



May 19, 2021

Secretary David S. Kim
California State Transportation Agency
915 Capitol Mall, Suite 350B
Sacramento, CA 95814

Re: Public Comments on the Draft California Action Plan for Transportation Infrastructure (CAPTI)

Secretary David Kim and CalSTA/Caltrans staff:

The undersigned organizations thank California State Transportation Agency (CalSTA) and Caltrans staff and leadership for their hard work putting together the draft California Action Plan for Transportation Infrastructure (CAPTI). The CAPTI is a critical next step in moving forward Executive Order N-19-19, which directs CalSTA to align its transportation spending with the State’s climate goals and objectives--reducing fuel consumption, greenhouse gas emissions, congestion and vehicle miles traveled. We are supportive of the overall direction of this plan, given the powerful potential of billions of state transportation dollars to help remediate the devastating impacts of climate change, the heartbreaking public health consequences of air pollution from vehicles, and the deep social injustices that have starved low-income, rural, unincorporated and BIPOC¹ communities of investment, rights, and mobility options for far too long.

Leadership Counsel for Justice & Accountability works alongside low-income and rural communities in the San Joaquin and Eastern Coachella valleys to advocate for just policy and eradicate injustice, including in transportation, climate, land use and housing planning & investments. Along with the undersigned organizations, we believe that in order to meet the

¹ BIPOC = Black, Indigenous & People of Color

climate goals laid out in E.O. N-19-19, the framework and strategies of CAPTI must also include tangible commitments to environmental, social, and racial justice. For climate solutions in transportation to be sustainable, equitable and effective, they necessarily must be intertwined with a climate justice approach and direct investments in community-identified projects. We are pleased that the CAPTI acknowledges some key transportation equity and environmental justice issues, and we urge CalSTA to strengthen and add to these strategies to ensure more targeted investments that will directly support historically-excluded communities and address the equity and justice goals that the agency has expressed a desire to confront, both through the CAPTI process and beyond².

Below, we offer recommendations and comments on 1) CAPTI's overarching framework, 2) several of the plan's specific strategies, and 3) the implementation plan. It's been a year and a half since N-19-19 was issued and it is time to move forward, as soon as possible, with implementation of this plan.

1. CAPTI's Overarching Framework and Guiding Principles

We appreciate CalSTA and Caltrans' efforts in developing thoughtful Guiding Principles aimed at prioritizing a climate-conscious transportation system. These principles make it clear that agency staff have been listening to stakeholders and advocates, who have been elevating solutions that address the current climate crisis. However, not elevated to the extent it should be is the destructive role that many transportation investments and projects have had in BIPOC communities. In addition to acknowledging in more depth this harm that has been done, this document and the Guiding Principles section should also include stronger language prioritizing community-driven investments through robust meaningful community engagement. This principle must then be implemented through the requirement to include community-developed projects, in all programs, especially those with the largest allocation of funding (i.e. the SHOPP).

The Guiding Principles regarding zero-emission vehicles and transportation systems also need to go further. The heavy pollution exuding from vehicles and freight is only part of the problem for environmental justice communities. These communities share a disproportionate burden of heavy-duty traffic consistently going through their neighborhoods. This not only pollutes their air, but even with zero-emission low-, medium-, and heavy-duty vehicles, several burdens remain. Zero-emission technology does not address the increased unsafe walking, biking, and driving conditions that heavy-duty vehicles and increased traffic may cause. It also does not reduce the wear and tear on a community's infrastructure. Nor does it reduce the augmented vibrations and noise residents experience, or improve their overall ability to enjoy their home and community. These principles should be improved to include language that promotes community-driven truck route changes and addresses the basic infrastructure disparities in rural and low-income communities where zero-emission infrastructure is currently not feasible. We discuss this further in part 2B of this letter, below.

² Statement on Racial Equity, Justice and Inclusion in Transportation (June 12, 2020)
<https://calsta.ca.gov/press-releases/2020-06-12-statement-on-racial-equity>

As California’s housing crisis has only worsened through the pandemic, California’s state agencies must work collaboratively to ensure a right to safe affordable housing for all Californians. Housing costs continue to significantly increase while housing protections, preservation, and productions remain low. Transportation investments must support California’s housing goals to produce more affordable and infill housing to help achieve our overall climate goals to reduce vehicle miles traveled and greenhouse gas emissions. We appreciate the inclusion of a principle that touches on these issues and part (f) below, we offer specific suggestions for these goals that should be included in the CAPTI.

2. Recommendations for CAPTI Strategies

Below, we provide comments on the specific strategies in the CAPTI draft, including the need to:

- A. Stop investing heavily in highway expansion
- B. Address goods movement and warehousing in environmental justice (EJ) communities
- C. Refine and strengthen community engagement and equity strategies
- D. Invest in low-income rural & unincorporated communities
- E. Increase the Active Transportation Program in a sustainable, long-term way; and
- F. Ensure transportation funding supports equitable, land use and housing
- G. Avoid unintended consequences and inequity in overburdened and rural communities

a. CAPTI should in no way perpetuate highway expansion.

Given that one of CAPTI’s main goals is to reduce greenhouse gas emissions, public health harms and reduce VMT, the plan—and specifically the programs that the agency has discretion over—should no longer fund highway and capacity expansion projects. Highway expansion projects have been shown to “induce demand” for more driving, and yet these projects are too often credited with traffic congestion relief³. These projects additionally exacerbate air quality and public health problems in highway-adjacent and traffic-impacted communities. We support strategies, such as 1.1, that prioritize projects which provide VMT- and air pollution-reducing alternatives to highway expansion, such as transit and active transportation. This prioritization should be expanded across as many investment programs as possible, including safety programs. Similarly, we support the strategies that invest in efficient and equitable mass transit and active transportation projects that reduce driving and increase connectivity throughout the state.

b. Strategies must meaningfully address the proliferation of goods movement and warehousing in and around EJ communities

³ “Interview: California Freeway Expansion Projects Induce Travel, and Underestimate Impacts of Additional Driving,” Streetsblog. Feb 17, 2021: <https://cal.streetsblog.org/2021/02/17/interview-california-freeway-expansion-projects-induce-travel-and-underestimate-impacts-of-additional-driving/>

In the face of the expanding logistics and goods movement industries, concrete strategies must be adopted in the CAPTI that protect communities near heavy duty trucking. Fundamentally, this should include a community planning process for warehousing-impacted regions to determine what the future of goods movement in their regions should look like, and how the transition to more sustainable industry and ZEVs can happen swiftly and safely. We urge CalSTA to work with the Office of Planning & Research (OPR) and the California Air Resources Board (CARB) for the forthcoming Just Transition Roadmap and 2022 Scoping Plan, respectively, which should each proactively address the future of California's logistics and goods movement industries and detail how local communities will be at the forefront of determining their local economic development.

Specifically, strategies 1.4 and 4.6 of the CAPTI should include specific measures that will reduce the amount of, and reroute, truck traffic currenting going through and around DACs, develop new ZEV infrastructure along highly-trafficked truck routes in DACs, and respond to related concerns community members have long voiced regarding dust pollution, pedestrian and road safety, and noise pollution. In anticipation of the forthcoming Advanced Clean Fleets rule, transportation agencies should be taking new actions as part of CAPTI to identify where new ZEV infrastructure is most needed, according to truck density and concentrations of diesel particulate matter in disadvantaged communities along truck routes. We additionally recommend that CalSTA include specific detail about the parameters by which the TCEP guidelines will be updated, and how the CFMP project list will be prioritized.

**c. Refine and strengthen community engagement and equity strategies
(Strategy 3)**

We strongly appreciate the agencies' efforts to take seriously calls for stronger community engagement in transportation planning and implementation and the intent to develop and incorporate best practices, establish Transportation Equity and Environmental Justice Advisory Committee(s), and evaluate/strengthen technical assistance. We also support the innovative recommendation in Strategy 7.3 that substantively addresses historical racism in transportation and highway building. Regarding community engagement (CE) best practices, there are many existing resources on the topic, and we urge Caltrans and CTC not to reinvent the wheel and to be thoughtful about the asks of communities' time in identifying these practices. Unfortunately, the CAPTI does not require CE best practices to be implemented, so we ask that CTC commit to adopting, as soon as possible, overarching CE requirements into all funding programs in a way that targets underserved communities of color, low-income, rural and unincorporated communities.

Additionally, while community engagement is a critical component of transportation equity, it is certainly not, and must not be thought of as, the only way to address equity. In addition to our comments above on specific equity and environmental justice needs in trucking and warehousing, we want to emphasize the importance of directly translating CE partnerships into actual community-identified investments in underserved communities, especially low-income and Black, Brown, Indigenous, Latinx and Asian communities. For this reason, we support the

Caltrans Equity Index (Strategy 3.4), to help evaluate *and prioritize* projects based on equity indicators. We have the following recommendations for this tool:

- The index should be developed in collaboration with community-based justice and equity experts, community members, the recently-formed CTC Equity Advisory Roundtable, CARB's EJAC, and other similar EJ committees or commissions of local agencies
- The index should include a health impact analysis component of transportation projects/investments/policies, which should also be incorporated into each funding program;
- To serve its purpose, the index must be used not just for evaluation purposes, but must factor into the prioritization of projects, both through SB 1 and other local projects funded with state dollars. Consider using the index to create a scoring structure and work with equity and community-based experts to identify a minimum threshold requirement to receive funding or approve projects; in addition, CTC should consider adding a set-aside for all programs that draw on the equity analysis.
- Include a public comment period in the development of the equity index
- When considering "equity," make sure to consider and incorporate communities with particular needs, who are too-often underrepresented in transportation conversations, such as disadvantaged unincorporated communities, differently-abled individuals, and Indigenous and Native communities. Below, we also discuss the role of rural communities.

Additionally, for programs that have the potential to reduce air pollution, such as Strategy 2.3, we urge CalSTA to enact stronger equity-based prioritization based on which jurisdictions have higher air pollution levels and lower capacity. Many jurisdictions lack resources to competitively apply, though they may have good, community-driven projects. We provide additional recommendations to further strengthen the equity components of CAPTI in the below sections on rural communities and housing.

d. Invest in low-income rural & unincorporated communities, who have a role to play in addressing climate change from transportation, land use and housing

Strategy 2.5 in the CAPTI proposes a discussion of rural transportation solutions. Unfortunately, this strategy falls short of direct investment and commitment to rural transportation projects. Low-income communities in rural areas, including unincorporated neighborhoods, must be supported by direct investments in infrastructure and projects that provide for residents who have been long excluded from investment due to past and present racist land use policies. In order to respond to climate change impacts, adaptation and mitigation across all geographies, the CAPTI should commit to dedicating sustainable investments into alternative, zero emission transportation projects in rural communities.

Additionally, mobility and active transportation investments in rural communities must include operations and maintenance funding that will sustain projects and operations in those

communities for the long-term. Rural communities have experienced frustrations with receiving grant funding for capital projects, only for those projects to become inoperable or dormant because they cannot be sustained without operations and maintenance funding. For example, the community of Lanare experienced this with their drinking water treatment facility more than a decade ago. The community was able to build a treatment facility with grant funding, but was unable to sustain the operation and maintenance without it. Additionally, the community of Ivanhoe has been unable to secure a willingness to serve commitment from their local public utility district and the County of Tulare for housing and park projects they want to pursue. Without a secure operations and maintenance commitment, the community is unable to apply for or be competitive in funding programs such as Urban Greening or AHSC. Each of these programs and needs for basic infrastructure are intertwined with transportation projects and funding and the State's role in supporting local processes.

These communities are also the recipients of disproportionate climate change impacts, often due to lack of basic infrastructure and services. Alternative transportation projects that look beyond single occupancy vehicles and expanding highways and roadways include electric vanpool and car share, electric scooter, bike, and car shares, and active transportation infrastructure. Rural communities' roads are often in poor condition and unsafe for pedestrians and bicyclists. Investments must also support road repairs and speed calming measures to be eligible for funding in rural communities in a way that is determined by residents. Furthermore, interconnectivity and economic development are a must in order to work towards the sustainability of rural communities. For example, enhancing infrastructure and accessible and electric transit between rural communities and key destinations such as health clinics, grocery stores, places of work, and green spaces can bridge these accessibility divisions.

Rural communities face barriers in applying for transportation grant funding that qualify them as competitive. Such barriers are the requirement of existing infrastructure, amenities, and population size in the communities applying for investments. It is imperative to remove these barriers in transportation programs so that rural and unincorporated communities can compete and be wholly considered for funding.

e. Mobilize both existing sources and new funding to support an increase in the Active Transportation Program (ATP) - Strategy 2.4

The Active Transportation Program is a unique, critical and highly oversubscribed program that supports the clean, health-promoting, active mobility options and provides targeted funding to disadvantaged communities. These investments help build supportive infrastructure for sustainable communities where people can safely walk, bike and roll and we support the proposal the draft CAPTI to expand funding for this program.

Reaching the goal of E.O. N-19-19 is not simply about adding more money to programs, but in addition, it is about reorganizing the State's priorities for transportation investments in a way that will provide sustainable, longer-term funding for climate and equity centered programs like ATP. For this reason, we appreciate that the CAPTI's proposal includes re-prioritizing existing funds

to create a *sustainable increase* to the ATP. There are currently billions of dollars going to projects that expand highways--going against everything the State is moving towards regarding sustainable transportation, housing and land use--that should be instead used to meet the mobility needs of residents and reduce emissions. For example, CAPTI notes that the ATP receives only \$223 million per year, an amount only ~5% of the SHOPP's \$4.2 billion. An increase to the ATP is needed and this increase must facilitate structural change as well as long-term--rather than just one-time--funding. While we support the concept of an additional one-time increase to ATP with General Funds, this must not replace the CAPTI's proposal.

We urge CalSTA to work with CTC to increase funding for this program in a way that both provides new funding and ensures the structural, long-term changes that will prioritize equity, climate and public health over capacity expansion projects.

f. Ensure transportation funding supports equitable, land use and housing

We appreciate strategy S7.1 to leverage transportation investments that would incentivize infill production. To guarantee this goal is met, we recommend that CalSTA, rather than simply suggest this, commit to adopting incentives and requirements for funding programs that support "location-efficient and mixed-use housing production." To the extent statute allows, there should be requirements laid out in the guidelines requiring jurisdictions to include or have proactive anti-displacement procedures in place. Moreover, these measures should be incentivized through a program's scoring criteria. Some examples include requirements or point allocations for transportation projects that include:

1. Facilitating housing projects with strong affordability requirements such as having an average area median income of 50% for the project.
2. Affordable infill housing projects that are placed in high opportunity areas. This can be reflected with a higher median household income or higher rates of households with bachelor degrees than the regional median or rates.
3. Jurisdictions with reduced impact fees on affordable infill projects.
4. Jurisdictions with anti-displacement policies such as rent stabilization or rent control, just cause evictions, inclusionary zoning, tenant legal counseling programs, and so on.

Prior to implementation of S7.2- Create Working Group, CalSTA should analyze existing research and programs that are already doing this or have studied these questions. For instance, the Strategic Growth Council has funded several research studies that look at this and have included similar requirements in their Affordable Housing and Sustainable Communities Program. To the extent a Working Group is necessary, we urge CalSTA to look beyond typical stakeholders and work with groups directly in or from communities affected by displacement, including rural communities that are often forgotten. Recommendations from this group must also include strategies that address the unique issues rural, unincorporated communities face.

g. Carefully reconsider Strategy 6.1 - Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects - to

avoid unintended consequences and inequity in overburdened and rural communities

We are concerned that Strategy 6.1, in particular the state-wide mitigation banks proposal, replicates pollution-trading schemes like Cap and Trade, which attempt to balance out increases and decreases (VMT in this case) in different parts of the state. While we completely understand the unique needs of rural communities--as we describe above--we also know how credit-purchasing models like this can easily end up perpetuating the idea that climate solutions do not exist and that VMT-reduction is not possible in rural communities. In reality, *with the proper investment and policy levers*, VMT, GHG and air pollution direct reductions *are* possible. The State should aim for VMT, GHG, and air pollution reduction first, and not allow a highway expansion project in rural Merced County, for example, to be “offset” by a transit project in the Bay Area, or even in a nearer city. Any mitigation strategies to help jurisdictions comply with SB 743 would have to be highly locally constrained, carefully thought out, and directly informed by local communities, but we urge CalSTA and partner agencies to focus on direct reductions.

h. Additional strategies that should be included:

We strongly urge CalSTA to include a strategy in the CAPTI that enables communities and municipalities to invest in innovative local community-building and capacity-building initiatives that also lay the groundwork for long-term transformation of local transportation systems and infrastructure. Types of projects that should be encouraged and explored within this frame are safe and active streets; “15-minute cities” that are inclusive of unincorporated areas as well; improving mobility around neighborhoods; education and community-building events focused on walking, biking, skating or scootering; community “bicycle kitchens,” incubators and community programming⁴; and making goods and services accessible closer to or within neighborhoods which historically have not had access. Initiatives similar--but not limited--to these that are designed by local communities and made possible by government support will lay the groundwork for the longer-term reconceptualization of sustainable communities and clean, healthy transportation across California.

3. Reporting & Implementation

We appreciate the breakdown of agency leads and timeframes in the CAPTI implementation chapter’s chart. We add that the status of implementation efforts and strategies outlined in the CAPTI should include accountability metrics and actions that will be taken to sustain progress for each strategy. We recommend that CalSTA report on the status of the strategies at relevant agency meetings, including CARB-HCD-CTC joint meetings. We also recommend that the CAPTI implementation include reporting of projected and actualized GHG reductions for relevant strategies (strategies where GHG reduction is a direct outcome) throughout implementation in order to inform the public and agencies of the strategies’ efficacy. We recommend a similar kind of reporting for equity outcomes as well.

⁴ Rich City Rides is an example of a bicycle advocacy organization with a skill-building and community-building component and other impactful community programs <https://www.richcityrides.org/>

Thank you again for the opportunity to comment on the draft California Action Plan for Transportation Infrastructure. We thank Secretary Kim, Darwin Moosavi, Tony Dang and other agency staff for their hard work and outreach efforts on this important plan. We look forward to working with you to move the CAPTI forward and are happy to discuss our recommendations at any time.

Sincerely,

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