

# Metropolitan Transportation Commission Programming and Allocations Committee

November 13, 2013

Item Number 3a.i.

## Draft Cap and Trade Funding Framework

**Subject:** Release of Draft Cap and Trade Funding Framework for Public Comment and Review

**Background:** Plan Bay Area included a \$3.1 billion reserve from future Cap and Trade funding. The specific set of expenditures for these funds was to be subject to further deliberation with partner agencies and public input. The investment strategy for the funding was to be consistent with the focused land use strategy outlined in Plan Bay Area. Further, the investment process for project and program selection was to ensure that at least 25% of the Cap and Trade funding benefit disadvantaged communities in the Bay Area.

Attachment A proposes principles and a set of investment categories for Cap and Trade Funding that aligns well with the objectives of Plan Bay Area, with the following focus areas:

Funding Category	Amount (\$ millions)
1. Core Capacity Challenge Grants (Transit Capital Program)	800
2. Transit Operating and Efficiency Program	450
3. One Bay Area Grants	1,050
4. Climate Initiatives	400
5. Goods Movement	450
TOTAL	\$3,150

As outlined in the proposed principles, each investment category should have a strong link to greenhouse gas emission reductions and benefit disadvantaged communities. As an example, the Core Capacity Challenge Grant program is focused on AC Transit, BART, and SFMTA – systems that carry over 80% of the region’s overall transit riders as well as more than three-quarters of the low-income and minority passengers. Each program as it is developed will require evaluation for its benefits to greenhouse gas emission reductions and disadvantaged communities.

Staff is seeking input on this draft funding framework, and will return in December to seek approval following public input and review by MTC’s Advisory Council.

While the Legislature has not yet finalized the funding structure and eligible uses, AB 574 (Lowenthal) seeks to reserve California cap and trade allowance revenue from transportation fuels for transportation-related expenditures, with some portion being subvented to Metropolitan Planning Organizations, including MTC. The eligible projects included in AB574 are broad in scope and generally align well with those identified in the Draft Cap and Trade Revenue Framework.

**Issues:** None.

**Recommendation:** This is an informational item.

**Attachments:** Draft Cap and Trade Revenue Framework  
6 Wins Letter on PBA Cap and Trade to MTC and ABAG

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## **Draft Bay Area Cap and Trade Funding Framework**

### **Cap and Trade Reserve Investment Principles**

1. Cap and Trade Funds must have a strong nexus to Greenhouse Gas (GHG) reduction
2. Distribution of the estimated \$3.1 billion in available funds will serve to strategically advance the implementation of Plan Bay Area and related regional policies
3. Investment Categories and related Policy Initiatives will be structured to provide co-benefits and opportunities to leverage investments across categories and from multiple sources (public and private).
4. All Investment Categories should include funding that benefits disadvantaged communities. The Committees are defined as MTC's Communities of Concern.

### **Cap and Trade Reserve Funding Categories**

#### **1. Core Capacity Challenge Grants (Transit Capital Program)**

Plan Bay Area identifies a remaining need of \$17 billion over nearly three decades to achieve an optimal state of repair for the region's public transit network. The plan's in-fill and transit-oriented growth strategy relies on a well-maintained transit system to meet greenhouse gas emissions reduction targets and other plan performance objectives.

#### **Proposal:**

- Invest \$800 million over the life of Plan Bay Area
- The proposed Core Capacity Challenge Grant Program:
  - a) accelerates fleet replacement and other state of good repair projects from Plan Bay Area, including "greening" the fleet and other strategic capital enhancements
  - b) focuses on BART, SFMTA, and AC Transit – transit operators that carry 80% of region's passengers, account for approximately 75% of the plan's estimated transit capital shortfall, and serve PDAs that are expected to accommodate the lion's share of the region's housing and employment growth
  - c) achieves roughly \$7 billion in total state of good repair investment by leveraging other regional discretionary funds and requiring a minimum 30% local match from the three operators
  - d) participating operators must meet the Transit Sustainability Project's performance objectives outlined in MTC Resolution No. 4060

#### **2. Transit Operating and Efficiency Program**

Plan Bay Area fully funds existing transit service levels at nearly \$115 billion over the three decade period, with an assumption that the largest transit operators achieve near-term performance improvements. However, the plan also identifies the importance of a more robust and expanded public transit network, anchored by expanded local service, as a key ingredient for success of Plan Bay Area's growth strategy. In particular, the plan falls short of the funding

necessary to meet the performance target of growth in the non-auto mode share to 26 percent of all trips.

Proposal:

- Invest \$450 million over the life of Plan Bay Area
- Operating investments and capital investment that create operating efficiencies must be consistent with the recommendations of the Transit Sustainability Project and focus on improving service and attracting riders in the most cost-effective manner
- Operating and capital investments also will be constrained by the availability of cap and trade funds on a predictable, ongoing basis

**3. One Bay Area Grants**

Plan Bay Area invests over \$14 billion in transportation improvements concentrated near high quality transit and higher density housing – through the One Bay Area grant program – focusing on complete streets, bicycle and pedestrian facilities, and streetscape improvements. The Plan identifies a remaining need of \$20 billion over the next three decades to achieve a PCI score of 75, the Plan’s adopted performance target for pavement; of this, roughly 45% is for non-pavement infrastructure, critical for complete streets that would serve alternative modes and transit-oriented development that is a key part of Plan Bay Area’s growth strategy. Further, the provision of housing for low and moderate income households in areas that provide access to jobs was identified in Plan Bay Area as critical to sustaining the region’s economic growth and attaining the Plan’s GHG and Housing Targets. To address this need, transit-oriented, workforce housing will also be an eligible use of the cap and trade OBAG funding.

Proposal:

- Invest \$1,050 million to augment the One Bay Area Grant Program
- Congestion Management Agencies will administer the funds as in the OBAG program
- Distribution formula and eligible uses of the funds will be consistent with the OBAG program with the addition of transit-oriented, workforce housing , consistent with the nexus requirements for cap and trade revenue
- Counties can opt to use OBAG funding for workforce housing to leverage additional funding from the private sector and foundations
- Priority Development Area Growth and Investment Strategies will serve as a guide to investment priorities

**4. Climate Initiatives**

The Climate Initiatives Program is a multi-agency program focused on investments in technology advancements and incentives for travel options that help the Bay Area meet the GHG emission reduction targets related to SB375.

Proposal:

- Invest \$400 million for the Climate Initiatives Program over the life of Plan Bay Area, including \$75 million to support the county Safe Routes to School programs
- Investments will be focused on those programs that prove most cost-effective at reducing emissions based on evaluations of the existing programs
- MTC will partner with the Air District, other regional and local partners, and the private sector to build upon successful existing programs and leverage other funds

**5. Goods Movement**

Goods movement investments fall into two categories: (1) projects focused on improving the efficiency of the movement of goods within and through the region, and (2) mitigation projects that reduce the associated environmental impacts on local communities. MTC is currently working with Caltrans and selected Congestion Management Agencies to update the regional goods movement program and to inform the California Freight Mobility Plan. These efforts are identifying goods movement projects as well as the need for mitigations for the localized impacts. These efforts can inform future program development and investment decisions related to goods movement projects.

Proposal:

- Invest \$450 million for goods movement projects over the life of Plan Bay Area
- Leverage existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and CARB programs aimed at retrofits and replacements of trucks and locomotives including:
  - a) private sector,
  - b) county funding (ACTC committed \$240 million to goods movement in measure B1),
  - c) regional (BAAQMD Carl Moyer funding), and
  - d) reauthorization of the federal surface transportation program.

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<b>TOTAL</b>	<b>\$3,150</b>

November 1, 2013

Amy Worth, Chair, and Members  
Metropolitan Transportation Commission  
Mark Luce, President, and Members  
Association of Bay Area Governments

**Re: Principles for Implementing Plan Bay Area's Amendment on  
Regional Cap and Trade Revenue Allocation**

Dear MTC Chair Worth, ABAG President Luce and Members:

As you prepare to launch the Bay Area's process for setting priorities for Cap and Trade revenue, we write to provide background on the close connection of AB 32 revenues with the needs of disadvantaged communities, and to offer a social and economic justice framework for a Cap and Trade process that will benefit our entire region. Dozens of organizations from around the Bay, including 6 Wins members and allies, stand eager to participate in the process by which the region will determine how best to spend this important new source of funds.

We applaud MTC and ABAG for adopting the amendment proposed by Supervisor John Gioia to ensure transparency and equity in the allocation of Cap and Trade funds in the Bay Area. Plan Bay Area commits MTC and ABAG to conducting "a transparent and inclusive regional public process" for the allocation of AB 32 Cap and Trade revenues in the region and guarantees that "at least 25 percent of these revenues will be spent to benefit disadvantaged communities in the Bay Area."<sup>1</sup> These regional commitments are in line with AB 32's goal of "direct[ing] public and private investment toward the most disadvantaged communities in California and providing opportunities for "community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions. "Plan Bay Area also builds on SB 535's requirement that at least 25 percent of Cap and Trade revenues be targeted to "projects that provide benefits to [disadvantaged] communities," with at least 10 percent to projects "located within" these communities.<sup>2</sup>

Cap and Trade revenues provide our region with an important opportunity to allocate funds to a variety of projects that reduce GHG emissions and improve public transit, land use patterns, public health and quality of life.

**To meet the objectives of both state law and regional policy - and to achieve a better Bay Area for *all* our residents - Cap and Trade spending in the Bay Area should be governed by the following principles:**

1. **Ensure Full Transparency and Accountability in Decision Making.** It is critical that MTC and ABAG stay true to Plan Bay Area's commitment to "a transparent and inclusive" regional public process for prioritizing Cap and Trade expenditures. A timeline for decision

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<sup>1</sup> See "Summary of Major Revisions to Draft Plan Bay Area," amendment 48, available at [http://www.mtc.ca.gov/planning/plan\\_bay\\_area/](http://www.mtc.ca.gov/planning/plan_bay_area/).

<sup>2</sup> Health & Saf. Code §§ 38501 (h), 38565, 39713.

making and public participation should be developed promptly in consultation with membership groups and their community members from around the region. Key decision points should be identified, and opportunities for local and regional input should be provided for. Any MTC and ABAG consultations with Congestion Management Agencies, and the outcomes of those meetings, should be made public. Finally, all agencies responsible for carrying out projects funded with Cap and Trade dollars should be held accountable to ensure that promised benefits are delivered, measured and reported.

**2. Prioritize the Needs of Communities Suffering the Greatest Toxic Exposures.** A significant portion of our region's Cap and Trade revenues should be dedicated to reduce emissions and cumulative health risks *in* the communities suffering the greatest exposure to air and other toxic contaminants. The needs of disadvantaged communities should be the first ones addressed in the Cap and Trade revenue expenditures since they are the most heavily and disproportionately burdened by the health impacts of GHGs and co-pollutants, and potentially at risk of further localized burdens as a result of the Cap and Trade system itself. In 2000, diesel PM alone contributed to 2,900 premature deaths compared to 2,000 deaths by homicide.<sup>3</sup> Co-pollutants emitted with GHGs, such as PM 2.5, are responsible for more annual deaths in California than caused by car accidents, murders and AIDS combined.<sup>4</sup> Investing in these communities maximizes the environmental and economic co-benefits, as required by AB 32, by reducing the most hazardous emissions with the greatest human health impact first.

These heavily-burdened communities should play a central role in determining the regional and localized priorities that guide expenditure of this first tier of funds. Expenditures to address these needs should be subject to strict requirements. The funds should be: (a) spent in accordance with a clear plan to address priority community needs (such as a Community Risk Reduction Plan or an updated Community Based Transportation Plan); (b) maximize jobs and other co-benefits for community residents, and (c) ensure that residents are not displaced by the rising land values that are likely to accompany the clean-up of their communities.

**3. Ensure that *all* Cap and Trade Revenue Benefits Low-Income Families Across the Region.** The remainder of Cap and Trade revenues should be allocated region-wide with a focus on ensuring benefits to low-income communities and residents throughout the Bay Area by focusing on community-stabilizing investments such as improved local transit service, reduced fares, and affordable housing. The Investment Plan for Cap and Trade revenues that CARB and the Department of Finance adopted last spring<sup>5</sup> includes funding transit operations and affordable TOD housing as important and appropriate expenditures to implement SB 375. Your analysis of the Equity, Environment and Jobs (EEJ) alternative showed that these investments deliver benefits to *all* Bay Area residents. Building on the OBAG program, these investments should also require local jurisdictions to put in place effective anti-displacement and affordable housing measures as a condition of receiving funds, to ensure that people of all

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<sup>3</sup> Air Resources Board, "Facts about Reducing Pollution from California's Trash Trucks," available at <http://www.arb.ca.gov/msprog/swcv/consumerfactsheet3.pdf>.

<sup>4</sup> Environmental Working Group, "Particle Civics," available at <http://static.ewg.org/reports/2002/ParticleCivics.pdf>.

<sup>5</sup> Available at [http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/final\\_investment\\_plan.pdf](http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/final_investment_plan.pdf).

income levels are able to benefit from neighborhood improvements from public investments.

**4. Leverage All Funding to Create Quality Jobs and Economic Opportunity for Those Who Need it Most.** Finally, each dollar of Cap and Trade money spent for any use should carry appropriate policies to ensure that it creates quality jobs and economic opportunities. These policies include: hiring of disadvantaged or underrepresented Bay Area residents; collaboration with local Workforce Investment Boards and community-based workforce programs; where appropriate, utilization of state-certified apprentices on building and construction projects, and paid interns in other industries where feasible; prevailing wages on construction jobs; and living wages with health coverage on permanent jobs.

These policies would not only comply with the mandate of state law that the funds achieve economic co-benefits, but would also advance Plan Bay Area's commitment that MTC and ABAG will "identify job creation and career pathway strategies including local best practices on apprenticeship programs, and local hire and standard wage guidelines," and will utilize these strategies "in the implementation of the current Plan Bay Area."<sup>6</sup> These economic standards should apply as broadly as possible, whether the dollars are spent on direct hiring or are distributed to contractors or subcontractors, to consultants, on marketing and outreach, as incentive payments or through other avenues.

Thank you for this opportunity to offer a principled framework for the upcoming discussion of Cap and Trade priorities.

Sincerely,

Miya Yoshitani, Associate Director  
**Asian Pacific Environmental Network**

Carl Anthony and Paloma Pavel  
**Breakthrough Communities**

Michael Rawson, Director  
**California Affordable Housing Law Project**

Wendy Alfsen, Executive Director  
**California WALKS**

Dawn Phillips, Co-Director of Program  
**Causa Justa :: Just Cause**

Tim Frank, Director  
**Center for Sustainable Neighborhoods**

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<sup>6</sup> See "Summary of Major Revisions to Draft Plan Bay Area," amendment 69, available at [http://www.mtc.ca.gov/planning/plan\\_bay\\_area/](http://www.mtc.ca.gov/planning/plan_bay_area/).



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Cc: Steve Heminger, MTC  
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