

# Joint Comments: TCI-P Draft Policy Statements

August 13, 2021

To: TCI Leadership Team: Kathleen Theoharides, Secretary, Massachusetts Executive Office of Energy and Environmental Affairs and R. Earl Lewis, Jr., Deputy Secretary, Maryland

Department of Transportation TCI Executive Policy Committee: Marty Suuberg, Commissioner, Massachusetts Department of Environmental Protection and Roger Cohen, Senior Advisor to the Secretary, Pennsylvania Department of Transportation

TCI Technical Analysis Workgroup: Christine Kirby, Assistant Commissioner, Massachusetts Department of Environmental Protection and Chris Hoagland, Economist, Climate Change Division, Maryland Department of the Environment

TCI Investment and Equity Workgroup: Garrett Eucalitto, Deputy Commissioner, Connecticut Department of Transportation, Kate Fichter, Assistant Secretary, Massachusetts Department of Transportation, Kirsten Rigney, Legal Director, Connecticut Department of Energy and Environmental Protection and Dan Sieger, Undersecretary of Environmental Affairs, Massachusetts Executive Office of Energy and Environmental Affairs

TCI Outreach and Communications Workgroup: Chris Bast, Chief Deputy, Virginia Department of Environmental Quality and Elle O'Casey, Director of Communications and Outreach, Vermont Agency of Natural Resources

Governors and Other State Officials: Connecticut, Delaware, New Hampshire, New Jersey, New York, North Carolina, Maryland, Massachusetts, Pennsylvania, Rhode Island, Vermont, Virginia

Mayor and Other City Officials: District of Columbia

The undersigned organizations and individuals are based in Maryland and have been following the process to develop the Transportation and Climate Initiative Program (TCI-P). We urge you to ensure that the TCI-P is effective and equitable. To those ends many of the undersigned individuals and organizations submitted comments individually

and/or jointly on the Draft Model Rule in May. We also reviewed and discussed the package of updates and new materials released for public comment in June. We offer comments and recommendations on the following aspects of the program and ask you to revise the draft policy statements and/or the Model Rule to better address them.

## Air Quality Goals and Air Quality Monitoring

Disadvantaged communities usually have the worst air quality; therefore, the guiding principle must be to improve the air in those communities first.

The air quality monitoring plans in the draft policy documents are vague. The use of technical experts and inclusion of experts on the Equity Advisory Bodies in each state are very important steps. We respectfully suggest that the planned air quality monitoring be hyperlocal. Studies such as one looking at mobile emissions in Newark, New Jersey (attached) have provided valuable information on sources and levels of pollution in communities. However, they must often rely on modeling due to the lack of sufficient air quality monitoring. An approach worth considering is an amendment to the INVEST in America Act introduced in the House this session that calls for detailed monitoring in communities where pollution hotspots are located (see [press release](#) from the House Select Committee on the Climate Crisis). It is unclear what will be included in the final reconciliation package in Congress, so it is important that TCI jurisdictions have their own detailed plans.

Additionally, not all sources of air pollution will be affected by the TCI-P proposal. This includes air pollution from energy generation and air pollution blown in from outside jurisdictions. What modeling has been done to estimate the regional reductions with time that are to be expected? This would greatly help inform the program review to be conducted at three years to assess whether goals are being achieved or if they should be ratcheted up.

We realize that the initial goals of TCI are a compromise to enhance chances for adoption. However, with the release of the IPCC press report (attached) on August 9, 2021 indicating that the climate crisis is proceeding at a more rapid clip and that more drastic action is necessary, we respectfully request that the goals be readjusted now from the inception to be in-line with what is needed to stave off disaster. From the IPCC: In model pathways with no or limited overshoot of 1.5°C, global net anthropogenic CO<sub>2</sub> emissions decline by about 45% from 2010 levels by 2030 within 40–60% interquartile range (see [report on Global Warming of 1.5° C](#) from the IPCC Intergovernmental Panel on Climate Change).

## Public Engagement

This section has several guiding principles. The overarching principle, to allow communities to have a stake in the TCI process and own parts of it, seems to be missing. While an Equity Advisory Body is an important first step, it cannot single-handedly ensure equity within the TCI-P. There are established ways to work towards more comprehensive public engagement and mitigation of discriminatory impacts. With that in mind, we offer the following feedback for strengthening public engagement in the TCI-P.

- Though equality and equity are distinct goals, TCI-P has an obligation to work towards both as a means of addressing disparities. To achieve this purpose, the Model Rule must more explicitly include specific Title VI Public Participation Guidelines, as required by USDOT Federal Transit Administration. There are specific criteria, guidelines, and programs that distinguish successful agency programs in ensuring meaningful public participation (see California EPA's Public Participation Manual). The Model Rule should use Title VI as an example of what TCI-P jurisdictions should and should not do in engaging the public.
- Community members need to know the levels of pollutants to which they are exposed, and agencies need to learn from the community the public health impacts they are experiencing in order to address the harm.
- Agencies need to have a clear understanding of the proactive strategies, procedures, and desired outcomes for their public participation activities. Their public participation plan should be guided by an internal review of how, when, and why public involvement is critical.
- The Model Rule should not only recommend specific actions to ensure meaningful public participation in transportation emissions decision-making but also note that there are important indicators for when a public participation program is not successful. If one or more of these indicators is present, the underlying cause(s) should be examined because there are reasons that these circumstances might occur, even if the program itself is sound. It is critical to the success of the program that gaps that result in less meaningful public participation be quickly identified and corrected.
- The goal of any public participation process must be to empower communities to advance local residents' causes, to educate the public, and to influence local policymakers through the voices of the local community affected residents. The program must give communities the power to decide and empower grassroots leaders to develop actionable strategic plans for environmental equality within the affected frontline and fenceline communities.

Additionally, we offer the following responses to the questions posed in the draft framework for public engagement.

*1. Is anything missing from this proposed public engagement approach that is important to you?*

Under Principle number 1), labor and youth should be particularly included. Youth face specific problems when riding public transit to school, and the school bus system is often overlooked. Also, “meaningful and effective public engagement” should be spelled out, with definitions and/or examples of what would make public engagement meaningful and what would make it effective.

Under Principle number 2), it should be specified which channels of communication the TCI jurisdictions will be using to communicate with stakeholders, how they plan to communicate with non-English speakers, and what information they are planning to share with stakeholders besides where TCI proceeds will be spent.

Under Principle number 4), rather than simply recognizing a community's knowledge and expertise, they should also incorporate communities' recommendations. This is key, as communities must have a say in the decisions that affect their lives.

Under Principle number 6), they should spell out what they mean by “build capacity” or how they plan on building this capacity.

Also, working with community connectors is key to reaching out to some populations that are hard to reach and could benefit immensely from improving our transportation infrastructure and reducing emissions from this sector. These connectors are groups that have agency, social capital, and the infrastructure to act and disseminate information (faith groups, youth, community serving organizations, justice groups in general, health groups). These are groups that are engaged in the community in other social issues such as health or youth, have cultural competency, and can be connectors.

*2. Are there any aspects of the proposed approach that are particularly relevant or important to you?*

All the principles are very important. There are two that we would highlight: number 5 as access and representation are key, especially for communities that have historically been underrepresented or not represented at all. And number 6), as there is a need for building capacity in communities that have been underrepresented. Building long-term capacity is critical to ensure long-term participation in this and other opportunities.

*3. How could TCI-P jurisdictions provide additional opportunities and entry points for environmental justice, equity, and other stakeholders to meaningfully engage in the implementation of TCI-P?*

There is a need to map out different communities across Maryland to make sure there is an opportunity for them to participate. Often, the same communities or advocates dominate the conversation, so mapping out stakeholders and communities from the onset will ensure broader engagement.

*4. Does anything need to be added to these principles to guide each jurisdiction's implementation of TCI-P to effectively target benefits for environmental, climate, and transportation justice communities, tribal communities, and other equity stakeholders (e.g., air quality improvement, access to reliable, low-cost transportation options)?*

No additional comments.

## Prioritizing Investment in Overburdened and Underserved Communities

Our current transportation system is deeply inequitable. The overarching guiding principle for TCI is, therefore, to overcome existing inequities in transportation impacts (such as noise and pollution) and inequities in access. As research from the [Union of Concerned Scientists](#) shows, Black and Brown communities face disproportionate exposure to and health harms from transportation vehicle pollution.

Low-income families and individuals across urban, rural, and suburban areas struggle to obtain safe and affordable transportation to work, school, medical appointments, recreation, and other needs. Many of these same overburdened and underserved communities are on the front lines of and most vulnerable to the impacts of climate change.

Given the attention to overburdened and underserved communities in the *Draft Framework for Public Engagement* and *Draft TCI-P Model Implementation Plan*, as well as in the goal of investing at least 35% of TCI expenditures in said communities, the way that these communities are identified is very important. While each jurisdiction's Equity Advisory Board will play a role in developing the criteria for this definition, the TCI-P should suggest multiple points in that process where opportunities for meaningful input by each Equity Advisory Board will be added and ensure that each Equity Advisory Board has sufficient authority to establish or revise the definition. Additionally, the TCI-P should recommend a few major categories to consider the cumulative impacts of, such as air pollution burdens; at-risk groups; socioeconomic factors; access to jobs, schools, healthy foods and other destinations via auto and non-auto modes of transportation; and communities where a high percentage of workers spend at least 45 minutes commuting to work. The TCI-P jurisdictions should also identify data gaps and strategies to address them (e.g., air quality monitoring, access to jobs from suburban

communities) as a part of TCI implementation to ensure these communities are identified with enough accuracy and spatial specificity.

Sincerely,

Archplan Inc.

Bikemore

Central Maryland Transportation Alliance

Chesapeake Physicians for Social Responsibility

Climate Law & Policy Project

Coalition for Smarter Growth

Indivisible Howard County

Maryland Conservation Council

Maryland League of Conservation Voters - Chispa Maryland

Maryland Sierra Club

Oncologists United for Climate & Health

Rails-to-Trails Conservancy

Unitarian Universalist Legislative Ministry of Maryland, Climate Change Task Force