April 6, 2021

By Electronic Submission to: <https://www.transportationandclimate.org/main-menu/tci-regional-policy-design-stakeholder-input-form>

**Re: Comments on the Transportation and Climate Initiative Program Draft Model Rule**

To Whom It May Concern:

Thank you for the opportunity to comment on the Transportation Climate Initiative Draft Model Rule. As a transportation and equity program manager with fifteen years of experience in transportation planning, policy, and community outreach, I appreciate the complexity of drafting a rule like this and would like to thank the Transportation and Climate Initiative for its work on creating a linkage between transportation and climate change. It is important to acknowledge and address this causal relationship and I appreciate the opportunity to offer comments on the Transportation Climate Initiative Program (TCI-P), primarily relating to equity considerations and verification body accreditation and reporting, as I have professional experience with drafting program and contractor requirements. I hope you will find these comments helpful.

**The Model Rule Should Include More Detail Regarding Processes for Defining and Measuring Equity-Related Objectives in Order Ensure Greater Transparency**

In Subpart XX-3.1, it is important for “overburdened and underserved communities” to have some form of definition and for this definition to be offered either on a program level or a jurisdictional level. While it is understood that an equity advisory committee will be established to help develop criteria for better identification of these communities, some characteristics or criteria are likely already known and will be used in selection of the members of the equity advisory committee, as in Subpart XX-3.2, it states the equity advisor body will be “composed of diverse stakeholder groups, with a majority of members being representatives of overburdened and underserved communities or populations.” These member selections will be based on specific criteria, so any known criteria ought to be shared as a baseline to improve reader comprehension of how committee member selection will proceed and location determination will be made. For instance, in Subpart XX-3.3, “monitoring the air quality in communities overburdened by air pollution” indicates that there will be an environmental component related to air quality in determining where “overburdened communities” are located. If other criteria are available or known that would help better identify how communities are currently considered “overburdened and underserved,” it would help to identify them, even if the known factors do not yet form a complete list or the factors vary between geographies. These notations can be added to explain how criteria may differ among participating jurisdictions.

Similarly, it is important for any known parameters of the investment of proceeds from the auctions of allowances to be identified, as Subpart XX-3.2 makes mention of “requisite benefits for overburdened and underserved communities” without stating what the requisite benefits are. It is important to be clear about who is requiring these benefits, how they have been prioritized over other potential benefits, and how their achievement will ultimately be measured and reported on.   
 On a related note, establishing the goal in Subpart XX-3.2.3 that the equity advisory committee should “develop metrics for evaluating how investments of program proceeds demonstrably provide direct and meaningful benefits for overburdened and underserved communities” creates something of an intangible metric. It would perhaps be better to rephrase this line to read “direct and community-driven benefits,” as it is challenging to objectively measure what is “meaningful,” given meaning is a subjective concept that will be defined differently in various jurisdictions according to community priorities. It can be easier to assess whether a “community-driven” benefit has been achieved (such as local air quality improvement and local workforce development, to give two examples), as a list can be generated and then assessed to determine whether the hoped for benefits that the community has identified have been achieved.

Another consideration in Subpart XX-3.3: when it states that “annual reports will specify how TCI-P proceeds are spent and include lists of projects and programs supported by TCI-P” as well as the “level of investment received by each” will be tracked, it may be helpful to create a classification matrix so these investment projects can be categorized by theme. If these projects are tied to the “required program benefits” mentioned earlier in Subpart XX-3.2, then the linkage should be made clear so that any themes developed can align with required benefits. Over time, it would be interesting to see what theme is supported most often or with the most investment, as certain patterns may emerge that help better illustrate achievements to date as well as whether there are any equity areas that remain either unaddressed or underserved.

**Accredited Verification Team Roles Are Not Clearly Defined and Expectations of Each Team Member Need to Be Clarified**

In Subpart XX-9, it is clear that CO2 emissions reports must be submitted each year and verified by an accredited verification body, but no indication is given in this section of what particular accreditation is required, the skills needed to obtain this accreditation, how long the accreditation must have been held, or how jurisdiction fuel suppliers seeking to verify their CO2 reporting can locate such a verification body. These details come later in the document, but should be cross-referenced to in this section to help give the reader a sense that this detail will follow and where it can be found.  
 On a related note, while Subpart XX-9.3 attempts to better define the requirements to become a verifier of CO2 emissions data reports, the expectations for roles and responsibilities in the verification process remain somewhat unclear. For instance, this section does not specifically require that a lead verifier prepare the verification plan or manage the work of other verifiers or personally facilitate supplier interviews or act as the primary point of contact for verification work; it only states that each verification team must identify the members of the team and their respective roles and responsibilities. As it can be all too convenient for senior staff to delegate work to junior staff and to give them insufficient support in completing it, it might be helpful to better define what a lead verifier is expected to do and how this level of responsibility should be differentiated from the work of verifiers.

**Levels of Verification Requirements Are Not Clearly Defined and Need to Be Delineated**

It seems the Jurisdiction fuel providers are awarded for using the same verification body throughout the control period (under six years), as “upon receiving a positive verification statement under full verification requirements” they “may choose to obtain less intensive verification services for the remaining years,” but Subpart XX-9 does not clearly differentiate how full verification requirements differ from less intensive requirements. It is critical to detail how these levels of verification differ. There is a great deal of information included in the following sections about verification reporting requirements that must be included in the verification reports as well as when and how they must be submitted, but no indication of what is considered most important or what may be omitted over time while still achieving the baseline reporting requirement. This information is also missing from the description of verification services and the things a verification team must know. It seems critical information to include, both from the perspective of a supplier that needs to meet annual jurisdictional reporting requirements and from a verification body that needs to attract and retain the trust of their clients.

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In summary, this draft has achieved an important start in identifying how the Transportation and Climate Program can be managed across multiple jurisdictions. However, it is important to more fully detail equity considerations relating to the criteria that will be used to assess where overburdened and underserved communities exist and how equity advisory body members from these areas should be selected. Similarly, detailing what program benefits are required, how they will be measured, and whether they relate to TCI-P proceed allocation is critical to ensuring the goals of the program are achieved in serving the communities that are considered overburdened and underserved.

Additionally, the roles and responsibilities of verification bodies and specifically, the expectations of verification team members should also be more fully developed to illustrate how instrumental the work of the verification team is and how important it is that lead verifiers are directly involved with the verification work. Similarly, verification requirements need to be differentiated to make clear what level of reporting achieves “full requirements” and what must be included to still meet expectations with “less intensive services,” as it is important that all verification bodies achieve and maintain the same standard of team participation and reporting as this program is implemented.

Thank you for your consideration of these comments.

By:

Ellen Kennedy

ellen.morrison.kennedy@gmail.com