

Joint Letter to the Legislature Regarding Transportation Platform

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Subject: Transportation Platform That Centers Equity and Justice in 192nd Session

Dear Senate President Spilka, Speaker Mariano, Chair Rodrigues, Chair Michlewitz, Chair Boncore, and Chair Straus:

We write on behalf of 33 organizations that include community-led, transportation, environmental, public health, labor, business, youth, and research organizations who have come together to engage in dialogue about transportation and climate policy. In this time of racial justice reckoning, communities of color with poor air quality endure disproportionately high COVID-19 death rates. Our state climate, environmental, and transportation policies must improve mobility, air quality, and climate, and redress past environmental and public health inequities for overburdened and underserved communities, such as those identified by the Commonwealth as environmental justice (EJ) populations. We urge the Legislature to commit to engaging directly with impacted populations to adopt and implement a transportation platform that meets community needs and contributes to our climate targets.

I. The Commonwealth must commit to a broad transportation platform that centers equity and justice.

Our transportation systems are in crisis. Before the pandemic, service cuts, safety failures, delayed infrastructure upgrades, and chronic delays have denied riders the service we need,

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while reliance on fossil fuel vehicles degrades our health and the health of our climate. During the pandemic, riders face crowded conditions on transit routes serving EJ populations even as we depend on transit to make essential trips. Race determines which neighborhoods are safe and healthy places to live, learn, work, commute, and play¹ and the COVID-19 pandemic has exacerbated these long-standing inequities in health outcomes between white people and people of color.² Throughout the Commonwealth, transit routes that serve EJ populations have shown the lowest reduction in ridership because people must ride buses and trains to get to and from work and make other essential trips.³ Yet, our system is overwhelmed, underfunded, and utterly unprepared for changing conditions.

To meet the needs of the communities at the center of the climate crisis and those hardest hit by COVID-19, Massachusetts must pursue a suite of policies to address disproportionate burdens of pollution, reduce greenhouse gas emissions, and improve our transportation systems. At a minimum, the Commonwealth must take the following actions.

A. Address poor air quality in pollution hotspots around major transportation infrastructure such as highways, airports, rail yards, and marine terminals.

In Massachusetts, expanded air monitoring for fine particulate matter (PM_{2.5}) and ultrafine PM is necessary for the state to determine baseline conditions and track improved air quality trends. A Harvard study found that an increase in long-term air pollution exposure (1 µg/m³) leads to a COVID-19 death rate that is eight percent above the risk for residents of communities without such exposure.⁴ The Commonwealth lacks sufficient baseline data to even begin to address this inequity and prevent further harm.

¹ Faber and Kreig, “Unequal Exposure to Ecological Hazards 2005: Environmental Injustices in the Commonwealth of Massachusetts,” October 2005, <https://web.northeastern.edu/ejresearchnetwork/wp-content/uploads/2014/10/Final-Unequal-Exposure-Report-2005-10-12-05.pdf>.

² The most recent data set released by the Department of Public Health regarding COVID-19 (data as of December 22, 2020) shows that 19 of the 20 municipalities with the highest total average daily cases in the Commonwealth contain EJ populations. *See page 46*, <https://www.mass.gov/doc/weekly-covid-19-public-health-report-december-24-2020/download>; *See also “City_Town” and “Race and Ethnicity” Tabs*, <https://www.mass.gov/doc/weekly-public-health-report-raw-data-december-24-2020/download> compared to <https://www.mass.gov/doc/ej2010communitystatisticspdf/download>. Many of these communities also have poor air quality and are home to essential workers who do not have the luxury of being able to work remotely. *See Conservation Law Foundation, COVID-19 and Health Neighborhoods Study Communities*, March 23, 2020. <https://www.clf.org/covid-19-and-healthy-neighborhoods-study-communities/>; *see also Data Show COVID-19 is Hitting Essential Workers and Communities of Color Hardest*, ACLU MASSACHUSETTS (2020), <https://www.aclum.org/en/publications/data-show-covid-19-hitting-essential-workers-and-people-color-hardest>; and *see Lisa Friedman, New Research Links Air Pollution to Higher Coronavirus Death Rates*, NEW YORK TIMES (April 7, 2020), available at: <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html>.

³ Massachusetts Bay Transportation Authority, Report from the General Manager to the Fiscal and Management Control Board, slides 4-8 (October 5, 2020), <https://cdn.mbta.com/sites/default/files/2020-10/2020-10-05-fmcb-E-report-from-general-manager-accessible.pdf>.

⁴ Wu, X., Nethery, R. C., Sabath, M. B., Braun, D. and Dominici, F., 2020. Air pollution and COVID-19 mortality in the United States: Strengths and limitations of an ecological regression analysis. *Science advances*, 6, p.eabd4049, <https://projects.iq.harvard.edu/covid-pm>.

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We recommend building on existing studies and working with a broad stakeholder group that includes representatives of environmental justice organizations, academic institutions, and labor, to determine air pollution hotspots throughout the Commonwealth.⁵ Once those hotspots are determined, the Commonwealth should update its Air Quality Monitoring Network and Annual Plan⁶ to expand its monitoring network. To do so, the Massachusetts Department of Environmental Protection should establish baseline air quality conditions in 2021 and set annual targets to reduce the average air pollution in that location. Data from the air monitors should be publicly accessible and provide near-time information. By 2022, the Commonwealth should set enforceable annual air pollution improvement targets to ensure that air pollution hotspots have significantly improved air quality by 2032. We support using funding allocated for clean transportation to support the costs associated with improving air quality in pollution hotspots. For example, funds from the Regional Greenhouse Gas Initiative (RGGI), already allocated for clean transportation purposes through the MOR-EV program, could be used to expand the Commonwealth's air quality monitoring network before other funding sources, such as the Transportation and Climate Initiative (TCI), becomes available.

B. Implement low-income transit fares and/or fare-free routes by January 1, 2022.

Public transit serves as a lifeline for riders to access economic opportunity, educational facilities, healthcare, and other necessities. Before COVID-19, many people were struggling to pay their MBTA or Regional Transit Authorities (RTA) fares. Now, faced with a state of emergency, record unemployment, and a coming wave of evictions, ensuring that all people have access to affordable public transit is essential. Data suggest that a low-income fare would allow riders to take more trips and increase access to health care and social services.⁷ A fare-free program in Lawrence suggests that making certain routes fare free gets people out of cars and taxis, reduces congestion, opens up sections of the city that are otherwise hard to reach, and reduces air pollution.⁸ The Legislature should work with EEA, MassDOT, the MBTA, RTAs, and municipalities to implement and fund low-income fare programs and fare-free routes in communities that serve transit critical and environmental justice populations. There needs to be

⁵ Existing studies include: Union of Concerned Scientists: *Inequitable Exposure to Air Pollution from Vehicles in Massachusetts: Fact Sheet*, 1 (June 2019), <https://www.ucsusa.org/sites/default/files/attach/2019/06/Inequitable-Exposure-to-Vehicle-Pollution-MA.pdf>; Marcos Luna and Neenah Estrella Luna, *Investing for Equity: Using an Environmental Justice Approach to Guide Transportation and Climate Investments*, (forthcoming).

⁶ Massachusetts Department of Environmental Protection, Ambient Air Quality Monitoring Network, <https://www.mass.gov/service-details/massdep-ambient-air-quality-monitoring-network-annual-plan>.

⁷ Jeffrey Rosenblum, Jinhua Zhao, Mariana Arcaya, Justin Steil, Chris Zegras, "How Low-Income Transit Riders in Boston Respond to Discounted Fares: A Randomized Controlled Evaluation," Department of Urban Studies and Planning, Massachusetts Institute of Technology, Cambridge, MA, (June 2019), <http://equitytransit.mit.edu/>.

⁸ Nestor Ramos, "'Just Make It Free': Lawrence Paid All the Fares For Three Bus Routes, and Ridership is Up," Boston Globe, (December 18, 2019), <https://www.bostonglobe.com/2019/12/18/metro/just-make-it-free-lawrence-paid-all-fares-three-bus-routes-ridership-is-up/>.

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expanded transit options to reach rural communities where there is no current access to public transit.

C. Decriminalize fare evasion by January 1, 2022.

Riders need a transit system that is not only fully funded, reliable, and healthy, but accessible and fair for those who need it most. We support the language in H.5248, the transportation bond bill approved by the House and Senate earlier this week awaiting Governor Baker's signature, which would decriminalize MBTA fare evasion. The MBTA Transit Police arrest a disproportionate number of riders of color for fare evasion compared to white riders. According to the MBTA, approximately 63 percent of people (17 out of 27) arrested for fare evasion in 2015 and 74 percent of people (14 out of 19) arrested for fare evasion in 2018 were people of color.⁹ Riders of color represent approximately 45 percent of MBTA riders.¹⁰ Following legislative changes to decriminalize fare evasion, the MBTA and RTAs should be required to amend their regulations and policies to ensure that fare policies work for riders of color, low-income riders, and riders with disabilities.

D. Preserve and expand service on RTAs and MBTA, particularly in communities that rely on transportation for employment, education, and medical access.

In the short-term and throughout the pandemic, the state should consider locations where a significant number of residents cannot work remotely and prioritize increased transit service for these areas that allow for a safe transit experience. In the long-term when people are able to travel without restrictions, we need to prioritize transit service for EJ populations first, then focus on areas that will lead to mode shifts from cars to transit. The Legislature should propose and support sustainable funding for transit authorities statewide. Further, it is critical to fund continued operation of paratransit services and rideshare programs while facilitating the conversion of paratransit and rideshare fleets to zero-emission vehicles.

E. Integrate electrified public transit on RTAs, the MBTA, and school buses by 2030.

The transportation sector is the largest contributor of GHG emissions in Massachusetts. In 2017, transportation accounted for 42 percent of GHG emissions in the state.¹¹ Per Governor Baker's Commission on the Future of Transportation, "[w]ithout further action, transportation sector

⁹ MBTA Spreadsheet, "PRR 605 Fare Evasion Spreadsheet No. 10," provided to Conservation Law Foundation and Lawyers for Civil Rights in response to a public records request, Request No. R000605-101619.

¹⁰ Central Transportation Planning Staff 2015-17 MBTA System-wide Passenger Survey, "Race and Ethnicity" Tab, <https://www.ctps.org/apps/mbtasurvey2018/#>.

¹¹ Mass.gov, MA GHG Emission Trends: MA and US GHG by Sector, <https://www.mass.gov/doc/appendix-c-massachusetts-annual-greenhouse-gas-emissions-inventory-1990-2017-with-partial-2018/download>.

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GHG emissions are projected to increase.”¹² The Commission on the Future of Transportation recommended that “bus service, in particular, needs to be reinvented.”¹³ The Commission on the Future of Transportation also concluded that all buses purchased with state resources should be zero emissions by 2030.¹⁴

The deployment of zero-emission buses for our public transit and school bus fleets is necessary to improve our air quality and achieve our climate targets. As of today, there are numerous zero-emission buses manufactured and in operation throughout the United States, with numerous options for battery electric buses. The lifecycle costs of electric buses are lower than that of diesel buses due to reduced fuel costs, fewer maintenance costs, and avoided health costs.¹⁵ Not only are electric bus lifecycle costs lower, they also are quieter and produce zero tailpipe emissions. The Commonwealth should prioritize deploying zero-emission buses on routes that serve and pass through EJ populations starting now.

- F. Work with environmental justice populations as the state develops its action plan to transition to medium- and heavy-duty zero-emission vehicles pursuant to the recent multistate zero-emission vehicle truck agreement by 2030.

The Commonwealth has a constitutional obligation to provide its residents with clean air¹⁶ and achieve net zero emissions under the Global Warming Solutions Act (GWSA).¹⁷ We applaud Governor Baker for ensuring that the Commonwealth was one of 15 states to sign a joint memorandum of understanding committing to work collaboratively to advance and accelerate the market for electric medium- and heavy-duty vehicles, such as pickup trucks, delivery trucks, buses, and long-haul delivery trucks. The Commonwealth’s goal is to achieve 30 percent of new medium- and heavy-duty vehicles sales by 2030 and 100 percent by 2050.¹⁸ These vehicles contribute to significant deterioration of air quality in our neighborhoods especially the diesel vehicles. We encourage the multistate medium- and heavy-duty vehicle initiative to work with EJ populations and other stakeholders to develop equitable implementation and progressive

¹² Commission on the Future of Transportation, *Choices for Stewardship: Recommendations to Meet the Transportation Future: Executive Summary*, 3 (December 2018), <https://www.mass.gov/files/documents/2018/12/14/FOTC-ExecutiveSummary.pdf>.

¹³ Commission on the Future of Transportation, *Choices for Stewardship: Recommendations to Meet the Transportation Future: Volume 1*, at 36 (December 2018), <https://www.mass.gov/doc/choices-for-stewardship-recommendations-to-meet-the-transportation-future-volume-1/download>.

¹⁴ *Id.* at 54.

¹⁵ U.S. PIRG, “Paying for Electric Buses: Financing Tools for Cities and Agencies to Ditch Diesel,” at 7-8 (2018), <https://uspig.org/sites/pirg/files/reports/National%20-%20Paying%20for%20Electric%20Buses.pdf>. See Environmental and Energy Study Institute, “Battery Electric Buses Fact Sheets: Benefits Outweigh Costs,” (October 2018), https://www.eesi.org/files/FactSheet_Electric_Bus_Benefits_Outweigh_Costs_1018.pdf.

¹⁶ Massachusetts Constitution, Article 97.

¹⁷ St. 2008, c. 298; Secretary Katie Theoharides Letter Determination of Statewide Emissions Limit for 2050, April 22, 2020, <https://www.mass.gov/files/documents/2020/04/22/FinalNZDetermLetter%28Signed%29.pdf>.

¹⁸ Multistate Zero-Emission Medium- and Heavy-Duty Vehicle Initiative Memorandum of Understanding, July 14, 2020, <https://ww2.arb.ca.gov/sites/default/files/2020-07/Multistate-Truck-ZEV-Governors-MOU-20200714.pdf>.

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funding plans as detailed below in Section II that will lead to deployment of zero-emission medium- and heavy-duty vehicles in our communities as soon as possible.

G. Implement Rail Vision and electrified regional rail by 2035.

In November 2019, the MBTA Fiscal and Management Control Board took bold action by voting to approve an ambitious long-term plan for the commuter rail.¹⁹ The Rail Vision resolutions call for a new MBTA Office of Rail Transformation focused on implementing the most ambitious Rail Vision recommendations, including reducing headways allowing for more frequent service, expanding opportunities for public-private partnerships, and electrifying our trains. Our Commonwealth must plan now for a rail network that provides the infrastructure and quality of service to allow people to safely and reliably choose rail over cars. Electrifying the commuter rail, with first priority for routes serving and traveling through environmental justice populations, will go a long way in making that a reality. In the year since the board approved Rail Vision, we have seen little progress. The Commonwealth must act now to implement Rail Vision so that we realize a fully electrified regional rail system by 2035.

H. Expand the Complete Streets program in EJ populations.

The Complete Streets Program is designed to fund bicycle lanes, safer crosswalks, bus stops, bus shelters, improved street lighting, changes to traffic signal timings, new bicycle or pedestrian facilities, and better connections to transit, contributing to improved air quality and emissions reductions. EJ populations and other communities on the frontlines of pollution should benefit first and most from these resources, as should those communities experiencing the greatest concentrations of vehicle, cycling, and pedestrian crashes. The Legislature must ensure that program funds are distributed to EJ populations in proportion to the amount of funds needed to redress disproportionate burdens in such communities. Additionally, the Legislature should require enhanced outreach to residents in the communities participating in the Complete Streets program.

I. Improve siting requirements, particularly for new and expanded electric transmission and distribution infrastructure, to accommodate anticipated electrification of transit.

Current energy infrastructure siting requirements do not sufficiently account for the inequitable distribution of environmental burdens in environmental justice populations throughout the

¹⁹ Fiscal and Management Control Board Rail Vision Resolutions, (November 4, 2019), <https://cdn.mbtta.com/sites/default/files/2019-11/2019-11-04-fmcb-rail-vision-final-vote-accessible.pdf>.

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Commonwealth.²⁰ The Massachusetts Energy Facilities Siting Board review and approval process does not prohibit the addition or expansion of energy infrastructure in EJ populations if there is likelihood of harm from a particular facility; this is unacceptable. Detailed cumulative impact analyses should be required for all energy infrastructure that is in or could impact environmental justice populations. Results of those analyses should influence decisions about permits and the location of future infrastructure. Enforcement of permitting requirements for power plants, electrical substations, and other distribution infrastructure is needed to address existing burdens and risks for workers and nearby residents. Further, the Commonwealth should implement programs that reduce the peak electric system demand so that we collectively reduce the need to construct new electric distribution infrastructure.

Beyond the substantive review, there is a need for an inclusive procedure that meaningfully engages residents of EJ populations. New electric substations should not be permitted in EJ populations unless the community has been meaningfully engaged in ways that are culturally appropriate, the most vulnerable residents approve of such substations, they will result in benefits to such communities, and there will not be any added risk or harm to the surrounding community.

J. Pursue legislative and administrative changes that provide environmental justice protections and prevent disparate impacts.

Many Massachusetts residents and workers have worked for decades to ensure equal access to environmental justice for all. Our laws, programs, and policies have not yet achieved that reality. We recommend that the Legislature write laws that require use of cumulative impact analyses to ensure that transportation, environmental, and energy infrastructure does not burden EJ populations. As a baseline measure, we support the passage of the EJ provisions in S.2995, approved by the House and Senate earlier this week awaiting Governor Baker's signature.

To prevent further disparities, we also recommend adoption of policies to prohibit government programs, policies, and practices that discriminate or have a discriminatory effect based on protected characteristics, restoring at the state level critical civil rights protections previously available under federal law. We urge passage of legislation that allows for legal challenges to discriminatory programs, policies, and practices in court. The Commonwealth should eradicate discrimination and secure access to the judicial process for people to enforce our rights and protect our health and the health of our environment.

²⁰ Faber and Kreig, "Unequal Exposure to Ecological Hazards 2005: Environmental Injustices in the Commonwealth of Massachusetts," October 2005, <https://web.northeastern.edu/ejresearchnetwork/wp-content/uploads/2014/10/Final-Unequal-Exposure-Report-2005-10-12-05.pdf>.

II. Legislators must take a comprehensive view in considering how to fund the Commonwealth's transportation system.

Residents and businesses in the Commonwealth pay to fund transportation in a number of ways, including the gas tax, auto excise taxes, registry fees, fares, tolls, the sales tax, and income taxes. We also pay for transportation in other tangible ways that hit our wallets, including the high costs of owning and maintaining an automobile, and higher housing costs near good transit access. We also pay in less tangible ways: long commutes on buses traveling on congested roads, higher rates of asthma and heart disease for neighborhoods near highways, vehicle crashes that cause health and economic harm, and impacts of climate change that fall disproportionately on marginalized communities. A comprehensive view of how we pay for transportation considers all of these costs and more.

Transportation revenue policies should try to simultaneously:

- (1) Make our tax system more economically progressive, so that higher-income people pay a larger share of their income than lower-income people; and
- (2) Make our transportation systems more equitable and sustainable by reducing harms and costs from the systems by raising revenue in ways that set better incentives for users of our transportation systems.

These goals can at first seem at cross-purposes, but taking a deeper look reveals opportunities to achieve both goals. We urge the Legislature to adopt policies that advance both of these goals concurrently.

Revenue sources for transportation should be supported by as broad a set of stakeholders as possible, including stakeholders representing communities most impacted by the environmental and health burdens of transportation infrastructure, with least access to transportation benefits or most dependent on transit, and grassroots organizations. Such sources should be sufficiently large and impactful to make substantial change in our inequitable transportation status quo.

In conclusion, we encourage the Legislature to pass legislation that will implement the transportation platform discussed herein and establish associated funding sources. If you have questions about this letter, please direct them to Dwaigh Tyndal, Executive Director, Alternatives for Community & Environment, at dwaigh@ace-ej.org and Maria Belen Power, Associate Executive Director, GreenRoots, at mariabelenp@greenrootschelsea.org.

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