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**The Greenlining Institute's Comments on CA's NEVI Plan**

*Additional submitted attachment is included below.*



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June 28, 2022

Ms. Barby Valentine  
Mr. Tony Dang  
Mr. Hannon Rasool  
Director's Office of Sustainability California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Re: California NEVI Deployment Plan Development

**The Greenlining Institute's Comments on California's Deployment Plan for the National  
Electric Vehicle Infrastructure Program  
Docket No. (22-EVI-03)**

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## Introduction

The Greenlining Institute (“Greenlining”) is a non-profit organization located in Oakland, CA that works towards a future where communities of color can build wealth, live in healthy places filled with economic opportunity, and are ready to meet the challenges posed by climate change. Over three decades, Greenlining has pioneered cross-sector racial equity solutions and passed policies that have resulted in over \$600 billion in corporate and private investments into communities of color in California and across the nation. Since 2011, Greenlining has been on the leading edge of research, advocacy and capacity building efforts to ensure low-income people of color benefit from and have access to electric vehicles and charging stations. We are not only working to ease the disproportionate burden of the effects of air pollution and climate disasters on these communities, we are advancing policies to open the door to a just economy where everyone can benefit.

## Greenlining Transportation Electrification

Over the last decade, Greenlining has been a leading voice in advocating for equitable transportation electrification policies and investments. Greenlining, along with the Charge Ahead Coalition, have been advocating at the California Air Resources Board, California Public Utilities Commission and California Energy Commission for vehicle and charging infrastructure investments and programs that prioritize accessibility and adoption by low-income communities of color. In 2018, Greenlining led the Charge Ahead Coalition to successfully advocate to designate \$236 million of the [\\$738 million approved by the California Public Utilities Commission](#) for vulnerable communities in large scale EV projects and secured over \$550 million for charging infrastructure and EV access programs in disadvantaged and low-income communities through the Volkswagen Diesel settlement. [Greenlining worked extensively with the CPUC](#) and CA legislature to pass policies and support regulation that ensure equitable deployment of 1,625 electric vehicle charging stations and adoption of clean technology solutions in disadvantaged and low-income communities throughout California. Based on our experience, Greenlining developed racial equity guidance for EVs including the [Clean Mobility Equity: A Playbook. Lessons from California's Clean Transportation Programs](#), detailing Greenlining's four step process to operationalize equity in clean transportation programs, and providing recommendations for future replication. We currently facilitate a multi-state community of practice to support the implementation of equitable electric mobility strategies in Colorado, Virginia, North Carolina, Illinois and Michigan.

## The Greenlining Institute's Vision for IIJA EV Charging Infrastructure Deployment

In response to the Federal Highway Administration's EV Charging Program and Charging and Fueling Infrastructure Program Greenlining commends the California Energy Commission and the California State Transportation Agency for seeking guidance that promotes

equity and urges the prioritization of equitable charging infrastructure deployment in the hardest to reach communities as a key effort. To date, electric vehicle charging investments have historically been deployed in well resourced, early adopter, higher income census tracts or “low hanging fruit” areas. Through a profit driven deployment strategy, low income communities of color are being left behind while continuing to face disproportionate pollution burdens. If done correctly, the administration can capitalize on this opportunity to deploy charging infrastructure in communities affected first and worst by climate impacts, align with Justice40 goals, reach the IJA goal of 500,000 new chargers by 2030, and create opportunities for low-income and disadvantaged communities to participate in a burgeoning green economy while undoing the legacies of redlining.

### **California’s NEVI Plan Must Promote The Public Interest and Advance Racial Justice**

Since the founding of the United States of America, all levels of government have played a role in creating and maintaining social inequities within our economic, political, social, and cultural systems. Government carried out multiple acts of oppression, passed and implemented a wide range of laws and policies, “including everything from who could vote, who could be a citizen, who could own property, who was property, where one could live, whose land was whose and more.”

Over the last thirty years especially, scholars have characterized Homeowners Loan Corporation's property assessment and risk management practices, as well as those of the Federal Housing Administration, Veterans Administration, and US. Housing Authority, as some of the most important factors in preserving racial segregation, intergenerational poverty, and the continued wealth gap between white Americans and most other groups in the U.S. Many of these agencies operated under the influence of powerful real estate lobbies or wrote their policies steeped in what were, at the time, widespread assumptions about the profitability of racial segregation and the residential incompatibility of certain racial and ethnic groups. This long historical record of explicit and implicit policies and practices created structural inequities in our society along race and ethnicity lines. These inequities manifest in well- documented racial and ethnic disparities in common quality of life indicators like education, economic stability, distribution of transportation burdens and benefits, and others. In fact, exposure to transportation pollution in communities of color is tied to decades of segregation and structural racism in land-use decisions and government policy, which has resulted in low-income communities of color living near busy roads, freeways, ports, and other freight corridors at higher rates than wealthier communities and whites.

To close racial divides and create a fairer and more just nation, government must prioritize, practice, and govern with equity in every sector of our economy, including transportation electrification activities under DOT and DOE jurisdiction. Additionally, state governments have the duty and responsibility as part of its “police powers” under the 10th Amendment of the United States Constitution to “promote the public health, morals, or safety, and the general well-being of the community.” Today, our communities are plagued with two public health crises, Covid-19 and racism that continues to prevail. Black and Brown

communities are most at risk for Covid-19 and have disproportionately represented infection rates. Understanding that our transportation sector is responsible for the majority of pollution and poor air quality which is known to exacerbate pulmonary disease and risk of Covid-19, it is imperative that California's EV charging deployment plans addresses the responsibility government has in their role to mitigate our present public health emergencies.

### **Marketing, Education, and Outreach: The long-term operation and maintenance of publicly available EV charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure**

In order to resource charging stations in low income communities sufficiently enough and ensure sustainable maintenance long term, market, education and outreach are a key component. Operations and maintenance are often underfunded or left for others to do after installation of chargers and equity requirements have been checked off. Education and outreach in low income communities should not be seen as exclusive from but rather a part of operations and maintenance– the more people understand how charging works and how they benefit from it the more likely they are to embrace and preserve the long term use of the investment. MEO should be considered a component of long term operations and maintenance in order to ensure chargers are being taken care of. State plans for charging infrastructure deployment must require chargers in disadvantaged communities have a maintenance plan to make sure they are being taken care of. Through a participatory process, community members can collectively self determine the maintenance plan and create buy in for long term operations.

### **Existing private, national, State, local, Tribal, and territorial government EV charging infrastructure programs and incentives**

Over the years, various California policies, programs, and actions have set objectives and commitments targeting benefits to disadvantaged and low-income communities relating to clean transportation and climate and energy policy, overall. Below is a non-exhaustive list:

- 1) SB 1275:<sup>1</sup> Known as the Charge Ahead California Initiative, this bill states that California must “increase access for disadvantaged, low-income, and moderate-income communities and consumers to zero-emission and near-zero-emission vehicles, and to increase the placement of those vehicles in those communities and with those consumers to enhance the air quality, lower greenhouse gases, and promote overall benefits for those communities and consumers.” As directed by this bill, the California Air Resources Board has created EV equity programs and has invested \$280 million to date.<sup>2</sup> Currently, there are 16 equity projects at various stages of implementation from awards pending to

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<sup>1</sup> Senate Bill 1275 (De León), Part 5 of Division of the Health and Safety Code, Chapter 8.5, Section 44258.4 (4)(B)

<sup>2</sup> See, CARB FY 18-19 Low Carbon Transportation Funding Plan.

projects up and running.<sup>3</sup> Projects range from scrap and replace programs that give low-income individuals vouchers of up to \$9,500 for new or used EVs to electric carsharing projects in disadvantaged communities to clean agriculture worker vanpools in the central valley.<sup>4</sup>

- 2) SB 350 Transportation Electrification Equity Provisions:<sup>5</sup> Finds and declares that “widespread transportation electrification requires increased access for disadvantaged communities, low- and moderate-income communities, and other consumers of zero-emission and near-zero-emission vehicles, and increased use of those vehicles in those communities and by other consumers to enhance air quality, lower greenhouse gases emissions, and promote overall benefits to those communities and other consumers. SB 350 also requires that the CPUC direct the utilities under its jurisdiction to file applications “to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative . . . , and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050” (emphasis added).<sup>6</sup>
- 3) SB 350 Transportation Electrification Priority Review Projects:<sup>7</sup> The CPUC approved 15 proposals to expand electric vehicle access and charging infrastructure submitted last year by Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric under SB 350. The projects were revised to increase EV access in disadvantaged communities: 14 of the 15 projects will directly benefit DACs in some form.<sup>8</sup>
- 4) SB 350 Transportation Electrification Standard Review Projects:<sup>9</sup> The CPUC approved four projects with budgets totaling \$738 million to expand electric vehicle access and charging infrastructure submitted last year by Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric under SB 350. The projects were revised to ensure disadvantaged communities benefited: SCE’s Medium-Duty/Heavy-Duty (MD/HD) EV Infrastructure Program– CPUC approved \$343M for this program with a minimum of 40% committed to DACs (\$137.2M); PG&E’s MD/HD EV Infrastructure Program– CPUC approved \$236M for this program with a minimum of 25% committed to DACs (\$59M); PG&E’s Fast Charging Infrastructure Program – the

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<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Senate Bill 350 (De León), Clean Energy and Pollution Reduction Act of 2015, at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB350](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350)

<sup>6</sup> Id.

<sup>7</sup> Decision 18-01-024

<sup>8</sup> The Greenlining Institute, California Okays New Electric Vehicle Charging Projects to Boost Access in Low-Income Communities, Press Release

<sup>9</sup> Decision 18-05-040; see also, <http://www.cpuc.ca.gov/sb350te/>

proposed decision approved \$22.4M for this program with a minimum of 25% committed to DACs (\$5.6M); SDG&E's Residential Charging Program – the proposed decision approved \$137M for this program with a minimum of 25% committed to DACs (\$34.25M).

- 5) SB 535:<sup>10</sup> Directed a portion of the revenue generated by AB 32 into disadvantaged communities to invest in the communities most impacted by the cumulative impacts of poverty and pollution.
- 6) AB 1550:<sup>11</sup> Updated SB 535 and requires at least 25% of cap-and-trade investments to be spent in disadvantaged communities with an additional 10% benefiting low-income communities and households, for a total of 35% going to disadvantaged and low-income communities.
- 7) AB 197:<sup>12</sup> Requires CARB to protect the state's most impacted and disadvantaged communities and to consider the social costs of the emissions of greenhouse gases when developing climate change programs.
- 8) AB 523:<sup>13</sup> Requires the California Energy Commission to spend at least 25% of the Electric Program Investment Charge fund for technology demonstration and deployment at sites located in, and benefiting, disadvantaged communities, and additional 10% to fund projects located in and benefiting low-income communities, for a total of 35% going to disadvantaged and low-income communities.
- 9) SB 92:<sup>14</sup> Requires that the Air Resources Board strive to ensure at least 35% of funds from Volkswagen's ("VW") ZEV Investment plan benefits low-income and disadvantaged communities.
- 10) VW ZEV Investment Plan Cycle 1 and Cycle 2: For Cycle 1, Electrify America anticipates that 35% of their investment will be in low-income and disadvantaged communities across all its investment categories. For Cycle 2, Electrify America's plan commits to exceed the 35% minimum investment in low-income and disadvantaged communities.

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<sup>10</sup> Senate Bill 535 (De León) at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB535](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB535)

<sup>11</sup> Assembly Bill 1550 (Gomez) at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1550](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1550)

<sup>12</sup> At [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB197](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB197)

<sup>13</sup> Assembly Bill 523 (Reyes), at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB523](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB523)

<sup>14</sup> Senate Bill 92 at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB92](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB92)



- 11) VW Environmental Mitigation Trust:<sup>15</sup> CARB’s Mitigation Trust Plan designates 57.5% (172.5M) of the \$300 million allocated for ZEV infrastructure to low-income and disadvantaged communities.
- 12) California Public Utilities Commission Energy Storage Equity Program:<sup>16</sup> Directs 25% of funds for distributed energy storage to low-income households and environmentally burdened communities throughout the state.
- 13) Transformative Climate Communities (“TCC”):<sup>17</sup> TCC has become an equity gold standard program. “TCC funds community-led development and infrastructure projects that achieve major environmental, health, and economic benefits in California’s most disadvantaged communities. Funded by California’s Cap-and-Trade Program, TCC empowers the communities most impacted by pollution to choose their community driven solutions that best address their specific needs.
- 14) SB 350 Low-Income Barriers Study, Overcoming Barriers to Clean Transportation Access for Low-Income Residents:<sup>18</sup> SB 350 also declared that there is insufficient understanding of the barriers for low-income customers to clean transportation. The bill therefore required CARB to complete and publish a study on those barriers. CARB just finalized the study’s guidance document, which outlines various barriers and actions to ensure clean transportation investments are benefitting low-income and disadvantaged communities.
- 15) SB 350 Low-Income Barriers Study, Overcoming Barriers to Energy Efficiency and Renewables for Low-Income Customers and Small Business Contracting Opportunities in Disadvantaged Communities:<sup>19</sup> SB 350 required that the CEC also complete and publish a study on low-income barriers.
- 16) SB 350 Multi-Agency Task Force:<sup>20</sup> The Governor’s Office convened a task force to facilitate multi-agency coordination to ensure the implementation of both CARB and CEC barriers reports recommendations. The task force includes the following agencies, among others: California Public Utilities Commission, California Transportation Commission, California Department of Transportation, California State Transportation

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<sup>15</sup> CARB, Volkswagen Environmental Mitigation Trust for California

<sup>16</sup> CPUC, “CPUC Directs Investment for Energy Storage Projects to Customers Located in Disadvantaged and Low -Income Communities,” Press Release

<sup>17</sup> California Strategic Growth Council, Transformative Climate Communities Program.

<sup>18</sup> CARB, Low-Income Barriers Study Part B: Overcoming Barriers to Clean Transportation Access for Low -Income Residents (SB 350 Barriers Study)

<sup>19</sup> CARB, Low-Income Barriers Study Part B: Overcoming Barriers to Clean Transportation Access for Low -Income Residents

<sup>20</sup> Id.

Agency, the California Department of Public Health, California Environmental Protection Agency, Governor’s Office of Planning and Research, California Strategic Growth Council, and the Governor’s Office of Business and Economic Development.<sup>21</sup>

17) Disadvantaged Communities Advisory Group:<sup>22</sup> Consists of representatives of disadvantaged communities who will provide advice to the CEC and CPUC on programs proposed to achieve clean energy and pollution reduction. SB 350 required the creation of this advisory group. The group has also developed an “equity framework.” SB 350 also mandated the development of the Energy Equity Indicators<sup>23</sup>, which includes metrics for transportation electrification. If additional or other metrics are needed for transportation electrification, the TEF process could be one channel through which those changes are advanced. Alternatively, if the Disadvantaged Communities Advisory Group indicated to the CPUC that certain metrics related to transportation should be taken into account, that should also affect the final TEF.

18) Environmental and Social Justice Action Plan: “This Action Plan will serve as a roadmap for implementing [the Commission’s] vision to advance equity in its programs and policies for Environmental Justice and Social Justice (ESJ) Communities. Developing and articulating objectives and actions are necessary to achieve the state’s equity goals. This will allow those most impacted by the CPUC’s decisions to participate in the most effective ways possible.”<sup>24</sup>

19) Government Alliance on Race and Equity (GARE) Capitol Cohort Pilot:<sup>25</sup> The GARE “Capitol Cohort Pilot builds the capacity of California’s state government agencies and departments to advance racial equity. Over 200 staff have participated, representing 18 departments and agencies. In 2018, department teams developed racial equity action plans that outline action steps toward increasing equity through organizational commitments, stakeholder engagement practices, workforce development, program planning, and other priorities within their respective departments. In 2019, participants are working with their leadership to operationalize and implement these racial equity action plans.”<sup>26</sup>

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<sup>21</sup> See, <https://www.arb.ca.gov/msprog/transoptions/050817roundtable/presentation.pdf>.

<sup>22</sup> CPUC, Disadvantaged Communities Advisory Group proposed to achieve clean energy and pollution reduction. SB 350 required the creation of this advisory group. The group has also developed an “equity framework.”

<sup>23</sup> <https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/clean-energy-and-pollution-reduction-act-sb-350-3>

<sup>24</sup> CPUC, [\*Environmental and Social Justice Action Plan\*](#), February 21, 2019

<sup>25</sup> California Strategic Growth Council, [\*Governing For Racial Equity: California’s Capitol Cohort Racial equity capacity-building for State employees.\*](#)

<sup>26</sup> Id.

## Accountability and Alignment to Justice40 Goals

To meaningfully address equity in transportation electrification efforts the same rigor applied to market studies and technology improvements in charging infrastructure must be applied to equity. Particularly as state plans aim to align with Justice40 goals, clear direction on how to reach 40% investment in disadvantaged communities must be explicitly stated. We offer the following consideration to be considered as part of California's state NEVI plan.

### Goals:

- Explicitly identify and define communities that Justice40 and EV Charging Deployment Guidance aims to benefit. Though disaggregated data is scarce and arduous to come by, it is a tenant of equity to be as explicit and specific as possible when identifying *who* is being served. Understanding exactly who is in most need of charging infrastructure investments and accompanying benefits first is imperative for achieving equity. For example, if we can determine that Black renters in a given census tract are in greater need of EV charging, referring to that population as “low income communities of color” is not useful and only serves to agglomerate various populations and their idiosyncratic needs into a monolith.
- Deliver direct and meaningful benefits to communities. It is insufficient to funnel investment to disadvantaged communities (DACs) and low income communities without thoroughly examining the direct outcomes and benefits that plan on being achieved to meet specific community's needs. In fact, distributing charging infrastructure deployment dependent on utility rate payer funds without due diligence and unexpected benefits is reckless investment and should therefore be avoided by meaningfully addressing explicit community needs determined through an equitable outreach process.
- Target funding to frontline communities. Similar to the aforementioned recommendation, to achieve equity it is crucial to commit to the tenet that those with the most needs, largest resource gaps and hardest hit by poverty and pollution must be prioritized. Frontline communities are low income people of color that experience “first and worst” consequences of climate related damage with minimal resources and massive vulnerability. It is for these reasons that funding should be targeted and prioritized to reach these populations who consistently bear the brunt of our society's externalities and have been neglected for generations.
- Promote objectives that generate multiple benefits. While not always feasible, where possible it is best to always promote objectives and agendas that create

various benefits to maximize benefits and ideally tackle the multi-pronged and deeply rooted barriers that exist in disadvantaged communities. See [Clean Mobility Equity: A Playbook– Lessons from California’s Clean Transportation Equity Programs](#) to learn more.

- Integrate climate adaptation and climate mitigation efforts. As our environment faces compounding climate change consequences, our solution oriented policies should integrate both climate adaptation and climate mitigation efforts. Mitigation aims to tackle the causes of climate change and minimize possible impacts, whereas adaptation strives to reduce the negative consequences and take advantage of changes that arise as a result. With this in mind it is ideal to design environmental policies that consolidate both approaches to accelerate our solutions.
- Include displacement avoidance language. With economic driving forces changing demographic and density trends, gentrification and displacement are growing consequences. Places that were once home to low income communities of color for generations are now riddled with real estate speculation, land value appreciation and insurmountable costs of living that have led to displacement, suburbanization of poverty and extreme commuting. Given the power that policy has to sway behavior it is paramount that language in Justice40 and EV charging deployment goals are intentional in their description of place and include strategic planning to avoid displacement as an externality.

We commend the CA NEVI Deployment Plan Draft for including a “Process to Identify, Quantify, and Measure Benefits to DACs” in consultation with the National Renewable Energy Laboratory (NREL) and identifying “expected benefits” (i.e., direct benefits) and “market transformation benefits” (i.e., indirect benefits). We encourage the further buildout of benefits and metrics that speak to the social good outcomes and expand on stacking multiple benefits. These include but are not limited to benefits in climate resilience, workforce development, community and economic development, and wealth building opportunities by recognizing NEVI as a part of the burgeoning Green Economy. Here we would like to emphasize that the *identification of these additional benefits must be done in partnership with communities and stakeholders*. True equity includes an equitable process (procedural equity) that considers the unique needs of diverse communities to develop benefits that truly speak to and address their identified needs. We encourage CEC, CalSTA, and NREL to ensure the voices of communities are included in the process “to quantify benefits in ways that go beyond measuring funding with a given location and will continue to investigate new metrics to ensure investments and DCFC deployments enhance equity within the state”.<sup>27</sup> See [INVESTING IN EQUITY: EV INVESTMENTS AND THE NEW GREEN ECONOMY](#) and sections **“Removing Barriers to**

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<sup>27</sup> California's Deployment Plan for the National Electric Vehicle Infrastructure Program, Pg. 46.

this **Burgeoning Green Economy**” and **“Operationalizing Equity: How to Make Equity Real”** below.

## **Operationalizing Equity: How to Make Equity Real**

For the past 29 years, The Greenlining Institute has dedicated efforts to operationalize equity resulting in our own guidance for how to make equity real. As a result we created a guidebook titled, [“Making Equity Real in Climate Adaptation and Community Resilience Policies and Programs Guidebook”](#). The following are best practices and recommended applications of this guidebook for guidance on equitable EV charging deployment.

- 1.) **Embed Equity in the Mission, Vision and Values:** This calls for guidance to explicitly define “equity”, state a commitment to equity through mission and value setting, and specifically identify the disadvantaged communities they seek to target.
  - Define “equity” within an EV charging infrastructure context
    - Greenlining definition of “Racial Equity”: Transforming the behaviors, institutions, and systems that disproportionately harm marginalized communities. Equity means increasing access to power, redistributing and providing additional resources, and eliminating barriers to opportunity, in order to empower low-income communities of color to thrive and reach their full potential.
  - Define “benefit” within an EV charging infrastructure context
    - Greenlining recommends using [2018 Greenhouse Gas Reduction Funds Funding Guidelines for Agencies that Administer California Climate Investments](#) define as: Potential evaluation criteria to determine whether projects provide direct, meaningful, and assured benefits to priority populations
  - Explicitly identify and define communities that the policy or program aims to benefit
  - Deliver direct and meaningful benefits to communities
  - Target funding to frontline communities
  - Promote objectives that generate multiple benefits
  - Integrate climate adaptation and climate mitigation efforts
  - Include displacement avoidance language
  - Ensure a community driven approach to developing the mission, vision and values
- 2.) **Build Equity into the Process:** Include processes that deeply engage community members to learn about their priorities, needs and challenges to adapting to climate impacts, otherwise known as a Community Needs Assessment. This step is also a key recommendation in the [California SB 350 Transportation Barriers Study](#) and as such must serve to directly inform proceeding implementation strategies. The information gathered

should inform the development and implementation of the policy or program. Given this best practice we suggest the strategies below:

- Promote Authentic and Meaningful Community Engagement
- Require Community Engagement for Feedback on Draft Plans and Program Guidelines
- Require Community Engagement for Implementation of Plans and Program Projects
- Promote Authentic and Meaningful Community Engagement for Grant Programs
- Include Community Engagement Spectrum and Activities
- Organize a Listening Tour to Gather Community Input
- Include Cultural Considerations such as language and local history
- Engage State Agencies with Experience Working with Frontline Communities
- Include Technical Assistance and Capacity Building to Achieve Equitable Outcomes
- Dedicate Funding for community engagement, outreach, capacity building, technical assistance, and workforce development
- Develop Committee with EJ, Equity and Community Members that are compensated, hold decision-making power and provide direct feedback on process and implementation process.
- Require Applicants to Develop Plans for Community Engagement, Workforce Development, Climate Adaptation and Resilience, and Displacement Avoidance
- Promote Transparency
- Include Members with EJ And Equity Expertise on Application Reviewing Committee
- Promote Equitable Budgeting Practices in Policy Development such as funding planning activities, advance payment, and dedicated funding to priority policy outcomes
- Conduct an assessment of federal and state transportation agencies' readiness to begin equitable community engagement work (i.e. Does our staff have an understanding of institutional racism, power, and systems change? Does our organization's management and leadership support the use of an equity lens? Does our team have existing relationships with community groups? Does our team have trust with the community?).
- Ensure that the priority populations are defined and consistently considered in all equity investments and their associated tasks and outcomes.
- Consider the differing mobility needs of communities by geography. With an understanding that urban, suburban and rural communities face different transportation barriers and therefore differing priorities and applications of equity, it is imperative that guidance recognizes this distinction. Where single occupancy electric vehicle incentives may be appropriate in one community, micro mobility or public transit may be best in another. It is through this idiosyncratic recognition that equity is most successfully realized. To address this, The Greenlining

Institute published the [Mobility Equity Framework](#), a step-by-step guide to a more community-centered transportation planning process that focuses on the mobility needs of communities and puts affected communities at the center of decision-making. It includes specific metrics to help evaluate mobility from an equity and community-centered perspective to help transportation planning focus on the needs of people, rather than car-centric infrastructure, as well as ideas for how to develop a people-based transportation planning process.

- Require outreach staff and their leadership to participate in equity and community engagement training and workshops. It is best practice to ensure participants in engagement efforts are culturally competent and well educated in their understanding of equity to build trust and via that effort most accurately and abundantly address community needs.
- Ensure transparency throughout all steps of the funding allocation and budgeting process. To strengthen this commitment, it is essential to clearly show proposed funding allocations for equity specific priorities. We encourage transparency in every step of the process as a best practice and recommend participatory budgeting strategies for consideration— a process in which community members determine how to allocate and spend public funds; this can be used as a tool for community empowerment and to assist in trust building efforts. The California Environmental Justice Alliance (CEJA) provides extensive resources in their “SB 1000 Implementation Toolkit”<sup>28</sup>, a toolkit for guidance on SB 1000<sup>29</sup>, which requires local governments to identify disadvantaged communities in their jurisdictions and address environmental justice in their general plans.
- Develop criteria/ standards for the discretionary grant program selection process of local Community Based Organizations (CBOs) or institutions to hold local administrators accountable to desired equity outcomes, ensure their own internal and external processes are equitable, and their staff exhibits readiness to engage with community members. Recognizing that the level of outreach will differ across states, establishing a high bar for what community engagement looks like standardizes equity requirements for grant applications. This is particularly important for evaluation and measurements of outreach efficacy in the analysis phase. We strongly recommend the administration consider what this standard looks like to set expectations for a high functioning and most effective local partnership.

3.) **Ensure Equity Outcomes:** The implementation of the guidance must lead to equity outcomes that respond to community needs, reduce climate vulnerabilities, and increase community resilience. The relationship between steps 2 and 3 should ensure investments are addressing community identified needs gathered in step 2. Outcomes include improved public health and safety, workforce and economic development, etc. Equitable implementation also

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<sup>28</sup> <https://caleja.org/2017/09/sb-1000-toolkit-release/>

<sup>29</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1000](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000)

requires that the process identifies and minimizes unintended consequences that may arise from the implementation process such as displacement and gentrification. The racial wealth gap remains one of the biggest economic inequities created by this country's structurally racist past and present. The racial wealth gap has left low-income communities of color with some of the most polluted air and water, plus a lack of climate investments that could create healthier communities, quality job opportunities, and innovative programs that reduce the cost of basic necessities. We recommend developing implementation strategies that work to reduce the racial wealth gap by advancing the health and wealth of underserved communities.

4.) **Measure and Analyze for Equity:** The final step to operationalize equity is to measure how equity has progressed and examine to what extent equity goals were achieved. Operationalizing equity calls for policies and programs to regularly evaluate their equity successes and improve the effort going forward. Assess whether outcomes were responsive to the respective needs identified in the community needs assessment conducted out of Step 2 and if the outcomes reflected the guidance on equity's purpose. In March of 2021 Greenlining published [Clean Mobility Equity: A Playbook– Lessons from California's Clean Transportation Equity Programs](#) to do just this. The report reviews California's clean mobility equity programs, noting successes, pitfalls and areas for improvement. It serves as both a guide for California as we continue evolving our clean mobility programs to more meaningfully center equity and as a guide for other states and the federal government as they move to develop and implement clean transportation equity programs. We recommend the following principles be adopted by CEC and CalSTA in CA's state NEVI plan:

- Include Evaluation Guidelines
- Include Language in Guidelines about Developing Equity Indicators
- Provide Applicants with Resources on How to Develop Indicators
- Adopt Best Practices & Lessons Learned from Existing Clean Mobility Programs
- Promote Transparency and Accountability by Publishing Clear Rubrics and Allocations of Funding.
- Publish Disaggregated Equity Benefits and Outputs That Clearly Indicate Amount of Investment and Subsequent "Benefits" Created.

### **Removing Barriers to this Burgeoning Green Economy**

As highlighted above, the dominant way to build wealth in the United States rests in the homeownership market, one that has been riddled with discrimination and incepted under racist ideals. However, the emerging Green Economy presents an opportunity to create new forms of wealth building and allow communities of color that have been locked out of intergenerational wealth to capitalize from federal electrification and transportation investments. The Greenlining Institute anticipated this thriving new green economy as one where communities regardless of race and income can build wealth and as a result we published guidance on how to undo the legacy of redlining through equitable community investment standards. In the [Greenlined Economy Guidebook](#) "we imagine that these standards could be applied to community



investments by diverse actors, including public agencies, philanthropic organizations, private investors or community-based organizations advising or developing their own investment strategies.” We strongly recommend California’s EV charging infrastructure deployment and investments plans considers the Six Standards for Equitable Community Investment:

1. **Emphasize race-conscious solutions.** Race-conscious policies like redlining and urban renewal got us to this point, and race-neutral approaches can’t fix the underlying inequities. Investment needs to target and prioritize the most impacted communities.
2. **Prioritize multi-sector approaches.** Programs may be siloed, but problems are not. We need to prioritize approaches that address multiple issues and sectors at once.
3. **Deliver intentional benefits.** Benefits cannot trickle down to communities; they need to go directly to the people in the most impactful ways, while avoiding increasing or creating new burdens.
4. **Build community capacity.** Long-term disinvestment and discriminatory policies can erode a community’s capacity for leadership, organizing or political capital. Acknowledging the ways that structural racism has impacted the capacity of communities of color to undertake community development projects is a key part of improving investments.
5. **Be community-driven at every stage.** Lifting up community-led ideas and sharing decision-making power is an important element of truly community-centered investment. Community members and organizations should be part of every phase of the project or policy, from goal-setting to analysis.
6. **Establish paths toward wealth-building.** We need community ownership of assets and opportunities to continue building wealth. In a Greenlined Economy, as many people as possible should be able to participate in wealth building, which will include a broader set of pathways beyond homeownership with lower barriers to entry.

## **Benefits to People Not Place**

As a member of the Charge Ahead coalition, The Greenlining Institute has continued to advocate for strong equity provisions that result in benefits reaching people, not just place. In an effort to do so we supported [SB 726/ AB 1389](#) requiring the California Energy Commission to: “Starting with the 2022-2025 investment cycle, and for each investment cycle thereafter, the commission shall expend at least 50 percent of the moneys appropriated to the Alternative and Renewable Fuel and Vehicle Technology Program on programs and projects that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians, and at least 50 percent of funding for tangible location-based investments shall be expended in disadvantaged and low-income communities. Any of the funds used for investments that fulfill both criteria shall count toward both criteria”. The explicit language to ensure benefits are direct, meaningful and assured derived from continually seeing charging infrastructure be deployed in census tracts classified by CalEnviroScreen as “disadvantaged” but in application realizing that many of those chargers while technically in a DAC tract are in an industrial zone, an private office or campus parking structure accessible only by employees or off of major

highways and corridors that wealthier commuters use but no local residents can easily access. Codifying equity language strategically holds transportation agencies accountable to their equity requirements and in doing so ensures investments are intentionally spent on creating opportunities and increasing quality of life for disadvantaged communities rather than creating stranded assets.

## **Data Considerations To Fill Equity Gaps and Provide Targeted Investments To DACs**

We offer the following data recommendations to consider in development of equity metrics. Data from current programs in particular could play a big role in how states can target transportation electrification resources.

- *Data to Inform Equity Gaps.* Greenlining proposes that to the extent possible private and public charging entities, utilities and state transportation agencies publish current deployment and resource data to identify where gaps exist. Currently, there is no geospatial analysis of where transportation electrification investments and infrastructure have been deployed across the state. This data in combination with CalEnviroScreen data could be used to strategically fill gaps, [address charging deserts](#) and more specifically target communities impacted by both poverty and pollution.
- *Provide Lessons Learned from Charging Infrastructure Programs that Include Equity Commitment.* Along with our recommendation above, utilities, private charging companies and state agencies currently have invaluable knowledge regarding equity from charging infrastructure programs that include equity commitments. This data should be used to inform deployment strategies, best practices and lessons learned to further improve investment in our state's disadvantaged communities (DAC's).
- *Federal Guidance and States Should All Share Uniform Definitions.* Given that there are various ways the terms "Equity", "Disadvantaged Communities" (DACs) and "Low Income" we recommend staff provide a glossary of clearly defined terms and consistent terminology by which all stakeholders regardless of service area must abide by. This clarification will ensure that no miscommunication or convolution of terms and therefore investments will occur.
- *Community Engagement Guidance.* We recommend using our aforementioned four step "Making Equity Real in Climate Adaptation and Community Resilience Policies and Programs Guidebook" as a high-level guide for how to properly take part in community engagement and reap the most benefits for communities.
- *Deployment Targets:* - Equitable deployment efforts increasingly must move beyond "coordination and alignment" and include "integration and partnership" to truly ensure all targeted efforts in disadvantaged and low-income communities are seamlessly benefiting low-income people of color.
- *Consider Emerging Data Sets:* It is necessary to consider additional data sets that speak to relevant deployment, public health, diversity, land use and climate change data. Expanding data and creating flexibility to consider emerging data is particularly crucial

for the IIJA 2030 intended timeline. Incorporating innovative, emerging and revisited information will ensure deployment success both technologically and socially. The following are data recommendations to consider:

- [SB 1000 data](#)
  - The California Energy Commission released preliminary results addressing the issue of deployment vs accessibility.<sup>30</sup> According to, “Electric Vehicle Charging Infrastructure Deployment Assessment” the CEC was tasked with “Assessing whether charging station infrastructure is disproportionately deployed...using parameters that include population income, population density and geographical area to inform proportionate deployment of charging station infrastructure and guide the allocation of program funding for transportation solicitation”. The issue pertaining to deployment vs accessibility is one that Greenlining strongly urges the administration to consider as a topline priority. While deployment data may point to the existence of charging infrastructure in DACs, it does not present evidence that individuals who would be considered low income or people of color are the ones accessing the infrastructure located in a DAC designated census tract. In other words, the deployment of charging infrastructure geographically may be perceived as equitable due to its location but may not be serving priority populations due to the census tracts zoning (industrial, commercial, etc) where it may be hard to reach. In other cases, the deployment may be aimed in DAC census tracts where high income populations have most access due to its proximity to job centers.
  
- Covid-19 data<sup>31</sup>
  - The havoc of the Covid-19 pandemic has reached unprecedented and disproportionate infection and death rates as well as rippling consequences to our economic and social establishments. We have seen our institutions fail to respond swiftly and equitably to the once looming threats we now tread and which continue to threaten our livelihoods everyday. To fail to acknowledge the ways in which transportation electrification efforts are tied to this public health crisis is to deny the responsibility the administration has to assuage health disparities. The administration must recognize its ability to address both Covid-19 and racial injustice pandemics through transportation electrification and energy levers that only it can pull. The Greenlining Institute recommends considering

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<sup>30</sup>[https://www.energy.ca.gov/sites/default/files/2020-06/June%2010%2C%202020%20CEC%20SB%201000%20Workshop%20Presentation\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2020-06/June%2010%2C%202020%20CEC%20SB%201000%20Workshop%20Presentation_ADA.pdf)

<sup>31</sup> <https://covidtracking.com/race/dashboard>

Covid-19 data in the deployment of both funding and charging allocations and in equity design.

- Land Use, Zoning, Demographic Trends and Climate Change Data
  - Considering land use and zoning maps to better apply a cost benefits analysis of charging infrastructure deployment is crucial for feasibility and determining accessibility. We recommend including this data in equity processes to assess how land use practices and zoning will impact housing, commercial, office and industrial development and therefore access to charging infrastructure.
  - Similarly, to execute targeted deployment and remove barriers to EVSE access, studying demographic projections is crucial for equity especially within the bounds of the IJJA's multi-year timeline. Understanding where populations are moving to in the face of gentrification, economic and climate displacement and the suburbanization of poverty will reveal *where* communities of color and low income residents will be by the time the charging infrastructure is shovel ready and useful.
  - In order to continue to mitigate and prolong the effects of climate change through policy it is essential to understand and embed current and projected climate induced landscape changes into California's transportation electrification plans. Using sea level rise data and flood maps that determine where land will be submerged must be analyzed along with fire risk data, particularly while working with utilities that have failed to protect residents during heatwaves and have authorized power shut offs during an already difficult global pandemic. Anticipating how geography will change as a result of fire and flooding will better inform where to deploy infrastructure, where to allocate resources, which populations are most at risk and therefore in need of targeting investment, including climate mitigation efforts.

### **Addressing Availability and Affordability**

To meet the goals of creating a mainstream market for electric vehicles and increasing access to those vehicles for low- and moderate-income households and for residents in disadvantaged communities, customers need reliable access to electricity as a transportation fuel where they live, work, and play. The Department should borrow from existing electric vehicle charging station payment standards already in place in California that promote reliable access by requiring public charging stations to accept credit card payment in the forms that would most align with customer expectation and open access.

Customers should be able to pay for charging at stations just as they would expect to be able to at gas stations or parking meters, and that entails a physical chip card reader—not contactless cards, proprietary RFID tags, or mobile wallets which many customers currently

lack. Although the landscape of payment technology is gradually changing, unbanked and underbanked drivers relying on prepaid debit cards still face barriers to paying for charging without chip card readers. Most prepaid debit cards available today still lack contactless capability, and the majority of prepaid debit cards still aren't compatible with mobile wallets like Apple Pay or Google Pay. If these drivers can not pull up and pay for charging with their prepaid debit cards without calling a 1-800 number, we risk making EVs less accessible to low- and moderate-income drivers.

Establishing payment standards that provide drivers with convenient and simple payment methods for charging would help ensure equitable access to charging as electric vehicle adoption expands to a broader and more diverse base of drivers, as well as help avoid a patchwork of different standards across states. To ensure these standards are aligned with both the present and the future of customer charging needs, the Department should further borrow from California's existing regulations to incorporate a periodic technology allowing the designated minimum payment options to be updated if other technologies such as contactless credit cards or mobile payment eventually become more prevalent.

### **Internal Equity Assessment and Readiness**

Equity is a practice, one that must be met with dedication and consistency, and our state transportation agencies must commit to it's own self assessment in preparation for true commitment to this work. In line with this suggestion, Greenlining along with over 100 organizations have recommended the establishment of a California statewide office of racial equity to address racial inequities across California and advance equitable outcomes for communities.<sup>32</sup> "The Office of Racial Equity would identify existing policies and practices in the state that contribute to, uphold, or exacerbate racial disparities and develop proposals to address these disparities. It would also enact measures to support capacity building and provide technical assistance for state agencies to invest in strategies for racial equity, including employee training and support, development of racial equity programming, and assistance to departments to change departmental policies and practices to improve racial equity outcomes. It will lead efforts to:

- Develop a Racial Equity Framework;
- Oversee the development of agency-specific Racial Equity Action Plans that outline strategies to address racial disparities resulting from programs and policies the agency administers;
- Identify existing policies and practices in the state that contribute to, uphold, or exacerbate racial disparities and develop proposals to address these disparities, to be recommended to the Governor's Office and Legislature;

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<sup>32</sup><https://greenlining.org/wp-content/uploads/2020/06/Task-Force-Recommendation-for-Office-of-Racial-Equity.pdf>



- Analyze and report on policies in the areas of but not limited to housing/land use, employment, environment, economic security, public health and public safety that may have an impact on racial equity or racial disparities;
- Create a budget equity assessment tool to determine whether budget requests and annual allocations benefit or burden communities of color;
- Facilitate state policy reform and systems change;
- Promote community outreach and engagement;
- Collaborate with the appropriate offices to develop policies, provide technical assistance, and train agencies on maintaining a diverse, inclusive, and culturally sensitive workforce; and
- Establish, in collaboration with agencies as appropriate:
  - (a) standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity; and
  - (b) agency-specific performance measures.
- Convene work groups consisting of agency representatives and a diverse body of public stakeholders to explore strategies to achieve the purpose of this act.”

## Conclusion

We appreciate the opportunity to provide input on California’s NEVI Deployment Plan, and look forward to continue working with the CEC and CalSTA to help realize the achievement of nationwide climate, air quality, and equity goals.

Respectfully submitted,

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