



CONTRA COSTA
**transportation
 authority**

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September 15, 2014

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 Secretary, California Environmental
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Ms. Mary Nicols
 Chairman, California Air Resources
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**Subject: CalEPA Identification of Disadvantaged Communities & ARB Interim
 Guidance**

Dear Secretary Rodriguez and Chairman Nicols:

The Contra Costa Transportation Authority 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.

While the Authority strongly supports the goal of investing for the benefit of disadvantaged communities, we have serious concerns about using the CalEnviroScreen's 20% cutoff (Method 1) to identify these communities. Clearly, current law allows CalEPA to use population-based or environmental metrics when establishing its definition of disadvantaged communities. By requiring that a census tract score relatively high on virtually *all* 19 criteria, CalEPA's proposed Method 1 would eliminate too many low-income and environmentally-burdened communities in Contra Costa and the Bay Area from potential funding.

Many communities that are severely disadvantaged in terms of income, air quality, asthma rates, low birth weight and other factors nonetheless fall outside of the top 20% threshold. Consider the following counterintuitive results of Method 1:

- Of the top 10 most impoverished census tracts in the Bay Area — where poverty rates exceed 70 percent— not a single one is included in CalEPA's definition.
- Of the 46 census tracts that are identified by Method 1, 20 are census tracts where the poverty rate is actually less than 50 percent.

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In Contra Costa, some of our most disadvantaged communities fall outside the top 20% boundaries from CalEPA's Method 1. They include large portions of the cities of Richmond, San Pablo, Pittsburg and Antioch as well as the unincorporated communities of Rodeo, Tara Hills and Bay Point.

We respectfully urge you to consider the alternative put forward by the Bay Area Air Quality Management District as "Method 6," as well as their recommendation to remove the pesticide variable as it is unfair that Bay Area residents exposed to pesticide are ignored simply because the exposure isn't in an agricultural context. 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. Lastly, we urge you to set the threshold for determining disadvantage at the top 30% rather than 20% or 25% so as to minimize overlooking disadvantaged communities whose scores might be on the cusp of the stricter thresholds.

We are aware of the extensive time and energy that OEHHA and CalEPA staff has spent creating and improving upon CalEnviroScreen over the last two years. Rather than asking that the CES be jettisoned altogether, Method 6 builds on that work.

What does Method 6 look like for the Bay Area?

- It includes 221 census tracts, home to approximately 938,000 Bay Area residents.
- 90% are transit priority areas where the region is trying to focus growth.
- 71% have 30% or higher concentration of households living in poverty.
- 62% are considered "rent-burdened," where at least 15% of households are spending 50% or more of their income on rent
- Over 2/3 are MTC Communities of Concern

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.

ARB's scheduled adoption of its interim guidance on September 18 — just two full days after the close of public comment— leaves little opportunity for ARB

staff to consider these comments before finalizing their proposal. CalEPA has indicated a similarly rushed schedule with plans to finalize identification of DACs by the end of September. It is not clear to us why these decisions need to be made so quickly, and we therefore respectfully ask for an extension of the timeline for adoption of the interim guidance.

Thank you for the opportunity to comment on the proposed guidance.

Sincerely,



Randell H. Iwasaki

Executive Director

cc: CCTA members
Bay Area Congestion Management Agencies
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Ezra Rapport, ABAG
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