



February 19, 2008 FINAL

Gary C. Ovitt, President
Hasan Ikhata Executive Director
Southern California Association of Governments
818 W. Seventh Street, 12th Floor
Los Angeles, CA 90017

Re: Public Comments on SCAG RTP, Open Space, and Environmental Justice

Dear Mr. Ovitt and Mr. Ikhata:

I. Overview

The City Project submits these public comments regarding the SCAG draft 2008 Regional Transportation Plan (RTP) (December 6, 2007); the draft 2008 RTP Environmental Justice Report (December 2007); and the Open Space Chapter 3.10 of the draft 2008 RTP Program Environmental Impact Report (PEIR). The City Project has previously raised many of these concerns through the SCAG open space work group.

We respectfully submit that the cited SCAG reports are not adequate to address the impact of the regional transportation plan on environmental justice communities including low income people, people of color, and Native Americans, on open space needs, and on the need for transit to trails. The reports need to be significantly revised, as discussed in the conclusion.

II. Discussion

There are unfair inequities in the distribution of environmental benefits, including green space, and environmental burdens, including air and ground pollution, between more and less affluent communities in California.

Four of the six SCAG counties are among the eight counties in the state with the greatest need for green space – in combined terms of the fewest acres of green space per thousand residents, and highest levels of child obesity, youth, poverty, and people of color. These facts are illustrated and analyzed in the accompanying Policy Report by Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California* at pages 3-6, Map 1, and Tables 9A-9F.

County averages can mask dramatic disparities in access to green space within the county. As reported in the Los Angeles Times, for example, there are large disparities in the amount of park acreage for L.A. residents. *See generally* Robert García and Aubrey White, *Healthy Parks, Schools and Communities: Mapping Green Access and Equity for the Los Angeles Region* at pages 3-5, 7-10, and Maps 101-102, 401, 402, 403, and Charts 401C and 1203C (2006); *see also* Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access*

and Equity for California at 5.

In addition, California has the nation's highest concentration of people of color living near hazardous waste facilities. Statewide, 81% are people of color. Greater Los Angeles is the worst in the nation, with 1.2 million people living less than two miles from 17 hazardous waste facilities. 91%, or 1.1 million, are people of color. Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California* at 6-7.

Southern California should develop and implement a strategic plan for a "Transit to Trails" program to take people to parks, beaches, forests, lakes, and other public natural spaces. A Transit to Trails program would serve all the people of the region, but would be particularly useful to the working poor with limited or no access to cars, who are disproportionately people of color and low income. Transit to Trails would reduce traffic congestion and parking problems, improve air quality, and reduce run-off of polluted water into rivers and the ocean. It would also reduce dependency on the automobile and fossil fuels. Today, there is virtually no good way to reach the four Southern California forests using public transportation. Transit to beaches is limited, time-consuming, and expensive. Low cost transit service should link great urban parks with outlying green space. SCAG has the opportunity to include Transit to Trails in its next Regional Transportation Plan. The Olmsted Report envisioned a transportation system for people to reach natural public places. Robert García and Aubrey White, *Healthy Parks, Schools and Communities: Mapping Green Access and Equity for the Los Angeles Region* at 14.

The values at stake in providing equitable transportation and land use planning for the region include promoting the simple joys of playing in the park; human health; youth development and academic performance; conservation values of clean air, water, and land, habitat protection, and climate justice; economic vitality for all; spiritual values in protecting people and the earth; cultural and historical values at parks such as San Onofre State Beach; and sustainable regional planning. Fundamental principles of equal justice and democracy underlie each of these other values. See Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California* at 7-9.

Providing equitable transportation and land use planning for the region is good policy – and good law. Federal and state laws prohibit both intentional discrimination and unjustified discriminatory impacts for which there are less discriminatory alternatives in the provision of public resources. An important purpose of the statutory civil rights framework is to ensure that recipients of public funds do not maintain policies or practices that result in discrimination based on race or ethnicity. The SCAG RTP process can proactively achieve compliance with civil rights, environmental, and other laws. Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California* at 9-10.

Title VI of the Civil Rights of 1964 and its implementing regulations guard against both (1) intentional discrimination based on race, color or national origin, and (2) unjustified discriminatory impacts for which there are less discriminatory alternatives, by applicants for or recipients of federal funds. *Id.*

California laws also guard against intentional discrimination and unjustified discriminatory impacts by recipients of state funds under Government Code section 11135. In addition,

California law defines environmental justice 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.” *Id.*

The California Coastal Commission adopted a local coastal plan requiring Malibu to maximize public access to the beach while ensuring the fair treatment of people of all races, cultures, and incomes in 2002. Commissioner Pedro Nava told the Los Angeles Times he hoped to set a precedent for other communities. *Id.*

California law also promotes respectful government to government consultation with California Indian tribes regarding land use planning that may impact traditional cultural properties. SB 18 and the tribal consultation guidelines published by the Office of Planning and Research require agencies to consult with Indian Tribes.

SCAG should be increasingly responsive to, and held accountable for, the impact of its plans on environmental justice communities, especially now that people of color are in the majority in California. *Id.*

III. Conclusion

The SCAG RTP, EIR, and Open Space plans and Environmental Justice Report should present a region-wide vision and strategic plan for the investment of transportation resources to alleviate real and perceived inequities in access to green space and transportation. The principles below in many respects present the necessary framework.

Principle 1. Transportation resource decisions have widespread impacts on health, housing, development, investment patterns, climate justice, and quality of life. The process by which those decisions are reached, and the outcomes of those decisions, must be fair and beneficial to all.

Principle 2. Transportation investments should be guided by a regional vision that includes a comprehensive web of communities, parks, schools, beaches, forests, rivers, mountains, and transit to trails to achieve results that are equitable; promote human health, the environment, and economic vitality; and serve diverse community needs.

Principle 3. Infrastructure areas should be planned together in complementary rather than conflicting ways to serve health, education, human service, and environmental needs; to fulfill critical governmental and societal responsibilities; and to produce equitable results. For example, transit can provide access to trails.

Principle 4. Transportation priorities should be thoroughly assessed through an equity lens. For example, there are unfair disparities in transportation access, green space, and child obesity.

Principle 5. Employment, economic, and environmental benefits associated with building and maintaining transportation infrastructure should be distributed fairly among all communities. Local jobs with livable wages should go first to local residents. Job training should be provided for those who need it to qualify for jobs. There should be a level playing field for small, women, and minority business enterprises.

Principle 6. Revenues to support transportation improvements should be collected and allocated to distribute fairly the benefits and burdens of the projects. Resources should be targeted to the

most underserved communities to overcome unfair disparities.

Principle 7. Transportation infrastructure decision-making should be transparent and include mechanisms for everyone to contribute to the planning and policymaking process.

Principle 8. Standards for measuring equity and progress should be articulated and implemented to guide planning and investments, and to hold agencies accountable.

Principle 9. In making transportation investments and decisions, recipients of federal and state funds including SCAG should proactively comply with federal and state laws designed to achieve equal access to public resources, including Title VI of the Civil Rights Act of 1964 and its implementing regulations, California Government Code 11135, and the California statutory definition of environmental justice. Compliance with civil rights, environmental, and other laws should be combined.

Principle 10. Government agencies including SCAG should dedicate resources to enable community based organizations to serve their communities and actively participate in infrastructure planning and investments.

We look forward to working with you to accomplish these goals.

Sincerely,

Robert García
Executive Director and Counsel

Angela Mooney-D'Arcy
Policy Director

Enclosures:

Robert García and Aubrey White, *Healthy Parks, Schools and Counties: Mapping Green Access and Equity for California* (2007)

Robert García and Aubrey White, *Healthy Parks, Schools and Communities: Mapping Green Access and Equity for the Los Angeles Region* (2006)