



TO: Transportation Climate Initiative

DATE: August 12, 2021

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

FROM: Thomas Matuszko, Executive Director

The Berkshire Regional Planning Commission (BRPC) appreciates the opportunity to provide comment on the Transportation Climate Initiative's Program (TCI-P) Model Implementation Plan (MIP) for Low Carbon Transportation and the companion documents, the Draft Framework for Public Engagement and the Draft Strategies for Regional Collaboration. Collectively, these documents outline the framework and key steps which jurisdictions will follow in developing their own implementation plans. BRPC continues to monitor TCI-P's activities and is supportive of a well-designed program that is transparent and equitable to rural areas. Having had the opportunity to review the next round of framework documents that focus on implementation, public engagement and regional collaboration, BRPC is eager to share comments that will support the interests of the Berkshire region.

Model Implementation Plan

The model implementation plan (MIP) provides a common framework to follow as state's develop their implementation plan. The plan includes nine sections, beginning with an introduction and program goals followed by steps that are intended to advance the goals of the program for which jurisdictions should follow in developing their own implementation plans. The MIP is well intentioned and can be useful for jurisdictions as they develop their own implementation plans; however, the MIP is vague and lacks specificity. The approach being taken by the TCI program is one that is a continuous refinement and consists of numerous plans. More refinement and details should have occurred by this point in time. It is our desire and hope that the implementation plan that is developed for the Commonwealth of Massachusetts takes into consideration our comments and suggestions that are outlined below.

Introduction and Program Goals

More emphasis should be placed on the primary goal of TCI-P which is reducing carbon dioxide emissions from the transportation sector. Since the inception of this program, a number of additional items have been added to the program/goals which take away resources and do not provide a direct CO2 emissions reduction benefit. Emission reduction goals and targets are noticeably absent from the goals.

Our previous comment related to the inclusion of rural areas as an overburdened and underserved community appears to have not received attention in the MIP. Rural areas are disadvantaged, they lack transit service and mobility options. Berkshire County is primarily rural with very low-density development. Household incomes are amongst the lowest in the state. Residents have limited transit options. The rural nature of the county results in vehicle trips which are longer and the options to use public transit is limited to just 14 routes operated by Berkshire Regional Transit Authority. Longer trip lengths result in a disproportionate financial impact as a result of a carbon based fuel tax on our residents. The inclusion of rural area in the definition of overburdened and underserved communities must be mandatory for all implementation plans. Also, directly related to this is the subject of geographic equity which should also be incorporated into the program.

Equity Advisory Body (EAB)

The MIP calls for a majority of members being representatives of overburdened and underserved communities. The EAB composition should have a comparable number of representatives that directly represent rural areas. The selection of representatives to this body should strive to ensure that representatives bring additional expertise in the areas which the EAB is charged with addressing. It is recommended that EAB representatives work on a volunteer basis and only receive reimbursement for travel expenses.

Underserved and Overburdened Communities

This section will describe the process that determine which communities are identified as Underserved and Overburdened. As previously mentioned, we have concern that the current definition does not specifically call out rural areas as overburdened and underserved.

Development of a Public Engagement Plan

This element is included to address the development of a public engagement plan which should be built off the TCI-P Framework for Public Engagement. The development of this plan should be a priority as this plan is applicable to all future efforts including program implementation and it should be finalized quickly. Jurisdictions should find effective ways to solicit input into the decision-making process and must also commit to holding public input meetings in rural areas.

Jurisdiction Specific Rules

The Model Rule serves as a common framework that each TCI-P jurisdiction will use to develop regulations within their respective jurisdictions. At this time, we have no comment on this element. We trust that jurisdictions will take steps to employ robust public input processes to inform and solicit input on their rules.

Transparency, Accountability and Achieving Program Goals through Monitoring and Reporting

This element aims to use ambient air quality monitoring data to assess equity impacts of the program within communities to ensure the effectiveness of the program. Although this seems like a logical approach, the emission reductions from various programs implemented under this effort may not result in detectable emission reduction trends derived from air quality monitoring data. The use of TCI-P funds to expand the state's air quality monitor network should be prohibited as doing so will further erode available funding for measures that actually reduce CO2 emissions.

Annual reports are intended to outline the TCI-P expenditures of the various programs. Specific detailed information on what the annual report will include must be determined and the public should have an opportunity to review and comment. The annual report should not just employ a broad-brush approach. Provisions should be made to allow for questions to be submitted on the annual reports and responses should be provided in a reasonable timeframe. The MIP should be modified accordingly to reflect these items.

Investing Proceeds and Create High Quality Jobs

TCI-P jurisdictions have made a commitment that no less than 35 percent of the proceeds from the auctioning of allowances be directed to ensuring that overburdened and underserved communities benefit equitably from clean transportation projects and programs. As previously mentioned, we request that rural areas be included or designated as overburdened and underserved communities so that they are also able to access these funds.

At present, there is absolutely no information on the level of investment or the process by which these investments will be determined. The draft MIP defers this to the jurisdictions. This is ironic as the MIP is intended to inform the jurisdictions. Without this information in the draft MIP, there is an obvious lack of transparency.

This element also calls for high quality jobs. The payment of higher wages for jobs does not necessarily mean or result in a higher reduction of CO2 emissions. There is also mention of identifying new jobs, skills, and trainings that may be required for TCI-P funded projects, however, there is no specific mention of how the costs associated with this training are proposed to be paid from the TCI-P program. Although there may be some merit to these items, concern exists over additional costs being paid from TCI revenue as it reduces the amount of funding available for projects/programs which result in actual emission reductions.

Collaboration and Administration of TCI-P

An Administration Organization is proposed to provide support and technical assistance to TCI-P jurisdictions with funding based proportionately on each jurisdiction's emission allowance budget. Jurisdictions will create a board to provide oversight of this administrative organization. The organization will be responsible for managing the allowance auctions, emissions reporting and a variety of monitoring activities as well as performing regular program reviews. There is no specific mention

where the funding for this administrative organization will come from, but it is presumed that the proceeds from the allowance auctions will pay for this cost. There is no mention or estimate of the cost. It is our recommendation that a cap be placed on the cost associated with the administrative organization and that additional public input be sought on this.

It is interesting to see that the hiring of an Administrative Organization has proceeded past the planning stage with no opportunity for public input to the process. The manner in which this occurred raises concerns over transparency and whether the hiring of the non-profit administrative organization was done in a cost efficient manner.

There is mention of public engagement associated with periodic program review but no details are provided on how this will occur. More details should be provided and additional input must be sought.

Advancing Additional Policies to Achieve TCI-P Goals

The MIP mentions that in order to achieve long term reductions in pollution from the transportation sector, a combination of policy approaches will be required, and that each jurisdiction will need to consider a range of complementary policies in order to achieve emission reductions. This element of the MIP references a companion document, *Draft Proposed Strategies for Regional Collaboration*, which contains five strategies that must be considered for inclusion in each jurisdictions' implementation plan. The following section provides more insight on the collaboration strategies along with our comments.

Draft Proposed Strategies for Regional Collaboration

1. Air Quality Monitoring in Communities Overburdened by Air Pollution to Ensure Transparency Regarding the Effectiveness of Emissions Reduction Policies

This strategy stresses the importance of air quality monitoring to the successful implementation of TCI-P and directs jurisdictions to work with Equity Advisory Bodies (EAB) to integrate TCI-P into existing air quality monitoring programs and address the need for community scale monitoring. The primary focus of air quality monitoring efforts will be on overburdened and underserved communities.

For this strategy to be effective, representatives to the EAB should have knowledge about the U.S. Environmental Protection Agency's (EPA's) national ambient air quality monitoring program and related requirements. The EAB should also engage each jurisdiction's Department of Environmental Quality to gain more expertise on air quality monitoring, air quality standards and related laws/regulations. TCI-P funds should not be expended to add additional monitoring stations as other sources of funding exist. The EPA provides funding to States for air quality monitoring equipment/stations along with funding for the maintenance and operation of these sites.

2. Ensuring High-Quality Domestic Jobs and Workforce Development

Through previous actions, signatory jurisdictions have committed to work with communities, businesses and labor groups to accelerate the transition to low carbon transportation, promote economic

opportunity and create high quality jobs as goals of this program. This strategy promotes investments funded by TCI-P be subject to prevailing wage rules, that products be obtained from US based manufacturers, provide work force development that creates economic opportunities for people of color and low-income communities, and prioritize employers that have fair chance hiring practices that enable the hiring of previously incarcerated job applicants to make it past the first screening of the hiring process.

This strategy has the potential to provide economic and job opportunities. However, the outcomes do not result in a direct emission reduction and can consume a portion of each jurisdiction's TCI-P funding. It is crucial that each jurisdiction's EAB monitor these activities and that reporting occurs to determine the effectiveness of this strategy.

3. Invest in Transit

The focus of this strategy is to invest in transit and provide safe, reliable and equitable transit service. New and expanded transit will provide access to jobs, healthcare and education and reduce emissions from the transportation sector and would be done in an equitable manner. This strategy can assist in efforts to increase and expand transit in the Berkshires by providing the funding. Provisions should be included so that these investments not only cover capital costs but operational costs as well. It is imperative that these investments are monitored to ensure that the desired outcomes and reductions are being achieved. Acquiring more transit vehicles and placing them into service does not automatically result in a reduction of CO2 and other pollutant emissions. Transit agencies should be required to begin the transition to electric buses now. A process must also be developed to ensure that transit investments result in anticipated emission reductions and that ridership actually increases. Also, the additional funding directed to transit should not be used to supplant existing state and federal transit funds.

4. Replacement of Diesel Trucks and Buses with Zero Emission Vehicles

Current TCI-P signatories are also signatories to a multi-jurisdiction commitment to accelerate the market for medium and heavy-duty vehicles. The goal is to have 100 percent of new trucks and buses sold be zero emissions by 2050 and an interim goal of 30 percent by 2030. Jurisdictions have begun working with stakeholders to identify barriers and propose solutions. Additional activities that are proposed include inclusive participation of communities overburdened by air pollution and the sharing of information.

The MIP does not detail the level of effort that is associated with the strategy nor is there any direction provided regarding the amount of funding that would be directed to this effort. One aspect that appears to be missing from this strategy is to work with vehicle manufacturers to ensure that vehicles will be available, preferably becoming available now. Without the availability of these vehicles, there will not be any emission reductions from this strategy. The success of TCI-P weighs heavily on the availability and use of electric vehicles.

5. Electric Vehicle Corridor Planning

This strategy is focused on collaboration amongst a variety of stakeholders to establish a robust network of fast charging stations for electric vehicles along priority corridors. The concept of coordinating and planning for charging stations has much value and can assist with increasing necessary infrastructure that is required to support electric vehicles. Jurisdictions should engage regional planning agencies and metropolitan planning organizations to assist in these planning and collaboration efforts. These organizations have extensive experience with collaboration efforts and can be a valuable resource. They also have unique insight into the region. Rural areas should not be overlooked in this effort as the need for EV charging will also exist in these areas. Focusing on rural areas will also demonstrate a commitment to maintaining equity within this program.

Framework for Public Involvement

The *Update on Public Engagement Planning*, published in March 2021, outlines the next steps to ensure meaningful, equitable and inclusive participation in implementing the TCI program. This document includes draft principals that are intended to guide jurisdictions with public involvement efforts and it mentions that TCI-P organizations are working with the Metropolitan Group on public engagement efforts. The Metropolitan Group is a social change agency; it is somewhat peculiar that an initiative which is focused on reducing carbon emissions is utilizing a private agency to conduct outreach activities targeting overburdened and underserved communities. It is unclear if the proceeds from the emission offset credits will be used to pay the costs for the Metropolitan Group. If this is in fact the case, this is another instance where program revenue is directed at activities that do not provide direct emission reductions. Related to this subject, it is not known who has been tasked with outreach and engagement to other group and populations.

Regarding TCI jurisdiction points of contact, both the TCI website page and the Massachusetts Transportation and Climate Initiative home page should include the name of an actual person as a point of contact along with their contact information. This will further public engagement/involvement efforts as well as increase transparency and accountability.

In our previous comments submitted to TCI, BRPC discussed issues facing rural areas including the lack of transit routes and limited-service hours. These inequities are similar to those faced by overburdened and underserved communities in urban areas. The TCI-P initiative continues to ignore issues which rural areas experience. It is our desire that as the definition of overburdened and underserved communities is developed, rural areas are included as part of the definition, so they are afforded access to the dedicated funding available to overburdened and underserved communities.

BRPC appreciates the effort which has gone into the documents which comprise the TCI-P implementation plan. We believe that our comments will strengthen the program, assist in reducing carbon emissions from mobile sources, improve transit within the Berkshire region, while also promoting geographic and social equity.

Cc:

The Honorable Charles Baker, Governor

The Honorable Adam Hinds, Senator, Berkshire, Hampshire, Franklin & Hampden District

The Honorable John Barrett, Representative, 1st Berkshire District

The Honorable Paul Mark, Representative, 2nd Berkshire District

The Honorable Tricia Farley-Bouvier, Representative, 3rd Berkshire District

The Honorable Smitty Pignatelli, Representative, 4th Berkshire District

Secretary Kathleen Theoharides, Executive Office of Energy and Environmental Affairs

Deborah Szaro, Acting Regional Administrator, U.S. EPA, Region I