September 12, 2014

Mr. Matthew Rodriquez
Secretary, California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Ms. Mary Nichols
Chairman, California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Re: CalEPA Identification of Disadvantaged Communities & ARB Interim Guidance

Dear Secretary Rodriquez and Chairman Nichols,

The Alameda-Contra Costa Transit District (AC Transit) is the largest bus-only operator in the
Bay Area providing nearly 200,000 trips each day. AC Transit supports the goals of SB 535 and
the intent of the CalEnviroScreen process.   However, we are concerned that the current
methodology used to identify disadvantaged communities does not fairly identify disadvantaged
communities within AC Transit's service area.

AC Transit respectfully offers the following comments on the identification of disadvantaged
communities (DACs) proposed by the California Environmental Protection Agency (CalEPA)
pursuant to Health & Safety (H&S) Code 39711 and the Interim Guidance proposed by the Air
Resources Board (ARB) for state agencies administering Greenhouse Gas Reduction Fund
monies pursuant to H&S Code 39715.

AC Transit strongly supports the goal of investing a minimum share of funds in and for the
benefit of disadvantaged communities. We have serious concerns about using the
CalEnviroScreen's 20% cutoff (Method 1) as the way to identify such communities. Many
neighborhoods experience public health effects from exposure to toxics and environmental
degradation, as well as economic impacts, such as high rent burdens, low rates of home
ownership, and low income. These are factors are identified in SB 535 and are present in
neighborhoods in the Bay Area, but when CalEnviroScreen is applied statewide, they are not
recognized as being "disadvantaged."

For example, there are several communities in our service area, namely Richmond and West Oakland, which are subject to some of the highest concentrations of low-income residents and air pollution impacts in the state that are not reflected in Method 1. More broadly, the core of service area is both within Air District CARE communities and low-income communities (see attached map).

Current law clearly allows CalEPA to use population based metrics *or* environmental metrics when establishing its definition of disadvantaged communities. Yet, CalEPA's proposed Method 1 requires that in order for a census tract to be identified as a DAC, it must score relatively high on virtually all 19 criteria. Under this approach, many communities that are severely disadvantaged in terms of a few key health factors, such as income, air quality, asthma rates and low birth weight nonetheless fall outside of the top 20% threshold. Consider the following counterintuitive results of Method 1:

- Of the top 10 *most impoverished* census tracts in the Bay Area — where poverty rates exceed 70 percent— not a single one is included in CalEPA's definition.

- Of the 46 census tracts that *are* identified by Method 1, 20 are census tracts where the poverty rate is actually less than 50 percent.
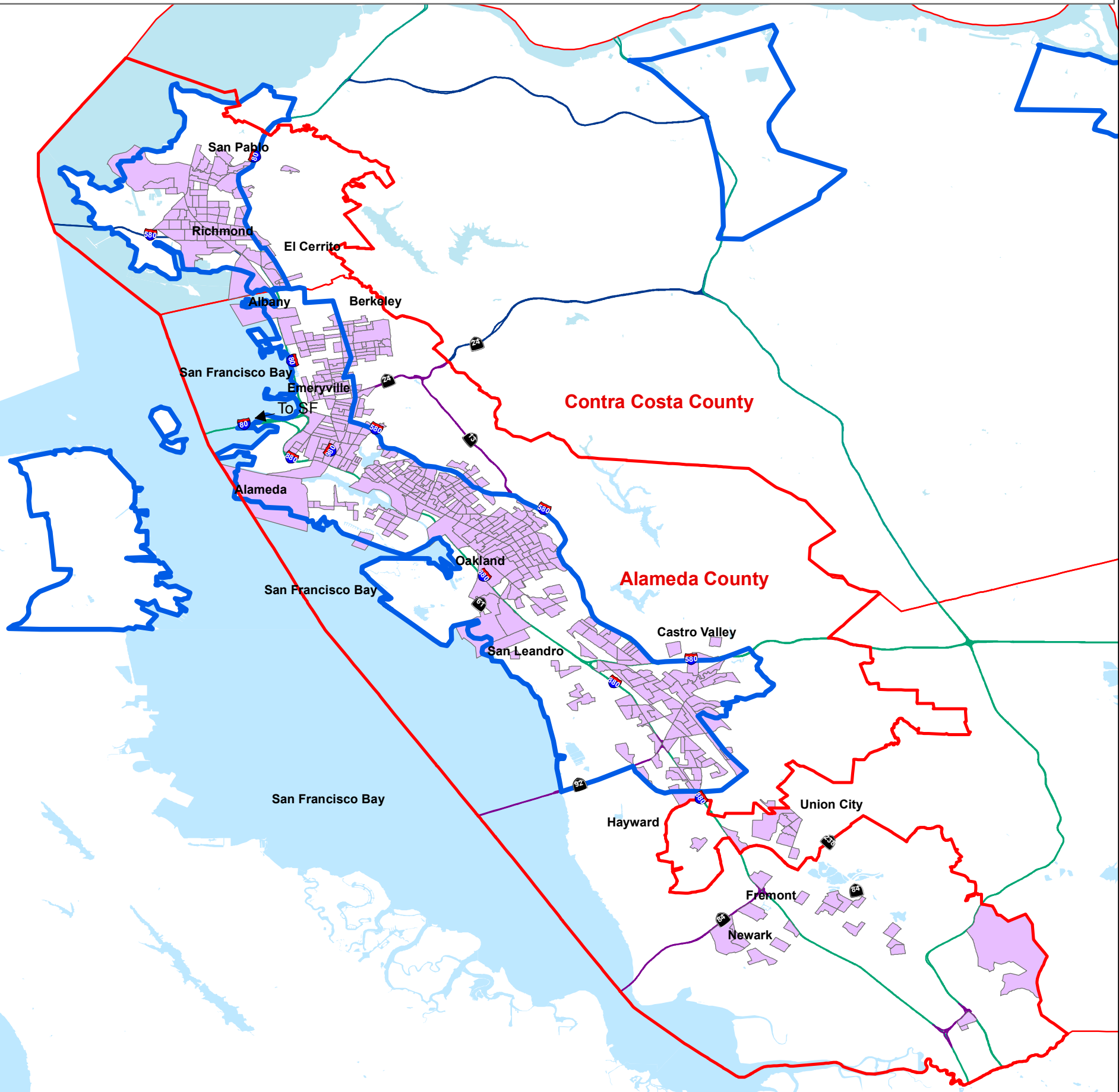
We respectfully urge you to consider the alternative put forward by the Bay Area Air Quality Management District as "Method 6," as well as their recommendation to remove the pesticide variable as it is unfair that Bay Area residents exposed to pesticide are ignored simply because the exposure isn't in an agricultural context. In addition, we agree that whatever tool is adopted ought to account for cost of living differences and that the use of "rent burden" is an appropriate way to make this adjustment given that the cost of living differences are largely due to the cost of housing. Lastly, we urge you to set the threshold for determining disadvantage at the top 30% rather than 20% or 25% so as to minimize overlooking disadvantaged communities whose scores might be on the cusp of the stricter thresholds.

We are aware of the extensive time and energy that OEHHA and CalEPA staff has spent creating and improving upon CalEnviroScreen over the last two years. Rather than asking that it be jettisoned altogether, Method 6 builds on that work.

What does Method 6 look like for the Bay Area? It includes 221 census tracts, home to approximately 938,000 Bay Area residents.

- 90% are transit priority areas where the region is trying to focus growth.

- 71% have 30% or higher concentration of households living in poverty.

- 62% are considered "rent-burdened," where at least 15% of households are spending 50% or more of their income on rent

- Over 2/3 are MTC Communities of Concern

- Over 90 census tracts in the AC Transit Service area including key low-income and high pollution areas in West Oakland and Richmond

While the CalEnviroScreen process identifies a handful of areas in AC's service area that are within the top 10% of disadvantage communities, the analysis of AC Transit's ridership shows that the scope of disadvantaged communities within our service area is much more extensive than what is identified by CalEnviroScreen.

We urge you to reevaluate the CalEnvironScreen process and consider the Method 6 process developed by the BAAQMD. The proposed Methods 1-5 result in the underrepresentation of truly disadvantaged communities in the Bay Area, and Method 6 corrects this. With some simple commonsense adjustments Cal EPA can develop a process that adequately identifies the communities that are suffering the brunt of the environmental and economic impacts.

Sincerely,

David J. Armijo
General Manager

Attachment (1):   Map of Low Income Census Block Groups & Air Pollution Communities
within AC Transit Service Area

Low Income Census Block Groups & Air Pollution Impacted Communities within AC Transit Service Area

San Pablo

Richmond

El Cerrito

Albany   Berkeley

San Francisco Bay

Emeryville

To SF

Alameda

Oakland

San Francisco Bay

San Leandro

Castro Valley

San Francisco Bay

Hayward

Union City

Fremont

Newark

Contra Costa County

Alameda County

N
W   E
S

Legend

AC Transit Service Area Boundary

Air Pollution Impacted Communities Boundary (Revised 2013)

Low Income Census Block Groups

0   1   2   4
Miles