

Disadvantaged Communities Teach Regional Planners a Lesson in Equitable and Sustainable Development

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California's Senate Bill 375 (SB 375) tasks the state's metropolitan planning organizations with reducing greenhouse gas (GHG) emissions by better coordinating land-use planning and regional transportation investments. In this article, we describe how San Francisco Bay Area advocates for affordable housing, public transit, public health and other social equity outcomes came together to show that a more equitable plan is better for the climate *and* for low-income communities.

Advocates were motivated, in part, by the opportunities and risks associated with one of SB 375's primary policy tools for achieving GHG reductions—transit-oriented development (TOD). TOD theory holds that infill development linking high-density housing, jobs and high-quality transit will increase accessibility, shorten trip distances and encourage more travelers to ride transit, walk and bike. If theory is borne out in practice, this will mean reducing vehicle miles traveled (VMT) and therefore GHGs. Decisively shifting housing and population growth toward TODs, however, can mean gentrification as housing values skyrocket in low-income communities of color. At the same time, TOD strategies that direct growth to denser urban areas can fuel the exclusion of low-income families from high-opportunity suburbs by providing an environmental justification for exclusionary zoning practices.

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Economic displacement in the San Francisco Bay Area's transit-connected urban communities is already at high levels, and the risk that a long-term regional plan for concentrated development could dramatically fuel displacement while encouraging suburban exclusion was not lost on community residents. In fact, the risk of unleashing "urban renewal 2.0" in their neighborhoods helped draw community organizing and policy advocacy groups with a focus on social, racial and environmental justice into a complex three-year, nine-county planning process to implement SB 375.

A social justice vision and coalition.

Community groups were drawn in not only by these risks, but also the promise of SB 375: If reducing GHGs meant undoing one of the effects of white flight—sprawl—then their region might also reverse the neglect and racialized exclusion of urban core communities that decades of suburban-focused policy and investment left in its wake. A social justice vision of a plan for the region's future could include policy and investment that helps people stay and thrive in their communities by building affordable housing, putting more local bus service on the street, and promoting the health of its residents, while also promoting fair housing opportunities in suburban job centers.

For community activists and their partners, this social justice vision served both as a campaign roadmap and a coalition structure. The social justice coalition that would carry that vision was born in mid-2010. Bringing together the goals of winning better local transit, more affordable housing,

investment without displacement, healthy communities and quality jobs, this formation was known simply as the 6 Wins Network. The sixth "win" expressed their hope that, as they engaged in this campaign, low-income communities and communities of color across the region would build collective power and voice.

By the time the process ended in the adoption of a regional plan by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), the 6 Wins Network had demonstrated that a community-developed plan that leads with the critical needs of disadvantaged communities can better meet the goals and aspirations of the entire region. Their plan, the "Equity, Environment and Jobs" (EEJ) alternative, held out the promise not only of delivering much-needed benefits to vulnerable communities, but also of reducing GHG emissions and environmental toxics more than the agencies' proposed plan. That confluence of environmental and public health values with social justice values helped spur unexpected levels of support for the EEJ alternative among members of the agencies' policy boards. In the course of engaging in this campaign, the 6 Wins Network has raised important concerns about the equity implications associated with SB 375 implementation and transit-oriented development more broadly.

The Multiple Faces of the Problem

The 6 Wins Network appeared on the scene of a Bay Area facing major challenges, ranging from inequitable and inadequate public transit, to ram-

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pant displacement and insufficient affordable housing, all with consequences for public health disparities.

Public Transit Inequities

The Bay Area is home to dozens of independent transit operators which cater to specific demographics. Alameda-Contra Costa Transit (AC Transit), for example, operates local bus service mostly used by people of color and low-income people in the East Bay. Caltrain, on the other hand, operates commuter rail connecting Silicon Valley and San Francisco and carries relatively wealthier and whiter passengers. MTC enjoys some discretion in allocating funds between the region's transit agencies. A 2005 class action lawsuit, *Darensburg v. Metropolitan Transportation Commission*, alleged that MTC's regional transit expansion plan that invested substantial sums in regional rail while short-changing local bus service violated state and federal civil rights law. Plaintiffs claimed that MTC's facially neutral funding policies discriminated against people of color, who comprise 80% of AC Transit's bus riders.

Bay Area equity advocates have also challenged individual projects on civil rights grounds. A 2009 administrative Title VI complaint filed with the Federal Transit Administration alleged that a proposed Oakland Airport Connector project proposed by Bay Area Rapid Transit (BART)—a rail extension that would link East Oakland to the nearby airport – would not benefit the communities of color through which it passed. That complaint led FTA to revoke \$70 million that MTC had programmed for the project.

In the absence of more comprehensive reform, however, the performance of AC Transit has recently suffered. According to the National Transit Database, AC Transit's busses traveled 8% fewer miles in 2011 than in 2008. Over the same period, ridership declined by 12% while the average fare paid per trip increased by 11%. Transportation planners refer to this pattern as a "vicious cycle" in which decreased

ridership leads to service cuts and fare increases, leading to further drops in ridership. This cycle was poised to continue, to the detriment of the region's low-income and people of color populations that rely on local bus service to meet their essential needs.

Affordable Housing and Displacement

The Bay Area's wealthiest suburbs have long successfully excluded low-income people of color. For example, the Bay Area county with the highest median income, Marin, is 80% non-Hispanic white, compared to just 52% in the region overall. In the South Bay, a significant number of the jobs on which the economic engine of Silicon Valley depends pay low wages but af-

Displacement pressures continue to mount.

fordable housing is generally lacking; for instance, 40% of those expected to be employed at Facebook's new headquarters in Menlo Park, where the median home value is over \$1 million, will be low-wage workers. The struggle for affordable housing in suburban communities of opportunity like Menlo Park has always been difficult. For example, protracted litigation was necessary to put an end to the City of Pleasanton's "housing cap," requiring it to zone land for higher-density multi-family housing.

Research has shown that the pursuit of otherwise laudable environmental goals can dramatically affect neighborhood demographics. Investments in public transit have been associated with increasing property values, neighborhood income, educational attainment and decreasing proportions of people of color. Not only do these changes bode ill for existing low-income residents, whom they tend to price out, they also work against robust transit ridership and reductions in GHG emissions, as wealthier newcomers are less likely to use transit than those they displace. Of particular concern in the regional planning process was the indication early on that "priority develop-

ment areas"—identified voluntarily by cities as prime locations for high-quality transit—would receive the lion's share of planned new housing growth. Not surprisingly, the existing residents of those areas, who would be placed at a high risk of displacement, were overwhelmingly low-income families of color.

Recent demographic trends in the Bay Area depict the very real phenomenon of economic displacement. Figures from the decennial US Census show that cities with historically large proportions of African-American residents lost significant numbers of black residents from 2000 to 2010. Both Richmond and Oakland saw their total black population decline by 23%, while East Palo Alto had 31% fewer black residents in 2010 than it did in 2000. Over the same time period, many outer-ring suburban and exurban cities saw their number of black residents grow at high rates, including Antioch (100%), Tracy (91%) and Stockton (30%).

The trend that sees many lower-income families, especially African-American families, pushed out to the region's exurban fringes is particularly troubling in light of the difficulties they face in those places, which have been hard hit by the foreclosure crisis and offer little economic opportunity.

Public Health

Geographic location and socioeconomic status have long been known to influence health outcomes. Movements for *health equity* regard differences in health outcomes based on income, race and residential location as both avoidable and unfair. Inequities are pervasive. The gap in life expectancy between African-American and white residents in Alameda County is widening, even as both groups see improvements in overall longevity. Efforts to plan for more climate-friendly cities in California intersect crucially with public health and health equity in the areas of air quality and physical activity.

One cause of health inequities is differential exposure to air pollution. Although overall regional air quality in

the Bay Area has improved substantially over the past two decades, recent research has highlighted the importance of heavily traveled roadways as emissions sources. In California, poor school-aged children of color disproportionately reside near these air pollution hotspots, suffering from attendant health problems, including high rates of emergency hospital visits due to asthma attacks.

SB 375 again offers an opportunity to undo the patterns that led to health inequity. Ensuring access to high-quality transit and walking and bicycling infrastructure across the Bay Area can facilitate physical activity, reducing the incidence of diabetes, depression and some types of heart disease. Reducing automobile trips can improve air quality near roads, ensuring that the region's most vulnerable residents can breathe easier.

The 6 Wins Network Develops a Community-Based Alternative Plan

In the Spring of 2010, as MTC and ABAG geared up their planning process, community groups across the nine-county region saw the potential perils and opportunities that SB 375 posed for low-income families of color. These varied groups also recognized the daunting nature of the challenge they faced. Disadvantaged communities had struggled, to little avail, to have their needs recognized in past regional transportation planning cycles, as documented by Prof. Thomas Sanchez and others. Like most metropolitan planning organizations nationally, the regional agencies charged with adopting a plan were dominated by suburban votes that under-represented minority residents.

In that context, policy advocates came together with community groups to create a regional policy and investment platform that would put the needs of disadvantaged communities first. At an October 2010 retreat, some 40 participants launched the 6 Wins Network, and the campaign began in earnest. The Network developed a framework both for an initial, community-centered

agenda for the complex SB 375 planning process, and for a structure in which coalitions working in different issue silos could come together as a unified regional equity formation.

A great deal of time was spent simply keeping up with the numerous public meetings at each stage of the agencies' process. For instance, the 6 Wins Network asked the agencies to conduct a assessment and prioritization of transportation and related needs at the outset of the planning process; won the inclusion of plan performance measures around displacement and housing-plus-transportation cost burden early on; succeeded in eliminating poor-performing "legacy" projects from the plan; and prevailed on the agencies to conduct equity analyses on an ongoing basis, rather than only at the end. The Network also demon-

A community-based alternative.

strated, with data showing large numbers of in-commuting low-wage workers, that many cities—typically, suburban communities of opportunity—needed far more housing growth than they were volunteering for.

While keeping its eye on the public process, the 6 Wins Network made it a priority to move forward its internal deliberations over the particular outcomes it would seek. Discussions about specific priorities first worked their way through issue-silo working groups organized around individual "wins," with policy advocates and community members at the table together. These meetings were followed by a series of discussions at which the 6 Wins Network came together across issue silos to see if it would be possible to reach consensus on key outcomes.

Months of deliberation paid off, and just in time. In June 2011, when the agencies released five staff-developed alternative regional plans, the 6 Wins Network immediately issued its EEJ alternative. The EEJ was designed to protect families in disadvantaged communities by providing improved local transit service, affordable homes near jobs (especially in high-opportu-

nity suburbs), and protections from rampant displacement pressures in the urban core. The EEJ proposed to achieve displacement protection by requiring local governments to produce affordable housing and to put effective community-stabilization measures in place, as conditions for receiving a share of regional infrastructure funding.

The introduction of a community-developed scenario immediately sparked intense debate at the agencies, bringing the needs of disadvantaged communities to the fore in a planning process that had mostly sidelined them. At first, the agencies refused to analyze the EEJ alternative against those developed by staff, and their final "preferred alternative" included no elements from the 6 Wins Network plan. Ongoing 6 Wins Network advocacy, including analyses, comment letters, one-on-one outreach with elected officials, and mobilizing community members to attend important meetings, led the agencies to analyze the EEJ as one of the alternatives in the required environmental review of the plan.

That March 2013 environmental impact report concluded that the EEJ was the "environmentally superior alternative." More than that, it concluded that the EEJ outperformed the "preferred alternative" substantially on a wide range of performance measures, including those relating to air quality, public health and transportation system effectiveness. For instance, MTC and ABAG found that the EEJ would result in 83,500 fewer cars on the roads and 165,000 more people riding transit each day than the preferred alternative. They also found that the EEJ would place 15,800 fewer families at risk of displacement.

The community plan, by leading with equity, produced a better future for the entire region, and the agencies' own demonstration of its superiority had a big impact in the final weeks of the three-year planning process. By the close of the public comment period, the agencies had heard more than 40 organizations—including groups focusing on public health, the environment, business and good government—call for the incorporation of key elements

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(2012), the Center for Constitutional Rights alleged that “prolonged solitary confinement violates Eighth Amendment prohibitions against cruel and unusual punishment, and that the absence of meaningful review for SHU [Pelican Bay’s Security Housing Unit] placement violates the prisoners’ right to due process.” In addition, and as a consequence of the Supreme Court’s failure to significantly curb the use of solitary confinement in the past, U.S.-based organizations are increasingly referring to international human rights laws to mount pressure on the administration. At a first-ever hearing on solitary confinement in the Americas in March 2013 the ACLU called on the Inter-American Commission on Human Rights (IACHR) to investigate the practice of solitary confinement in the United States, calling it “an extreme form of punishment.” In a reaction to the grievances of prisoners at Pelican Bay State Prison, the United Nations Special Rapporteur on torture, Juan E. Méndez, released a statement, arguing that solitary confinement in many cases amounts to torture, urging the U.S. Government “to adopt concrete measures to eliminate the use of prolonged or indefinite solitary confinement under all circumstances, including an absolute ban of solitary confinement of any duration for juveniles, persons with psychosocial disabilities or other disabilities or health conditions, pregnant women, women with infants and breastfeeding moth-

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of the EEJ scenario into the final plan. The 6 Wins Network demonstrated that a regional plan that leads with the needs of disadvantaged communities can better promote the general welfare. In doing so, the Network also won some tangible victories. For one, the agencies adopted a regional One Bay Area Grant (OBAG) program that conditions grants to local jurisdictions for planning activities and infrastructure on the completion of state-certified af-

PRRAC Update

- We are pleased to welcome **Rachel Godsil** to PRRAC’s Board of Directors. She is a law professor at Seton Hall Law School, with research interests in civil rights, housing, education, and environmental justice. Professor Godsil is also the co-founder and research director for the American Values Institute, a national consortium of social scientists, advocates and law professors focusing on the role of implicit bias in law and policy.
- PRRAC Board member **Damon Hewitt**, has joined the Open Society Foundations as a Senior Adviser. working on a variety of policy issues in U.S. Programs. His transition to OSF ends a twelve-

ers as well as those serving a life sentence and prisoners on death row.”

Conclusion

Culling data from civil and human rights organizations, the US Human Rights Network’s report seeks to provide a snapshot of human rights in America by looking at the connections and intersections between various policies, particularly at the crossroads of individuals’ various identities. For example, housing and segregation can have a direct bearing on the quality of

year stint at the NAACP Legal Defense Fund, where he served as Director of the Education Practice Group for the past four years.

- PRRAC Board member **Craig Flournoy** has received a National Endowment for the Humanities fellowship to work on his book project, *The New York Times*, *the Black Press*, and *the Epic Battle to Report the Civil Rights Movement in the U.S.*

- The Society of American Law Teachers has honored former PRRAC Board member **Florence Roisman** with their M. Shanara Gilbert Human Rights Award.

education an individual receives, which further impacts the job opportunities, earnings and housing they can afford, and ultimately translates into a vicious cycle that can span generations. The coming together of educational institutions and the criminal justice system through so-called school-to-prison pipelines adds another layer that is addressed in the report. Highlighting these particular issues from a human rights point of view can have an impact on their resolution at the local level. □

fordable housing plans.

Moreover, at the final hearing before the Plan’s adoption, the 6 Wins Network achieved three eleventh-hour amendments that hold out the promise of real change in the future. Among them are a commitment to adopt a strategy to fund improved levels of transit service, the integration of anti-displacement protections into the OBAG program, and the allocation of \$3 billion in anticipated “cap and trade” revenues in the region, with at least 25% to be spent to benefit disad-

vantaged communities.

The fight is far from over. Displacement pressures continue to mount as the housing share allocated to many suburban job centers falls far short of the real need. Yet the 6 Wins Network proved that a multi-issue, region-wide coalition could successfully change the discourse and priorities of a regional planning process, and bring legitimacy to community concerns and solutions. □