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**October 21, 2016**

**Honorable Matt Rodriquez, Secretary  
California Environmental Protection Agency (CalEPA)  
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, California 95812-4010**

*Transmitted Electronically*

**SUBJECT: Comments on Office of Environmental Health Hazard Assessment's (OEHHA's) draft version 3.0 of CalEnviroScreen (CES 3.0).**

**Dear Secretary Rodriquez and Director Zeise:**

**The Alameda County Transportation Commission (Alameda CTC), the Congestion Management Agency (CMA) and transportation sales tax authority for Alameda County, is writing you to provide comments on the Office of Environmental Health Hazard Assessment's (OEHHA's) draft version 3.0 of CalEnviroScreen (CES 3.0).**

**CES 3.0 is a draft, updated version of the statewide screening tool used to identify disadvantaged communities for purposes such as Cap and Trade and Active Transportation Program related grants. CalEnviroScreen (CES) has been adopted for use in prioritizing investments of Cap & Trade auction proceeds as prescribed by Senate Bill 535 (SB 535; De Leon 2012) and subsequent legislation.**

**Alameda CTC is supportive of the increased focus by state agencies and funding programs on ensuring that disadvantaged communities are properly identified and funded when transportation dollars are allocated. We further believe that an effective tool for identifying communities of concern will help Alameda CTC and local agencies in making a number of funding decisions.**

**The current scoring method used in CES 3.0, in combination with a top 25% cutoff, identifies only a limited set of the various ways that communities can be disadvantaged. With the scoring method it currently employs, CES 3.0 may identify some types of disadvantage, but overlooks others that are arguably more important, and by requiring too many criteria to be met, it excludes some communities that are deeply disadvantaged in a focused number of categories.**

Despite concerns expressed by a variety of interests ranging from public health, legislators from the Bay Area, and rural communities with respect to the exclusion of hundreds of low-income communities, CES3.0 continues the same approach as earlier versions resulting in many communities that are truly disadvantaged. Under the formula for CES, areas that score “high” on some factors, but not high enough on others, are easily overlooked. CES3.0 even excludes dozens of tracts that score in the top 10 percent for exposure to diesel particulate matter or other environmental variables. The exclusion of low-income/high-diesel tracts is especially troubling considering that 60 percent of cap and trade funds are dedicated to affordable housing and clean transportation, programs for which socioeconomic factors and air pollution are the most relevant.

The proposed changes resulting from CES3.0 would further constrain how transit operators can spend their formula-based Low Carbon Transit Operations Program (LCTOP) funds. These funds are distributed to transit operators by formula, but for every operator that has a DAC in its service area, 50 percent of its LCTOP funds must be spent to benefit a DAC. Operators with few DACs in their service area have been frustrated that this requirement steers investments to projects and services in areas that might not need new investment and that don’t serve the transit-dependent, low-income areas that would most benefit from service improvements.

In conclusion, we respectfully urge you to reconsider your approach in CES 3.0 and broaden the definition of DACs so that it includes all areas that are the most socioeconomically disadvantaged regardless of how they score on the pollution variables. To further target funds so as to maximize environmental benefits, applications for specific programs could be assigned extra points based on the project area’s level of pollution/exposure relevant to the funding program (e.g. for clean heavy duty vehicle funding, assign higher scores for proposals from areas with high diesel emissions). While your agencies don’t administer cap and trade funds, you play a pivotal role in determining where investments occur on the basis of defining DACs. As such, we request that you define DACs in a manner that ensures cap and trade funds are spent effectively and where they are most needed.

Alameda CTC joins other Bay Area agencies, such as the Metropolitan Transportation Commission and the Bay Area Air Quality Management District, in requesting CalEPA and OEHHA not implement CES 3.0 until it has been more fully vetted and modified in order to accurately identify disadvantaged communities in a manner that is consistent statewide, but also accurate in an urban context. Thank you for consideration of these comments.

Sincerely,



for

ARTHUR L. DAO

C: Alameda County Transportation Commission  
Steve Heminger, MTC  
Jack Broadbent, BAAQMD