



East Bay Housing Organizations



October 12, 2023

Re: October 13, 2023 Joint MTC Planning Committee with the ABAG Admin Committee Meeting
Item 7.a: Transit-Oriented Communities (TOC) Policy

Dear MTC Chair Spering, MTC Vice Chair Ahn, ABAG Chair Arreguin, and ABAG Vice Chair Ramos:

We appreciate the Commission and staff for the thoughtful work given to planning for the implementation of MTC’s Transit-Oriented Communities (TOC) Policy. Our organizations have been engaging with staff on designing an effective TOC policy since the process began almost two years ago, and we are eager to see the TOC Policy move closer to implementation so that jurisdictions across the region can take steps towards the goals of the TOC Policy and Plan Bay Area 2050. The TOC policy is a critical tool in our toolbox to start making a meaningful impact towards achieving our goals to tackle climate change, housing affordability and racial and social inequities. These are problems that continue to get worse without coordinated regional and local action, and we are grateful to the Commission and staff for drafting a policy that could set a national example. Now is the time to take action: our converging crises of housing unaffordability, climate change, and racial and economic inequities have deepened in scale and urgency.

While we recognize that local participation and progress is integral to the TOC Policy’s success, we are concerned with proposed amendments that delay and lower thresholds for compliance - weakening the policy in the process and undermining its purpose of helping the region achieve its goals under Plan Bay Area. We are particularly concerned that the proposed changes could significantly undermine the climate and equity goals of the policy.

We strongly recommend that the Committee move forward with TOC Policy implementation with the following three amendments:

- **Preserve the integrity of the TOC Policy by incorporating flexibility through an exemption process for specific policy components, rather than establishing an arbitrary 85% threshold for compliance.** As a

way to create appropriate flexibility in the policy, we urge MTC to develop an exceptions process for specific TOC policy provisions that do not fit local contexts. This would be consistent with the direction this Joint Committee provided during the September 8 meeting: to require 100% compliance and incorporating flexibility through the development of an exemptions policy. Such a policy should require a jurisdiction to demonstrate that a particular provision will be infeasible for their local context and/or counterproductive for the TOC goals, and then offer an alternative approach to deliver the same desired outcomes.

The staff proposal of an 85% compliance threshold with a yet to be determined methodology and reliance on a “kitchen cabinet” of local elected officials to help arbitrate will create less certainty for jurisdictions, introduce more politics to what should be policy-oriented decisions, and inappropriately focuses on an arbitrary threshold of policy mechanisms, rather than a reasonably flexible roadmap to the *outcomes* the policy was intended to achieve.

- **Don't delay project endorsement requirements until after 2026:** Endorsements for transit extension projects should have the same requirements as staff have proposed for regional funding in the "Project Development/Environmental Review" stage. We should not wait until 2026 to have any TOC Policy conditions for such endorsements. Success of the TOC Policy is contingent on funding conditioning and jurisdictions need MTC to provide powerful incentives to help overcome challenging local politics. Strong funding conditioning is not easy, but it is essential for the policy to be effective.
- **Make TOC commitments real and incorporate accountability:** Wherever MTC ultimately requires jurisdictions to commit to TOC Policy compliance, that commitment needs to be real and there should be consequences that ensure jurisdictions stick to those commitments. We encourage MTC to determine how to hold jurisdictions accountable for failing to follow-through on their commitments.

Thank you again for your time, engagement, and consideration.

Respectfully,

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350 Bay Area

Justin Hu-Nguyen, Co-Executive Director of Mobility
Justice
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Aaron Eckhouse, Local & Regional Policy Program
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