



Alameda-Contra Costa Transit District

Mike Hursh, General Manager

October 21, 2016

The Honorable Matthew Rodriguez
Secretary, California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Dr. Lauren Zeise, Acting Director
Office of Environmental Health Hazard Assessment (OEHHA)
P.O. Box 4010
Sacramento, CA 95812-2815

RE: CalEnviroScreen 3.0 Draft comments

Dear Secretary Rodriguez and Director Zeise,

The Alameda-Contra Costa Transit District (AC Transit) is the largest bus-only operator in the Bay Area providing nearly 200,000 trips each day. AC Transit supports the goals of SB 535 and the intent of the CalEnviroScreen (CES) process. However, we are greatly concerned by the under-identification and potential significant loss of existing identified Disadvantaged Communities (DACs) in our service area and the Bay Area region that result from the changes proposed in the draft CES v3 update.

The CES is a well-intentioned but flawed tool, and with its complex analysis of 20 indicators it fails to classify many of the census tracts that are clearly disadvantaged in our service area as DACs. The combination of the indicators and the weighting used to combine them unnecessarily creates winners and losers by trying to factor in everything whether relevant and useful or not. Since CES is the only way that DACs are identified for Cap & Trade funding, how it is designed has very real consequences on funding awards and the communities where that funding is directed. The recent passage of AB 1550 (Gomez) only intensifies the importance of DACs and how they are identified. We are further concerned that the list of identified DACs is going to fluctuate significantly as the indicators and combinations are adjusted, making it difficult to plan for future investments.

CES v3 identifies only 56 Bay Area census tracts as disadvantaged, down from 85 in CES v2, which is less than 3% of the statewide total. AC Transit in particular bears the brunt of the changes in the Bay Area, with the 39 census tracts identified by CES v2 in our service area drastically cut to 23 by CES v3. This is where the method used by CES to combine the individual indicators falls woefully short. Communities that score high against many indicators but score low against a few indicators do not do well in the proposed system, whereas communities that score moderately high against all indicators do very well. This is misleading when the 20 indicators are aggregated by this method. An indicator may not make sense in the context of a community, yet it is still negatively affected in scoring by that indicator. AC Transit supports the use of the alternate "product of ranks" method proposed by the Bay Area Air Quality Management District, or a similar system where high scores in enough indicators properly recognize communities as disadvantaged and worthy of investment.

One example of this shortcoming of the CES that particularly hurts our service area is how most urban communities – especially the ones in the inner East Bay Area that we serve – score zero in the pesticides indicator *only because they are not in agricultural areas*. If comparable data is truly not available, then this indicator should not be used for non-agricultural areas. Conversely OEHHA could look to the multiple studies have shown that urban residents can be exposed to levels of pesticides as high as rural residents and find an acceptable method to give a realistic rating to non-rural areas. The California Air Resources Board (CARB) and some air districts are able to estimate urban pesticide use as part of their inventories, and OEHHA should look to these agencies for the relevant data if CES continues to combine all indicators for all communities.

The proposed changes resulting from CES v3 would also further constrain how we can spend our formula-based Low Carbon Transit Operations Program (LCTOP) funds. These funds are distributed to transit operators by formula, but for every operator with DACs in its service area, 50 percent of its LCTOP funds must be spent to benefit those DACs. The reduction in DACs in our service area will greatly reduce the options for making effective and efficient use of the available funds to benefit truly disadvantaged communities.

Finally, we are concerned about the dramatic changes in DACs that meet the top 25% threshold based on the proposed change in CES v3. The significant reduction in DACs in our service area means that we will need to make changes to projects we have already identified for future Cap & Trade funding. This long term planning process is especially important for funding programs with longer program cycles. For example, the next Transit and Intercity Rail Capital Program will be a five-year project programming cycle. With such an extended time frame, we will need to identify projects that are eligible for funding several months before the application deadline and *that will remain eligible throughout the funding cycle*.

Communities and conditions change over time, and it is understandable that CalEPA would want to adjust or improve the CES and its indicators. That should be tempered by the fact that the output of the CES has an impact on major planning and funding decisions, and relatively large swings in the output of CES due to changes in methodology – and not by actual changes to communities – have real consequences. We request that OEHHA work with CARB on a process to buffer the planning and funding process from technical changes to CES.

We hope you will take into account our comments and reconsider implementing CES v3 in its current draft form. While your agencies do not administer the Cap & Trade funding programs, you play a pivotal role in determining where investments can occur by defining which communities qualify as DACs. The established link between CES and Cap & Trade programs has major geographic, economic and financial impacts, and it is therefore imperative that they are thoroughly examined when proposing changes to CES.

Sincerely,



Michael Hursh
General Manager