



September 15, 2022

SENT VIA EMAIL

WSDOT Rail, Freight and Ports Division
Washington State Department of Transportation
FreightPlan@wsdot.wa.gov.

RE: Washington State Department of Transportation (WSDOT) 2022 Draft Freight System Plan (FSP).

To Whom it May Concern:

Pursuant to the two-week extension to the public comment period granted by WSDOT via email, DRCC and Earthjustice submit these comments on the Draft 2022 Freight System Plan.

Pollution from freight movement causes serious health threats and community concern as it disproportionately impacts Black, Indigenous, immigrant, and refugee families. Unfortunately, the 2022 Draft Freight System Plan provides *nothing but lip service* to address these serious public health impacts, which are a product of decades of environmental racism in the State of Washington. Nor does the draft plan identify any meaningful ways to uplift the concerns of highly impacted and vulnerable communities, ensure they are not harmed by freight system infrastructure investments, and in fact benefit from these investments. The Washington Department of Transportation fails to comply with the letter and spirit of the HEAL Act when it failed to integrate these elements into its draft Freight System Plan. In this way, the Freight System plan has missed a critical opportunity to fully address how Washington State can eliminate the disproportionate impact and unfair exposure to freight movement for communities most impacted in Washington State.

In this draft plan, WSDOT proposes to allocate \$111 million in federal funding, but has not proposed to use any of these dollars to invest in projects that reduce freight related pollution in highly impacted communities. Nor is WSDOT proposing to use this funding to mitigate the significant climate harms caused by freight movement. Instead, WSDOT proposes to use these funds to either increase the capacity of the system to move more freight and emit more pollution, or to maintain existing infrastructure without mitigating for pollution impacts. Because WSDOT has not used its budgetary authority to mitigate the GHG emissions associated with freight movement, the draft plan also violates the Climate Commitment Act.

The Duwamish Valley is a “near port” and Environmental Justice community along the Duwamish River in Seattle. DRCC is a nonprofit (501(c)3) that seeks to amplify the will and lift the voices of the Duwamish Valley community members, specifically those most harmed by the combined impacts of climate change, health disparities, and environmental and economic inequities. DRCC’s mission is to elevate the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife.

In addition, DRCC promotes place-keeping, prioritizes community capacity and resilience. According to EPA’s environmental justice mapping tool, 71% of the population in the six Census Block Groups encompassing Georgetown and South Park is nonwhite.¹ By committing to frequent and authentic community engagement and power-building, DRCC hears the concerns of the community to ultimately focus programming and take action. For decades, our community has raised issues with the noise disturbance, smell, public safety and visible combustion pollution of heavy-duty dirty diesel trucks which continue to travel back and forth, through the Duwamish Valley (DV) neighborhoods. DRCC has also sought to address pollution from multi-modal freight movement that transits through the Duwamish Valley through community led decision making.

RECOMMENDATIONS

DRCC and Earthjustice offer the following concrete recommendations on how WSDOT can improve its 2022 Draft Freight System Plan, which are explained further in this letter:

1. WSDOT should at minimum follow the procedures outlined in its own draft 2022 Community Engagement Plan.
2. WSDOT should engage in meaningful outreach to highly impacted and vulnerable communities, including but not limited to environmental justice groups like DRCC and the interests of community groups and individuals. Further, WSDOT should extend the comment period for its draft plan, and provide for a public hearing.
3. We request a comprehensive timeline that outlines how WSDOT will tackle air pollution in the Duwamish Valley to eliminate the severity of health-related impacts caused by freight movement. The plan must include strategy and positive health outcomes and/or performance metric(s) on how WSDOT intends to minimize and address existing air pollution, and mitigate future air pollution impacts freight movement. Further, fewer negative health outcomes must be a condition for success in the Plan.
4. The Duwamish Valley community deserves real commitments to eliminating pollution that contributes to high rates of asthma in our neighborhoods. To address the long-lasting, cumulative impacts of pollution and systemic disinvestment in communities like

¹ <https://ejscreen.epa.gov/mapper/>.

the Duwamish Valley, it is essential for Washington to prioritize racial equity as it develops programs and policies to transform the state into a just transportation sector.

5. WSDOT should revise the 2022 Draft Freight System Plan to include a long-term strategy for meeting the GHG emission reduction targets established in RCW 70A.45.050(3). This strategy should include an analysis of how WSDOT will use its authority in selecting and funding transportation related projects to minimize GHG emissions from the freight sector.
6. WSDOT should identify projects that invest in freight electrification, particularly for trucking activities, in highly impacted and vulnerable communities to reduce GHG pollution and diesel emissions in these neighborhoods, including providing financial incentives to electrify drayage trucks.
7. WSDOT should revise its recommendations for the use of federal funds to prioritize investment into clean, electrified transportation that reduces transportation related pollution in highly impacted and vulnerable communities, as required by EO 14008.
8. WSDOT should recognize efforts of non-profits, community groups and neighbors – this is a multi-key partner process to improve air quality in the biggest port communities
9. WSDOT should meaningfully work alongside community and work collaboratively with the community and DRCC Clean Air Program to improve air quality in the Duwamish Valley associated with freight pollution.
10. WSDOT should invest in truck parking adjacent to the Ports of Seattle and Tacoma that is located in industrial areas, outside of residential zones to minimize impacts of trucking activities on neighboring communities. These truck parking locations should provide for fast-electric charging stations—particularly in areas near the Port where drayage trucks wait to load shipments.

ANALYSIS

I. WSDOT’S COMMUNITY ENGAGEMENT WAS WOEFULLY DEFICIENT.

The draft Freight System Plan broadly claims that: “the FSP included consultations and outreach with groups representing vulnerable and overburdened populations, evaluation of the environmental impacts of freight on these populations, incorporation of environmental justice considerations in the project selection and prioritization process, and creation of potential strategies for engagement on environmental justice topics in the future.”² However, perusal of documentation supporting the plan itself shows that WSDOT failed to conduct any outreach to highly impacted and vulnerable communities or organizations like DRCC that represent their interests with represents a missed opportunity to demonstrate the state’s commitment equity, inclusion and environmental justice.

² WSDOT, *2022 Draft Freight System Plan* at 4.

In Appendix B to the plan, WSDOT documents the stakeholder outreach it conducted to prepare the plan. Appendix B shows that WSDOT spent significant time consulting with industry, including: Boeing, Shaver Transportation, US Oil & Refining, British Petroleum, Burlington Northern Santa Fe Railway, Washington Association of Wheat Growers, Washington State Potato Commission, and others. WSDOT also consulted extensively with the Port of Seattle, trade association groups, and labor unions.

However, when it comes to community groups, WSDOT's list is short. It consulted only the Asian Pacific Islander Coalition. For its "equity interviews" WSDOT consulted with the Port of Seattle, The Washington Department of Public Health, and the Washington Department of Agriculture. While these government agencies may have some insights based on their community engagement work, these governmental agencies do not represent the interests of highly impacted and vulnerable communities and cannot speak on their behalf. In fact, the Port of Seattle has actively undermined the interests of Duwamish Valley residents by advocating against a strong cleanup for toxic pollution in the East Waterway of the Duwamish River. This toxic pollution, for which the Port is responsible, poses ongoing health hazards to residents in the Duwamish Valley who fish in the East Waterway from the Spokane Street bridge to feed their families. While WSDOT also states that it conducted an "equity interview" with the Nature Conservancy, this organization is a national environmental organization, and does not represent the interests of highly impacted or vulnerable communities.

There are numerous groups in Washington State that engage in equity and environmental justice work, including DRCC, and yet, WSDOT failed to engage any of them. WSDOT has not consulted with the African Chamber of Commerce whose members include drayage truck drivers. Nor has WSDOT consulted with any Tribes.

While WSDOT emailed stakeholders, including DRCC, about its upcoming webinars, an informational webinar does not constitute consultation. WSDOT has not even held a public hearing to solicit feedback from the general public about its draft Freight System Plan.

To make matters worse, WSDOT held a short one-month comment period to solicit feedback from the public on a complex plan with numerous attachments. The draft Freight System Plan and its appendices includes hundreds of pages of documents. Expecting community groups to review, digest, and provide feedback on this complex policy document within one month is highly unreasonable. In an attempt to participate and elevate the voices of highly impacted communities in the Duwamish Valley, DRCC requested an eight-week extension to the comment deadline. WSDOT provided only a two-week extension, which included the Labor Day holiday weekend. ***Given this lack of consultation, blanket assertions in the draft plan that WSDOT has solicited meaningful community engagement are disingenuous at best.***

Failure to engage in meaningful consultation means that WSDOT's proposed plan also is contrary to requirements of the Justice 40 program. In Appendix A, WSDOT claims that its draft plan complies with the federal initiative to promote Equity and Justice40 in transportation

planning.³ However, meaningful consultation is central to the Justice40 initiative. Whitehouse guidance provides that “[a]ll Justice40 covered programs are required to engage in stakeholder consultation and ensure that community stakeholders are meaningfully involved in determining program benefits.”⁴ To the extent that WSDOT intends to apply for and receive any Justice40 related funding, its failure to engage in meaningful consultation is contrary this initiative’s requirements.

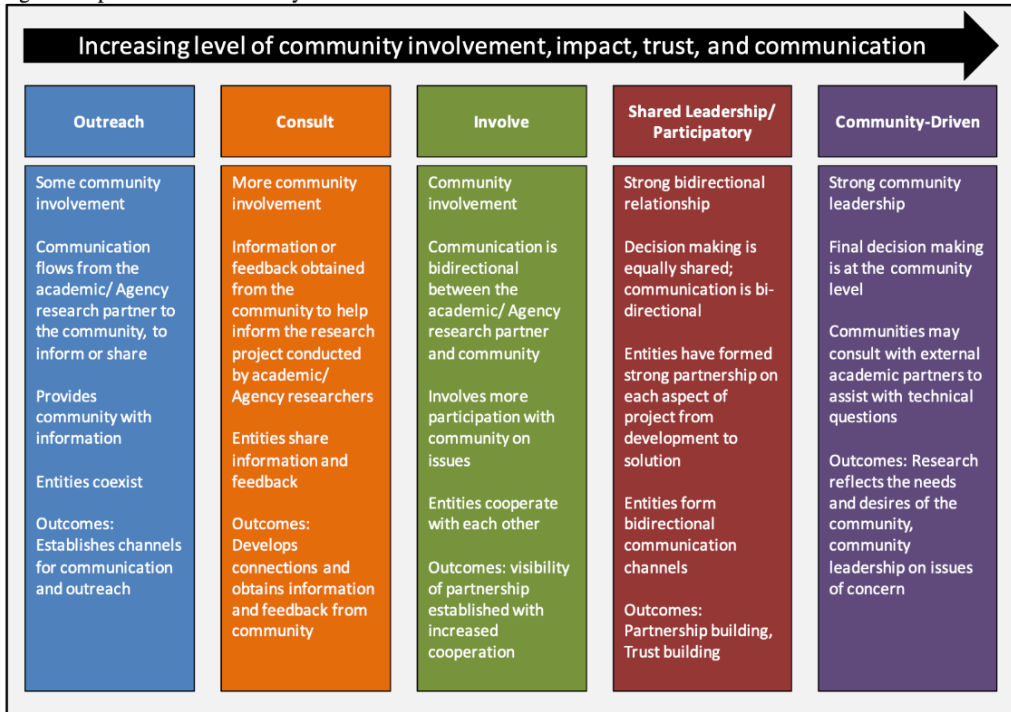
Recommendation: WSDOT should engage in meaningful outreach to highly impacted and vulnerable communities, including but not limited to environmental justice groups like DRCC and the interests of community groups and individuals. Further, WSDOT should extend the comment period for its draft plan and provide for a public hearing.

More so, in order to fully understand, comprehend and reflect communities concerns related to the cumulative impact of freight movement, WSDOT must meet the minimum steps to reflect an meaningful engagement process. We believe a meaningful engagement process involves at least a 60-day comment period in addition to steps to increase community involvement in the drafting of the plan, building trust and enhancing communication (see figure for examples below).

³ Appendix A at 8, WSDOT, *2022 Draft Freight System Plan*.

⁴ The White House, *Justice40: A Whole-of-Government Initiative*, <https://www.whitehouse.gov/environmentaljustice/justice40/>.

Figure 1: Spectrum of Community Involvement in Research



Modified from Principles of Community Engagement, 2nd Edition and Scammel, 2007

Recommendation: WSDOT’s suboptimal community outreach for its draft Freight System Plan also fails to conform with the myriad of practices outlined in its own draft Community Engagement Plan.⁵ WSDOT should at minimum follow the procedures outlined in its own draft 2022 Community Engagement Plan.

II. WSDOT’S FREIGHT SYSTEM PLAN DOESN’T COMPLY WITH THE HEAL ACT.

WSDOT is a covered agency under the HEAL Act.⁶ This means it has an obligation to comply with the environmental justice assessment processes set out in the HEAL Act.⁷ For “significant agency planning documents,” WSDOT must incorporate an “environmental justice implementation plan” that describes how the agency plans to “apply the principles of environmental justice to [its] activities” and that guides the agency’s implementation of its obligations under the HEAL Act.⁸

⁵ WSDOT, Draft Community Engagement Plan (2022), <https://wsdot.wa.gov/sites/default/files/2022-07/CommunityEngagementPlan-DRAFT2022Update-PolicyPlan.pdf>.

⁶ RCW 70A.02.010(2).

⁷ RCW 70A.02.020.

⁸ RCW 70A.02.040.

The draft Freight System Plan is a strategic planning document that guides the agency’s “future transportation policy and program decisions[.]” for the next five years. Accordingly, under the plain language of the HEAL Act, WSDOT must include an environmental justice implementation plan as a component of its Freight System Plan. However, neither the draft Freight System Plan, nor any of its appendices includes an environmental justice implementation plan.

While the HEAL Act does not require WSDOT to include an environmental justice implementation into its strategic plans until January 1, 2023, this deadline is less than four months away. Instead of putting the cart before the horse by publishing a strategic plan, and later adopting an environmental justice implementation plan, WSDOT should prepare this document *now* – simultaneously with its draft Freight System Plan. Doing so will ensure that environmental justice impacts are considered and integrated into WSDOT’s five-year strategic planning, as envisioned by the HEAL Act.

III. WSDOT FAILED TO CONSIDER AND REDUCE DISPROPORTIONATE PUBLIC HEALTH HARMS CAUSED BY MULTIMODAL FREIGHT MOVEMENT.

A. The Freight System Plan Would Worsen Inequality Because It Prioritizes Freight Mobility and Increased Capacity Without Reducing Air Pollution Impacts.

One of WSDOT’s principal recommendations in the draft Freight System Plan is to promote “consider assessing methods to increase capacity on the multimodal state freight system and to relieve freight bottlenecks[.]”⁹ However, WSDOT has not identified any strategies it intends to pursue to reduce increases in air pollution and GHG emissions associated with increased multimodal freight movement. While WSDOT claims it will “prioritize investments to mitigate negative freight impacts in areas where residents have been disproportionately impacted,” WSDOT fails to explain how it intends to support this goal.

Quite the opposite, of the \$111 million in funding from the National Highway Freight Program—*WSDOT does not propose to use any of these funds to reduce air pollution impacts from transportation in highly impacted communities.*¹⁰ None of the projects identified in Appendix G propose measures to reduce transportation related pollution in highly impacted communities. All these projects either maintain or increase capacity on freight corridors on roads or expand rail capacity. Expanding the capacity of rail will not reduce pollution in highly impacted communities because trains run on diesel fuel, which causes significant air pollution and health harms to nearby communities.¹¹ Further, WSDOT is not proposing to reduce trucking activities, but rather to simply increase capacity of the rail system to handle freight.

⁹ WSDOT, Draft Freight System Plan, at 64.

¹⁰ See generally, Appendix G, WSDOT, Draft Freight System Plan.

¹¹ “Diesel locomotives emit significant amounts of air pollutants, and research has demonstrated that air pollutants from diesel locomotives affect human health[.]” M. Kim, et al., “A Study on

Additionally, while WSDOT claims to have considered benefits to highly impacted and vulnerable communities in its plan, WSDOT’s proposed methodology for considering impacts would actually increase inequality. WSDOT used a point-based prioritization approach to determine how it would allocate federal funding to proposed projects in Washington. Out of 100, this framework allocated 35 points to whether the project would increase freight mobility and support economic vitality.¹² WSDOT allocated only 5 points to whether the project would minimize environmental impacts.¹³ This prioritization alone promotes expanding the capacity of the freight system, regardless of whether that expansion will harm highly impacted and vulnerable communities.

Further, with regard to the “community benefits” points, WSDOT awarded these points to projects regardless of whether the project was not located in a highly impacted community. WSDOT awarded these points even if the project did not include a strategy for addressing adverse impacts of the project on local residents.¹⁴ Lastly, WSDOT failed to apply any criteria to the project that would ensure that projects actually mitigate air pollution harms. As long as a project included a strategy that purported to address impacts, then it was award points—regardless of the efficacy of that strategy. Awarding points to projects located in highly impacted communities has the disproportionate effect of encouraging WSDOT to build infrastructure in those neighborhoods—an outcome that increases the disparate impact of freight related pollution in highly impacted and vulnerable communities.

Building out freight system infrastructure in highly impacted communities that will increase truck traffic, and rail traffic through these neighborhoods does not provide an environmental benefit. Quite the opposite, it creates an environmental harm due to increased diesel pollution. For this reason, as well, WSDOT’s draft plan conflicts with the requirements of Justice40 because the Justice40 program requires distribution of *environmental benefits* to highly impacted communities.¹⁵

Characteristic Emission Factors of Exhaust Gas from Diesel Locomotives,” *Int’l J. Env’tl Research & Public Health*, Vol. 17 (Jun. 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7312617/pdf/ijerph-17-03788.pdf>.

¹² Appendix G at 6-7, *2022 Draft Freight System Plan*.

¹³ *Id.*

¹⁴ *Id.* at 24.

¹⁵ Justice40 investments include: “investments that can benefit disadvantaged communities across one or more of the following seven areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.” The White House, *Justice40: A Whole-of-Government Initiative*, <https://www.whitehouse.gov/environmentaljustice/justice40/>.

B. Goods movement Poses Ongoing Harms to Highly Impacted Communities

Failing to reduce pollution in highly impacted and vulnerable communities is a fundamental flaw because goods movement poses serious threats to the health of all communities in Washington, especially near-port communities. Pollution from the movement of goods, especially from the trucking sector, is a serious threat to the health and welfare of people living in the Duwamish Valley and a significant community concern.

Emissions from diesel exhaust can have disastrous effects on the human respiratory, cardiovascular, and immune systems.¹⁶ Diesel particulate matter and nitrous oxide (“NOx”) emissions can harm respiratory function—causing asthma and asthmatic attacks,¹⁷ inflammation in the lungs, and decreased lung functionality.¹⁸ These air toxins also harm the heart—causing alterations in blood pressure and heart rate, heart disease, and can lead to plaque instability.¹⁹ Diesel particulate matter and NOx can also increase the prevalence and severity of allergic reactions to environmental conditions. Further, diesel pollution can aggravate health harms for people with pre-existing asthmatic conditions and otherwise compromised pulmonary systems.²⁰

Exposure to particulate matter from vehicle exhaust in the Duwamish Valley has been linked to asthma, early mortality, birth defects, and a wide range of other illnesses, and is especially hazardous for children.²¹ Air pollution emitted from trucks contributes to major health issues such as lung and heart disease, increased risk of cancer, asthma, more frequent hospital admissions, and even premature mortality.²² These ramifications can also span across multiple generations.²³

¹⁶ A. Sydbom et al., “Health Effects of Diesel Exhaust Emissions,” 17 *Eur. Respiratory J.* 733 (2001).

¹⁷ *Id.* at 741.

¹⁸ *Id.*

¹⁹ *Id.* at 827.

²⁰ Simon Wilson et al., “Effects of Diesel Exhaust on Cardiovascular Function and Oxidative Stress,” 28 *Antioxidants & Redox Signaling* 819, 826 (2018).

²¹ City of Seattle, *South Park Neighborhood Profile* (Feb. 2019), <https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/OutsideCitywide/OutsideCitywideSouthParkNeighborhoodProfile.pdf>.

²² U.S. Env’tl Prot. Agency, Research on Near Roadway and Other Near Source Air Pollution, www.epa.gov/air-research/research-near-roadway-and-other-near-source-air-pollution.

²³ U.S. Env’tl Prot. Agency, Environmental Justice Primer for Ports: Impacts of Port Operations and Goods Movement, www.epa.gov/community-port-collaboration/environmental-justice-primer-ports-impacts-port-operations-and-goods.

The Duwamish Valley is a predominantly non-white “near port” and environmental justice community along the Duwamish River in Seattle.²⁴ The census tracts in the Duwamish Valley are ranked highest in the state for diesel NOx pollution and disproportionate burden.²⁵ Huge swaths of the Duwamish Valley are in the top 5% of communities nationwide with the highest proximity to traffic and traffic volume, and highest exposure to diesel PM pollution.²⁶ Accordingly, remediating pollution from goods movement is of paramount importance to communities living in the Duwamish Valley.

As written, the 2022 Freight System Plan lacks the incorporation of any policies and programs aimed at significant reduction of PM 2.5 in which freight movement is a significant contributor. With the understanding that PM 2.5 reduction is a cross sector challenge, we believe WSDOT needs to exercise its power, take responsibility for eliminating hazardous diesel pollution to prioritize community health over profit and the competitive nature of moving goods around a community like the Duwamish Valley with the highest asthma rates in Seattle.

GIS mapping data shows that port cities in Washington including Everett, Seattle, Kent, and Tacoma, experience the worst diesel particulate matter (“PM”) pollution in the state.²⁷ The first image below is taken from the Washington Environmental Health Disparities Map, which uses GIS to overlay population data with environmental pollution indicators. As shown in the images below, diesel emissions are concentrated in communities with a higher percentage of people of color.

²⁴ U.S. Env’tl Prot. Agency, EJScreen 2.0, <https://ejscreen.epa.gov/mapper/> (“People of Color” Socioeconomic Indicator).

²⁵ Wash. Dep’t of Health, Env’t Health Disparities Map, <https://fortress.wa.gov/doh/wtnibl/WTNIBL/> (“Diesel Pollution and Disproportionate Impact”).

²⁶ U.S. Env’tl Prot. Agency, EJScreen 2.0, <https://ejscreen.epa.gov/mapper/> (“Traffic Proximity” and “2017 Diesel Particulate Matter” under “Pollution and Sources”).

²⁷ Washington Environmental Health Disparities Map, Wash. State Dep’t Health, <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap> (last accessed July 20, 2021).

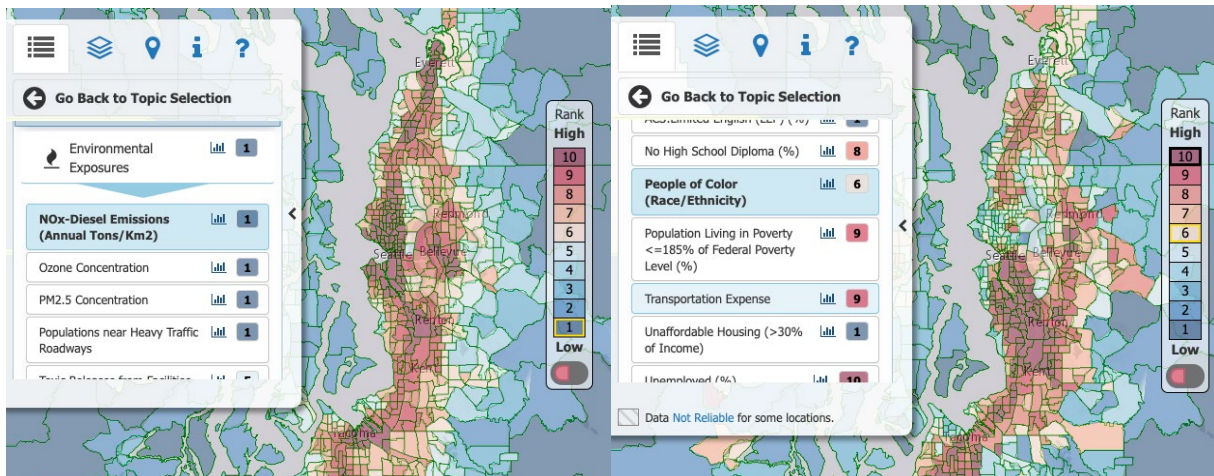


Figure A: NOx-Diesel Concentrations

Figure B: Demographic data

Residents of Duwamish Valley living in the South Park and Georgetown neighborhoods face higher levels of pollution than other neighborhoods in Seattle because of their close proximity to major trucking routes. Unlike other residential neighborhoods in Seattle, numerous major trucking routes pass through the neighborhoods of South Park and Georgetown as shown in Figure C below.

Indoor air quality is directly related to the proximity of a home to roads and traffic.²⁸ Individuals living near busy roads and highways have a higher risk of exposure to air pollution than individuals living near less trafficked roads.²⁹ In particular, proximity to roads with diesel fuel combustion is directly correlated with indoor pollution levels.³⁰

²⁸ Shaodan Huang et al., *Road Proximity Influences Indoor Exposures to Ambient Fine Particle Mass and Components*, 243 *Envtl. Pollution* 978, 978 (2018).

²⁹ *Id.* at 985.

³⁰ *Id.* at 981.

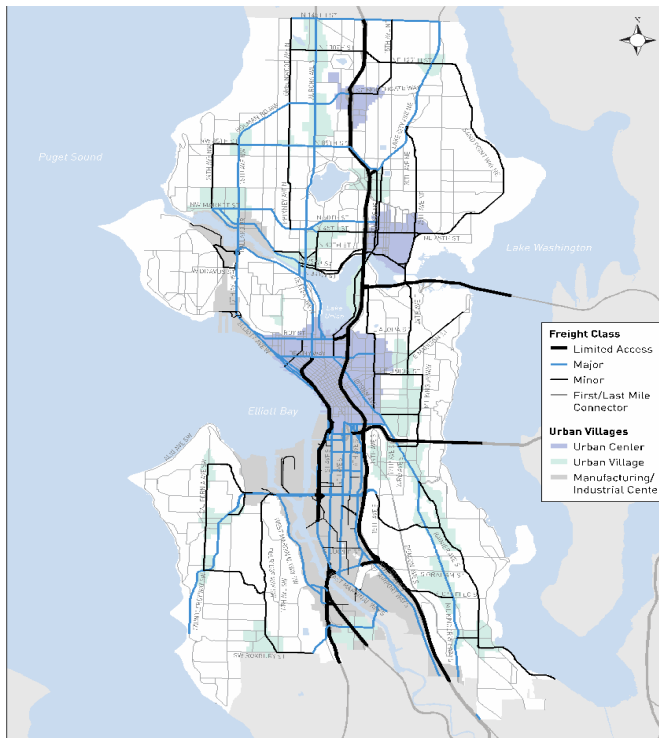


Figure C: Major Truck Streets Map for the City of Seattle

Sixty percent of residents in South Park and Georgetown believe that pollution from commercial trucking is harming the health of their families.³¹ And, they are right. A report prepared by the University of Washington monitored air quality in South Park and Georgetown, focusing on pollutants associated with diesel emissions.³² The study found that “residents near busy roads and industrial areas face the greatest air quality impacts from proximate diesel sources.”³³ Highest concentrations of pollution occurred at major transit thoroughways including the 1st Avenue Bridge between South Park and Georgetown, the Georgetown commercial district near Interstate 5, and the Georgetown industrial zone along E Marginal Way S.³⁴

Of great concern, diesel pollution is the primary contributor to potential cancer risk in Seattle. In a 2010 study, PSCAA found that “diesel is still the largest contributor to potential cancer risk throughout Puget Sound. Diesel risk contributed over 70% of the potential cancer risk at sites the study evaluated in Seattle.”³⁵ PSCAA found that the Duwamish Valley had the highest

risk of cancer than any other neighborhood modeled in the study—450 potential cancers per million—and diesel pollution was the primary risk factor.³⁶

³¹ Jill Schulte et al., *Diesel Exhaust Exposure in the Duwamish Study (DEEDS)*, U. Wash. Dep’t Env’tl. & Occup. Health Sci. 1, 59 (2013), http://dl.pscleanair.org/DEEDS/DEEDS_Tech_Report.pdf.

³² *Id.*

³³ *Id.* at 59

³⁴ *Id.*

³⁵ Tacoma and Seattle Area Air Toxics Evaluation, Puget Sound Clean Air Agency 8 (2010).

³⁶ *Id.* at ES-4.

Total Potential Cancer Risk per Million People for Tacoma South L Street (270), Seattle Beacon Hill (360), and Seattle Duwamish (450), Subdivided into Largest Contributors

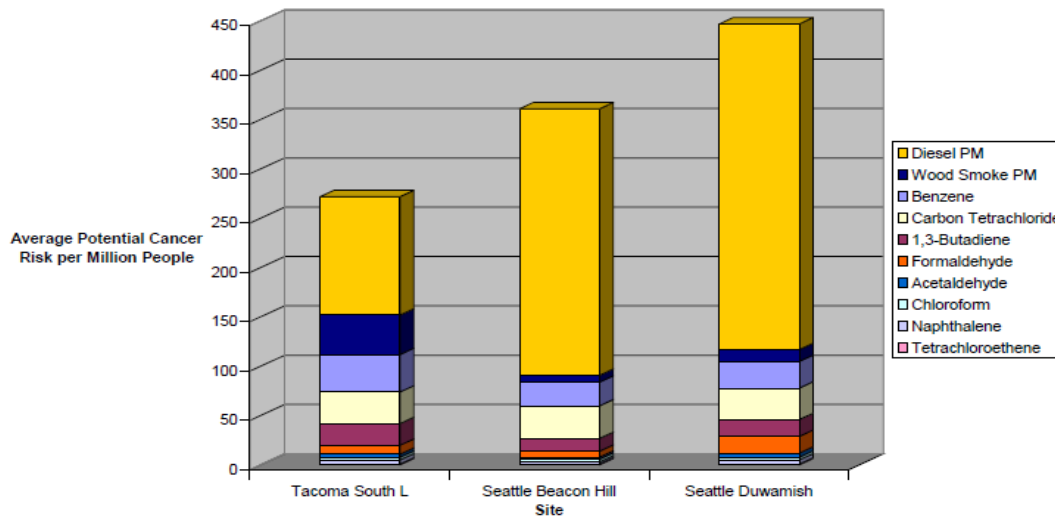


Figure D: Graph documenting contributing risks factors for cancer in the Duwamish Valley.³⁷

Furthermore, heavy freight movement has continued, even while we face the Covid-19 pandemic head on, suffering more severe outcomes associated COVID-19 compared to North Seattle. Chronic exposure to diesel emissions increases a community’s vulnerability to serious illness and death from diseases like COVID-19. The CDC found that individuals with certain pre-existing health conditions are more vulnerable to severe illness and death from COVID-19. These health conditions include cancer, serious heart conditions such as coronary artery disease, asthma, pulmonary hypertension and other pulmonary diseases, high blood pressure, and weakened immune systems.³⁸ As discussed above, chronic exposure to diesel exhaust can cause many of these health conditions, making a person more vulnerable to harm from COVID-19.

This means the community is not only harmed by ongoing pollution problems that have existed for years; we must also fight these health impacts while also bearing a disproportionate health burden due to an ongoing global pandemic caused by a severe viral respiratory illness caused by the SARS-CoV-2 pathogen. The importance of discussing the ongoing global pandemic in our comment is to make clear that a plan that lacks public health recommendations and a serious plan for air cleanup ignores the reality today and should not be acceptable to any of us.

³⁷ *Id.*

³⁸ People with Certain Medical Conditions, Ctrs. Disease Control & Prevention (May 13, 2021) <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

Recommendation: we request a comprehensive timeline that outlines how WSDOT will tackle air pollution in the Duwamish Valley to eliminate the severity of health-related impacts caused by freight movement. The plan must include strategy and positive health outcomes and/or performance metric(s) on how WSDOT intends to minimize and address existing air pollution and mitigate future air pollution impacts freight movement. Further, fewer negative health outcomes must be a condition for success in the Plan.

Recommendation: Our community deserves real commitments to eliminating pollution that contributes to high rates of asthma in our neighborhoods. To address the long-lasting, cumulative impacts of pollution and systemic disinvestment in communities like the Duwamish Valley, it is essential for Washington to prioritize racial equity as it develops programs and policies to transform the state into a just transportation sector. For the reasons stated above, a public health section in the 2022 Freight plan is crucial.

IV. FAILURE TO CONSIDER COMMUNITY ACTIVITIES TO MITIGATE AIR POLLUTION HARMS CAUSED BY FREIGHT MOVEMENT.

The communities in the Duwamish Valley are resilient, vibrant and continue to be the voice of powerful change making for a healthy and just environment. DRCC's Duwamish Valley Clean Air Program is a bottom up community engagement program for improving air quality and advancing health equity in the Duwamish Valley.

Over the past year, DRCC and partners developed stronger equity & justice commitments and prioritized community-advised actions to reduce harmful air pollution in the Duwamish Valley, an environmental justice community, through the Duwamish Valley Clean Air Program.

The change we seek will occur through the following strategies:

- Reduce transportation-related emissions in the Duwamish Valley
- Reduce pollution from industry and construction emissions through legal means
- Improve outdoor air quality through green physical environmental changes
- Improve indoor air quality in multifamily housing as well as community spaces and schools

Our Clean Air Program's goal is for low-income, Black and Brown, Indigenous, high-risk residents, refugees, and immigrants in South Park and Georgetown to breathe clean air. While WSDOT has recognized the investments by industry in its draft plan, the plan is silent on the contributions and efforts by non-profit organizations to improve air quality and reduce pollution associated with good movement.³⁹

Recommendation: Recognize efforts of non-profits, community groups and neighbors – this is a multi-key partner process to improve air quality in the biggest port communities

³⁹ DRCC, *Duwamish Valley State of the Air Report*, <https://www.drcc.org/clean-air-program>.

Recommendation: Meaningfully work alongside community and work collaboratively with the DRCC Clean Air Program to improve air quality in the Duwamish Valley associated with freight pollution.

V. WSDOT’S FREIGHT SYSTEM PLAN FAILS TO RESPOND TO AND ADDRESS THE CLIMATE IMPACTS OF FREIGHT MOVEMENT

Washington law requires that “state agencies shall meet the statewide greenhouse gas emission limits[.]”⁴⁰ These emissions limits require a reduction in GHG pollution 15% below 2005 levels by 2020, a 45% reduction below 2005 levels by 2030, a 70% reduction below 2005 levels by 2040, and requires achieving net zero emissions by 2050.⁴¹ Every state agency, including WSDOT, must identify a “long-term strategy for meeting the emission reduction targets established in this section[.]”⁴² Starting this year, WSDOT must also provide a report to the legislature that includes “recommendations for budgetary and other actions that will assist [WSDOT] in achieving the greenhouse gas emissions reductions[.]”⁴³

The transportation sector is the largest contributor of greenhouse gas emissions in Washington, and accounts for close to half of the state’s Greenhouse Gas (“GHG”) emissions.⁴⁴ Transportation-sector emissions are the principal factor causing *an increase* in total statewide GHG emissions. On-road emissions from gasoline and diesel account for 30.8% of Washington’s total GHG emissions, with diesel vehicles contributing 8.7% of the total state-wide GHG emissions.⁴⁵

To make matters worse, the draft Freight System Plan finds that in the next thirty years freight tonnage by truck will increase 55%, air cargo tonnage will double, rail freight tonnage will increase by 44%, and multi-modal tonnage will increase by 40%. Overall, WSDOT anticipates a 45% increase in freight tonnage over the next thirty years.⁴⁶ This means GHG pollution from the transportation sector will increase substantially over the next 30 years, even though state law requires state agencies, including WSDOT, to rapidly phase out GHG emissions to net zero in that same timeframe.

While the draft Freight System Plan acknowledges the existence of climate change and the significant GHG pollution emitted by the transportation sector, **the draft plan is silent on how WSDOT intends to use its authority to reduce GHG emissions from the transportation**

⁴⁰ RCW 70A.45.050(1).

⁴¹ *Id.*

⁴² RCW 70A.45.050(3).

⁴³ *Id.*

⁴⁴ Washington State Greenhouse Gas Emissions Inventory: 1990–2018, Wash. Dep’t Ecology (2021), <https://apps.ecology.wa.gov/publications/documents/2002020.pdf>.

⁴⁵ *Id.*

⁴⁶ WSDOT, *Draft Freight System Plan*, at 43.

sector. The draft plan acknowledges that Washington cannot achieve statewide GHG pollution reduction goals “without a reduction [in] the emissions associated with freight transportation.”⁴⁷ However, other than this single sentence, the draft plan lacks any analysis or recommendations on how WSDOT intends to reduce GHG emissions within its authority.

Despite this massive increase in anticipated freight movement, WSDOT has made *no* plans to reduce emissions associated with existing or future freight movement such as by investing in electrified transportation infrastructure, promoting electrification of trucks or other freight modes, or any other concrete proposal to reduce GHG emissions. To the contrary, the proposed prioritization for allocating federal highway funding gave significant preference to projects that would increase the capacity of the existing freight transportation system—regardless of whether they reduced GHG emissions.

State law requires that WSDOT use its power over budgetary and other such actions to reduce GHG, however the draft plan fails to do even that. Instead of using its authority to reduce GHG pollution as legally required, WSDOT waves its hands in defeat claiming that reducing GHG emissions from freight “requires the participation of not only WSDOT, but many of its partner organizations as well[.]”⁴⁸ While reducing freight related emissions is not solely the responsibility of WSDOT, the agency does have a legal obligation to use its power to reduce GHG pollution in accordance with state goals.

The draft plan fails to do even that. Of the \$111 million in federal funding that WSDOT proposes to award in Appendix G, none of these funds are being used to invest in transportation electrification. Further, in its Washington Truck Parking Assessment, Appendix H, WSDOT does not even propose including any investment into electric vehicle charging for trucks. The draft plan is also bereft of any “long term strategy for meeting the GHG emission reduction targets established” under state law.⁴⁹ These opportunities are low-hanging fruit that WSDOT should use to reduce GHG pollution from the freight sector, and its failure to do so violated state law.

For this same reason, contrary to its analysis in Appendix A, WSDOT’s proposed plan conflicts with the President’s Executive Order on Tackling the Climate Crisis at Home and Abroad. EO 14008 requires that federal agencies “prioritize action on climate change in their policy-making and budget process[.]”⁵⁰ While WSDOT is not a federal agency, its receiving funds administered by the Federal Department of Transportation. Failing to prioritize investments that spur electrification of our transportation sector, and reduce impacts to environmental justice communities also conflicts with the goal of this executive order. To this end, the EO 14008 requires that “[f]ederal funding is used to spur innovation, commercialization,

⁴⁷ WSDOT, *Draft Freight System Plan*, at 51

⁴⁸ WSDOT, *2022 Draft Freight System Plan* at 64.

⁴⁹ RCW 70A.45.050(3).

⁵⁰ Exec. Order 14008, “Executive Order on Tackling the Climate Crisis at Home and Abroad,” <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

and deployment of clean energy technologies and infrastructure.”⁵¹ Here, none of the \$111 million in proposed investments recommended by WSDOT include any investment into electrified or clean transportation. EO 14008 also requires use of federal funding “must drive assessment, disclosure, and mitigation of climate pollution, and climate-related risks in every sector of our economy.” The transportation sector is the biggest source of GHG pollution in Washington State. By failing to consider how to use its budgetary authority to invest in projects that would reduce GHG pollution, WSDOT fails to comply with this fundamental component of EO 14008.

Recommendation: WSDOT should revise the 2022 Draft Freight System Plan to include a long-term strategy for meeting the GHG emission reduction targets established in RCW 70A.45.050(3). This strategy should include an analysis of how WSDOT will use its authority in selecting and funding transportation related projects to minimize GHG emissions from the freight sector.

Recommendation: WSDOT should identify projects that invest in freight electrification, particularly for trucking activities, in highly impacted and vulnerable communities to reduce GHG pollution and diesel emissions in these neighborhoods, including providing financial incentives to electrify drayage trucks.

Recommendation: WSDOT should revise its recommendations for the use of federal funds to prioritize investment into clean, electrified freight transportation that reduces transportation related pollution in highly impacted and vulnerable communities, as required by EO 14008.

Recommendation: WSDOT should invest in truck parking adjacent to the Ports of Seattle and Tacoma that is located in industrial areas, outside of residential zones to minimize impacts of trucking activities on neighboring communities. These truck parking locations should provide for fast-electric charging stations—particularly in areas near to the Port where drayage trucks wait to load shipments.

⁵¹ *Id.*

CONCLUSION

Thank you again for the opportunity to provide feedback on the WSDOT 2022 Freight Systems Movement Plan. We hope our comments will aid in creating a strategy that centers community is robust, equitable, and one that shows WSDOT can join community groups in the innovative steps we need to take to ensure clean air and healthy futures, for near port communities impacted by your operations like the Duwamish Valley.

Sincerely,

/s/ 

Jaimini Parekh
Counsel for DRCC
Earthjustice

/s/ 

Adrienne Hampton-Clarridge
Christen Poulsen
Duwamish River Community Coalition