

Joint Comments: TCI-P Draft Model Rule and Public Engagement

May 7, 2021

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Governors and Other State Officials: Connecticut, Delaware, New Hampshire, New Jersey, New York, North Carolina, Maryland, Massachusetts, Pennsylvania, Rhode Island, Vermont, Virginia

Mayor and Other City Officials: District of Columbia

The undersigned organizations and individuals are based in Maryland and have been following the process to develop the Transportation and Climate Initiative Program (TCI-P). We urge you to ensure that the TCI-P is effective and equitable. To those ends

we offer comments and recommendations on the following aspects of the program and ask you to revise Draft Model Rule to better address them.

Emissions

As set forth in the TCI-P modeling summary, “the TCI-P cap on CO₂ pollution from transportation will decline by 30% from 2023 to 2032, reducing emissions by at least 26% in participating jurisdictions from 2022 to 2032.”

Direct emissions from the transportation sector account for more than a third of regional GHG emissions. While most states in the Mid-Atlantic region have robust GHG emissions reductions goals, current proposed and existing transportation state policies will not be sufficient to achieve the reductions needed to avert greater climate crises. The current emissions reductions goal of 26% by 2032 falls short of the aggressive reductions needed to protect public health, environment and to generate revenues from transportation pricing policies at the level needed to fund investments for mitigation. We propose the Model Rule ensure the annual allowance budgets are as ambitious as possible, consistent with the IPCC standards.

Public Engagement

Section XX-1.1 (E) of the Draft Model Rule states that one of the purposes of the TCI-P is to:

“Advance equity for communities overburdened by pollution and underserved by the transportation system...particularly for populations and communities that are disproportionately adversely affected by climate change and transportation pollution and currently underserved by the transportation system.”

Public Participation Guidelines established, through USDOT under Title VI of the Civil Rights Act of 1964, that advancing equality, diversity, inclusion, equity, health, and social justice is essential for communities defined and quantified as overburdened by pollution and underserved by the transportation system. Though equality and equity are distinct goals, TCI-P has an obligation to work towards both as a means of addressing disparities. To achieve this purpose, the Model Rule must more explicitly include specific Title VI Public Participation Guidelines, as required by USDOT Federal Transit Administration. Federal, state, and local agencies, as well as recipients of federal funds, may not act in ways that create a discriminatory impact.

While an Equity Advisory Body is an important first step, it cannot single-handedly ensure equity within the TCI-P. There are established ways to work towards more comprehensive public engagement and mitigation of discriminatory impacts:

Title VI

The federal government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants/loans to finance transportation improvement projects. Title VI prohibits recipients of federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates federal-funding agencies to enforce compliance. Community engagement helps to guide department decisions in providing public transportation services. Public involvement can also benefit TCI-P's individual jurisdictions by allowing for the development of services that meet the specific needs of local citizens.

We suggest the Model Rule more explicitly includes avenues for direct community engagement at the local street level in proposed TCI-P investments and projects. The Model Rule aims to put the most affected and disproportionately impacted communities first. Consequently, agencies must include a specific percentage of dedicated investments for targeted communities and populations who have long borne the brunt of emissions they did not create.

Informed community engagement with the local community must be seen as more than just a procedural necessity. It is fact, Title VI of the Civil Rights Act of 1964 recognizes that a poorly conceived community engagement process can itself be evidence of discrimination. A good case study is the Brandywine community in Prince George's County, Maryland. In 2015, the approval of a third fossil fuel power plant in Brandywine prompted the community to file a Title VI Complaint. After careful consideration and investigation, the DOT and EPA determined that the civil rights complaint met the jurisdictional requirements of both agencies and would be jointly investigated. This is relevant and instructive for TCI processes.

The question posed by DOT and EPA was:

“Whether the public participation process prior to the decision was discriminatory on the basis of race, color, or national origin, in violation of Title VI.”

When governmental agencies fail to engage the local frontline and fenceline citizenry, these agencies will fail to understand that different environmental problems pose different levels of risk to public health. Community members need to know the levels of pollutants to which they are exposed, and agencies need to learn from the community

the public health impacts they are experiencing in order to address the harm. Public communication is key and is important in the context of TCI processes as well. Public participation frameworks will help the Equity Advisory Body described in the Model Rule meet their responsibilities.

The process for defining and serving those communities and populations should both be explicitly added to the Model Rule and also be in accordance with the USDOT Federal Transit Administration. Otherwise agencies themselves risk engaging in discriminatory behavior. Agencies need to have a clear understanding of the proactive strategies, procedures, and desired outcomes for their public participation activities. Their public participation plan should be guided by internal review of how, when, and why public involvement is critical.

Cumulative Impacts

Because the transportation emissions the TCI-P is trying to reduce cannot be isolated from carbon emissions from other sources, the Model Rule should note the importance of cumulative impacts. However, the term “cumulative impacts” does not have a single definition; it is used in a number of different ways without being grounded in any one particular environmental statute, regulation, policy, and/or program. While—or because—a single definition of “cumulative impacts” is hard to evaluate, the Model Rule should urge participating jurisdictions, as required by the Executive Order 12898 and in compliance with the USDOT Federal Transit Administration, to engage affected communities through participatory public engagement processes. As discussed below, this is part of the obligation of the Equity Advisory Body. However, state agencies need to be part of the engagement as well in order for the Equity Advisory Body to fulfill its responsibilities.

The presidential memorandum accompanying Executive Order 12898 identified Title VI of the Civil Rights Act of 1964 as one of several federal laws that should be applied “to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.” According to the U.S. Department of Justice, “...the core tenet of environmental justice—that development and urban renewal benefiting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community’s minority—flows directly from the underlying principle of Title VI itself” ([see DOJ](#)).

While Title VI is one tool for governmental agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. For

example, while a bus rehabilitation project may not impose disproportionately high or adverse health or environmental effects on minority or low-income populations, the use of those buses subsequent to the rehabilitation may be subject to a Title VI analysis to ensure that vehicles assigned to a particular area do not result in a disparate impact on the basis of race, color, or national origin (for which carbon emissions and truck diesel traffic will). For TCI-P to truly advance equity for overburdened and underserved communities, it must apply a broad Title VI lens to the investments and projects it funds in local jurisdictions.

Participation Process

The Model Rule should not only recommend specific actions to ensure meaningful public participation in transportation emissions decision-making but also note that there are important indicators for when a public participation program is not successful. If one or more of these indicators is present, the underlying cause(s) should be examined because there are reasons that these circumstances might occur even if the program itself is sound. It is critical to the success of the program that gaps that result in less meaningful public participation be quickly identified and corrected.

There are specific criteria, guidelines, and programs that distinguish successful agency programs in ensuring meaningful public participation ([see California EPA's Public Participation Manual](#)). Title VI is referenced here because the Model Rule should use it as an example of what TCI-P jurisdictions should and should not do in engaging the public. In the Brandywine case, locally-led, grassroots community organizations gained valuable expertise in how best to develop a sound community engagement process. These lessons go beyond the Brandywine community or the state of Maryland.

The goal of any public participation process must be to empower communities to advance local residents' causes, to educate the public, and to influence local policymakers through the voices of the local community affected residents. The program must give to communities the power to decide, and empower grassroots leaders to develop actionable strategic plans for environmental equality within the affected frontline and fenceline communities. That is why the Model Rule must be amended to include a Title VI framework of Public Participation; otherwise, neither equity nor equality will be possible for the disproportionately impacted communities of any participating jurisdiction.

Equity Advisory Body

As set forth in Section XX-3.2 of the Draft Model Rule, participating jurisdictions can codify equity commitments through:

“establish[ing] an equity advisory body or add[ing] to the mission of an existing advisory body composed of diverse stakeholder groups, with a majority of members being representatives of overburdened and underserved communities or populations, to advise on decision-making and equitable outcomes for TCI-P”

Though generally aiming for diverse representatives of stakeholder groups is important, we recommend that the Model Rule specify that the following constituents are explicitly represented:

- Representatives of environmental justice organizations
- Representatives of affected communities concerned with TCI, transportation, and pollution issues who are leaders of local communities
- Representatives of Persons with disabilities
- Representatives of labor organization whose members are employed in the public transit sector
- Representatives of users of transportation in rural areas
- Representatives of users of public transportation
- Representatives of users of pedestrian walkways and bicycle transportation facilities
- Representatives of low-income consumers
- Representatives of Seniors who use public transit
- Representatives of Black, Indigenous, and People of Color communities

As participating jurisdictions define overburdened and underserved using the tools and methods listed below, including developed assessment framework and environmental justice (EJ) mapping and screening tools (such as the EPA EJSCREEN, EPA’s EnviroMapper, EPA’s EJView, and CalEnviroScreen), they should additionally consider legal and quantifiable measurements of disproportionately harmed communities. The jurisdictions and TCI-P participants should simultaneously engage their residents to be on the Equity Advisory Body and develop a two-way conversation to define a participatory public engagement plan based on Title VI USDOT Standards.

Defining Overburdened and Underserved Communities

As set forth in Section XX-1.1 (e) of the Draft Model Rule, one of the purposes of the TCI-P is to:

“Advance equity for communities overburdened by pollution and underserved by the transportation system, including expanding low-carbon and clean mobility options in urban, suburban, and rural communities, particularly for populations and communities

that are disproportionately adversely affected by climate change and transportation pollution and currently underserved by the transportation system.”

Our current transportation system is deeply inequitable. As recent research from Harvard and other leading universities shows, Black and Brown communities face disproportionate exposure to and health harms from transportation vehicle pollution.

Low-income families and individuals across urban, rural, and suburban areas struggle to obtain safe and affordable transportation to work, school, medical appointments, recreation, and other needs. Many of these same overburdened and underserved communities are on the front lines of and most vulnerable to the impacts of climate change.

The TCI MOU and the Draft Model Rule include the goal of ensuring equitable outcomes for communities that have been underserved by transportation options and overburdened by transportation pollution. The Draft Model Rule establishes a goal of investing at least 35% of TCI expenditures in overburdened and underserved communities. However, it leaves it up to states to define “underserved” and “overburdened” and to develop a way to identify which communities are prioritized for investments. The TCI-P should:

- meaningfully involve the TCI Equity Advisory Body in developing the definitions used to implement and monitor the equity policy;
- identify gaps in data necessary to establish criteria for identifying which communities will be eligible for investments targeted pursuant to the equity goals of the TCI-P;
- recommend strategies to address data gaps referenced above by the established key indicators, screening methods, assessments, research and studies as itemized shall inform and prioritize community’s specific investment strategies including spending amounts or percentage of total funds, to be targeted towards communities experiencing cumulative burden of exposure that shall be of a “significant benefit” in (i) vulnerabilities populations, populations overburdened by ambient air pollution exposure and those underserved by current transportation options, black, indigenous and communities of color (BIPOC) and low-income communities, and (ii) rural communities;
- In developing the criteria for defining communities that are quantified to be overburdened and underserved and to develop a hazard pollution community assessment framework, the jurisdictions and program participants should use:
 - Environmental Justice Screening Methods
 - (EJSM) EPA EJSCREEN
 - EPA’s EnviroMapper

- EPA's EJView
- CalEnviroScreen
- A map and evaluation of people living in Census Blocks where at least 20% of workers travel more than 45 minutes to work and there is at least 5% unemployment
- A map and evaluation of households over ¼ mile from a bus stop or over ½ mile from a rail station

Labor Standards

As set forth in Section XX-1.1 (C) of the Draft Model Rule, one of the purposes of the TCI-P is to:

“Promote local economic opportunity and create high quality jobs”

This is laudable; TCI-P should strive to maximize the co-benefits of addressing climate disruption by simultaneously addressing the twin crises of economic inequality and social injustice. Yet, the Draft Model Rule provides virtually no guidance to participating jurisdictions about how to promote local economic opportunity or create high quality jobs. In fact, the Rule does not even define the elements of job quality. This is a serious shortcoming that should be corrected. We offer suggestions here.

A. Promoting Local Economic Opportunity: Creating More Jobs

The Model Rule should encourage participating jurisdictions to prioritize investments that have been shown to meet the stated goal of promoting local economic opportunity and creating high quality jobs and the Model Rule should provide specific guidance about tools that can be used to further that purpose. Here are examples.

1. Investments in Transit

One of the best ways to reduce greenhouse gas (and other pollutant) emissions and create local jobs is to invest in transit. The American Public Transportation Association estimates that ([see APTA](#)):

- Public transportation is a \$74b industry that employs more than 435,000 workers.
- Every \$1 invested in public transportation generates \$5 in economic returns.
- Every \$10 spent on operating investments yields \$32 in increased business sales.

- Every \$1B invested in public transportation generates approximately 50,000 jobs.

Moreover, jobs in transit operations, expansion, maintenance and construction are local jobs that benefit the local economy and cannot be moved to other states or off-shore locations.

2. Inclusion of Strong Domestic and Local Content Requirements in Investment Policies

Transit investments can also spur manufacturing and jobs across the larger supply chain. ¹ As Blue Green Alliance and NJ WEC point out in their joint submission dated April 20, 2021 (herein BGA/NJWEC), these investments can “shore up domestic suppliers of key materials, such as electrical steel, that are essential to our energy grid and EV charging infrastructure.”

To maximize the number of jobs TCI-P investments can create, the Model Rule should urge participating jurisdictions to include domestic sourcing requirements that go beyond federal Buy America provisions and, where appropriate, feature regional or local sourcing requirements. Quoting again from BGA/NJWEC: “one way to increase economic growth is to require bidders to demonstrate in their proposals the percentage of materials the project will source from the United States”²

Different jurisdictions have experimented with procurement models in an attempt to maximize job growth and economic opportunity. One model, the US Employment Plan, has been used in Chicago and Los Angeles, among other places, to incentivize for local manufacturing. That Plan provides the opportunity for bidders voluntarily to disclose the number of domestic jobs that will be created or maintained by the bid both directly and indirectly along the supply chain. The Plan also includes both evaluation (scoring) and enforcement mechanisms connected to bid commitments. A different model is California’s “Buy Clean, Buy Fair, Buy America” law that also seeks to incentivize domestic job creation. Other states are considering similar legislation.

We do not suggest that the Model Rule prescribe the adoption of one specific model procurement policy over another; we do urge that it explicitly encourage policies that will maximize economic opportunity and job growth locally, regionally

¹ BlueGreen Alliance and Environmental Law and Policy Center, Passenger Rail and Transit in the United States. 2015

² BGA/NJWEC at 4, citing Alliance for American Manufacturing, Prioritizing Industrial Policy in a COVID-19 World. July 8, 2020.

and nationally. To make that possible, we also urge that the Rule require investment decisions to be made using a “best-value analysis” that incorporates criteria like domestic/regional job growth and other equity and worker protection components discussed more fully below.

B. Creating High Quality Jobs: Ensuring Better Jobs

While it is important to ensure maximum job creation, it is also important to ensure that the jobs created by TCI-P investments are high quality. This is true both to maximize economic growth and to address wealth and income inequality—co-benefits for which the Model Rule should be advocating.

1. Defining Job Quality/High Road Labor Standards

Before discussing how the Model Rule should promote high quality job creation, it is useful to define what we mean. We incorporate by reference the quality job component discussions set forth in the October, 2020 joint LNS/BGA/NJ WEC submission and in the more recent BGA/NJ WEC submission.

The elements of a high quality job are:

- Family-sustaining wages and benefits (including health care and retirement security);
- Health and safety protections and mechanisms for enforcement;
- Prevailing wages (like Davis-Bacon);
- Strong worker classification standards to ensure employees are not misclassified as independent contractors;
- A prohibition on the use of temporary staffing agencies (unless agencies certify that temporary employees are necessary to address an acute, short-term labor demand);
- A “Ban the Box” or Fair Chance Hiring Policy to ensure people with criminal records are given access to employment;
- Labor peace agreements, including employer neutrality with respect to the decision by employees whether or not to form a union and engage in collective bargaining;
- Training and advancement opportunities;
- A Prohibition on employer mandatory arbitration policies which require employees to waive their right to go to court and instead submit employment-related disputes to arbitration.

2. The Benefits of Employer/Union Negotiated Collective Bargaining Agreements

It is well-documented that employer-union collective bargaining agreements improve employee wages, hours and working conditions, including many of the quality job components listed above. This is true not just for workers covered by these agreements but also for their non-union counterparts.

Over the last several decades, the percentage of workers covered by collective bargaining agreements in the United States has decreased which, in turn, is highly correlated with rising income inequality.

As the Economic Policy Institute (EPI) details, unions bargain for higher wages for their members but this in turn increases wages for all workers. Additionally, union contracts provide improved health care, retirement security, paid leave provisions, health and safety protections and a wide array of other benefits. For a comprehensive discussion of the salutary effects of union representation on worker standards, [see EPI](#).

Collectively bargained contracts also benefit employers and society at large. Union training programs, like the apprenticeship programs developed by building trades unions, are widely considered the gold standard of workforce development. Federal laws—like the Occupational Safety and Health Act, Title VII of the Civil Rights Act, the Equal Pay Act—are more vigorously enforced in unionized workplaces. Collective bargaining agreements ensure stability because one of their hallmarks is a mechanism for peaceful resolution of disputes in exchange for a pledge not to strike during the life of the agreement.

Finally, recent research demonstrates that union workers across all age groups enjoy greater job satisfaction than their non-union counterparts ([see National Bureau of Economic Research, April 2021](#)).

The Model Rule should note the job quality benefits that accrue to workers who are able to engage in collective bargaining and encourage participating jurisdictions to prioritize investments to employers with collective bargaining agreements in place.

3. Policies that Promote High Quality Jobs and Promote Economic Efficiency

We recommend that the Model Rule require jurisdictions to commit to high road labor standards and that it provide guidance on how to promote them.

These should include:

- Project Labor Agreements - The Model Rule should include a requirement that participating jurisdictions consider the use of project labor agreements in connection with construction projects in order to promote economy and efficiency and protect the government's proprietary interest in the project. Project labor agreements assure a skilled stable workforce that will perform the work on a quality, timely basis without interruption.
- Prevailing Wage Requirements - The Model Rule should require participating jurisdictions to set a prevailing wage as a floor for employees working on projects funded from TCI-P investments. For federal construction projects, the Davis-Bacon Act sets forth appropriate prevailing wage rates. There are a variety of other mechanisms that can be used to establish the rates for other job classifications.
- Procurement Incentives for Quality Labor Standards - The same model procurement policies discussed above apply equally to efforts to incentivize for high quality jobs. The US Employment Plan by Jobs to Move America (JMA) provides for voluntary disclosure by bidders of wages and benefits with appropriate incentives for quality of same. This has resulted in creating a road to improve labor standards rather than the race to the bottom that has too often characterized misguided tax waiver policies in the past.

JMA describes its work as follows:

Our 'public goods for the most public good' policy framework empowers cities, states, and public agencies to use our public dollars to create good jobs and advance racial, gender, and climate equity across the country...We've created [policy tools](#) that make sure communities and workers reap real benefits from the billions of public dollars we invest in infrastructure ([see JMA website](#)).

The Model Rule should encourage participating jurisdictions to use procurement policies, like JMA's US Employment Plan, to ensure that TCI-P investments are used to maximize high quality labor standards.

4. Labor Harmony/Community Benefits Agreements

For projects funded from TCI-P investments, it is crucial that:

- the work is performed efficiently and on time,
- that all federal and state employment laws are followed and that there is a mechanism for resolving alleged violations quickly and fairly
- employees perform the work adhering to the highest standards of quality
- there is no disruption to the performance of the project

- the governmental proprietary interest in the project is preserved and protected

A number of governmental agencies with these kinds of property interests in a project have required labor harmony or community benefits agreements as a condition to bidding on the project. Under some of these agreements, the governmental entity requires that employers sign a labor peace agreement with any union that requests it, thereby protecting the government's proprietary interest by minimizing the probability of labor disruptions. Employees in turn must waive their right to strike, or picket in protest of working conditions.³ Maryland is one of the states that has statutorily required such an agreement with respect to the development of video lottery terminals ([see 2015 Maryland Code](#)).

The Model Rule should require participating jurisdictions to consider using labor harmony/community benefits agreements as part of their TCI-P investment policies, where legally appropriate.

C. Ensuring a Just Transition for Workers and Communities Harmed by TCI-P Policies

As our transportation system transitions away from reliance on fossil fuels and toward clean renewable energy sources, new jobs will be created and communities will enjoy significant public health benefits. At the same, we cannot shy away from the fact that there will also be workers and communities who suffer harm from the transition. For example, gas station owners and workers will lose business and ultimately may be driven out of business entirely. The Model Rule should require participating jurisdictions (1) to identify workers, small business owners, and communities who may be negatively impacted and (2) to develop programs to minimize job displacement and protect workers and communities from harm.

D. Workforce Development and Training

TCI-P investments in transportation electrification, expanded transit, and new bicycle and pedestrian infrastructure will create new jobs and new opportunities. For many of these jobs, new skills will be required. By way of example, maintenance on zero emission buses requires different skills than maintenance on diesel engines. The Model Rule should require participating jurisdictions to (1) identify new jobs and new skills that will be required for TCI-P funded projects

³Examples of labor harmony provisions include: [Baltimore City Code](#), [San Francisco Administrative Code](#), [D.C. Code](#).

and (2) develop programs to train workers for these jobs. Workforce training programs should be developed in consultation with community stakeholders including unions, high school/technical schools, community colleges, and community job programs. They should include both pre-apprenticeship and apprenticeship components and be open to all workers with targeted outreach to disadvantaged communities, vulnerable populations and displaced workers.

The Model Rule should require that a minimum of 20% of investment proceeds be directed to workforce development programs for both new and current jobs in the transportation sector.

E. Targeted Hiring

For jobs created by TCI-P investments, it is important to ensure that all community members have equitable access to them. Additionally, in order to meet the equity goals identified in the Draft Model Rule, participating jurisdictions should be required to include targeted hiring provisions in their own personnel policies and TCI-P procurement policies. More specifically, these policies should include hiring targets for disadvantaged communities and vulnerable populations, including women, people of color, low-income community members, veterans, formerly incarcerated people, non-native English speakers, people with disabilities, and other affected categories as determined by the Equity Advisory Body. In addition, jurisdictions should research and develop best practices for outreach and recruitment of members of these communities.

Small, Minority, Veteran, and Women-Owned Businesses

As we transition to a clean economy, we also need to promote businesses whose owners come from and serve communities that have been disproportionately impacted by the climate crisis. Bids for projects that invest in clean transportation should include incentives for small, minority, veteran and women-owned businesses. To the extent possible, local businesses should be promoted. The Model Rule should direct participating jurisdictions to be explicit about this goal.

Investments

As set forth in the recitals of the Memorandum of Understanding to establish the TCI-P, the participating jurisdictions aim:

“to accelerate the transition to an equitable, safe, and affordable low-carbon transportation sector.”

It is important that the Model Rule provide assurance to the public and guidance to states about the types of expenditures that are eligible for funding from the proceeds from the TCI-P. The Draft Model Rule currently says a lot about how fees will be collected, but very little about how the proceeds will be spent. The Model Rule should define eligible expenditures as follows:

1. funding for public transit agency capital projects and debt service related to capital projects
2. funding for public transit agency operations, including maintenance
3. vehicle electrification - including ZEV, costs associated with medium and heavy duty vehicles and freight
4. DOT programs that provide transit vouchers to low income individuals
5. projects that improve accessibility including road infrastructure, transit shelters and stops and capital costs accessible vehicles such as taxis and companies that prioritize vehicle use for persons with disabilities
6. transportation programs funded by local governments that provide transit services to low income individuals, employed individuals and persons with disabilities
7. improvement in safe, accessible and connected pedestrian and bicycle infrastructure
8. special grants and funds for local governments to provide low income residents with housing with accessibility to public transit
9. air quality monitoring to be used in evaluation of investments
10. funding for studies to analyze strategies and investments in overburdened and underserved communities
11. expanding access to rural broadband service

The final Model Rule should ensure regulations are in place to protect revenues garnered from TCI.

Monitoring

As set forth in Section XX-1.1 (a) and (e) of the Draft Model Rule, the TCI-P aims to:

“Reduce carbon dioxide (CO₂) emissions from the transportation sector,” and

“particularly for populations and communities that are disproportionately adversely affected by climate change and transportation pollution”

In the spirit of the maxim from business management training that “you can’t manage what you can’t measure,” it is critical to the success of any Transportation & Climate

Initiative program to know if we are reducing carbon emissions over time. For that to happen we need monitors that measure CO₂ levels in the air and a process for collecting, storing and reporting the data. It is critical to our equity goals to know air pollution levels in frontline communities. Currently the US Environmental Protection Agency reports data on ground level ozone collected at approximately 12 monitors located around the greater Baltimore metropolitan region. They measure certain criteria pollutants, but not CO₂. The data reflects air quality across the region generally, but does not use enough monitors to specifically track air quality at the neighborhood scale. The TCI-P should:

- add monitoring of CO₂
- significantly expand the number of air quality monitors in order to track pollution levels in frontline communities, not just generalized to the regional scale
- support programs to make air quality monitoring devices available to schools and community organizations for grassroots monitoring projects

Reporting

As set forth in Section XX-3.3 of the Draft Model Rule, each regulatory agency and jurisdiction in the TCI-P will:

“work with communities and with its Equity Advisory Body to assess the equity impacts of the program on an ongoing basis, including by monitoring air quality in communities overburdened by air pollution to ensure the effectiveness of policies and investments.”

The TCI-P should be publicly accountable to its goals to reduce carbon pollution from the transportation sector and to ensure equitable outcomes for communities that have been underserved by transportation options and overburdened by transportation pollution. Reporting will be critical to earning and maintaining public trust, assessing the program’s effectiveness, and ensuring its success. Specifically the TCI-P should:

- establish that the state agency responsible for managing the revenues from fees reports quarterly to the state legislature and the TCI Equity Advisory Board on the expenditures of the funds and emissions reductions statewide, including in (i) vulnerable populations, disadvantaged or underserved communities, communities of color and low-income communities (ii) rural communities; and progress on other indicators recommended by the TCI Equity Advisory Board.
- establish that the state agency will annually develop proposed changes to the strategy, as well as proposed annual investment strategy and draft budget. This should be presented to the TCI Equity Advisory Board and posted on the internet in multiple languages and be available for written and open public comment.

Sincerely,

ArchPlan Inc.

Brandywine TB Southern Region Neighborhood Coalition

Central Maryland Transportation Alliance

Coalition for Smarter Growth

Downtown Residents Advocacy Network (Baltimore)

Elders Climate Action DMV

Environmental Justice Ministry Cedar Lane Unitarian Universalist Church

Howard County Climate Action

Labor Network for Sustainability

Maryland Legislative Coalition

Maryland Sierra Club

NARAL Pro-Choice Maryland

Transit Choices

Voices Maryland