



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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COMMUNITY GROUPS SETTLE LAWSUIT WITH MTC UNDER THE CLEAN AIR ACT

MTC pays \$100K to improve participation by low-income communities in transportation planning

OAKLAND, CA. -- Settling the penalty phase of a lawsuit brought by community and environmental groups, the Metropolitan Transportation Commission (MTC) delivered a \$100,000 check to The San Francisco Foundation this week that will help increase low-income and minority community participation in public transit planning. The groups' courtroom victory in this lawsuit earlier this year requires MTC to achieve a region-wide increase in transit ridership of 15% above 1983 levels by 2006.

Today's settlement marks the conclusion of a lawsuit by community and environmental groups originally filed against MTC in February 2001. The groups sued to compel MTC to implement TCM 2, a transportation control measure the agency adopted 20 years ago to meet its Clean Air Act obligations. TCM 2 requires MTC to increase transit ridership in the Bay Area by 15 percent over 1983 levels. The lawsuit was necessary because transit ridership today is only slightly higher than it was in 1983, despite a 30 percent increase in population.

Over the past 20 years, the transit operators that have seen the most significant declines in ridership are San Francisco's MUNI and AC Transit. Both of these operators serve the dense urban core of the Bay Area that is home to a large portion of the Bay Area's transit-dependent and low-income populations. By increasing funding for public participation in transportation planning, particularly in transit-dependent communities, this settlement aims to expand transit options for those who need it most.

In November 2001, Judge Thelton Henderson ruled that MTC is required by the Clean Air Act to achieve and maintain a 15 percent ridership increase over 1983 levels and that it has failed to do so. In July, Judge Henderson set a schedule for the implementation of this long-overdue measure, with full compliance due by 2006.

The settlement finalized today resolves the last remaining issue in the lawsuit, Bayview Advocates' claim for an award of civil penalties against MTC for its failure to implement TCM 2. Under this settlement, MTC agreed to pay \$100,000 in lieu of civil penalties to the San Francisco Foundation, which will administer the funds through a grant making process to

qualified groups throughout the Bay Area. The purpose of the grants will be to provide increased opportunities for low-income, transit-dependent, and communities of color to provide input to the planning agencies about what they want from transit. By making these voices heard, Bayview Advocates hope that MTC will improve the transit system so it meets the communities' needs, thereby increasing ridership.

The settlement agreement provides that:

"The purpose of the Fund shall be to increase the degree and effectiveness of public participation of low-income communities and communities of color in public transit planning decisions in the nine-county San Francisco Bay Area. In expending and/or issuing grants from the Fund for this purpose, the following categories of activity will be considered the highest priorities:

- i) organizing communities to participate in the public transit planning process;
- ii) providing capacity-building services for community organizations so they can better participate in the public transit planning process; and
- iii) ongoing community-based non-political advocacy in the public transit planning process."

According to Deborah Reames, managing attorney for Earthjustice, "While we certainly think MTC deserves a heftier penalty considering its defiance in refusing to implement TCM 2 for 20 years, but the Court is only authorized by the Clean Air Act to divert up to a maximum of \$100,000 of any penalty awarded to an 'environmental improvement program'."

"Our Environmental Health and Justice Initiative has a priority area focusing on projects working to improve the region's air quality," said Anuja Mendiratta, Initiative Coordinator with The San Francisco Foundation. "We are pleased to help distribute these funds to community groups working to increase public participation in transportation planning with the ultimate goal of bringing increased clean air benefits to the Bay Area. Our interest is to support meaningful community participation in all levels of public policy decision-making."

Charles Mason of the Urban Habitat Program said, "Low income people and communities of color are often excluded or misrepresented in transportation planning. We look forward to seeing this fund administered in an effort to reverse that trend and to foster increased and improved community input in transportation decisions."

Karen Pierce of Bayview Hunters Point Community Advocates noted, "Increasing public participation is a crucial step to increasing ridership. If transit planners don't consider the needs of the transit users, who is going to use transit?"

Alan Ramo, attorney for Communities for a Better Environment and Our Children's Earth Foundation: "Public participation is really the key to effective public transit planning, and it's one area that MTC really needs to work on. The grants that emerge from this settlement will take a step towards improving that process."

In administering the fund, the San Francisco Foundation will consider grant proposals from qualified applicants from any of the nine counties in the Bay Area within MTC's jurisdiction (San Francisco, Alameda, San Mateo, Santa Clara, Contra Costa, Marin, Napa, Sonoma and Solano). It cannot consider grant proposals from any of the plaintiff organizations.

While MTC claims that it spends more money on public transit than any other major metropolitan area, the results of its spending are unimpressive. Compared to 8 out of the 10 "biggest spenders" on public transit, over the next 25 years, MTC's projected increase in transit ridership is below most of the other major metropolitan areas. For example, Los Angeles and Atlanta expect transit ridership will more than double over the next 25 years, while MTC only expects to increase ridership by less than half over the same time frame. At the same time, MTC projects the second-highest percent increase in overall car use - an increase of nearly 50% above current levels.

This settlement was in response to a lawsuit brought against MTC in February 2001 by Bayview Hunters Point Community Advocates, Communities for a Better Environment, Latino Issues Forum, Our Children's Earth Foundation, the Sierra Club, the Transportation Solutions Defense and Education Fund, and Urban Habitat.

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