 (2014) to ensure that a minimum percentage of funds be used for investments located within and for the benefit of DACs. As the state's second largest metropolitan region with an extremely high cost of living, we support state policy designed to ensure that Cap and Trade auction proceeds benefit our region's low-income communities.

However, we have concerns with the five proposed methods in identifying DACs using the CalEnviroScreen 2.0 tool and encourage you to adjust the tool to get a more accurate assessment of communities in need.

CalEnviroScreen requires that in order for a census tract to be identified as a DAC, it must score relatively high on virtually all 19 criteria. Under this approach, many communities that are severely disadvantaged in terms of key risk factors, such as income, air quality, asthma rates and low birth weight fall outside of the DAC threshold. As a result, in the San Francisco Bay Area, where 13% of the state's residents live below the federal poverty line, CalEnviroScreen estimates less than 3% of the residents live in a disadvantaged community. Under this approach, too many low-income and environmentally burdened communities in the Bay Area are excluded.

Given the limited locations determined to be a DAC using CalEnviroScreen, a transit agency may only have one or two small communities in its service area that is designated as a DAC. The transit agency will then be forced to spend up to 50 percent of the money received under the various cap and trade programs on projects and services in those communities. For example, within the SamTrans service area, only two census tracts qualify as a DAC under any of the five methods. Under the Low Carbon Transit Operations Program, we would be forced to direct 50 percent of our funds to these two areas at the expense of providing valuable transit service in other areas in need where larger reductions in greenhouse gases could occur.

The CalEnviroScreen tool should be adjusted to account for pollution burden and population characteristics that take into consideration regional characteristics such as housing affordability, rent burden, cost of living, proximity to diesel particulate matter emissions, and vehicle miles travelled on heavily congested transit corridors. We also recommend the removal of the pesticide variable as it is unfair that Bay Area residents exposed to pesticide are ignored simply because the exposure is not in an agricultural context.

In addition, we urge you to set the threshold for determining disadvantage at the top 30% rather than 20% or 25% to minimize overlooking disadvantaged communities whose scores might be on the cusp of the stricter thresholds.

Finally, we respectfully encourage you to take more time to identify disadvantaged communities and the method for determining project benefit so that you can carefully consider public comments before you make a final decision. Given the millions of dollars in high-profile public funds at stake and the scores of worthy projects that will be vying for funding, it is imperative that state agencies develop the program guidelines in a transparent manner that allows for meaningful public input.

We look forward to working with you to create and implement programs that demonstrates the State's commitment to improving air quality, relieving congestion, and growing our economy by providing Californian's with the improved transportation infrastructure they deserve. If you have questions or need more information, please feel free to contact me anytime at (650) 508-6221 or via email at scanlonm@samtrans.com.

Sincerely,



Michael J. Scanlon
General Manager/Chief Executive Officer/Executive Director

Rodriguez
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cc: Senator Jim Beall
 Senator Ellen Corbett
 Senator Jerry Hill
 Senator Mark Leno
 Senator Bill Monning
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