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August 13, 2021

VIA ELECTRONIC DELIVERY

Secretary Katherine Theoharides
Massachusetts Executive Office of Energy and Environmental Affairs

Transportation and Climate Initiative
c/o Georgetown Climate Center
Hall of States, Suite 422
444 N. Capitol Street
Washington DC 20001

Commissioner Basil Seggos
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Re: Comments on the TCI-P Draft Public Engagement Framework, Model Implementation Plan, and Strategies for Regional Collaboration

Dear Secretary Theoharides and Commissioner Seggos:

Thanks to you and the entire Transportation and Climate Initiative (TCI) Leadership Team, the Metropolitan Group, and state officials from across the TCI region for developing the Draft Public Engagement Framework, Model Implementation Plan and Proposed Strategies for Regional Collaboration.

The Alliance for Clean Energy New York (ACE NY), on behalf of our member companies, respectfully submits this letter to provide comments on these documents, which will ensure the implementation of a well-designed and equitable regional clean transportation program. Further, we urge New York to sign on to the TCI program (TCI-P) now before its full implementation in 2023.

I. Draft Framework for Public Engagement

ACE NY supports the six guiding principles for public outreach and public engagement outlined in this draft framework. These principles will ensure the TCI-P results in emissions reductions and investments in mass transit, electric vehicles, and other clean transportation programs particularly in low-income and communities of color historically burdened by transportation pollution. They will also help jurisdictions implementing or considering participation in the program gain meaningful community participation and input.

Specifically, we emphasize the need to build trust and encourage an open exchange of information (Principle 1) by ensuring that community input is respected and used to inform TCI-P decisions and programmatic activities (Principle 2). These two principles are mutually reinforcing. ACE NY

also supports the creation of an easily understandable dashboard to showcase TCI-P investments (Principle 2) and air quality monitoring information as a matter of transparency and accountability and to determine whether emission reductions are being realized in frontline communities.

Community partnerships (Principle 3) and making sure that public engagement sessions are accessible to a broad cross-section of stakeholders (Principle 5) will enhance participation and lead to an inclusive and robust TCI-P. We also endorse states investing in capacity building for both community and environmental/transit justice organizations and government agencies to ensure sustained engagement beyond the TCI-P implementation process, as highlighted in Principle 6.

II. Draft TCI-P Model Implementation Plan

We also strongly support the equity provisions in the TCI-P Model Rule and thus, should be prioritized in the state-specific implementation plans, especially establishing/designating equity advisory bodies. This should be done early in the process because the Equity Advisory Body is crucial to the implementation of an equitable TCI program. Advisory bodies should be well supported (in terms of capacity building, technical support, reimbursement or compensation) and have the authority to inform decision-making on low-carbon transportation policies and programs.

One of the first responsibilities of these bodies should be, with public input, to define and develop criteria to identify “underserved and overburdened communities.” This will determine where the minimum 35% of TCI investments in mass transit, transportation electrification and charging, energy efficiency, and other complementary programs should be targeted towards. New York State is currently undergoing a similar process to identify disadvantaged communities.¹ We are also in favor of advisory bodies having the ability to develop metrics for how and where TCI investments and complementary programs are directed to achieve demonstrable benefits for frontline communities.

ACE NY agrees that measures to enhance transparency and accountability should also be laid out in implementation plans to ensure that the TCI-P achieves its goals, specifically community air quality monitoring and reporting on expenditures and equity impacts. Communities should be actively involved in air quality monitoring while the equity advisory bodies should play a key role in these annual reviews and reports on expenditures. Moreover, in addition to ensuring that high-quality jobs are created, job training and workforce development targeting communities in need of employment opportunities and workers affected by the transition to clean vehicles and renewable energy should be prioritized.

III. Draft Proposed Strategies for Regional Collaboration

We appreciate and support the five proposed strategies for regional collaboration outlined in this document. Multi-state collaboration is essential for mutual learning and leveraging resources as well as coordinated action to address mobile transportation pollution and to achieve equitable outcomes, especially for a region for which its economy is so closely interconnected. ACE NY specifically endorses collaborative efforts around investing in expanding transit, biking and walking infrastructure, and in electric trucks and buses. This will maximize welfare, public health and climate benefits in particular for underserved and overburdened communities while also helping the region achieve its target for 30% of new trucks and buses are zero-emissions by 2030

¹ The [Climate Justice Working Group](#) is tasked with develop criteria to identify disadvantaged communities that will receive at least 35% of clean energy and energy efficiency investments, as required by New York’s Climate Act.

and 100% by 2050 under the Multi-State Medium- and Heavy- Duty Vehicle Memorandum of Understanding².

We also support equitable electric vehicle (EV) corridor planning and building out a robust network of EV fast chargers that will be publicly accessible and in specific sectors and locations that are convenient and encourage greater utilization. This will increase demand for EVs and ensure that all benefit from transportation electrification. ACE NY encourages jurisdictions to coordinate stakeholder engagement with frontline communities, environmental/transit groups, equity advisory bodies, the EV (of all classes) and charging industry, and other organizations to support planning efforts and achieve just outcomes in the deployment of EV trucks and buses and charging infrastructure. Public engagement should also be carried out to support collaborative air quality monitoring efforts. Furthermore, TCI-P investments should create workforce development opportunities for low-income and communities of color and the previously incarcerated as well as people with disabilities and veterans.

IV. The Great Opportunity of TCI-P for New York

We appreciate and support New York's continued engagement in TCI.³ However, transportation is the largest source of greenhouse gas emissions in the state. New York should join the TCI-P before it starts to reduce transportation pollution, maximize public benefits, and generate revenues for a clean and equitable transportation sector. Modelled revenue generation⁴ in New York would be up to \$1.4 billion for the period 2022 – 2032. Meanwhile, the predicted impact to gas prices is 5 to 17 cents per gallon.⁵ This increase is less than a typical year's fluctuation for gas prices.

Public revenues from the TCI-P can secure long-term, stable funding for mass transit, electric vehicles of all types and purposes, charging infrastructure, and biking and pedestrian infrastructure that will result in overall net savings to consumers while creating jobs and stimulating economic growth. Without this source of dedicated revenue, it is unclear how the numerous recommendations outlined by the Climate Action Council's Transportation Advisory Panel⁶ to transition to a low-carbon sector will be funded.

Under the TCI program, a minimum of 35% of investments will be directed towards mass transit, transportation electrification, energy efficiency and other complementary programs that equitably benefit disadvantaged communities, as required by New York's Climate Leadership and Community Protection Act. Adopting complementary policies is necessary to achieve a full transition to a clean energy economy and ensure the equitable distribution of its associated public health and economic benefits. Moreover, the equity provisions of the program will support the best overall design and implementation of the TCI program and advance just outcomes especially for communities disproportionately affected by transportation pollution.

² Multi-State Medium- and Heavy-Duty ZEV MOU, <https://www.nescaum.org/documents/multistate-truck-zev-governors-mou-20200714.pdf>

³ Statement of Support for TCI MOU by eight states, including New York (December 21, 2020), <https://bit.ly/3h85oOD>

⁴ Based on an analysis of the TCI program using projections from [TCI 2019 Cap-and-Invest Modeling Results](#) and calculations on the average annual allowance proceeds per state undertaken by [NY for TCI](#)

⁵ TCI (December 2019), https://www.transportationandclimate.org/sites/default/files/TCI%20Modeling-Results-Summary_12.17.2019.pdf

⁶ Climate Action Council Transportation Advisory Panel Recommendations, <https://climate.ny.gov/-/media/CLCPA/Files/2021-05-03-Transportation-Recommendations.pdf>

New York State policies to reduce carbon emissions from transportation are considerably less advanced than its policies to promote renewable electricity. It is critical that New York joins the TCI regional program now before its implementation in 2023, knowing that it will still take more than a year to analyze, develop, and implement this policy in New York.

ACE NY appreciates the opportunity to provide input on these TCI-P draft documents. We will continue to stand in support of TCI and work hand in hand to help shape a sustainable and equitable clean transportation program for the region and for New York State.

Sincerely,

A handwritten signature in black ink that reads "Deb Peck Kelleher". The signature is written in a cursive, flowing style.

Deb Peck Kelleher
Director, Policy Analysis and Operations
Alliance for Clean Energy New York

CC: Rebecca Isacowitz, Deputy Secretary for Energy and Environment