



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

SINCE 1966

August 5, 2016

Submitted via email only to ctp@dot.ca.gov

Gabriel Corley
Project Manager
Division of Transportation Planning, MS-32
P.O. Box 942874
Sacramento, CA 94274-0001

RE: Public Comments on California Transportation Plan, submitted pursuant to solicitation for public comment on July 8th, 2016

Dear Mr. Corley:

Thank you for this opportunity to provide comments on the Draft California Transportation Plan, 2016 Guidelines (Draft CTP).

California Rural Legal Assistance, Inc. (CRLA) is a statewide non-profit rural legal services provider that represents low-income individuals on a variety of issues related to housing, labor and employment, education, civil rights, and public benefits. The Community Equity Initiative (CEI) is a program within CRLA focused on improving infrastructure and service inequities in rural disadvantaged, unincorporated communities (DUCs). Many of the issues we encounter in our work fall under the umbrella of environmental justice advocacy.

Our comments focus on two main areas: (1) consideration of environmental justice and, (2) transportation challenges in rural communities and tools to effectively address them.

I. Environmental Justice

a. State and federal legislation

Environmental justice is defined in California law as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” *Cal. Gov. Code § 65040.12(e)*. Policymakers have recognized the disproportionate pollution burden that communities of color suffer. Research demonstrates that communities of color are dramatically more likely to be exposed to the harmful effects of climate change, including poor air quality.¹

¹ <http://ehp.niehs.nih.gov/wp-content/uploads/2012/10/ehp.1205201.pdf>

California is examining transportation planning and mode shift as a method of reducing carbon emissions as part of the climate change initiative under AB 32. This should result in cleaner air. Many transportation projects that discourage personal vehicle use also encourage healthier lifestyles, since they involve building infrastructure that supports walking and biking. Conversely, large scale transportation projects carry the potential to increase environmental harm to adjacent communities. This planning does not automatically take into account the potential effects on rural low income communities, communities of color or DUCs. It is critical that documents such as the CTP carefully analyze environmental justice and any potential discriminatory results on protected classes of individuals as California increasingly ties transportation planning to the environmental impact of transportation and transportation infrastructure.

California law recognizes environmental justice as a mandatory consideration in a number of recent and long-standing legislative actions: SB 1000 (Levy) requires a new mandatory Environmental Justice chapter in the General Plan; Cal. Gov. Code § 65040.12 identifies the Governor's Office of Planning and Research as the lead agency in California to coordinate environmental justice efforts among other state agencies, including sharing federal environmental justice resources. California law also recognizes the potential discriminatory effects of planning decisions, e.g., Cal. Gov. Code § 65008, *et seq.* is a state planning law that prohibits California local and state government agencies from discriminatory policies or practices implicating land use, ownership or enjoyment based on race, sex, color, religion, ethnicity, national origin, ancestry, occupation or age; and, Fair Housing Law in California has long prohibited such discrimination in the provision of housing in California (Cal. Gov. Code § 12900, *et seq.*).

Federal law also recognizes the importance of environmental justice and the potential effects of discriminatory planning. President Clinton issued Executive Order 12898 on February 11, 1994, which required all federal agencies to incorporate environmental justice as part of their mission and a guidance principle in their planning priorities ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"). EO 12898 further clarified that entities receiving federal funds were prohibited from discriminating against individuals through deleterious environmental or health harms based on race, color or national origin under Title VI of the Civil Rights Act of 1964 and the Fair Housing Act prohibits discriminatory planning.

b. Recommendations

There is ample legislative precedent in California and on the federal level for in-depth consideration of environmental justice into planning documents. Failure to adequately consider environmental justice in land use and transportation processes has civil rights implications and unfairly places burdens on vulnerable communities that already face overwhelming societal burdens.

The CTP should comport with federal and state law and policies and analyze environmental justice needs and effects.

II. Rural transportation challenges

California is emerging as a leader in the global effort to reduce greenhouse gas emissions (GHG). A large component of this strategy involves GHG reduction strategies accomplished by transportation mode shift, smarter land use policies, and intelligent investment in transportation projects that will discourage personal vehicle miles traveled (VMTs). The trend in GHG reduction strategies in California encourages mode shift in urban areas and promotes infill development. This potentially highly effective strategy is a much needed departure from the urban sprawl that has put considerable strain on municipal resources and contributed significantly to congested highways. Progressive urban projects geared toward GHG reduction are an integral part of stemming the progression of climate change, but the transportation needs of rural California cannot be ignored and those needs do not fit neatly with the policies adopted and implemented to reduce GHG. The result can be the currently unintended consequences of a lack of planning and funding in rural California communities and discriminatory effects in vulnerable communities. CalTrans will miss out on a key opportunity to address inequities and a key piece of the transportation equity puzzle by excluding specific consideration of how mode shift in rural California can contribute to the effort to stem climate change.

a. Characteristics of DUCs in California

Thirteen percent of Californians live in rural areas.² 310,000 people live in disadvantaged unincorporated communities.³ DUCs in California often face similar challenges throughout the state: lack of access to sufficient quantity and adequate quality of water; lack of basic infrastructure; aging or completely absent wastewater and sewer systems; proximity to industrial or agricultural operations that contaminate drinking water, soil and air quality; linguistic isolation; and, poor local planning that has resulted in residents having to travel great distances to access critical services, education, and employment. Residents of low-income communities typically face high levels of transportation insecurity and pay a disproportionate amount of their income to transportation costs.

Many residents of DUCs are farmworkers. This is due to three main reasons: a lack of affordable housing in more densely settled areas, proximity to employment, and low wages. Farmworkers, even those living in DUCs, often travel great distances to reach the fields in which they are working. This population faces significant issues in securing adequate and decent affordable housing and transportation challenges go hand in hand with housing issues. Farmworkers can find some relief to their transportation challenges, though the relief is piecemeal and inconsistent. Some employers, for example, offer vanpool services at a reduced rate. There is a tremendous opportunity to reduce VMTs by analyzing the driving patterns of farmworkers while simultaneously accomplishing the co-benefit of reducing the transportation cost burden to this vulnerable population.

² <http://ruralhealth.stanford.edu/health-pros/factsheets/>

³ https://www.policylink.org/sites/default/files/CA%20UNINCORPORATED_FINAL.pdf

b. Recommendations

Residents of DUCs all too often must travel two to three times as far to access key destinations as people living in urban areas, thus CalTrans should include a separate section in the CTP analyzing the transportation habits of rural populations and the unique strategies available to address those needs. Gradually, we are seeing policymakers in California recognize the value in analyzing the transportation needs of these populations. The 2016 Affordable Housing Sustainable Communities (AHSC) strategy, the Strategic Growth Council, after much public comment, included a 10% rural set aside for projects that will only be available to rural applicants. This set aside was the result of rural advocates pointing out the inherent density bias that existed in the project criteria of the AHSC in the first round of competitive funding and the opportunity to achieve equity within AHSC strategy goals in vulnerable rural areas.

The current CTP draft includes several references about the unique character and needs of rural areas, but must be strengthened by including a standalone section about rural transportation needs, innovative strategies to both meet those needs and reduce GHG emissions, and special consideration of funding strategies to meet those needs.

CalTrans can address this goal by gathering more data surrounding the unique transportation habits and needs of rural California. Transportation planners should be required to gather more information about the transportation needs of residents in DUCs. Rural advocates have pointed out for years that residents in rural areas drive exponentially more miles than their urban counterparts, so even though fewer individual drivers might be affected by GHG reduction projects in a rural area over an urban area, the net reduction in VMTs actually could be more in the rural area.

Residents of DUCs have seen decades of disinvestment in their communities due to a multitude of reasons, including institutional and individual bias. This cycle of disinvestment will continue if the substantial amount of funds in California dedicated to improving transportation and reducing GHG emissions is exclusively funneled into urban or suburban areas.

Conclusion

Rural California should not be denied the opportunity to see benefits as their transportation costs are alleviated and their health improves due to fewer vehicle emissions. CalTrans should require more research into the GHG reduction strategies that are possible in rural California by incorporating specific recommendations in the CTP to address the transportation needs in DUCs and by including a standalone section on environmental justice and how transportation planning can protect the civil rights of protected individuals and communities.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'me' followed by a flourish.

Marisa Christensen Lundin
Director, Southern Region
Community Equity Initiative
California Rural Legal Assistance, Inc.

CC: Ilene J. Jacobs, Director of Litigation, Advocacy and Training, CRLA
Marisol A. Aguilar, Director, Northern Region CEI, CRLA