Crossing Together

Equity considerations for a second transbay crossing

TransForm

Our communities. Our transportation. Our future.

Contents

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About TransForm

TransForm promotes walkable communities with excellent transportation choices to connect people of all incomes to opportunity, keep California affordable, and help solve our climate crisis. With diverse partners we engage communities in planning, run innovative programs, and win policy change at the local, regional, and state levels.

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Executive Summary

Key transportation stakeholders in the San Francisco Bay Area are starting to plan seriously for a second rail crossing between San Francisco and Oakland. There are many compelling reasons to consider a second crossing. Increasing rail capacity across the Bay could create significant positive returns for the region, improving mobility for hundreds of thousands of Bay Area residents, reducing future greenhouse gas emissions and air pollution, and offering low-income communities more reliable and frequent connections to opportunity. But these potential benefits are by no means guaranteed.

One thing is for certain: if a "second crossing" project goes forward, it will be a big deal. The project is likely to cost well over ten billion dollars and take decades to plan, fund, and deliver. The history of mega-projects is littered with dramatic mistakes — huge cost overruns, major performance failures, and devastating impacts on vulnerable communities. Yet big projects can also transform people's lives and the region for the better. We need to start thinking NOW about the social equity implications to make sure that if the project goes forward, it benefits low-income and people-of-color communities in the Bay Area.

We may need a second transbay rail crossing. If we do, we should do it right.

This paper highlights the major social equity considerations of a second crossing: who benefits, who is impacted, who pays, who decides? This paper does not take a position on whether or not a second rail crossing is a good idea; rather, we seek to initiate dialogue on how to ensure fairness in planning, designing, funding, and building a second crossing, once it is determined that a second crossing should be built.

At these earliest stages of planning, and as the process unfolds, TransForm strongly recommends seven considerations that Bay Area decision-makers should address to ensure any effort to plan, fund, build, and operate a second transbay crossing promotes a more equitable Bay Area.

Recommendations:

1. Invest in existing transit infrastructure first.
2. Implement local policies to stabilize communities affected by the project and combat displacement.
3. Create local resident-led governance structures in impacted communities.
4. Understand mega-project risks and implement best practices to contain them.
5. Use equitable funding sources.
6. Contain the project's impact on transit fares.
7. Ensure project-related economic development benefits local residents and workers.

I. Overview

This paper highlights the major social equity considerations of a second rail crossing between San Francisco and the East Bay: who benefits, who is impacted, who pays, who decides? This paper was based on TransForm's review of available literature; a series of interviews with key stakeholders who are knowledgeable about equity issues around transportation, land use, and public policy in the Bay Area's low-income and people-of-color communities; and our experience advocating at BART for over 19 years.[1]

This paper builds on other recent papers related to a potential second crossing.[2] SPUR released a paper in February 2016 that focused on questions of design. The Bay Area Council Economic Institute's (BACEI) paper, also released in February, focused on the economic case for a second crossing. In addition, numerous transportation agencies are now collaborating on a Core Capacity Transit Study.[3]

Photo by Michael Halberstadt

This report is broken into four primary sections:

The Case for a Second Crossing (section II) shows why, even with its high expense and long time frames, there are compelling reasons to consider an additional rail crossing.

What's at Stake: Equity Concerns Past and Present (section III) identifies some of the biggest mistakes that have been made in transit development, and with BART in particular.

Addressing Equity Concerns with Best Practices (section IV) reviews the strategies that have successfully addressed social equity concerns, or at least started to.

Recommendations and Conclusion (section V) provides seven frameworks and strategies that need to be considered from the earliest stages of planning through construction to address some of the most critical social equity impacts.

We should be clear that this paper is not able to cover every issue with major equity implications related to a second crossing. Some of the issues that will have to be addressed are too context-specific, such as the impacts of construction on a specific community. At a very high level, some of the issues that will need to be explored for social equity implications are ones that are raised in the SPUR and BACEI papers, such as:

1. *SPUR, "Designing the Bay Area's Second Transbay Rail Crossing: How to ensure reliable transit and a connected region," February 10, 2016. Available at http://www.spur.org/publications/white-paper/2016-02-10/designing-bay-areas-second-transbay-rail-crossing*
2. *Bay Area Council Economic Institute, "The Case for a Second Transbay Transit Crossing," February 2016. Available at http://www.bayareaeconomy.org/report/the-case-for-a-second-transbay-transit-crossing/*
3. *For information, see http://mtc.ca.gov/our-work/plans-projects/other-plans/core-capacity-transit-study*

- Which rail transit should cross the Bay — BART technology, standard gauge rail, or both?
- What agency should own and operate the second crossing? This decision is likely to depend in part on which rail transit services operate on the second crossing.
- Where will the second crossing create new stations and connect to the existing transit network? This paper assumes that a second crossing would connect downtown San Francisco with Alameda or Oakland, with new stations and other impacts in Oakland.
- Who will build the second crossing? Determining which entities get the construction projects and what strategies are used to ensure that jobs support disadvantaged communities is an important part of the equity equation, and one that deserves its own analysis.

With this paper, we seek to initiate dialogue on how to ensure fairness in planning, designing, funding, building, and operating a second rail crossing.

II. The Case for a Second Crossing

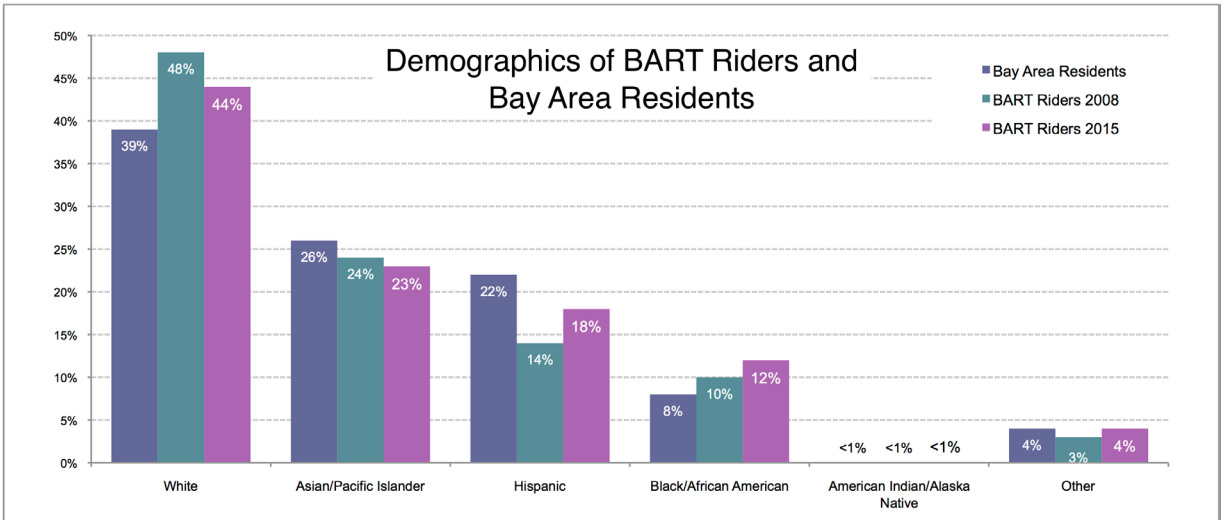
Among the numerous reasons to consider a second crossing are the potential benefits to low-income people and people of color. However, many of these benefits are not guaranteed without addressing the equity concerns described later in this paper. This section acknowledges the potential equity advantages to having a second transbay rail crossing that could be achieved if regional leaders do things right.

Improved and Expanded Public Transportation

It is well documented that low-income families and people of color are more likely to rely on public transit to provide access to jobs, education, services, and opportunities than their wealthier or whiter neighbors.[4] In the Bay Area, people from low-income households make up 55% of transit riders, and 62% of riders are people of color.[5]

BART ridership demographics largely reflect the ethnic diversity of the Bay Area population as a whole, with ridership that is 56% people of color. As seen in the graphs below, ridership closely tracks regional household income distribution as well, with some notable exceptions. Those that make more than $100,000 are significantly less likely to take BART, while those at the lowest ends of the income spectrum are more likely.

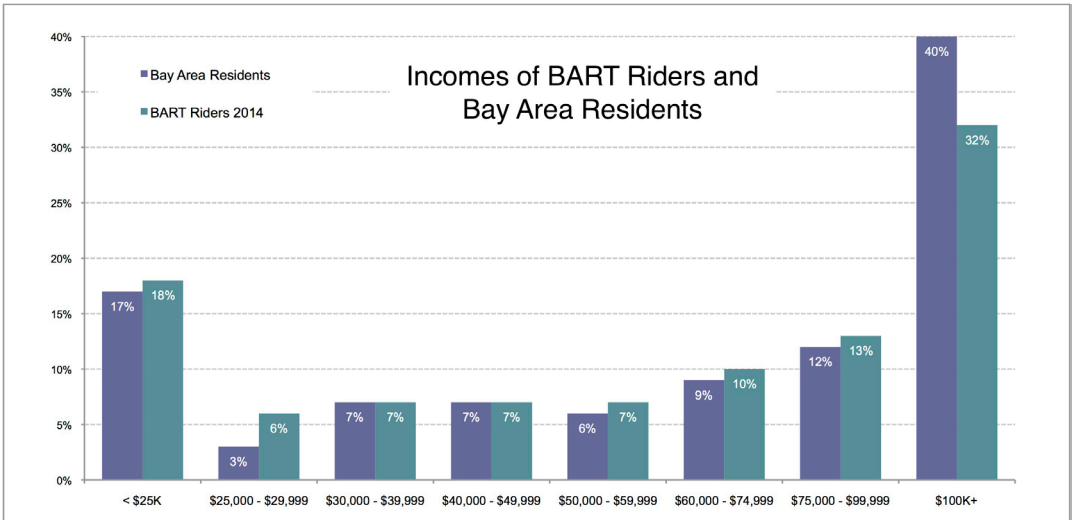
Therefore, strategic investments to improve core Bay Area public transportation will most likely



Base: Weekday Trips • Sources: U.S. Census Bureau, 2013 American Community Survey; BART 2008 Station Profile Survey; BART 2015 Station Profile Survey (Preliminary Results)

4. *Blumenberg, et. al. "Understanding the Links among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients." 2014. Available at http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413078-Driving-to-Opportunity-Understanding-the-Links-among-Transportation-Access-Residential-Outcomes-and-Economic-Opportunity-for-Housing-Voucher-Recipients.PDF*
Glaeser, et. al. "Why do the Poor Live in Cities? The Role of Public Transportation." 2008. Available at https://dash.harvard.edu/bitstream/handle/1/2958224/why%20do%20the%20poor%20live%20in%20cities.pdf?sequence=2

5. *Plan Bay Area. "Final Equity Analysis Report" Table 4-2. Pg. 4-6. 2013. Available at http://planbayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report.pdf*



Sources: U.S. Census Bureau, 2013 American Community Survey; BART 2014 Customer Satisfaction Survey

provide some benefit to low-income people and people of color. A second crossing would offer specific benefits in the following areas.

Regional Access to Jobs & Services

A second crossing would increase access to the part of the region with the greatest concentration of jobs, including entry-level jobs.[6] This is both because the new transit service will increase the number of ways to get across the Bay, and provide more frequent service across the Bay. Additionally, a second crossing will almost certainly create new transit stations, defining more places as "transit-oriented" and making it possible for more people to live and work near transit.

These regional-scale impacts depend heavily on the specific type of transbay transit crossing that is built. For example, one transbay crossing scenario involves connecting standard gauge rail services on both sides of the Bay, rather than BART. These services include Capitol Corridor and Amtrak in the East Bay, and Caltrain (and eventually high speed rail) on the Peninsula. Connecting these existing services across the Bay would dramatically enhance access to jobs, services, and housing for all communities and future development around these existing stations — for example, communities such as Martinez and Hercules in Contra Costa County, and Bayshore in San Francisco would be part of the transbay corridor.

This increased access will benefit everyone who rides transit regardless of income. But for people who rely on public transportation to get to jobs and services, increased access will naturally matter more than for those who have other options. As discussed in the next section, these benefits depend on the right policies and protective measures in place to prevent displacement and provide more affordable homes.

Transbay Capacity

Transbay transit ridership, and ridership on BART in particular, has grown rapidly for several decades. BART's transbay service has already exceeded planned capacity. Additionally, service frequency is constrained by tube capacity, since all four East Bay lines funnel into a single track to cross the Bay to San Francisco. If new capacity is not provided, crowded cars will increasingly turn away potential transbay transit riders — and riders from the urban core, who typically get on the train after passengers from further out have already boarded, will get left behind more often. Providing more seats for more riders on the transbay corridor would relieve crowding, recapture potential riders who currently cannot fit on BART, and allow transbay transit

6. *San Francisco, Oakland, and San Jose are currently the region's three largest job centers and 40% of new jobs from 2010 to 2040 will be located in these three cities. Plan Bay Area. "Where We Live, Where We Work," Pg 53. 2013. Available at http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/3-Where_We_Live_Where_We_Work.pdf*

services to accommodate increased demand due to population growth and other factors.

Reliability

BART is aging. Its on-time reliability is going down. Service delays lasting 15 minutes or longer increased 13% between 2013 and 2014, according to a study done by the San Francisco Chronicle.[7]

Many of the reliability challenges are due to the fact that the system is operating at or over capacity during the peak periods. For example, a minor delay due to passenger sickness or a door malfunction ripples quickly through the entire system. Trains are already scheduled as close together as possible and because there are no options for trains to route around a problem, when there is any stall in the system, passengers everywhere are delayed.[8]

The decline in reliability is particularly a threat to low-income workers, who often work in jobs that have less flexibility than higher-income workers. When an hourly worker is 30 minutes late to her shift due to a system breakdown, she is more likely to face docked wages, probation, and, if it happens frequently, termination than a salaried worker with a flexible schedule. While BART's most important focus for reliability must continue to be investing in the state of good repair of the existing system — which still faces a maintenance shortfall of over a billion dollars — a second crossing would help tremendously. The new equipment necessary for a second crossing will be more reliable overall, and the additional pathway across the Bay will spread out ridership to relieve capacity problems and provide a backup if something does go wrong (as described below).

Resiliency

With one rail tube and one bridge carrying over 260,000 trips per day between the East Bay to San Francisco, the Bay Area is very vulnerable to disruption in the transbay corridor.[9] As BART strikes and brief mechanical failures have demonstrated, the Bay Area doesn't work when the transbay corridor doesn't work. A second crossing would provide more options to handle an unplanned shutdown caused by, for example, an earthquake, mechanical problems, or a serious attack on the system.

Extended Hours

Many low-paying jobs require working hours late at night (hotel and restaurant workers, security guards, janitors, etc.).[10] BART currently cannot operate 24-hour service because of the need for regular maintenance on the one-track system, currently conducted during early-morning hours. The existing late-night bus service serves as a partial replacement. But a second rail crossing would allow BART to operate longer hours and, depending on design, may even allow 24-hour service along the transbay corridor.

Improved Economic, Health, and Environmental Conditions

More places to live and work near transit

Despite growing costs in the Bay Area, low-income families and people of color remain more likely to live near transit. 69 percent of low-income renter households in the Bay Area live in Priority Development Areas (PDAs), areas targeted for new housing because they are located near transit.[11]

7. *Cabanatuan, Michael. "BART Delays Climb with Age, Ridership" San Francisco Chronicle. February 28, 2015. Available at http://www.sfchronicle.com/bayarea/article/BART-delays-climb-with-age-ridership-6108027.php#photo-7587198*

8. *For decades BART has wanted to install an Automatic Train Control System that would allow them to run trains closer together. Funding for this was included in Measure RR, the successful November 2016 bond measure. Though it will have reliability benefits, the new system will not be enough to handle all BART's future capacity needs.*

9. *During the peak morning hour, an average of 9,866 people cross the Bay westbound on the bridge and 23,664 cross westbound on BART. MTC. "TAC Meeting #2: CCPS Project Update." October 20, 2015. Available at http://mtc.ca.gov/sites/default/files/2015_10-20_CCTS_TAC_meeting.pdf*

10. *Economic Policy Institute. "Irregular Work Scheduling and Its Consequences." April 9, 2015. Available at http://www.epi.org/files/pdf/82524.pdf*

11. *MTC and ABAG. "Understanding Displacement in the Bay Area — Definition, Measures, and Potential Policy Approaches." September 4, 2015. Available at http://abag.ca.gov/abag/events/agendas/o091115a-Item%2006,%20Understanding%20Displacement%20in%20the%20Bay%20Area.pdf. Definition of PDA: http://abag.ca.gov/priority/#pda*

A second crossing has the potential to provide more places to live and work near transit. In most design options being considered, a second crossing would include some new transit stations, at least on the East Bay side and likely on the San Francisco side as well, which will provide space for new homes and workplaces.

Whether that change benefits low-income families and people of color, or whether it accelerates current displacement pressures, would depend on what policies are in place to guide investment around those new stations.

Construction Jobs

A multibillion-dollar public works project creates thousands of jobs. While much of the cost will be for materials, and some of those materials may come from overseas — like the Bay Bridge steel — there will be lots of good-quality local construction jobs. This could be a net benefit to the Bay Area's low-income and people-of-color communities, but only if there are good policies and practices in place to ensure local workers get those jobs and that local small businesses, especially disadvantaged businesses, have access to the contracts.

Public Health

A substantial increase in public transit ridership is likely to provide significant public health benefits, particularly in low-income communities.[12] Currently, 61% of BART riders walk or bike to the station; 95% of AC Transit's ridership walks to the bus stop.[13]

More people riding transit across the Bay will likely mean more people incorporating active transportation into their everyday lives as they walk and bike to and from transit stations. More people riding transit across the Bay will also mean fewer people driving, especially on the freeways cutting through low-income communities such as West Oakland, East Oakland, and San Francisco's eastern neighborhoods — all of which have higher rates of hospitalization due to asthma and respiratory illnesses.[14]

Reduced greenhouse gas emissions

24.6 percent of all Bay Area greenhouse gas (GHG) emissions come from passenger cars and trucks.[15] Plan Bay Area, the region's Sustainable Communities Strategy, depends on a significant rise in transbay transit commuting in order to meet the region's goal of reducing per-capita GHG emissions from transportation by 15% by the year 2035. A reduction in car trips not only helps the Bay Area reach its regional targets, it also supports statewide climate goals and global efforts to protect the poorest communities who are most susceptible to the impacts of climate change.[16]

Realizing the potential will require thoughtful planning

Despite these potential benefits, a second crossing is no guarantee of a more equitable region. Without the necessary policies in place, negative impacts could outweigh the benefits to low-income families and people of color. To realize the promise of equity benefits from a second crossing, we must understand the mistakes of our past, and intentionally design policies and practices to ensure we avoid or at least mitigate those impacts.

12. *American Public Transportation Association, "Evaluating Public Transportation Health Benefits," June 2010. Available at http://www.apta.com/resources/reportsandpublications/Documents/APTA_Health_Benefits_Litman.pdf*

13. *Weighted average of home and non-home station access data from BART 2015 Station Profile Study. Available at http://www.bart.gov/about/reports/profile. AC Transit "2012 On Board Passenger Survey" Pg 8. February 14, 2013. Available at http://www.actransit.org/wp-content/uploads/2012-On-Board-Passenger-Survey-Results.pdf*

14. *A map of asthma-caused emergency department visits by zip code is available at http://cdphdata.maps.arcgis.com/apps/SimpleViewer/index.html?appid=1bc487bdfead4d36a5644394de5a261a*

15. *38.9% of all Bay Area GHG emissions come from transportation. 63.3% of transportation emissions come from passenger cars and trucks. 63.3% of 38.9% = 24.6%. Available at http://www.baaqmd.gov/~/media/files/planning-and-research/plans/clean-air-plan-update/transportation-fact-sheet-pdf.pdf?la=en*

16. *World Bank, "Shock Waves: Managing the Impacts of Climate Change on Poverty," 2015. Available at http://www.worldbank.org/en/news/feature/2015/11/08/rapid-climate-informed-development-needed-to-keep-climate-change-from-pushing-more-than-100-million-people-into-poverty-by-2030*

III: What's at Stake: Equity Concerns Past and Present

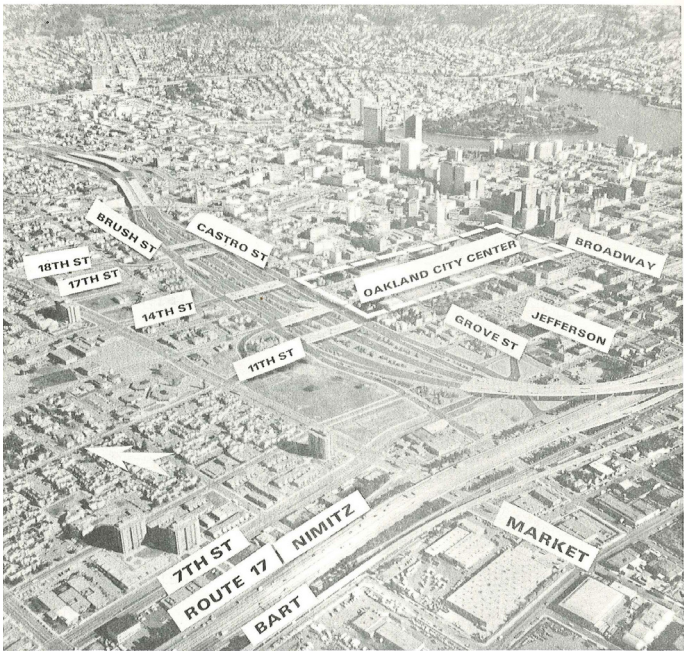
Our research and interviews with stakeholders revealed a long but consistent list of social equity concerns related to transportation decisions, management of large transportation projects, and BART as an agency. This chapter summarizes the main themes that arose in our research, including both historical concerns and recent changes that point to potential solutions.

Legacy of Distrust from Transportation & Redevelopment Decisions

As in many major metropolitan areas, the second half of the 20th century in the Bay Area is riddled with major transportation and redevelopment decisions that left communities of color with a deep sense of mistrust.

The freeway era destroyed hundreds of homes in low-income Bay Area neighborhoods, including West Oakland.[17] There, dozens of entire blocks were seized under eminent domain and demolished to make way for the Cypress Freeway, the US Postal Center, and the West Oakland BART station. The BART tracks were built along 7th Street in West Oakland, which used to be a vibrant business corridor for Oakland's African-American community.[18] West Oakland and Oakland's Chinatown both suffered from the 1959 construction of I-880, which bisected both communities and removed cultural landmarks. By 1985, additional freeway construction meant that largely African-American West Oakland became

"Interstate 980: Project Area Looking East (1978)" by Eric Fischer / CC BY 2.0



"Interstate 980: Rendering (1978)" by Eric Fischer / CC BY 2.0

17. *For more information about the I-980 freeway's impact, see Connect Oakland's website at http://www.connectoakland.org/context/i-980/*

18. *Putting the 'There' There. "Chapter 2: A Brief History of West Oakland" Pg 46. 2005. Available at https://www.sonoma.edu/asc/cypress/finalreport/Chapter02.pdf*

encircled by freeways: I-880, I-980, and I-580. Construction destroyed homes of many African-American families, and the freeway became a huge physical barrier to local mobility. Residents who remained have to live with increased pollution, mostly from drivers coming from distant, wealthier, and whiter neighborhoods.

BART's arrival brought new transbay transit service, but it also brought more disruption, particularly for African-Americans and Latinos. A 1978 study conducted for MTC found that "stores located in areas serving low-income and minority groups (e.g., blacks near the Ashby station and Latinos in the Mission District) were more adversely affected than were stores in other locations."[19] Construction of the West Oakland and Lake Merritt stations, plus the development of the West Oakland Post Office, razed 13 city blocks. BART built elevated tracks along 7th Street, an active African-American commercial district. All the historic bars and clubs that had hosted generations of African-American artists were subsequently boarded up. Many local leaders feel West Oakland never recovered. Underground tunnel construction, combined with concurrent redevelopment activities, also disrupted downtown Oakland. Many stores went out of business, and it took decades for downtown Oakland to recover.

In contrast, disruption along Market Street in San Francisco was quickly succeeded by a major post-construction beautification effort. And downtown Berkeley, whose station and subway line were built by tunneling, escaped similar disruption. This contrast contributes to the belief, held by many advocates representing low-income and people-of-color, that BART is not "their" transit system. The perspective of many of these urban leaders is that BART is a commuter rail system built to bring white-collar workers from mostly-white suburbs to high-income jobs in downtown San Francisco, and their communities are merely pass-through places that will be sacrificed to meet the needs of wealthy commuters.

People in West Oakland and other vulnerable communities obviously did not choose to have their neighborhoods destroyed, but their concerns were not reflected in the decision-making process. Many people who were displaced or had their cultural and commercial institutions destroyed carry the memory of that disruption into every current conversation about BART and transportation decisions. They do not trust that current and future decisions about transportation will properly incorporate their communities' concerns and needs. As a result, it is possible that they would abstain from or oppose new mega-projects like a second crossing if there is no substantial effort to build trust. In order to achieve an inclusive and equitable project, it is essential that regional leaders build relationships to re-establish trust and secure their participation and support.

Fare pricing and possible increases

Fare pricing is naturally a greater concern to low-income transit riders than their wealthier counterparts. Distance-based fares and the lack of a monthly pass option make many low-income residents feel priced out of the BART system, even if they live near a station.

Residents can, however, take advantage of bulk pricing (day or monthly passes) on bus systems, whose networks are more likely to connect them with multiple destinations. Adding a BART trip means an additional cost, so even when BART would be faster or more convenient, low-income riders often choose slower, cheaper, local bus service — particularly AC Transit — despite living close to BART stations and traveling to destinations served by BART.

When asked about the possibility of a second crossing, community leaders expressed concern that this sort of mega-project would further increase fares that already seem unaffordable to their constituents. Indeed, both construction and ongoing maintenance of new facilities require

19. *Victoria Gussman, Tom Schnetlage, and Caj O. Falcke. "Study of BARTs Construction Impacts." Pg. 2, April 1978. Conducted for the Metropolitan Transportation Commission. Available at https://archive.org/details/studyofbartscons1978vict*

money, and fare increases are one way that these expenses can be paid. If fare increases are used to cover some of the costs of a second crossing, low-income communities will pay a disproportionately higher share of their income than others.[20]

Oscar Grant, BART Police, and Police Reforms

The 2009 killing of Oscar Grant, a young African-American man, in the early morning hours of New Year's Day crystallized for many the grave concerns about BART and its police department. BART has the largest transit police department on the West Coast. In the past decade, public concerns have increased over police brutality and fatal shootings — particularly of unarmed African-American men. BART's police operate in an atmosphere of increased fear and distrust of all police forces. Just the existence of BART's police force increases many people's mistrust of the system.

To BART's credit, the agency has taken several important steps since 2009 to heal the rifts between BART and concerned citizens, particularly the African-American community. Responding to public concern over Oscar Grant's death, BART established a Citizens Review Board and an Office of the Independent Police Auditor in 2009.[21] BART also commissioned a review of the department by the National Organization of Black Law Enforcement Executives (NOBLE), and has implemented almost all of the recommendations from that review.[22] However, it is not well known that BART has made these changes, and fear and distrust of BART's police force remains a chief concern of communities of color near BART.

Evolution of BART's Geographic Focus

All of BART's expansions to date have reinforced the impression that BART is aiming to serve suburban commuters. Every station added since the original system's completion has been added at the edges of the system, expanding its geographic reach into suburban eastern Contra Costa County, eastern Alameda County, and San Mateo County. Each expansion provided new service to suburban riders, at much higher costs per new passenger than the average per-passenger cost on the existing system. At the same time, BART wasn't investing enough in keeping the existing system in a state of good repair. Existing riders in the urban core found their trips becoming more crowded and more uncomfortable as fares continued to rise.

Both airport connections (San Francisco in 2003 and Oakland in 2014) exacerbated this impression. Airplane passengers are wealthier and whiter than the region's population and BART's ridership. The Oakland Airport Connector (OAC) in particular illustrates the ways that expansions have prioritized more privileged riders over others. The final cost of the OAC project was more than three times its initial approved cost. It completely bypasses the East Oakland neighborhoods around it, despite original planning that had anticipated at least one infill station serving the community. After BART repeatedly rejected alternative proposals, public interest groups (including TransForm) filed a Title VI complaint arguing that BART failed to consider the effect of the project on East Oakland's low-income population. The Federal Transit Administration (FTA) found that the complaint "was well founded" and withheld $70 million in federal funding. Only then did BART complete the required analysis and come back into compliance with Title VI.

20. *Fare pricing is a subset of the larger question of "who pays?" which is addressed in the Best Practices section.*
21. *See BART's website for more information: http://www.bart.gov/about/bod/advisory/crb*
22. *See BART's website for more information: http://www.bart.gov/about/police/reports*

BART has responded differently since then, in part due to a change in management in 2011. When the agency decided on OAC fares in 2014, it heeded calls from transit advocates and imposed the planned $6 one-way fare on airport passengers to prevent regular non-airport-bound riders from having to subsidize the costs of the expensive OAC. BART has also approached more recent suburban extensions differently, doing a better a job of protecting its core service than in prior extension decisions. For both the southern Fremont/San Jose and eastern Contra Costa extensions, construction and operations planning have taken better account of ridership projections and fare impacts and included decisions to ease the burden borne by core riders.

In addition, there are signs that BART's attention has turned from its history of expansions toward making the core system work better. For example, the BART board recently voted to eliminate a BART extension to Brentwood from a draft list of projects for the regional transportation plan. The board has also shown little vigor in advancing a potential Livermore extension. The proposed second transbay crossing is yet another example of BART focusing on improving core performance before outward expansion.

Title VI & Environmental Justice

After the FTA's stinging rebuke over Title VI in 2010, and with the hire of Grace Crunican as General Manager in 2011, BART re-committed to ensuring that its actions do not cause disparate impacts on disadvantaged communities. In 2013, the agency established a Title VI/Environmental Justice committee and adopted a "Disparate Impact and Disproportionate Burden Policy." The policy establishes a threshold that defines when impacts of a major service change or fare change result in an unacceptable impact, and determines how the agency should avoid, minimize, or mitigate impacts. The agency now conducts a Title VI study at the beginning and near-completion phases of all projects that provide new service or significantly change existing service.

These analyses are affecting BART's decisions. For example, in 2011, many BART directors were pushing for the agency to change its hours of service to provide more late-night service on weekends. Since BART maintenance requires a certain number of hours of maintenance each night, BART staff proposed shifting an hour of service from Saturday morning to Friday night. But the Title VI analysis found that Saturday morning riders are more likely to be people of color, lower-income, more likely to have limited English proficiency, and are older than Friday late-night riders. The analysis concluded that the plan "would have a disproportionately high and adverse impact on minority and low-income riders." The plan was subsequently withdrawn.

Further, as stated above, the BART Board's final decision on the OAC fare was based in part on the final Title VI analysis of the project, which found

"BART Airport Connector Train" by Eric Fredericks / CC BY-SA 2.0

that projected OAC riders were much less likely to be minority or low-income than BART's everyday riders (37% minority/17% low-income on OAC, vs. 62% minority/34% low-income systemwide). Directors acknowledged advocates' arguments that since the OAC would require a subsidy by the agency as a whole, they should set an OAC fare that would maximize revenue and minimize the extent to which everyday riders had to subsidize higher-income, whiter OAC passengers.

Equitable Transit-Oriented Development

Housing affordability has emerged as the primary threat to the ability of low-income and even many middle-class families' ability to stay in the Bay Area. Indirect displacement (defined in detail on p. 18) is underway in the Bay Area and worsening quickly. According to UC Berkeley's Regional Early Warning System for Displacement, census tracts within Priority Development Areas (or "PDAs," which are areas within cities that have been designated to accommodate the most anticipated growth) were more likely to be lower income tracts that were categorized as at risk of gentrification/displacement, undergoing displacement, and having already experienced gentrification. In contrast, tracts that had no PDAs were more likely to be higher income tracts that displayed signs of stability and exclusion.[23]

In response, community advocates urged BART to adopt a series of policies to ensure equitable transit-oriented development at and around BART stations. The BART Board of Directors adopted a policy in January 2016 requiring at least 20% of all residential developments on BART-controlled land to be made affordable to low-income households.[24] In December of 2016 the BART board adopted the goals of increasing affordable housing systemwide to 35% by 2025, and no net loss of low-income households in station areas by 2040.[25] This will require Bay Area cities and the state to adopt additional policies and provide more funding for affordable homes near transit.

"Fruitvale Village Transit Oriented Development" by Eric Fredericks / CC BY-SA 2.0

23. *Miriam Zuk. "Regional Early Warning System for Displacement: Typologies Final Project Report." 2015. Available at http://iurd.berkeley.edu/uploads/CCI_Final_Report_07_23_15.pdf*

24. *The BART Board adopted an inclusionary affordable housing policy in January of 2016, which was later incorporated into a more comprehensive TOD policy that they adopted in June of 2016. Full TOD policy available at http://www.bart.gov/sites/default/files/docs/BART%20Board%20-%20TOD%20Policy%20Draft%206-9-16%20Adopted%20FINAL.pdf*

25. *BART Board of Directors: Transit-Oriented Development Policy Performance Measures and Targets, adopted December 1, 2016. "Low-income" is defined as households earning less than $50,000 in 2016. HUD defines a two-person "low-income" household as earning less than $60,150 in the East Bay and $78,800 in the West Bay. Data and future targets are in 2014 inflation adjusted dollars.*

IV: Addressing Equity Concerns with Best Practices

Transit State of Good Repair and Use of Existing Infrastructure

Transit State of Good Repair

As with other efforts to expand the Bay Area's transit system, a second rail crossing must only go forward if it does not jeopardize ongoing efforts to bring BART, Muni, and other systems back to a state of good repair. BART alone has at least $9.6 billion in capital improvement needs, and even after the passage of a $3.5 billion bond measure in November 2016, it is short more than a billion dollars in funding.[26]

An ounce of prevention is worth a pound of cure. Many of the benefits of a new second BART crossing (if it were to be built exclusively for BART) would be lost on old train cars that break down in or getting to a new second crossing.[27]

Getting BART to a state of good repair is not just a transit management problem, it is an equity problem. As our interviewees told us, the people who are most vulnerable to transit breakdowns are low-income workers who do not have flexible work hours. Then-FTA Chief Peter Rogoff put it bluntly in a speech to transit officials in 2010, articulating the federal government's position: "If you can't afford to operate the system you have, why does it make sense for us to partner in your expansion?"[28]

BART has dedicated the vast majority of Measure RR, its recently passed $3.5 billion bond measure, to repairing and upgrading the existing system. This is an important step in the right direction, even as the BART Board of Directors still needs to find funding to cover the last $1.3 billion necessary to keep the system running safely and reliably for years to come.

Core Capacity Transit Study and Use of Existing Infrastructure

Similarly, the region's transportation agencies must maximize use of existing transbay transit infrastructure that can be completed more quickly and more cost-effectively than a second crossing. The Bay Area Core Capacity Transit Study (CCTS) is a collaborative effort to identify and prioritize investments that will improve travel on public transportation to and from downtown San Francisco, the economic core of the region.[29] As of 2015, peak transbay demand already exceeded transbay transit capacity — that's why BART has become so uncomfortable at peak hours.

There are several short- and medium-term projects to increase BART capacity: new cars, an automatic train control system to increase train frequency, station improvements to allow faster boarding, turnbacks, and better maintenance facilities to ensure full-length trains at peak hours. Transbay bus service could benefit from more buses on

26. *BART. "BART 2016 Fact Sheet." February 2016. Available at https://www.bart.gov/sites/default/files/docs/2016Factsheet_v11.pdf*
27. *Deakin, Elizabeth et al. "A State of Good Repair for BART: Regional Impacts Study," pg 23-28. May 2012. Available at http://bayeconfor.org/media/files/pdf/BART_SGR_-_Regional_Impacts_-_Final_Report_May_2012.pdf*
28. *FTA Administrator Peter Rogoff. "Remarks at the Boston Reserve Bank - Next Stop: A National Summit on the Future of Transit (SOGR)." May 18, 2010. Available at https://www.fta.dot.gov/about/speeches/administrator-peter-remarks-boston-reserve-bank-next-stop-national-summit-future*
29. *For information, see http://mtc.ca.gov/our-work/plans-projects/other-plans/core-capacity-transit-study*

more routes to more destinations (in addition to the Transbay Terminal), direct-access ramps, and possibly dedicated HOV lanes or even a contra-flow bus lane on the Bay Bridge. With all of these options, it's clear we can do more to expand transit capacity on the transbay corridor.

Together, these short- and medium-term improvements could increase transit capacity by 33% to accommodate ridership demand in the coming years. However, the CCTS analysis suggests that transbay transit demand would catch up with this increased capacity as early as 2029, depending on the growth rate of transit demand and which of the medium-term transit improvements are implemented.[30]

Displacement

Housing affordability is reaching a crisis point in many parts of the region. Too many Bay Area families are being priced out or pushed out of their homes and neighborhoods, particularly in places with good public transportation options.

Direct Displacement

Direct displacement is defined as when a project takes over the space formerly occupied by someone's home, via eminent domain or other processes. For transportation projects that is typically to secure right of way or for transit stations. Many bad memories among low-income communities and communities of color stem from direct displacement caused by the construction of freeways, BART, and redevelopment projects. Current planning and development policies and practices have dramatically limited public agencies' ability to use eminent domain or other processes. There is much better protection against direct displacement than 40-50 years ago, especially if BART and other agencies follow their own Title VI and environmental justice requirements.

"Commuter Gillig (AC Transit)" by Cajunlukeca via Wikimedia commons / CC-SA-1.0

30. *Core Capacity Transit Study. "TAC Meeting #2: CCTS Project Update." Presentation October 20, 2015, slide 25. Available at http://mtc.ca.gov/sites/default/files/2015_10-20_CCTS_TAC_meeting.pdf.*

Indirect Displacement

Disadvantaged communities face much greater risk of indirect displacement. Indirect displacement is when economic forces and/or social changes push people out of their homes or livelihoods. With transit projects, the most common way this happens is that the transit project makes a neighborhood more desirable, leading to increased housing prices that price people out of their own neighborhood. Indirect displacement can also happen to homeowners, if the same process leads to a disappearance of the services and cultural institutions they and their community rely on.

Indirect displacement is underway and accelerating in the Bay Area. From Karen Chapple's UC Berkeley study on displacement (cited on page 15), we know that nearly half of Bay Area census tracts are undergoing some form of neighborhood transformation and displacement. Across the country, transit projects have often caused this kind of displacement.[31]

A second crossing would increase access from the East Bay to San Francisco, and likely add some new stations on both sides of the Bay. Better access and new stations will likely attract more development pressure — both to neighborhoods near existing BART stations as well as to neighborhoods near new stations. If communities do not have adequate protections in place, the combination of these forces will likely lead to further displacement.

Best Practices to Stabilize Communities

To stabilize these vulnerable communities, all cities whose land values will be affected by a second crossing need to examine and enact policies to combat displacement. This applies not just to the cities that may have new stations (San Francisco, Oakland, and possibly Alameda). It also applies to cities that have existing transit stations whose surrounding property values may increase because of a second crossing. Transit agencies with land holdings (BART and Muni) will need to adopt similar policies. And the relevant funding agencies at all levels will need to ensure that stabilization policies are in place and being implemented before moving forward with the project.

Best practices to stabilize communities fall into a few general categories:

- Cities can preserve existing affordable housing (both naturally occurring low-price rentals and subsidized units) through policies like rent control, requiring just cause before evictions, and preservation and enhancement of Section 8 housing.[32]
- Cities can encourage production of affordable housing through policies such as inclusionary zoning, robust community benefit agreements around new development, and development impact fees that invest revenues in affordable housing.
- Muni and other transit agencies with land holdings could require minimum percentages of affordable housing for any development on their properties (similar to BART's 20% minimum affordable housing policy).
- MTC could provide new funding to finance affordable housing by increasing the size of the Transit Oriented Affordable Housing fund.[33]
- Cities can support local businesses through construction and beyond by developing a business impact mitigation plan and fund or requiring coordinated construction planning.[34]

31. *Stephanie Pollack's research found that many neighborhoods where new transit was introduced saw an increase in rents, households of higher income, and households that own cars, at a greater rate than the surrounding metro area. Pollack, Stephanie "Maintaining Diversity in America's Transit-Rich Neighborhoods." 2010. Available at http://nuweb9.neu.edu/dukakiscenter/wp-content/uploads/TRN_Equity_final.pdf*

32. *For details, see Reconnecting America's Mixed-Income Transit-Oriented Development Action Guide. Available at http://mitod.org/projectbasedsection8preservation.php?tab=0&panel=1&return=projectbased*

33. *For details, see http://bayareatod.com/*

34. *For an example, see the Business Sustainability Program and Business Impact Mitigation Plan developed by the City of Oakland and AC Transit for the International Boulevard BRT project.*

Risk in Mega Projects: Underestimated Costs, Overestimated Performance

There's no two ways about it: a second crossing will cost a lot of money. The Bay Area Council Economic Institute, citing studies from 2002, 2007, and 2012, suggests that projected costs for a second transbay rail crossing "could fall between $10 and $14 billion … [depending] on the alignments chosen, the number of new stations built, the methods used for construction, as well as the financing models employed."[35] The history of very large infrastructure projects, or "mega-projects," suggests that a second crossing will probably cost more and perform worse than we think now.

Mega-projects tend to grow in cost and scope, sometimes dramatically, as they go through the planning and construction process. McKinsey & Company, a global infrastructure business with a strong vested interest in planning and building mega-projects, estimates that "bridges and tunnels incur an average 35% cost overrun."[36] And that estimate only considers the increase over the cost of construction contracts, not the (often much larger) increases from the time an agency makes a political commitment to a project, to when contracts are awarded. McKinsey cites the analyses of Bent Flyvbjerg, an Oxford business school expert in project management who analyzed over 250 rail, bridge, and tunnel projects. Flyvbjerg estimates that nine out of ten mega-projects go over budget, often by more than 50%, and expounds an "iron law" of mega-projects: "over budget, over time, over and over again."[37]

Many mega-projects also perform worse than projected during the planning process. As another analyst explains, "many of the participants in the process have incentives to underestimate costs, overestimate revenues, undervalue environmental impact, and overvalue economic development effects."[38]

This dynamic — escalating costs, declining performance — is also familiar to Bay Area residents who have tracked recent major transportation projects. The cost of the east span of the Bay Bridge escalated nearly fivefold from initial estimates in 1997 to the final cost in 2013.[39] The Oakland Airport Connector costs increased more than threefold, and expected ridership decreased more than fourfold, from the time the project was included in a voter-approved funding package in 2000 until its completion in 2014.[40]

This dismal history does not mean that we should abandon large infrastructure projects like a second

35. *Bay Area Council Economic Institute. "The Case for a Second Transbay Transit Crossing." February 2016. Available at http://www.bayareaeconomy.org/report/the-case-for-a-second-transbay-transit-crossing/*

36. *Nicklas Garemo, Stefan Matzinger, and Robert Palter. "Megaprojects: The good, the bad, and the better." Published on the McKinsey & Company website, undated. Accessed 3/27/2016 at http://www.mckinsey.com/industries/infrastructure/our-insights/megaprojects-the-good-the-bad-and-the-better*

37. *Bent Flyvbjerg, "What You Should Know About Megaprojects and Why: An Overview." Project Management Journal, 2014, Volume 45, Number 2, pp.6-19. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2424835.*

    For the study of 250+ projects, see Bent Flyvbjerg, Mette K. Skamris Holm and Soren L. Buhl. "What Causes Cost Overrun in Transport Infrastructure Projects?" Transport Reviews, Volume 24, Number 1, January 2004, pp.3-18.

38. *Bent Flyvbjerg, Nils Bruzelius, and Werner Rothengatter. "Megaprojects and Risk: An Anatomy of Ambition." Cambridge University Press, 2003. Full text available at http://arxiv.org/ftp/arxiv/papers/1303/1303.7404.pdf.*

39. *The final cost was over $6.4 billion, compared to initial estimates of $1.3 billion. Source: http://www.citylab.com/politics/2015/10/from-250-million-to-65-billion-the-bay-bridge-cost-overrun/410254/*

40. *For original cost of $130 million, see Alameda County's 20-Year Transportation Expenditure Plan, published 2000. Available at http://www.alamedactc.org/files/managed/Document/4897/2000_MeasureB_Expenditure_Plan_v14.pdf.*

    For final cost of $484 million: Joe Fitzgerald Rodrigez. "Controversial BART Tram to Oakland Airport Opens, but Questions Remain." The San Francisco Examiner. November 26, 2014. Available at http://archives.sfexaminer.com/sanfrancisco/controversial-bart-to-oakland-airport-connector-opens-but-questions-remain/Content?oid=2912859

    For original ridership of over 14,000 riders/day, see TransForm. "Can Oakland afford a half billion dollar boondoggle?" Available at http://www.transformca.org/sites/default/files/OAC-Options-Analysis-September-7-2010-SUMMARY_0.pdf

    For average daily ridership of 3,300/day one year after completion, see BART's "One year marks one million rides on BART to OAK." November 19, 2015. Available at http://www.bart.gov/news/articles/2015/news20151119

crossing. Instead, it means that responsible planners must go into this and other projects with eyes wide open, acknowledging that they and other planners likely have a built-in optimism bias and that many participants have incentives to strategically misrepresent costs and benefits. Planners must learn and use best practices in mega-project management, including "front-end management," "reference class forecasting," and "institutional design for better accountability."[41]

A second transbay rail crossing might cost as little as $10-14 billion. But the history of mega-projects suggests that the final cost will be significantly higher after decades of planning, changes in scope, delays, and cost overruns in construction. We need to be prepared.

Equitable Revenue Sources

Regardless of how much a second transbay rail crossing costs, a key equity consideration will be how equitable the revenues sources are. Planners must consider two main equity impacts:

Who Pays

Who pays that revenue, directly or indirectly? How closely does that profile match the profile of who benefits from the project?

Alternate Use

How would that funding have been used if it were not used for this project, and who would have benefitted from that alternate use?

"Who Pays"

This is primarily a question of how economically progressive the revenue source is and how well the revenue is tied to who benefits from the project.

Perhaps the most equitable revenue source would be a value capture mechanism applied to neighborhoods around stations affected by a second crossing. Value capture is good because it is paid by (relatively high-income) property owners whose property values would increase directly because of the second crossing; if the value capture mechanism didn't exist, the value would become profit for the property owners. Value capture could also happen via the creation of "Enhanced Infrastructure Finance Districts" (EIFDs) around new station areas. EIFDs use taxes collected from the properties that benefit from being adjacent to a transit station to mitigate impacts caused by the construction and or operation of the new station.

Other revenue sources that have the potential to be equitable include raising bridge tolls — as MTC is considering with a future "Regional Measure 3" — or using funds from new express lanes or future congestion pricing. Transbay drivers are relatively high-income, and the same is likely to be true of drivers who pay express lane or congestion pricing tolls.[42] Furthermore, there is a direct connection to who benefits, since drivers, particularly in the transbay corridor, would benefit from a second crossing's traffic reduction.

The equity impacts of other likely revenue sources are more mixed. A property tax increase, as would be incurred by a BART general obligation bond, would be slightly economically progressive because BART riders are on average lower income than property owners. Yet the connection between districtwide (or countywide) property values and a second crossing is tenuous at best. Countywide sales taxes have a similarly tenuous connection; they are regressive, and in any case are unlikely to yield the level of funding that would be needed for a second crossing.

41. *Bent Flyvbjerg. "What You Should Know About Megaprojects and Why: An Overview." Project Management Journal, 2014, Volume 45, Number 2, pp.6-19. See page 17 for further references to descriptions of these best practices.*

42. *For the likely income profile of express lane users, see TransForm, "Moving People, Not Just Cars: Ensuring Choice, Equity, & Innovation in MTC's Express Lane Network." May 2013, pp.7-9. Available at: http://www.transformca.org/sites/default/files/FINAL%20Moving%20People%20Not%20Just%20Cars%202013-05-15_0.pdf*

"Alternate Use"

The "alternate use" question is most important when considering existing revenue sources, or revenue sources that have traditionally gone to specific uses. For example, state and federal funds are always attractive, but whether they are an equitable source of funds will depend largely on what other uses the money might have funded instead of the second crossing. For example, from an equity perspective the second crossing should not use funds that could be used to operate or maintain existing transit service, such as funds to bring BART or Muni back to a state of good repair. But it could make sense to use high-speed rail funds or other transit expansion funds.

Impacts on Fares

Transit riders have good reason to be concerned that a second crossing could result in significant fare hikes. This is, of course, one of the reasons to constrain the risks inherent in a mega-project. But fare hikes are a threat even if the project's costs are contained to "only" $10 billion or so. In considering potential funding sources, it will be important to compare the equity impact of a given funding source to the equity impact of securing the same funds from fares, and to consider whether the project is worth the potential increase in fares.

Paying for the crossing with BART fare increases would have a very close connection with "who benefits," but would also be regressive. BART's average systemwide ridership is slightly lower income than the Bay Area population. If a fare increase priced people out, it would negate the benefits of a second crossing for those riders.

Initial planning for a second crossing should elaborate on these equity considerations, and seek to evaluate the fairness of funding sources and impact on fares from the beginning. Regional leaders should prioritize and fund equity analyses at every stage of the planning process to choose an equitable funding strategy and identify and implement mitigations for any impacts to disadvantaged communities.

"BART Train Entering Staion" by Steve Lambert / CC BY 2.0

Community Benefits and Engagement in Mega-Project Planning

"Mega-projects have a track record of dividing or decimating low-income and people-of-color communities."[43] This quote from one of our interviewees sums up the concerns many people share about the potential impact of a project as large as a second transbay rail crossing. Low-income communities and communities of color often lack the resources and access to decision-makers that would ensure their interests are well represented. What's more, the history described in Chapter III shows that for transportation projects in general, and BART in particular, the legacy of distrust may further inhibit meaningful community engagement in decision-making.

To achieve a fair outcome, we need community engagement processes and governance structures that actively combat both the disparities and the distrust.

Governance

Most fundamentally, the question of power in this case is one of governance: who has the authority to make the decisions to move forward or change direction on the project? We need to get the governance right. We need institutional structures that allow decision-makers to see the big picture and make long-term decisions in the best interests of the region as a whole. We also need those structures to allow disadvantaged communities the full opportunity to protect and advance their own interests.

This is likely to play out on at least two different levels: the overall project level and the individual community level. The overall project is likely to need some kind of state-level task force to secure funding and create an appropriate governance structure (as recommended by SPUR's whitepaper).[44] This task force needs to include members who represent low-income and people-of-color residents broadly and who represent the interests of the most vulnerable communities that might be affected.

The project will also need governance structures to oversee the planning for the individual communities that will be most affected by the project — the neighborhoods where the second crossing will land on each side of the Bay and connect to the existing transit network. On both sides of the Bay, many of the neighborhoods most likely to be affected are low-income, majority people-of-color neighborhoods. Once the routing decision has been made at the overall project level, the project should establish project area committees to oversee planning and eventually construction in these neighborhoods. Following the example of redevelopment project area committees, these neighborhood-specific structures should have some authority about what gets built, how it gets built, and how it is operated in the community.

Community Engagement for Community Power

A good governance structure is closely related to the need for authentic community engagement. In a project this big, community members need to trust that their input will make a difference, and a good governance structure is the first step. The next step is a truly inclusive engagement process that involves significant outreach, education, and numerous opportunities for community input and feedback. These exercises will not only help create a better project, they will also improve relationships between the relevant transit agencies and community members. These relationships can encourage residents and community-based organizations to become more actively involved in planning decisions. In turn, this increases the chance that decisions are implemented rather than re-opened, which causes further cost and delay. Community members will need to know that

43. *Interviews for this paper, Spring 2016.*

44. *SPUR. "Designing the Bay Area's Second Transbay Rail Crossing: How to ensure reliable transit and a connected region." February 10, 2016. Available at: http://www.spur.org/publications/white-paper/2016-02-10/designing-bay-areas-second-transbay-rail-crossing*

the community protections they ask for in this engagement can be delivered by the governance structures.

Our research and interviewees highlighted several projects that provide good — and not-so-good — examples of governance and community engagement. Responsible planners should learn from these examples, including from mega-projects that were halted. Some examples include:

- *Twin Cities Corridors of Opportunity, Minneapolis-St Paul, MN: good example of community engagement that reached over 37,000 community members who were previously unaware of the project, prompted the appointment of 58 residents to relevant advisory groups, and supported community organizations that became involved on an ongoing basis.*[45]
- *Fairmount/Indigo Line, Boston, MA: good example of several community development corporations coming together to transform an expensive commuter rail line into an affordable rapid transit system with several infill stations and enough affordable housing to reduce gentrification.*[46]
- *Boston's highway projects: first, a highway that would have split the community of Jamaica Plain was halted after community protests. And later, the Big Dig, which had strong outreach and community involvement in planning, ensuring community benefits in construction planning and distribution of jobs.*

Access to Economic Development

As a result of the political pressure put on BART by TransForm, Urban Habitat, and Genesis (who were all opposed to the Oakland Airport Connector, or "OAC"), BART went to great lengths to ensure that the construction of the OAC would truly benefit local workers and Disadvantaged Business Enterprise (DBE) Contractors.[47] Although fewer construction jobs were created than were originally projected, BART negotiated a "Project Stabilization Agreement" with the Alameda County Building Trades Council, resulting in local construction workers getting quality union jobs building the OAC.[48] BART also exceeded expectations in achieving its DBE goals as reported to its BART Board.[49] The successful construction of the OAC set an example for how BART (or any other builder or operator) should include local workers and DBE contractors on any future construction of a second crossing.

In addition to jobs created, it is very likely that new transit stations will be built where the second crossing is integrated into the existing transit system (either commuter rail or BART rail). This will likely result in new transit-oriented development and the opportunity to create more walkable communities that are less car-dependant and more sustainable. It also means more housing and/or jobs near transit, and more access to jobs or housing for commuters who would be living or working near transbay transit. If the region is going to continue to grow in a sustainable way, it will be imperative for the region to grow around transit.

45. *"Community Engagement in the Twin Cities." Wilder Research. November 2013. Available at https://www.wilder.org/Wilder-Research/Publications/Studies/Corridors%20of%20Opportunity/Community%20Engagement%20in%20the%20Twin%20Cities%20-%202013%20Interim%20Report%20on%20Strategies,%20Impact,%20and%20Potential%20Sustainability,%20Summary.pdf*

46. *More information available at https://www.huduser.gov/portal/iod/iod_2015_1.html*

47. *Catherine Traywick, Oakland North. "Despite Promises, the $484M Oakland Airport Connector Yields Few Local Jobs." November 30, 2011. Available at https://oaklandnorth.net/2011/11/30/oakland-officials-and-residents-debate-promises-of-job-creation-from-barts-airport-connector-project*

48. *Project Stabilization Agreement for the San Francisco Bay Area Rapid Transit District Oakland Airport Connector Project: http://laborissuessolutions.com/wp-content/uploads/2012/11/BART-Oakland-Airport-Connector-Project-Labor-Agreement-2009.pdf*

49. *BART Project Status Report to the Alameda County County Transportation Commission Watchdog Committee. January 12, 2015. Available at http://www.alamedactc.org/files/managed/Document/15317/5.1B_BART_StateofGood_Repair_Presentation.pdf*

V: Recommendations and Conclusion

Based on the considerations, history, and best practices described in this report, the following are TransForm's seven recommendations to address outstanding concerns that will likely come up as decisions are made about a second transbay crossing.

Recommendation #1: Invest in existing transit infrastructure first.

The Bay Area must maximize use of existing transbay transit infrastructure that can be completed more quickly and more cost-effectively than a second crossing, following recommendations such as those in the forthcoming Core Capacity Transit Study. This includes more BART cars, automatic train controls, more frequent trains, station improvements, as well as improvements to transbay buses and ferries and efforts to manage transbay travel demand.

BART's top priority must be to close the funding gap to meet its state of good repair needs before embarking on extensive funding for major expansions. The passage of Measure RR was a big step in the right direction, but there is still more than a billion dollars outstanding.

While planning for a second crossing should begin as soon as possible, efforts to fund and construct the crossing must not replace or distract from these essential efforts to bring our key transit systems back to a state of good repair, and to implement short- and medium-term efforts to make the best use of our existing transbay infrastructure.

Recommendation #2: Implement local policies to stabilize communities affected by the project and combat displacement.

Rising property values in the Bay Area are causing waves of displacement in vulnerable neighborhoods. A second crossing will impact vulnerable communities and carries a significant risk of exacerbating displacement pressures, either directly with new stations, or indirectly by providing better service to existing stations in vulnerable neighborhoods.

This does not mean we should refrain from pursuing a second crossing. Rather, it means that we must insist on broad government coordination to combat displacement within communities that may be affected by a second crossing. This is a responsibility not only of the agency that designs, builds, and operates the second crossing, but also by each of the cities directly touched by the second crossing (San Francisco, Oakland, or possibly Alameda), and some that are indirectly affected. The state, MTC, and connecting transit agencies should also play a role, including making funding conditional on adoption and implementation of these policies.

Together, these entities need to ensure that strong policies are in place to preserve existing affordable housing, produce new affordable housing, and preserve local business opportunities (including during construction).

Recommendation #3: Create local, resident-led governance systems in impacted communities.

To truly overcome the history of exclusion and mistrust, this project needs to go beyond the very important work of rebuilding relationships and establish structures that include disadvantaged communities as full partners in decision-making. Project governance should include members who represent low-income and people-of-color residents broadly, as well as those who represent the interests of the most vulnerable communities that might be affected. Once an alignment decision has been made, the project will need project area committees for the neighborhoods on each side of the Bay where the second crossing will connect to the existing transit network. These project area committees should give residents decision-making power regarding what gets built, how it gets built, and how it is operated in their community. These committees should also be part of decisions regarding new land uses and the use of real estate value capture revenues that occur around the future second transbay crossing.

Recommendation #4: Understand mega-project risks and implement best practices to contain them.

While current estimates project a cost of "only" $10-14 billion for a second transbay crossing, the history of transportation mega-projects predicts that the project will likely cost significantly more than we think now. Planners and decision-makers need to understand and appreciate the ways that mega-projects can go wrong, particularly built-in optimism bias and incentives to misrepresent the project, and the special risks posed to disadvantaged communities. We need to understand and implement best practices such as front-end management, reference class forecasting, and institutional design for better accountability.

Photo by Michael Halberstadt

Recommendation #5: Use equitable funding sources.

Even if the second crossing costs "only" $10 billion, planners must choose the most equitable funding sources available. Value capture mechanisms, higher bridge tolls, and other road pricing strategies are the most equitable sources that also have a direct tie to project benefits. A second crossing should pursue state and federal funds available for high-speed rail or other transit expansions, but not funds that could be used to operate or maintain existing transit. The fairness of property taxes and sales taxes is more mixed, and whether they are an appropriate funding source will depend on the specific circumstances. To evaluate how equitable a funding source is, planners should ask who pays and how the funds would have been used if not for the second crossing.

Recommendation #6: Contain project's impact on transit fares.

Low-income transit riders have reason to be concerned that a second crossing could drive transit fare prices up, even if the project's costs are contained. This is true whether or not the construction and operation gives some measure of financial control to a private entity, as in a public-private partnership. Decision makers should publicly discuss fares early in the planning process in order to develop an equitable fare structure that recognizes the benefits of additional service and capacity for riders, but also contains the project's impact on transit fares, particularly for low-income riders.

Recommendation #7: Ensure project-related economic development benefits local residents and workers.

Any foreseeable growth in real estate value that is created by the second transbay crossing should be managed in a way that allows for local communities to enjoy ongoing benefits. This should be done by designating "Enhanced Infrastructure Finance Districts" (EIFDs) around any new station areas that may be created to facilitate access to the second transbay crossing.[50]

Once project costs and ongoing operations and maintenance are covered, the spending and allocation of captured real estate value should be guided by local stakeholder committees (see Recommendation #3), who might prioritize funding for construction and management of affordable housing and funding transit for low-income workers. BART has already begun exploring how to do this through its efforts around the creation of a "Community Facilities District" around the the future eBART station in Pittsburg, and in the way fares are being subsidized for airport workers of both the San Francisco and Oakland International Airports.[51]

50. *For a great primer on Enhanced Infrastructure Finance Districts, see "A New Tool for Urban Economic Development: EIFD's Demystified." Available at http://www.planningreport.com/2015/06/03/new-tool-urban-economic-development-eifds-demystified*

51. *East Bay Times. "Pittsburg proposing formation of community facilities district to help fund eBART station." January 30, 2014. Available at http://www.eastbaytimes.com/contra-costa-times/ci_25028487/pittsburg-proposing-formation-community-facilities-district-help-fund*

Conclusion

The San Francisco Bay Area's population and popularity are expected to keep growing for the foreseeable future. We can reasonably expect that as the population grows, demand for housing and transportation infrastructure will continue to grow with it. As the region has grown, BART, Caltrain, AC Transit and Muni have all been invaluable in getting people to work and other essential destinations as quickly and as environmentally sustainably as possible. However, history has shown us that demand for access to transit has resulted in the displacement of lower income residents from communities that have the best access to regional public transportation.

It doesn't have to go on this way. Building on lessons learned from the past, and acting in the interest of creating and maintaining a more equitable, inclusive, and economically thriving Bay Area, we can curb future displacement of low-income residents and communities of color from neighborhoods that have convenient access to regional public transit systems, while still accommodating future growth.

At some point in the not-so-distant future, residents and workers in the Bay Area will likely conclude that a second transbay transit crossing is necessary. While every effort should be made to maximize the efficiency of our existing transbay transportation infrastructure, the region — particularly the cities of San Francisco, Oakland, and Alameda, which are mostly likely to be part of a second crossing — should begin working now to ensure that any second transbay crossing is planned, built, and operated in a way that improves life for low-income communities and people of color.

This paper offers a thorough exploration of equity considerations to inform planning for a second transbay rail crossing. Addressing and acting upon these considerations will be essential — for local and regional agencies as well as social justice and equity advocates — to ensure that a second crossing delivers significant benefits for all residents, and to prevent costs from being disproportionately borne by vulnerable communities.

It is tremendously challenging to build political consensus in our region for public policies that address the complicated challenge of accommodating economic growth while protecting vulnerable residents and workers. We urge our core cities and regional leaders to take these equity considerations and recommendations into account now, and in every step along the path towards a second transbay crossing.

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