



October 16, 2017

Amanda Monaco, J.D.
Policy Advocate
Leadership Counsel for Justice and Accountability
764 P St., Suite 012
Fresno, CA 93721

RE: September 7 letter regarding Fresno COG’s Public Participation, Title VI, Environmental Justice and Housing Obligations and Deficiencies in Current RTP process

Ms. Monaco:

Fresno COG has received and thanks the Leadership Counsel for its Sept. 7, 2017 letter addressing the 2018 Regional Transportation Plan (RTP) and the policies, practices and activities that have shaped it to date. Respectfully, Fresno COG offers the following responses to the comments* raised in that letter.

1. *“While Fresno COG engaged the public in workshops about local agency project proposals and plans to allow community input on choosing between scenarios and it allowed input from the RTP Roundtable to develop scenarios, Fresno COG has not sufficient input from the public, and in particular from disadvantaged communities, in developing scenarios for its SCS. In order to comply with its obligations under federal and state law, Fresno COG must conduct a round of workshops that allows for this kind of input before the scenarios are finalized. Specifically, the COG must engage low-income communities of color to ensure that its funding scenario does not have a disparate impact on these communities, and must consult low income and minority populations about their current transportation, housing and land use needs and solutions to address those needs.”*

Response: With the help of community-based grant recipients – including the Leadership Counsel and other social justice-based organizations – Fresno COG hosted 15 workshops in various locations and in various languages throughout Fresno County, including communities with low income and minority populations. At these workshops, participants were given street maps of their community and were encouraged to submit suggestions for transportation projects that would meet their specific needs. Fresno COG staff received more than 1,200 project submissions as the result of that effort. In addition, as an active member of Fresno COG’s RTP Roundtable – a body comprising stakeholders from throughout the region, including local government agencies, business, environmental and

- City of Clovis
- City of Coalinga
- City of Firebaugh
- City of Fowler
- City of Fresno
- City of Huron
- City of Kerman
- City of Kingsburg
- City of Mendota
- City of Orange Cove
- City of Parlier
- City of Reedley
- City of San Joaquin
- City of Sanger
- City of Selma
- County of Fresno

social justice interests – and a participant in Fresno COG’s Environmental Justice Subcommittee, the Leadership Counsel participated in discussions regarding public outreach strategies and ultimately approved the proposed process.

In conjunction with a third round of 18 public workshops, online feedback and a speakers’ tour of service clubs and other community organizations beginning in October 2017, Fresno COG has more than met its burden to consult EJ populations – and will continue to do so moving forward.

2. *At the root of the problem here is the Fresno COG’s restriction of stakeholders who may participate in scenario development. Title VI requires that Fresno COG ensure that the chosen transportation funding scenario does not cause a discriminatory impact on low-income communities of color in Fresno County, since Fresno COG is a recipient of federal funds. In order to ensure that regional transportation planning does not have a discriminatory impact, the Federal Transit Administration has made it clear that the COG must ensure the “full and fair participation” by all potentially affected communities in the transportation decision-making process, and federal law requires Fresno COG to specifically “seek out” the needs of “low income and minority households” in its public participation process for the RTP. Specifically, the US Department of Transportation’s order on environmental justice requires Fresno COG to elicit input from affected low-income and minority populations. To ensure effective engagement of these groups, federal Executive Orders make it clear that the public must be educated on the health impacts of projects, and in a language that they can understand. California law specifically requires that Fresno COG conduct this type of public participation process for the scenario development portion of the RTP.*

For this reason, Fresno COG must guarantee the public, and particularly low-income communities of color, the opportunity to participate in scenario development. Participation may not be limited to voting between predetermined scenarios. The public must be engaged in a way that allows them to accurately weigh the pros and cons of various alternatives and provide input that shapes the options that the county may pursue.

Response: In April 2017, before the Sustainable Community Strategy (SCS) scenarios were developed, Fresno COG hosted a workshop that educated participants on various options regarding planning strategies and priorities and invited them, independent of any predetermined scenarios, to rank these options with regards to their importance in the eyes of the participants. Fresno COG shortly thereafter launched an online campaign garnering the same input and received responses from 412 residents. Fully 32 percent of the online respondents lived outside of the Fresno County Metropolitan Area and 36 percent were non-white ethnicities.

The workshop and online outreach opportunities were publicized via television advertisements and television talk shows on channels 24 and 47 serving the Fresno County region. They were also publicized through Fresno COG's Mini Grant Recipients, seven organizations contracted to increase participation in the Regional Transportation Plan process, from communities and populations throughout Fresno County that they proposed to reach when responding to Fresno COG's call for applications. Mini grantees were asked to reach out to their contacts and communities to publicize the workshop and solicit online participation. Transportation was available upon request to those they contacted. This round of outreach was also publicized online, on social media, through emails and e-newsletters, on open committee meeting agendas, via the RTP Roundtable and through the Environmental Justice Advisory Committee.

In addition to the April outreach, Fresno COG staff, working with the seven Regional Transportation Plan Mini-Grant recipient organizations, hosted [15 community workshops](#) throughout the County between June 5 and July 6, 2017. Each of the 15 workshops included dinner, childcare, and Spanish presentations, when needed, as well as translation and interpretation services. In total, 516 people attended workshops with 413 of them participating in our [workshop demographic survey](#).

Fresno COG also developed an online survey in English and Spanish to provide opportunity for transportation project input to those who could not attend the workshops. The survey was available through July 9, 2017. In total, Fresno COG received online input from [92 participants](#).

These June 2017 outreach efforts were focused on providing the public an opportunity to provide transportation project suggestions that could be submitted by local agencies in response to the RTP Call for Projects issued July 1, 2017. The workshops were advertised through many means by Mini-Grant organizations and Fresno COG. Television advertisements were produced for each workshop and aired on KSEE 24 and KGPE 47 and interviews were scheduled with Central Valley Today and Univision. Flyers and information were posted to websites, emailed to databases and shared through social media. Many organizations shared workshop information at existing organization or group meetings and some even went door to door canvassing neighborhoods. Staff is waiting for final reports from each mini-grantee on their individual efforts.

During the workshops and through the online portal Fresno COG received 1,218 suggestions for projects, 663 from workshop attendees and 555 from online participants. The suggestions were separated into three categories:

- 1) Streets and Roads - Repairing roads, adding lanes, improving intersections, improving safety, reducing congestion or "other", 573 suggestions received
- 2) Transit - Adding bus stops or new service, improving service, improving safety, repairing assets or "other", 251 suggestions received

3) Active Transportation - Adding bike lanes, adding or repairing sidewalks or trails, improving safety, adding bike racks, or "other", 368 suggestions received

Fresno COG staff processed the workshop and online suggestions and forwarded all of them to local agencies for consideration. All of the Active Transportation suggestions were also forwarded to the consultant working on our [Active Transportation Plan for the Fresno County Region](#).

All four of the growth scenarios that the RTP/SCS and its public outreach process is now considering have been established within the framework of existing general plans for each of the 15 cities within Fresno County and the County of Fresno itself. This includes specific plans for unincorporated communities within the County. This methodology ensures that each of the scenarios is viable from a development standpoint; considering available housing stock, historic building permit requests, population growth, development patterns and other considerations.

Fresno COG has already planned for a third round of workshops beginning in October 2017 whose process will ask participants to choose a preferred growth scenario from among the four that have been [developed based upon public input and] approved to date. Those scenarios will include quantifiable indicators such as air pollution, health-related improvements, farmland conservation and other specific factors, compared across all scenarios. Round three will employ a three-prong approach to public input:

- Booths at 15 different festivals/community events throughout the Fresno County region where attendees can select the scenario that most closely aligns with their values and principals. They are also encouraged to list any adverse impacts that those scenarios not chosen may have on their communities. These include events in some of the most economically disadvantaged communities in the region;
- A Web-based, interactive survey that informs visitors about the RTP/SCS concepts and analysis/indicator results and encourages them to select a preferred alternative and to list any adverse impacts that those scenarios not chosen may have on their communities.
- A “speakers’ bureau” that relies on different community organization and service club meetings throughout the region to address audiences already gathered for their regular monthly activity and again informs and encourages participants to select a preferred scenario based on their individual values and principles and to list any adverse impacts that those scenarios not chosen may have on their communities. To date 16 presentations have been scheduled.

All participants will be asked to provide their preferred scenario and a comment about why they preferred it. Then they will be asked to share any perceived negative impacts that could result from selection of the scenarios they did not choose.

3. *Therefore, the COG must do another round of workshops before the scenarios are finalized, and use the following methodology to ensure that the needs of low-income communities of color are being met:*
 - 1) *Ask communities to identify their transportation needs.*
 - a) *Meaningfully engage with communities: provide resources so that they can meaningfully participate, including hosting workshops at times and places that are convenient for low-income and minority communities to attend.*
 - 2) *With community, identify what the contributing factors are that create existing inequities.*
 - 3) *Set quantified goals for addressing those factors.*
 - 4) *Use that quantified goal to compare proposed scenarios for the SCS in order to see how each scenario achieves equity goals.*
 - 5) *Once a scenario is chosen, identify the actions and investments that will be made during the four-year life cycle of the RTP to achieve those goals.*
 - 6) *Track the progress of those goals over the lifetime of the RTP.*

Response: In April and June 2017, Fresno COG hosted a series of public workshops at various locations throughout Fresno County to garner exactly the kind of input requested in point 1a above. The workshops were exclusively designed to meet the needs of minority and economically disadvantaged people by conducting them during late afternoon/evening hours, providing a dinnertime meal and offering free child care and language interpretation services.

Fresno COG has already planned for a third round of workshops beginning in October 2017 whose process will ask participants to choose a preferred growth scenario from among the four that have been developed based upon public input and approved to date. Those scenarios will include quantifiable goals such as air pollution, health-related improvements, farmland conservation and other specific factors, compared across all scenarios. Round three will employ a three-prong approach to public input:

- Booths at different festivals throughout the Fresno County region where attendees can select the scenario that most closely aligns with their values and principals. As a part of this choice, they will also have the opportunity to discuss and include any adverse impacts that those scenarios they did not choose may have on their communities. These include events in some of the most economically disadvantaged communities in the region;

- A Web-based survey that informs visitors about the RTP/SCS and encourages them to select a preferred alternative and include any adverse impacts that those scenarios they did not choose may have on their communities.
- A “speakers’ bureau” that relies on different community organization and service club meetings throughout the region to address audiences already gathered for their regular monthly activity and again informs and encourages participants to select a preferred scenario based on their individual values and principles and include any adverse impacts that those scenarios they did not choose may have on their communities..

4. *Fresno COG has a legal obligation under Title VI to create equity through including language and actions that specifically identify and addressing the needs of populations that have historically received a disproportionately low benefit from investment and planning, and have received a disproportionately high percentage of adverse effects. Fresno COG must reverse the current pattern of hostility towards civil rights obligations by integrating concrete commitments into all elements of its RTP that proactively resolve historical patterns of inequitable investment, and prohibit disparate effects on these populations.*

Response: Fresno COG will include language in its Environmental Justice Analysis that specifically ensures nondiscrimination practices because of race, income, color, or national origin as specified in Title VI/Environmental Justice regulations as well as sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation as specified in California Government Code §11135. The Environmental Justice Analysis itself is intended for both the benefits and burdens of the RTP distributed in a manner consistent with the aforementioned statutes.

5. *Fresno COG must change the environmental justice indicator to measure how the RTP scenarios will address needs identified by environmental justice communities and individuals in the short term, and make a clear commitment in its action element of the RTP to develop an activity-based model by the beginning of 2021 so that it can use this model in the 2022 RTP process.*

Response: For the 2018 RTP, Fresno COG agrees to include two additional indicators in its Environmental Justice Analysis: housing mix as delineated by EJ and non-EJ areas, and air contaminant exposure, which is measured by the percent of EJ population relative to non-EJ population living within 500 feet of major roadways. Fresno COG is already in the process of developing an activity-based model. It is expected to be completed in 2018, and applied in the development of 2022 RTP.

6. *In addition, the COG's environmental justice analysis must assess different demographic groups differently.*

Response: Fresno COG's Environmental Justice Analysis will identify and address any disproportionately high and adverse effects of the RTP/SCS on minority and low-income population to achieve equitable distribution of benefits and burdens in EJ and Non EJ TAZ's. Modeling by TAZ's represents the best technological resource the agency has to date. In addition to analyzing the impacts on low income and minority populations, the EJ analysis will also consider the impacts of RTP/SCS projects and policies to Vulnerable Communities. Vulnerable Communities were defined by the EJ Subcommittee as a Low Income TAZ's that have the highest concentration of the following indicators:

- **Housing Cost Burden** = high housing cost-to-income ratio (30%+ income spent on housing)
- **Single Parent Households**
- **Elderly** (75+ (2014 RTP))
- **Educational Attainment** = 25 years and older without a high school education
- **Linguistic Isolation** = no one in the household speaks English "very well"
- **Persons with Disabilities**

7. *Fresno COG must change the indicator and modeling to fit the following criteria:*

- *The Environmental Justice indicator must analyze the scenario's impact on EJ communities over the next four years instead of 20 years, so as to ensure that there is no "significant delay" in delivering benefits to EJ communities. This also overcomes the incorrect assumption present in current modeling which presumes no geographical movement of EJ communities and low-income communities of color.*
- *Identify current factors creating inequity by using the methodology adapted from the HUD Assessing Fair Housing methodology outlined at the end of Item 1 above. This includes consulting with EJ communities to identify current transportation needs, identify factors causing those deficiencies, identifying solutions to address those needs, developing quantifiable measures of success towards addressing the identified needs and resolving obstacles to equity, using those measures to compare proposed scenarios, and using that gauge success throughout the four-year lifespan of the RTP.*

- *Fresno COG must develop an activity-based model or another type of model that allows for the COG and the public to see the impact on an individual household level, see the separate impact on different demographic groups, and look at the factors of race and ethnicity.*
- *Set aside 25% of funds for projects that directly target benefits to low-income and minority communities, ensuring that the “benefits” to communities conform with the needs and solutions that communities identified.*
- *Fresno COG must increase its direct collaboration with community leaders and community-based organizations, and work to build solid bridges with these groups. By reaching out to community residents and letting their responses about their needs shape the environmental justice analysis and shape the scenarios, these groups will see that a real impact of their participation and will see that the COG respects their expertise about their needs and factors influencing their lives, and their participation will increase.*

Response: For the 2018 RTP, Fresno COG agrees to include two additional indicators in its Environmental Justice Analysis: housing mix as delineated by EJ and non-EJ areas, and air contaminant exposure, which is measured by the percent of EJ population relative to non-EJ population living within 500 feet of major roadways. In addition, Fresno COG is in the process of developing an activities-based model that will have the capacity to analyze trips by household rather than Traffic Analysis Zones (TAZ) and better track bicycle, pedestrian and transit trips. The activity-based model is expected to be completed in 2018 and applied in the 2022 RTP development. However, it should be noted that travel behavior does not differ among different race and ethnicity and therefore race and ethnicity are not included in any travel demand models including the activity-based model.

The Regional Transportation Plan is a 20+ year plan. A 4-year analysis does not reflect the nature of a long range plan. Many transportation projects take much longer than 4 years from planning to actual opening to traffic. Both the Environmental Impact Report (EIR) and Environmental Justice Analysis Report are required programmed level analysis of the combined impacts of all the projects included in the RTP.

Fresno COG has an open and transparent process of developing project ranking criteria. Leadership Counsel was on the subcommittee that developed the criteria. A Health Priority Index (HPI) that includes factors of health burdened and disadvantaged communities is included in the project criteria for transit, and bike & pedestrian projects, which gain extra points because of their location in such communities.

As described in the response to No. 2, Fresno COG has been working with community leaders and organizations through the entire RTP process to reach out to the public and those who are traditionally hard to reach. Community leaders and community organization representatives have been serving on the RTP Roundtable and other sub-committees.

Please refer to response to No.2 for more detailed information that addresses comments regarding the outreach.

8. *The COG must make its modeling process transparent to ensure adequate measures of impacts on disadvantaged communities, and to comply with its obligations under SB 375 to “disseminate the...key assumptions of whichever travel demand model it uses in a way that would be useable and understandable to the public.” Fresno COG has not given the public a basic understanding of the data and modeling assumptions used in scenario development.*

Response: In accordance with SB 375, Fresno COG will, “to the extent practical, include urban simulation computer modeling to create visual representation of the sustainable communities strategy and the alternative planning strategy.”¹The workshops/presentations for the SCS scenarios will take place in October/November 2017. Such scenario presentation with modeling methodology will also be made to the RTP Roundtable in the October meeting when the scenario indicators results are presented. Fresno COG will be submitting a technical memo to the ARB in around October/November. The Technical memo will provide detailed information regarding the modeling process and assumption applied in the RTP/SCS development. The memo will be posted on ARB website. Fresno COG will be happy to host modeling specific workshops or meetings if there is such interest from the public.

9. *For example, does the model assume that county demographics will change, or stay the same? Does the model look at household-level data, or does it make generalizations across regions?*

Response: These questions, and most others regarding demographic-related assumptions, can be found in the demographic forecast conducted by Applied Development Economics (2017) and published by Fresno COG here: [http://www.fresnocog.org/sites/default/files/publications/RTP/2018 RTP/Fresno COG 2050 Projections Final Report 050417.pdf](http://www.fresnocog.org/sites/default/files/publications/RTP/2018_RTP/Fresno_COG_2050_Projections_Final_Report_050417.pdf)

10. *Fresno COG’s and local agencies’ repeated assertions that the Fresno COG does not do land use planning, and that it has no obligations to address fair housing beyond allocating RHNA requirements, are incorrect. Fresno COG must seek to affirmatively further fair housing through equitable land use policies and transportation investments in its Sustainable Communities Strategy.*

¹ Senate Bill 375, page 85; Government Code Section 65080 (b)(2)(E)(iii)

Response: Fresno COG has been striving to contribute to providing a range of housing choices for people of different income. Our efforts have been through our own programs such as Blueprint integration(Circuit Engineers/Planners Program), Regional Housing Needs Allocation (RHNA), RTP process, Measure C TOD program, and also through supporting affordable housing programs/policies implemented by our member jurisdictions

It is Fresno COG’s policy, as stated in the 2018 RTP/SCS Policy Element 6.3.1 A.1 xiv, to support local jurisdictions’ efforts to encourage housing development for all income groups, including low income residents.

The 2018 RTP/SCS Policy 6.3.1 C. 1 I states that “During planning processes, seek to ensure that planning efforts are as consistent as feasible with planning efforts such as: the Blueprint Planning Principles, Health in All Policies, the intent of SB375 (Senate Bill 375 also known as the Sustainable Communities Protection Act of 2008), Caltrans’ Complete Streets Program, performance-based planning initiated by MAP-21, California Transportation Plan 2040, and statewide and federal air quality goals, etc.”

In April 2009, the San Joaquin Valley Policy Council adopted a list of Blueprint Smart Growth Principles as part of the Blueprint planning efforts since 2006. These principles can be found at:

http://www.fresnocog.org/files/Blueprint/ProgressReport/Fresno%20County%20BP%20Document%20Revised%20Final%2007_27_09.pdf

Among the 13 Smart Growth Principles, there are two that address fair/affordable housing issues:

- Provide a range of housing opportunities and choice
- Make development decisions predictable, fair and cost-effective

Fresno COG has been committed to implementation of such Blueprint principles and has been dedicating funding through Circuit Engineers/Planners contracts to help local governments to integrate the Blueprint Smart Growth Principles into their general plans.

The 2018 RTP/SCS adheres to such Blueprint principles and strives to provide a range of housing options for future residents in this region. All four SCS scenarios provide a mix of housing types with multifamily and townhomes accounting for at least 45% of total new housing, compared with 25% multifamily housing at current level.

In addition, Fresno COG’s Measure C TOD program encourages local governments to “build compact designs with higher housing densities, affordable, accessible housing, and mixed uses”. Under the TOD program, “A project that supports an affordable housing development will be scored favorably. Affordable housing means housing that has an Affordable Housing Cost or Affordable Rent as defined in Section 50052.5 or 50053(a) of

the California Health and Safety Code, or any successor section thereto.” The Measure C TOD program has annual funding of \$850,000 and total funding of \$17 million in 20 years. The TOD Program Policy and Guideline can be found at:
http://www.fresnocog.org/sites/default/files/publications/2017_TOD_Program_Policies_and_Guidelines-final.pdf

Fresno COG has, on multiple occasions, committed to working with the Leadership Counsel and its partners to improve the Regional Transportation Plan development process. We hope to continue open communications and fostering improvement for the entire Fresno County region.

Sincerely,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive style with a blue circular stamp or mark to the left of the name.

Tony Boren

Executive Director