September 7, 2017

Re: Transportation Issues and Actions in the Draft San Mateo County Assessment of Fair Housing

Dear Members of the Board of Supervisors:

We write on behalf of the undersigned community-based organizations, nonprofits, and service providers to share our comments on the analysis of transportation access and equity in the Draft Assessment of Fair Housing (AFH). This AFH is the first of its kind completed in San Mateo County under HUD’s 2015 regulation on “Affirmatively Furthering Fair Housing.”\(^1\) The AFH is an important first step toward improving housing choices and access to opportunity for people of color, immigrants, families with children, people with disabilities, and others whose lives and housing choices have been burdened by discrimination.

We request that San Mateo County analyze access to transportation for members of protected classes\(^2\), consistent with HUD guidance, according to type or mode of transit, availability (including cost), frequency, reliability, and the risk of harm, as described below.\(^3\) In light of the importance of transportation equity to securing access to transportation for members of protected classes, we also ask that the AFH goals and strategies be updated to include the following:

- Increased operating funding for public transit;
- A specific timeframe and outcomes for addressing serious problems in paratransit services used by people with disabilities;
- Ensure that significant numbers of affordable units are preserved or constructed in Priority Development Areas;
- Ensure that PDAs are adequately served by affordable, high frequency transit that reaches a range of important destinations, including high quality bus service that can satisfy requirements for affordable housing funding like LIHTC;
- A commitment to studying and addressing the burden of air quality impacts from mobile sources on protected classes.

As you know, federal law requires the AFH to include an analysis of disparities in access to key opportunities for protected classes, including access to jobs, quality education, and

\(^1\) U.S. Department of Housing and Urban Development, Affirmatively Furthering Fair Housing,

\(^2\) Protected classes under the Fair Housing Act include those who are protected on the basis of “race, color, religion, sex, familial status, [] national origin” or disability status.” 42 U.S.C. § 3604.

transportation. This is because, as HUD has noted, “housing units are part of a community and do not exist in a vacuum,” and therefore “fair housing choices are not limited to transactions relating to rental ownership of housing.” Transportation is of particular importance in assessing disparities in access to opportunity because, as the gateway to access to other opportunities, amenities and community assets, it is integral to equal opportunity and upward mobility. In its commentary on the 2015 Affirmatively Furthering Fair Housing regulation, HUD framed the importance of transportation to equal housing opportunity in this way:

Transportation is a key factor in assessing total housing affordability, and, specifically, access to public transportation options can be critical to providing access to jobs, education, health care, and other amenities and community assets for low-income families, the elderly, and persons with disabilities. Increasingly, planners and policymakers are taking transportation into account for purposes of both new development and prioritizing preservation of existing affordable housing. Reviewing available data can also assist planners in identifying existing communities in need of improved transportation options.

As one of the first counties nationwide to complete an AFH under the 2015 regulation, San Mateo County has the opportunity to model for the rest of the country the kind of robust transportation equity analysis that HUD requires within the AFH framework. Here at home, moreover, a transportation equity analysis will be a vital resource for the Board of Supervisors, which plays an important role in shaping transportation investments and policy through its representation on key transit agencies both in San Mateo County and in the region.

We are pleased that the Draft AFH reflects the beginnings of serious attention to equitable access to transportation within San Mateo County, and we strongly urge you to strengthen and improve the analysis in the document so that the final AFH can serve its intended purpose of shaping investments and policies to meaningfully improve equitable access to opportunity. To the extent that you are not able to complete a full analysis of the transportation issues identified in this letter before the submission of the final AFH to HUD, we ask that San Mateo County commit as part of its AFH goals and strategies to completing that full analysis by January 2018. The County should also identify more specific actions to address gaps in access to transportation at that time as well.

Although the Draft AFH correctly identifies the importance of transportation, we are concerned that the data included does not provide adequate information to permit a realistic evaluation of the issue—and as a result, incorrectly concludes that there are not significant disparities in access to transportation in San Mateo County. For example, although the survey

---

4 24 C.F.R. § 5.152 (defining “significant disparities in access to opportunity” to mean “substantial and measurable differences in access to educational, transportation, economic, and other important opportunities in a community, based on protected class related to housing”); & § 5.154(d) (requiring an analysis of significant disparities in access to opportunity).
5 Affirmatively Furthering Fair Housing Rule, 80 Fed. Reg. at 42281, 42286.
6 Id. at 42337.
administered as part of the AFH process asked a question about transportation, the way in which the data is reported in the Draft AFH obscures what information may be available from the survey. First, the survey does not distinguish between the types or modes of transportation that respondents rely on. Second, the data from the survey is not disaggregated by protected class. So while the Draft AFH reports that a majority of respondents indicated that they do not have transportation problems, we do not know whether Latinos, African Americans, and Pacific Islanders reported transportation problems at higher rates than white respondents, for example. Indeed, the Draft AFH does reveal that a significant proportion—forty percent—of Spanish-speaking respondents indicated that they encounter some degree of transportation difficulty. This is a concerning result, and the final AFH should explore the issue further and give it the attention it deserves.

In the sections that follow, we set out guiding principles for analyzing transportation equity in the AFH and address some concerns related to the treatment of transportation in the Draft AFH; identify other studies and planning documents that the AFH should draw from; and make specific recommendations about the goals and strategies that the AFH should commit to with regard to transportation.

I. Guiding Principles for Assessing Transportation Equity in the AFH

HUD’s Assessment Tool for the AFH identifies four areas of inquiry related to transportation, namely type, availability, frequency, and reliability. To this framework, which focuses on the extent to which the needs of protected class members for transportation access are fairly met, we recommend adding a fifth area of inquiry: whether those same residents bear an unfair share of the harms resulting from transportation infrastructure and operations. These

7 Draft AFH at V-69 to V-70.
8 Draft AFH at V-69.
9 We are also concerned that the relatively high scores on the transit trips index and the low-cost transportation index are deceptive. The high number of transit trips likely reflect high rate (compared to the rest of the country) at which higher-income professionals rely on fast rail transit services, like BART and Caltrain, to commute, but that is not a good proxy for accessibility or availability for members of protected classes. The low-cost transportation index is linked to income, but it does not consider the combined costs of housing and transit, and therefore fails to account for the relationship between income and the extremely high housing costs in our region. In other words, to the extent a median renter household in San Mateo County has a higher income than median renter households elsewhere in the country, all or most of that difference in income is likely absorbed by higher housing costs. Because of the potential for misleading results from nation-wide indexes, HUD requires that the AFH also include local data to provide a necessary check and more accurate information on disparities in access to transportation. AFH Tool at 4.
10 AFH Tool, Appendix C, at 2.
11 Indeed, we applaud the Draft AFH for acknowledging that the widening of Highway 101 in the 1960s had a negative impact on the then majority African American community of East Palo Alto. Draft AFH at V-66.
areas of inquiry should guide the AFH’s analysis regarding access to transportation. Importantly, this analysis should focus not on the needs of the general public, but instead on the needs of members of protected classes, including Latino, African American, Pacific Islander and Filipino populations, youth, and people with disabilities.12

a. Type

“Type” of transportation refers to different modes of transportation, such as bus, rail, paratransit, active transportation (walking and biking) or personal vehicle.13

Under the rubric of “type,” the AFH should first identify which modes of transportation Latinos, African Americans, Pacific Islanders, youth, and people with disabilities, use most frequently, as compared with more racially and economically privileged groups. This breakdown is crucial to enable a more meaningful assessment of deficits, needs, and barriers that may limit access and mobility for members of protected classes within each mode or type of transportation. The AFH should then assess the availability, frequency, and reliability of the modest of transportation most relied on by Latinos, African Americans, Pacific Islanders, youth, and people with disabilities. The AFH should also use information about mode(s) of transportation most relied on by members of protected classes to identify whether there are modes from which these groups are disproportionately excluded (e.g., as a result of cost barriers), and whether equitable investments are flowing to the modes of transportation they most heavily rely on.

Unfortunately, this analysis is missing from the Draft AFH altogether.14 This absence significantly reduces the utility of the information in the document. For example, the maps showing the percent of residents living with a half-mile or a quarter mile of High Frequency Transit provide information neither on race or national origin of those living near transit.15 Equally important, the maps do not distinguish between higher-cost, long-haul transit modes like Caltrain, which may be practically inaccessible to low-income protected class members living close to it and may not meet their travel needs, and modes of transit like bus that may be more frequently used by members of protected classes.16

To develop a more accurate picture of protected class ridership than currently exists, we suggest that you collect and integrate the following ridership demographic data by transit mode into the AFH:

<table>
<thead>
<tr>
<th>Race/National Origin of Transit Users</th>
</tr>
</thead>
</table>

---

12 24 C.F.R. §§ 5.152, 5.154(d).
14 Draft AFH at V-66 to V-70.
15 Id. at V-68.
16 Id.
This data reveals that SamTrans riders are disproportionately Latino, Filipino, or African American, and that Latino residents are underrepresented on Caltrain compared to their share of population in San Mateo County. We recommend that you also identify the demographics of BART riders that use stations in San Mateo County, and of those who bike to work in the county, and of commuters who travel to work in single occupancy vehicles and as well as of commuters who carpool. In addition to race and national origin, we recommend that you identify rates of limited English proficiency, the extent to which riders of each transit mode are transit dependent, and the proportion of riders receiving discounted fares.

Moreover, given the level of housing insecurity related to residential displacement in San Mateo County, we suggest that transit agencies conduct more frequent and flexible on board survey methods including the use of “travel diaries” that better capture the precise composition of transit trips. The planned update of the SamTrans Business Plan provides a key opportunity to update on board ridership surveys and methodologies.

b. Availability

---

19 Available from the U.S. Census.
20 Riders who speak a language other than English at home according to the 2017 SamTrans System Fact Sheet: 41%.
21 Transit dependent ridership according to the 2017 SamTrans System Fact Sheet: 61%.
22 Riders eligible for discounts based on senior, disabled, and Medicare eligibility according to the 2017 SamTrans System Fact Sheet: 21.2%.
23 Travel diaries are a standard transportation data collection methodology used by the Federal Transit Administration as part of their National Household Travel Survey: http://nhts.ornl.gov. Additionally, the FTA requires demographic data collection and analysis in order to determine whether underserved residents are benefiting from federally funded transit programs and services. FTA, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Ch. IV, Sec. 5.
“Availability” of transportation, according to HUD’s Assessment Tool, refers to factors such as “geographic proximity, cost, safety, and accessibility, as well as whether the transportation connects individuals to places they need to go, such as jobs, schools, retail establishments, and healthcare.”24 As mentioned above, this analysis should be disaggregated to address the availability of different modes or types of transportation to key protected classes, including Latinos, African Americans, Pacific Islanders, youth, and people with disabilities.

In considering “geographic proximity” the AFH should analyze whether there are neighborhoods that have significant representation of African Americans, Latinos, Pacific Islanders, or people with disabilities, which are not served by High Frequency Transit, other robust public transit options, or active transportation options/infrastructure. For example, the High Frequency Transit maps in the Draft AFH reveal relatively low transit access on the coast.25 The Draft AFH should therefore consider, for example, whether Latino residents of cities like Half Moon Bay have adequate access to public transit.

With respect to the places that are served by transit, the Draft AFH must go on to address the remaining issues HUD identifies. The first of those is cost, and the draft AFH does not include any analysis. An analysis of transportation costs (including transit fares), and their impact on accessibility by members of protected classes, should be added. Specifically, in considering “cost,” the AFH should examine fares for SamTrans, Caltrain, BART and other transit services, and the costs of auto ownership, the costs of bicycle ownership, and then analyze the affordability of those costs to members of protected classes based on income data.26 In light of the underrepresentation of Latino residents on Caltrain compared to their representation in the county, and the lower Caltrain ridership rates among African Americans compared with their use of SamTrans, we strongly recommend that the AFH examine whether fares create a barrier to these populations accessing Caltrain.

We also recommend that the AFH consider the additive nature of fares, leading to steep increases in costs for riders who need to switch between bus and rail systems. Additionally, as HUD suggests in its commentary to the Affirmatively Furthering Fair Housing Rule, information on transportation cost can then be combined with housing costs to better understand “total housing affordability.”27

Next, the AFH must analyze “safety.” Again, this analysis is missing in the current draft. In this regard, the AFH should gather data on whether the transit stops on which protected class members disproportionately rely are well-lit, whether they are paved and covered with shelter,

25 Draft AFH at V-68.
26 One useful affordability metric is combined housing and transportation costs. According to a data resource maintained by the Center for Neighborhood Technology, the average combined costs of housing and transportation for a “moderate” San Mateo County household with an income of $62,310 is 70% of household income. Center for Neighborhood Technology, H+T Index, available at http://htaindex.cnt.org/map/ (last access August 10, 2017).
and whether bus stops are located at busy intersections or other locations where people accessing the bus may be at risk of being struck. We also ask that you review data on whether law enforcement creates safety risks for riders, either based on their immigration status or through the use of force. Finally, the safety analysis should consider whether there are safe routes for bicyclists, pedestrians and persons with disabilities, and whether pick up and drop off policies expose persons with disabilities to other safety risks.28

The Draft AFH does contain some important information about the next factor, “accessibility,” with respect to persons with disabilities. The Draft AFH reflects that there are “[c]ountywide challenges with persons with disabilities accessing SamTrans,” and that transportation improvements are needed to improve access to employment opportunities, health care services, community amenities, and services and facilities for people with disabilities.29 A participant in the disability focus group, according to the Draft AFH, also reported that “El Camino Real is not always accessible which is particularly inconvenient because this is where the main bus routes are located. People will get off the bus and not be able to get around.”30 And the Draft AFH reports that paratransit users experience much more significant transportation problems than other members of the community.31

Finally, the availability analysis should consider whether public transit provides access to essential destinations, including jobs, educational institutions, grocery stores, parks, and medical and social services, for members of protected classes. This part of the analysis is critical to identifying important gaps in transit services, as low-income people of color statistically take shorter trips, drive less, and are more likely to depend on transit and walking and biking to get to many local destinations that cannot be accessed on rail services like BART and Caltrain.

c. Frequency:

“Frequency” refers to “the interval at which the transportation runs.”32 As with availability, this analysis must be disaggregated by mode, and further, by geography, so as to reflect services available to neighborhoods where there is a relative concentration of Latino, African American and Pacific Islander residents. Guiding questions for the frequency analysis should include whether buses and trains run frequently enough to allow riders to get to their destinations in a timely manner, and whether they meet the goal of “around the clock,” frequent and reliable transit service.

---

28 According the report “Safer People, Safer Streets” by the U.S. Department of Transportation, “residents of low-income and minority neighborhoods are disproportionately represented in bike and pedestrian injuries and fatalities, and low-income neighborhoods often have fewer sidewalks and other safe infrastructure. Safe non-motorized travel, and safe access to transit stops, is essential for disadvantaged Americans seeking to reach jobs, schools, and other opportunities.”
29 Draft AFH at V-72, Figure V-51; Id. at V-134.
30 Id. at V-133.
31 Id. at V-134.
32 AFH Tool, Appendix C at 3.
A now-outdated resource targeted to identifying transit service gaps that could offer some guidance was MTC’s 2001 Lifeline Transportation Network report. That report identified both spatial gaps – places where transit service was absent, or routes had been cut – and temporal gaps. The latter included both excessive “headways” on existing routes during peak commute hour and gaps where service was inadequate or entirely unavailable during evening and weekend hours. This gap analysis should be included in the AFH so that actions to identify and close gaps that most significantly harm protected class members can be crafted and implemented.

Finally, we would note that the high frequency transit maps in the Draft AFH reveal a lack of access to high frequency transit for communities on the Pacific coast, potentially resulting in transportation challenges for members of protected classes living in those communities.

d. Reliability

HUD defines “reliability” to include “such factors as how often trips are late or delayed, missed runs, and whether the transportation functions in inclement weather.”33 At bottom, this area of inquiry considers whether a transit system has adequate on-time performance to allow users to reliably plan trips to essential destinations. The reliability of SamTrans and Caltrain is not addressed in the Draft AFH; we ask that this omission be rectified in the final AFH. This information should be readily available from the transit operators, as the Federal Transit Administration (FTA) “requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation” for indicators that include “on-time performance for each mode.”34

In terms of the reliability of non-fixed-route transit, particular attention should be paid to paratransit services. For example, do paratransit services arrive in a timely manner and enable people with disabilities to arrive at medical appointments, classes, and other events on time? Are paratransit services consistently dropping people off in the correct location? If they are not, are the drivers able to quickly remedy this without the person having to schedule another paratransit pick up? The Draft AFH indicates that there is cause for concern that RediWheels does not demonstrate reliability on these metrics.35 We are pleased to see that San Mateo County set a transportation goal related to paratransit in the Assessment of Fair Housing, and we look forward to seeing progress on these issues.36

e. Harm

33 AFH Tool, Appendix C, at 3.
34 FTA, Circular 4702.1B, “TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS” (2012) at p. IV-5. Crowding and headways are also required to be assessed by mode.
35 Draft AFH at V-134 (reporting longer than expected wait times and scheduling errors including wrong addresses).
36 Draft AFH at II-15.
Finally, with regard to harm, the AFH should inquire whether there are environmental, health, or displacement harms that either currently result from transportation infrastructure and operations, or that are the foreseeable consequence of planned transportation investments. The Draft AFH has already taken a first step towards this analysis by recognizing that past construction on Highway 101 caused harm to what was at the time a majority African American community of East Palo Alto. We urge you to deepen this analysis by considering whether protected class members are disproportionately exposed to air pollution from cars and trucks. The AFH should also examine whether indirect displacement of protected class members may result from transportation-linked investments in Priority Development Areas (PDAs) that are not accompanied by adequate tenant protections and investments in affordable housing.

II. Other Sources of Information

The Assessment of Fair Housing can build on other transit studies and planning documents already on existence. While this is not intended to be an exclusive list, we recommend that you look at these sources:

a. Countywide Transportation Plan for Low-Income Riders (2012). This study’s objective was to “identify, assess, and develop strategies to bridge gaps in the transportation needs of [certain] disadvantaged communities,” with the goal of influencing “project and program development and funding decisions that will increase transportation options for low-income residents.” The study developed eight transportation strategies to address identified needs. Those strategies ranged from providing “free or discounted fares for low-income transit users,” to improving connections and service, and creating additional shuttle services and vanpools. The AFH should review whether the strategies identified by the study have been implemented.

b. Transit Desert Study (2017). We understand that the San Mateo County Department of Health is studying transit deserts, or areas with high numbers of transit dependent riders that have infrequent, restricted, or nonexistent service. We encourage you to work with the Health Department to ensure that their study reflects whether African Americans, Latinos, Pacific Islanders, youth transit riders, or people with disabilities are disproportionately reflected in transit deserts. And, once the study is completed,

37 PDAs are designated areas for public investment and intensified development under the aegis of Plan Bay Area. To qualify, PDAs must be located within walking distance of frequent transit service. Association of Bay Area Governments, Priority Development Areas, available online at http://abag.ca.gov/priority/development/ (last accessed August 10, 2017).
39 Id. at 1.
40 Id. at 4.
its findings should inform the implementation of AFH goals and strategies regarding equitable transportation access.

c. To the extent that new Community-Based Transportation Plans are developed under MTC’s CBTP program, we recommend that the priorities and recommendations of those plans be consulted and implemented. Previous CBTPs were adopted in several communities (Bayshore (2008), East Palo Alto (2004), North Central San Mateo (2011), and San Bruno/S. San Francisco (2012)), but do not necessarily reflect current community priorities and needs.

III. Recommended Goals and Strategies

Once you have completed the analysis above, we are confident that the AFH will reflect a high priority need to increase access to transportation services for members of protected classes. Investment in public transit service and active transportation yields rich benefits in terms of upward mobility and access to other opportunities for communities that have been burdened by discrimination. We therefore strongly recommend that the final AFH include robust goals and strategies to strengthen access to transportation. The final AFH should include at least the following strategies to strengthen access to transportation and to a healthy environment:

a. **Increase operating funding for public transit** to ensure affordability and adequate service for members of protected classes. For example, increased operating funding could provide reduced bus and train fare passes for targeted groups, increase the frequency and reliability of bus service, expand transit options to include van pools and similar strategies where appropriate, and increase service to fill temporal gaps and to reach transit deserts.

b. **A plan for addressing serious problems in paratransit services** used by people with disabilities, including a timeframe and specific outcomes, as well as a commitment to improving accessibility of the full range of transit services.

c. **Ensure that significant numbers of affordable units are preserved or constructed** in Priority Development Areas (PDAs).

d. **Ensure that PDAs are adequately served by affordable, high frequency transit** that reaches a range of important destinations, including high quality bus service that can satisfy requirements for affordable housing funding like LIHTC.

e. **Commit to studying the burdens of air quality impacts of mobile sources on protected classes** living near Highway 101 and other congested roads, and set out a timeline for developing and implementing strategies that alleviate this impact.

IV. Conclusion

The AFH is only the first step towards improving equitable access to opportunity in San Mateo County. When completed, the AFH should serve as a guide for the more important
component of the duty to affirmatively further fair housing: the requirement that local
governments take meaningful actions to address disparities in opportunity affecting communities
of color, immigrant communities, people with disabilities, and families with children in San
Mateo County. The analysis outlined in this letter, which we ask you to complete as part of the
Assessment of Fair Housing process, should be detailed enough to allow the Board of
Supervisors, through its representation in the governance structure of local transit agencies, to
target expenditures and policies to addressing the deficits and needs impacting members of
protected classes.

Thank you for your attention to these important topics. We look forward to working you
in strengthening access to transportation—and through increased mobility, access to other
important opportunities—for African Americans, Latinos, Pacific Islanders, youth, and people
with disabilities, in San Mateo County.

Sincerely,

Menlo Spark

Public Advocates

San Mateo Behavioral Health & Recovery Services

Transform

Urban Habitat

Youth Leadership Institute

CC: Ken Cole, Director of the San Mateo County Housing Department
    Jeff Jackson, HUD Region IX
    John Maltbie, San Mateo County Manager