

November 5, 2019

VIA ONLINE COMMENT PORTAL: <https://www.transportationandclimate.org/main-menu/tci-regional-policy-design-stakeholder-input-form>

Re: Comments on TCI Framework for a Draft Regional Policy Proposal

The Southern Environmental Law Center (“SELC”) would like to provide the following comments on the Framework for a Draft Regional Policy Proposal (“Framework”) that the jurisdictions participating in the Transportation and Climate Initiative (“TCI”) released to the public on October 1.

SELC is a non-partisan, non-profit organization that works throughout the Southeast to protect the region’s natural resources and the health and well-being of its people. Much of our work centers on mitigating both the causes and effects of climate change, and our Land and Community Program, among other things, focuses on promoting cleaner, more efficient, more accessible, and more climate-resilient transportation solutions.

Our headquarters are located in Virginia, where the transportation sector is the largest source of greenhouse gas pollution. We support Governor Northam’s decision to have Virginia participate in the development of a TCI program, and we have been engaged in that process as it has unfolded over the past year. We participated in the TCI Workshop that was held in Baltimore in July, and we also joined for the two “Reference Case” webinars held this summer. We also attended a gathering of TCI advocates held last March in Washington, D.C. We appreciate this opportunity to review the Framework the jurisdictions have put forward and to provide comments.

At the outset, we wish to applaud the twelve states and Washington D.C. for working together to develop the Framework. We believe a large-scale, regional approach like what is envisioned with TCI offers significant potential to better direct transportation investments and policies toward increasing alternatives to single occupancy vehicle use and accelerating the shift to cleaner vehicles. We also view a regional approach such as that outlined in the Framework as a vital opportunity to directly address many of the inequities built into our current transportation system—inequities that exacerbate both the overall amount of transportation pollution we generate and the ways its impacts are distributed disproportionately among different communities. It is apparent from the Framework that the TCI jurisdictions share these goals, and we are glad the process is now reaching the stage where the jurisdictions are fleshing out how a TCI program would help achieve them.

SELC is a signatory to the joint comments that Our Transportation Future and additional partners submitted today, which address a number of points on key items such as cost containment and price controls, emissions reporting requirements, and the initial emissions cap and trajectory. We are submitting these additional comments separately to emphasize a handful of points and to offer some further suggestions.

Direct TCI Proceeds to Policies and Practices that Reduce Pollution AND Address Equity

We are pleased to see that the Framework includes an up-front commitment from the TCI jurisdictions to “develop a program to reduce carbon emissions from the transportation sector *while also addressing equity needs and concerns.*” (Emphasis added.) In Virginia and elsewhere, decades of transportation policies and investment decisions have focused on providing facilities and ease of access to motor vehicles, offering few meaningful alternatives to those who cannot afford a car or are unable to drive. Poor land use planning has exacerbated the problems created by this focus, as sprawling development patterns have led to a situation in many metropolitan areas in which urban residents are located far from concentrations of jobs and services that can only be reached by automobile, and new development projects that include components that generate jobs too often lack affordable housing options.

As a result, transportation and land use policies and practices all too often either present an insurmountable barrier to obtaining a job or reaching necessary services, or leave working families with no choice but to incur the expenses involved with owning an automobile which result in their spending a higher percentage of income on transportation and undermining the affordability of their housing. In short, current policies and practices often present significant hurdles to securing and retaining employment, and to accessing needed services, and underprivileged communities and communities of color often experience these challenges most acutely.

In addition to these impacts, auto-centric transportation systems, sprawling development patterns, and a lack of affordable housing generate enormous amounts of transportation pollution by forcing people to drive, and to drive longer distances. Further, the resulting congestion from the increase in vehicle miles traveled and the number of cars on roadways leads to calls for more roads, which often open up more areas to development and pave over natural areas, destroying carbon sinks and setting us further back in our efforts to tackle climate change.

To date, a fair number of discussions regarding the potential benefits of a regional program like TCI have drifted toward the opportunities it could present to accelerate the much-needed shift to electric vehicles. SELC certainly is supportive of the TCI program directing a significant portion of the proceeds it generates toward advancing electric vehicles—especially if targeted to initiatives that would help make them accessible to lower income-workers and individuals. However, we are concerned that a TCI program that focuses too heavily on promoting electric vehicles would not adequately capitalize on opportunities to advance equity,

and would do nothing to address the inefficient land use patterns that are a major contributor to climate pollution in Virginia and elsewhere.

As a result, a thoughtful and carefully implemented cap-and-invest program must advance solutions that address—simultaneously—the environmental and equity failings of our current transportation system. We therefore urge you in the next stage of the TCI program’s development to ensure that the program is structured so that it requires participating states to devote a significant portion of their TCI proceeds to advancing policies and practices that clearly provide both of these critically important goals. Some important examples of such policies and practices include:

- Providing new and improving existing public transportation options in urban, suburban, and rural communities. This includes funding for increasing the frequency and geographic range of bus and light rail networks, as well as the conversion of buses to electric-powered engines to reduce overall emissions and so that communities where buses are concentrated do not suffer from polluted air. In more suburban and rural communities where the provision of large-scale transit service may not be financially viable, investments should be targeted to advancing alternatives such as local bus routes, flexible routes, and ride-sharing services and technologies that make these alternatives more effective in such areas.
- Expanding and enhancing passenger, commuter, and freight rail facilities and services. Making rail more competitive with automobile, truck, and air travel would provide significant benefits in reducing emissions of greenhouse gases and other pollutants, expanding travel and shipping options, reducing highway congestion, and promoting more transportation-efficient land use patterns throughout the region.
- Providing new and improving existing infrastructure for active modes of transportation by directing funding toward pedestrian and bicycle projects that reduce vehicle trips by connecting people with services and job centers. This should also include funding for communities to plan for and develop Complete Streets.
- Land use planning grants that help communities plan for transit-oriented development that can reduce vehicle miles traveled, lessen reliance on owning one or more automobiles, and provide a greater variety of housing options at different price points. Land use planning grants funded with TCI revenues should require that plans include locations and tools for ensuring affordable housing is built along and near transit systems.

On a related note, we wish to flag a concern we have with the statement in the Framework’s Investment of Proceeds section on page 4 indicating that “each jurisdiction would independently decide how proceeds are invested to achieve carbon emission reductions and other policy goals...”. We certainly understand that each TCI jurisdiction has unique circumstances and that this necessitates providing a fair amount of flexibility to the states in determining how best to invest TCI proceeds. However, we are concerned with the Framework’s failure to

reference the inclusion of any “guard rails” that would, for example, require a certain percentage of proceeds be directly targeted to historically disadvantaged and mobility-constrained communities and invested in policies and practices like those we highlight above that advance cleaner and more accessible transportation options. We urge states to include such requirements in their TCI implementation requirements to help ensure that the Framework’s commitment to coupling equity with pollution reduction is actually met.

Ensure Rural Areas Benefit from Investment of Proceeds

Emphasizing investments in transit, rail, and active modes of transportation will help address some of the inequitable aspects of our current transportation system while reducing carbon pollution, but those types of investments seem likely to go to more urban and inner suburban areas where these modes are more cost-effective and feasible. As noted above, in more rural locations TCI proceeds should be used to promote alternatives such as local bus routes, flexible routes, and ride-sharing services and technologies, as well as electrification steps that are geared more toward rural needs and challenges. Rural residents would also benefit from steps taken to enhance freight and passenger rail. In Virginia, for example, many interstate highways traverse rural portions of the state, and communities located along the interstates would benefit from the reductions in pollution, noise, and traffic that would accompany having fewer gas-powered vehicles on the highway.

TCI Should Explicitly Promote Transportation-Efficient Land Use Planning

In line with some of our suggestions above, we are concerned with one of the points in the paragraph on Complementary Policies on page 4 of the Framework. That section notes that each individual TCI jurisdiction may choose to pursue, in addition to TCI, other “complementary” policies and programs that reduce greenhouse gas emissions, and it lists “land use planning improvements” as one example. As noted above, better land use planning that orients development to alternative transportation modes and prioritizes locating affordable housing near jobs and transit is an essential component of reducing climate pollution from the transportation sector, and it should be highlighted in the TCI policy as a beneficial and appropriate use of TCI proceeds, in addition to being flagged as an example of a complementary policy states could pursue. .

Advancing Resiliency-Based Transportation Planning and Project Prioritization

Finally, we think it is essential for any transportation program focused on reducing greenhouse gas emissions to include a component that helps ensure transportation funding is not directed to projects that would exacerbate climate change and its impacts by destroying carbon sinks and natural resiliency features such as wetlands, marshes, and riparian buffers. We therefore urge you to ensure that TCI proceeds can be used to assist states with developing (or improving existing) criteria-driven tools for scoring and prioritizing transportation proposals that

take into account a project's impacts on carbon sinks and natural resiliency features, and also penalize proposals that would damage them.

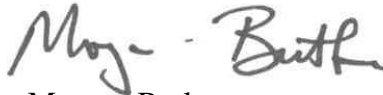
Similarly, TCI proceeds should be available to states to enhance their environmental reviews of transportation proposals by improving their analyses of the extent to which a proposal—and alternatives to it—would either increase or decrease greenhouse gas emissions. Our decision-makers need to have a solid understanding of the climate change impacts of potential proposals before they even consider approving them, and TCI should be designed to help us finally reach that point.

Thank you for your consideration of our comments and for the work you are doing to develop a TCI program.

Sincerely,

Handwritten signature of Trip Pollard in black ink.

Trip Pollard
Director, Land & Community Program

Handwritten signature of Morgan Butler in black ink.

Morgan Butler
Senior Attorney