Bay Area Ditching Dirty Diesel Collaborative

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Dear Mr. Kimsey, Mr. Hilken and Mr. Kirkey:

Thank you for the opportunity to comment on the latest revisions to the One Bay Area Grant program and the Plan Bay Area process. The Ditching Dirty Diesel Collaborative (DDDC) is a regional collaborative dedicated to reducing the impacts of diesel pollution on the health of Bay Area residents, especially low-income and minority communities that often live closest to the sources of diesel pollution. As such, DDDC has consistently advocated for one simple concept throughout the development of the Bay Area Sustainable Communities Strategy (SCS) – don’t repeat the mistakes of the past by allowing new sensitive receptors like homes, day care centers, hospitals, schools and senior centers to be built in the highest risk areas nearest sources of diesel pollution such as highways, freight distribution centers, ports and railyards. Many scientific studies over the last 15 years have shown that health risks such as increased asthma attacks,
cardiovascular disease and cancer are greater for people living nearer to these sources of diesel pollution than for those living further away.

The Jobs-Housing Connection Scenario released in March of this year for the Bay Area Sustainable Communities Strategy predicts the Bay Area will add 660,000 housing units over the next 28 years. For reasons such as proximity to transit and affordability of land, many of these new housing units will likely be proposed to be built in the highest risk areas closest to sources of diesel pollution. DDDC strongly believes that the Sustainable Communities Strategy has an obligation to address these potential Environmental Justice health impacts by reducing or eliminating the number of these predicted new homes and other sensitive receptors that could potentially be built too close to these sources of pollution, and ensuring that adequate mitigations are put in place for those homes and sensitive receptors that end up being placed too close to these sources.

The One Bay Area Grant program offers the best opportunity for addressing this important health concern resulting from the implementation of the SCS, and we were encouraged to see that the previous proposals for implementing this program have included recommendations consistent with the approach that DDDC has advocated for throughout this process. Unfortunately, these recommendations have been weakened during the development of the One Bay Area program in response to stakeholder input, and the recommendations that remain are too vague and weak to serve their purpose. Therefore, we offer the following recommendations to strengthen the proposed One Bay Area Grant program.

1) **Develop regional guidelines that all Bay Area Congestion Management Agencies (CMAs) and local jurisdictions can use to determine how to prevent and mitigate for the impacts to health of building homes and other sensitive receptors too close to sources of diesel pollution.**

We feel that for this approach to be truly successful MTC, ABAG and the BAAQMD need to work together to provide clear, consistent guidelines that can be used by all the jurisdiction in the Bay area, for all development projects, whether within Priority Development Areas (PDAs) or not. We recommend you use the existing guidelines that have been developed for the Air District’s Community Risk Reduction Planning process as a basis for developing these guidelines.
2) Develop a clear criteria to address this concern for CMAs to use to evaluate One Bay Area Grant Projects as part of their PDA Growth Strategies.

The latest update of the One Bay Area Grant program, dated April 4, 2012 dropped the concept of encouraging the development of Community Risk Reduction plans that was in earlier versions but did recommend that the Congestion Management Agency (CMA) for each county be required to develop and approve PDA Growth Strategies. In Attachment 4 supporting this recommendation, the funding section recommended that CMAs develop guidelines for evaluating One Bay Area Grant projects, and one of the criteria offered was as follows:

“PDAs that overlap with Air District CARE Communities and/or are in proximity to freight transport infrastructure - Consider projects located in PDAs with highest exposure to PM and Toxic Air Contaminants. Employ best management practices to mitigate exposure and determine where non-motorized investments would best support additional housing production.”

DDDC supports the notion that CMAs and local governments need to develop their own strategies for developing their PDAs. This provides the needed flexibility for CMAs and local governments to account for local needs and community concerns. However, this recommended criteria is too vague to be of value. This criteria should be amended to read:

“PDAs that overlap with Air District CARE Communities and/or are in proximity to freight transport infrastructure – Favorably consider projects located in PDAs that are not within the areas with the highest exposure to PM and Toxic Air Contaminants. Employ best management practices to mitigate exposure for those projects that are located in areas with the highest exposure.

The recently released Pacific Institute and DDDC report, “At a Cross Road in Our Region’s Health” (http://pacinst.org/reports/crossroads_for_health/) showed that not only do a high percentage of PDAs exist within Air District CARE areas, but that 74% of land within those PDAs are not within highest risk areas, and therefore would be preferable for development.
3) Create incentives within the SCS process to follow the guidelines you develop and that encourage development away from the areas with the highest risks from diesel pollution.

We feel that adequately addressing this issue is too important for the health of those who will be living in these new housing units and other sensitive receptors not to use the leverage that a strong regional planning process provides. Therefore, we encourage you to offer incentives to CMAs and local jurisdictions that encourage development away from the areas with the highest risks from diesel pollution. These incentives could be in the form of providing them with easier access to PDA planning grants if they have adopted regional guidelines you develop, or could be to provide them with advantages in applying for existing competitive grants or loans, for example, the Bay Area Transit-Oriented Affordable Housing fund.

This $50 million fund provides financing for the development of affordable housing and other vital community services near transit lines specifically in PDAs throughout the Bay Area, and was made possible by a $10 million dollar investment by MTC. So, for example, this loan program would give preference to proposals that choose development sites that are not in the highest risk areas of PDAs. Additional incentives could be built into this funding program itself, such as providing grants, in addition to loans, for proposals that chose to develop sites that are further from the highest risk areas of PDAs, so as to offset the higher cost of land.

4) Impose compliance with the guidelines you develop as a condition of receiving One Bay Area Grant funding for those CMAs that don’t develop acceptable criteria for this issue within 2 years.

Thank you for your consideration of these recommendations, and we look forward to working with you to implement a Sustainable Communities Strategy that adequately addresses the impact of diesel pollution on the health of current and future Bay Area residents.

Sincerely,
Ditching Dirty Diesel Collaborative Freight Transportation Committee

Member Organizations:  Alameda Public Health Department, Bay Area Health 880 Communities San Leandro, Bay View Hunters Point Community Advocates, Breathe, California, Communities for a Better Environment, Contra Costa Health Services, Environmental Protection Agency, Natural Resources Defense Council, Pacific Institute, Regional Asthma Management and Prevention, San Francisco Department of Public Health, Union of Concerned Scientists, West Oakland Environmental Indicators Project,

cc. Metropolitan Transportation Commission Board of Directors
    Association of Bay Area Governments Board of Directors
    Bay Area Air Quality Management District Board of Directors