

DISCUSSION DRAFT FOR IE PEG REVIEW

Memo

To: Comprehensive Plan Management Team

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Subject: Feedback from the Infrastructure Equity PEG

Date: XXXXXXX, 2013

The purpose of this memo is to present advice to the staff preparing the next draft of the Comprehensive Plan Update (CPU) regarding ways to strengthen how Infrastructure Equity is addressed.

The Portland Plan identified equity as one of four shared priorities to guide the City's actions over the next 25 years. One of the principal ways that City government can make progress in this area is to fully consider the equity implications of investments in public infrastructure. As the City's plan to guide growth and investment for the next 20 years, the Comprehensive Plan must provide a sturdy framework for ensuring that all Portlanders equitably share in the benefits and burdens of growth and development.

This memo summarizes the principal themes discussed through April 2013 by the Infrastructure Equity Policy Expert Group (IE PEG) on the Working Draft (January 2013) of Part 1 of the CPU. Initial meetings (June and July 2012) were spent learning about the City's infrastructure systems and developing a better understanding of the concepts of infrastructure equity, unintended consequences, gentrification and level of service disparities. Once the Working Draft Part 1 was available, the IE PEG focused on reviewing Section III (Goals and Policies), especially Chapters 6 (Public Facilities and Services) and 7 (Transportation).

In an effort to provide information to staff in a way that is clear and actionable, this memo presents eight key themes to guide revisions to the Discussion Draft. The themes can be used as lenses to review chapters, goals and policies. In some instances, specific recommendations for changes are suggested. In other cases, staff should use the themes as touchstones to prompt and weigh potential changes to the document.

The Addendum presents additional IE PEG feedback captured in meeting notes, surveys and work session exercises. It is the raw data from which the themes were developed, and, as such, it includes a higher level of detail than the thematic presentation.

**Feedback from the Infrastructure Equity Policy Expert Group
For the Comprehensive Plan Update
Draft May 2013**

Infrastructure Equity means the decisions about infrastructure investments are fair, and the benefits and burdens are shared by *all* Portlanders. Infrastructure equity requires asking key questions about who benefits, who pays, who decides and what the unintended consequences may be. Infrastructure equity means prioritizing infrastructure investment decisions that ensure low-income communities, communities of color, and people with disabilities have access to the same infrastructure services as everyone else.

The IE PEG found that *equity* is not the same as equal or identical; equity is best achieved through using flexible standards appropriate to the context and the community. In Portland, communities of color, low-income communities and people with disabilities have experienced long standing disparities that affect the current distribution of benefits and burdens; in delivering services through infrastructure, the City is not starting from a level playing field and should address this in the Comprehensive Plan Update (CPU).

The IE PEG offers eight themes and several recommendations on Working Draft Part 1 of the CPU.

1. **Everyone deserves a basic level of service.** Infrastructure (or lack thereof) has far reaching impacts in determining the social, health and economic outcomes of a community. The first step in attaining infrastructure equity is ensuring that all Portlanders have access to basic levels of service.

The IE PEG observed that, for a variety of reasons, some types of infrastructure (e.g. water, sanitary sewer) currently provide a relatively equitable level of service citywide. For these services, challenges to achieving infrastructure equity lie principally in maintaining levels of service and addressing the distribution of burdens, particularly costs. Other services (e.g., transportation and parks) have significant disparities in the levels of service. The CPU should acknowledge these differences among systems, and the associated disparities, as a way to direct attention and prioritize where and how to apply an infrastructure equity lens.

The IE PEG recognizes the dynamic nature of neighborhoods, with shifting demographics and cycles of private investment/disinvestment/re-investment. Ownership of public assets (such as parks) endures, but populations and prosperity can shift from place to place over time. Infrastructure equity considers both current and future disparities in levels of service.

In making investments, the IE PEG explored the idea that bureaus should consider the functional ability of different communities to “work around” service disparities, as well as manage or recover from service disruptions. Given this, consideration should be given to alleviating service disparities for more vulnerable populations – including low-income communities, communities of color and people with disabilities. For example, investments in the stormwater system to reduce basement flooding should be prioritized in communities that are less able to recover

from such an event. Similarly, investments in sidewalks or bike lanes would best serve communities that are more reliant on transit or other non-automobile forms of travel.

Some Recommendations:

- Providing a basic level of service for everyone should be a fundamental guiding principle for infrastructure investments.
- In particular, investments should prioritize addressing long-standing disparities and service gaps for communities of color, low-income communities and people with disabilities.
- Similarly, investments to provide a basic level of service should be prioritized above enhancements to basic services (e.g. invest in building sidewalks and paving streets before building light rail or extending streetcar).
- Decision-makers should weigh both the needs and priorities of specific communities and the community as a whole, in making investments and other infrastructure choices.
- Restate Goal 6.A to read “basic” levels of service (replacing “optimal”). Optimal service levels are not achievable because they are too expensive to achieve citywide. It would be better to frame goals in terms of minimum levels of service that should be provided to all Portlanders.
- Goal 6.A also seems to assume that system needs align with community-specific goals. What happens when infrastructure system needs and community priorities are not in sync?
- Neglecting maintenance of existing systems can result in future service disparities. The importance of investing in maintenance needs should be more prominent.

2. **Infrastructure investment decisions should be reviewed and considered through an equity lens.** The IE PEG advocates for the use of an equity lens (e.g. questions related to who benefits, who is burdened, who pays, who decides, etc.) throughout infrastructure related decision-making processes.

The IE PEG recognizes the limitations of the Comprehensive Plan in terms of its impacts. In particular, the IE PEG recognizes that, while the Comprehensive Plan provides the guidance (goals, policies) for decision-making, it does not – in and of itself – prescribe the answers to decisions or ensure if/when/how decisions will be implemented. As such, the IE PEG strongly encourages improvements to the CPU that would better enable the subsequent integration of equity considerations in other infrastructure decisions - from goal setting, to project identification and prioritization, to budgeting and construction. The CPU is not a simple or singular solution. There is a need for much more systemic change.

Some Recommendations:

- Review goals and policies to ensure clarity about when and how infrastructure equity needs to be factored into decision making, including its place among other factors (e.g. reducing risk, system capacity needs, etc.).
- Review the action verbs listed in the Appendix, and update the verbs used in the policies as needed to indicate intention and priority level for considering the equity implications of infrastructure decisions.
- The CPU should acknowledge (possibly in the commentary) that the City and partner agencies are developing the capacity to apply an equity lens (or similar tools) to decision making. As written, draft policies imply that the city is currently capable of making equitable decisions instead of acknowledging that it is a learning process. This should be addressed.

- The expectations around infrastructure equity should be clearly articulated in the CPU, to ensure that those goals and priorities are carried through to implementation – including, but not limited to, annual and CIP budget processes.
- In the implementation phase, staff should consider how best to make functional ties between the CPU and all aspects of infrastructure decision-making (even those that are not beholden to the Comprehensive Plan). Goals and policies should be reviewed with an eye toward better enabling this to happen.
- Additional data and maps are needed to better integrate equity into infrastructure decision-making. This information should be provided in Part 2 of the CPU. In particular, demographic data should be applied to maps that show levels of service and gaps in service. And, schools and other non-city infrastructure systems should be mapped in the Part 2 analysis.

3. **Equity should be incorporated more intentionally and consistently throughout the CPU.**

The IE PEG found that intentional choices should be made about where and how to make equity considerations explicit in the language of the CPU. Currently, equity is unevenly mentioned in the goals, policies and sub-policies throughout the document.

A more thoughtful approach is needed. For example, Transportation Policy 7.24 Project Prioritization does not mention equity, but it should. In contrast, Public Safety Policy 6.74a Community Policing recommends a focus on building relationships with historically underserved communities. Although proactive actions are required to ensure that the needs of populations that have had a history of negative interactions with the city are met, this policy, as written, may be interpreted as discriminatory.

Some recommendations:

- Consideration should be given to not presenting Equity as one of the integrating goals in Section 1, but instead, as the overarching framework for integrating all the goals – similar to the structure of the Portland Plan. For example, prosperity should be available equitably; education should be available equitably, and so forth.
- In Section 1, consider addressing infrastructure equity as a government function by discussing access to public facilities and services (the things that municipal government can actually provide) instead of access to opportunity (a vaguer term with less accountability).
- Somewhere in the plan, describe the current barriers to access (e.g., availability of services, funding, language, fit between services and individual abilities, cultural fit, awareness/knowledge of services, proximity/transportation access to services) and include goals and/or policies to address these barriers.
- In the Appendix, provide definitions for additional terms related to equity, such as equitable, equitably, accessible, accessibility, gentrification, displacement, access to opportunity, community values, economic vitality (reframe it so that it gets beyond profits to addressing access to opportunity and services for all Portlanders), quality of life, underserved/under-represented populations.
- As an equity consideration, physical accessibility should be integrated into Policies 6.64-6.67 (Park Improvements, Trails System, Natural Areas and Community Centers) instead of through a separate policy (6.69 Special Recreational Facilities). It should also be integrated into Policy 6.81 (Public Safety/Emergency Response in City Facilities).

4. **Authentic involvement and integration of the whole community in the entire spectrum of activities leading to infrastructure investments is important.** Infrastructure decision-making

processes should be transparent and ensure that everyone can contribute, most especially historically underrepresented communities and those in the community that will be impacted by the decisions.

The *spectrum of activities* leading to infrastructure investments includes needs assessment, goal formation, identification and prioritization of projects, funding decisions, project design, project construction and monitoring. In particular, people who are affected should be involved. If significant segments of the community are not involved, unintended consequences may be more likely to go unidentified and unmitigated.

The involvement of the local community early in the scoping process for a project can help ensure more equitable distribution of benefits (including economic development) and more effective mitigation of gentrification, involuntary displacement and other potentially negative consequences of infrastructure investments.

The greatest challenge is to authentically engage historically under-represented groups and those that have experienced systemic barriers to involvement in traditional public participation activities. If they are not involved, the resulting project may not meet the varied needs of the communities that cannot participate.

Some Recommendations:

- Ensure there are clear connections between CPU chapters – public facilities and services (#6), transportation (#7) and community involvement (#1)– to better ensure that everyone in the community is able to fully participate in infrastructure investment decisions.
- Project design should involve proactive communication with persons with disabilities. It is particularly important to consult with this community early during the design phase, as this is typically when adaptations can be made in the most cost-effective manner. Draft goals and policies should be reviewed to incorporate this perspective, particularly for transportation infrastructure.

- 5. The CPU should more clearly address how the costs of infrastructure development and operation will be shared.** The mechanisms to cover the costs of infrastructure investments should be fair, and should not disproportionately burden those with lower incomes.

In terms of infrastructure equity, the primary challenge is addressing “who” and “how” to pay for the costs to 1) build infrastructure where we have disparities, and 2) operate and maintain infrastructure services on an ongoing basis in a manner that ensures affordability and equity. Affordability of services, and trade-offs between affordability and levels of service, is a key issue that should be addressed more clearly in the CPU. The community’s ability and willingness to pay for services should be considered when infrastructure decisions are being made.

The CPU should also address how to prevent new disparities and unintended consequences of these policies. For example, if neighborhood street paving is accomplished only through the formation of a Local Improvement District, the financial participation of those with less ability to pay could be partially subsidized.

In cases where sufficient funding is not available to provide a basic level of service to all Portlanders, a cost-benefit analysis that considers social and economic equity factors should be

used to establish priorities. The community should have an opportunity to consider both long-term, expensive fixes and more immediate incremental steps toward providing a basic level of service in financially constrained times. Life cycle costs should be considered in this analysis, as well as the need to invest in repair and replacement options to maintain existing service levels over time.

Some recommendations:

- Be consistent in addressing how the costs of services will be covered. In general, the CPU does not provide enough guidance on this topic. It is integral to infrastructure equity, because the cost of services is one of the principal burdens of development.
- The long-term equity considerations of the cost of infrastructure—both initial investments and ongoing maintenance—should be considered in the early stages of project development. Equity considerations include both how costs will be shared among all Portlanders and the ability of lower-income households to pay.
- The costs of basic services should be shared citywide, and individual users should pay for more robust levels of service.
- Provide financial assistance for those who cannot fully afford to pay for basic levels of service.
- Explore ways to reduce the property owner cost of financing local street improvements, including localized street design solutions (such as PBOT’s Street-by-Street Initiative).
- Evaluate opportunities to ensure the CPU creates the policy framework to encourage public-private partnerships as a way to fund new development and major upgrades.
- Be more intentional in where cost recovery is mentioned. Currently, it is mentioned for some services but not others.

6. **The CPU should more explicitly address how to identify and mitigate the risks of gentrification, involuntary displacement and other negative consequences of infrastructure investments.** The IE PEG is concerned that infrastructure investments (both large and small projects) can impact property values in ways that price out some local residents and businesses.

The IE PEG found that, in the past, some public investments were targeted to physically renew neighborhoods, with little regard to the needs of longstanding residents and businesses, and impacts of those investments. The IE PEG found that public investments need to consider the spatial structure of class and income and that the City needs to learn from the past to build a more equitable future.

How infrastructure is paid for might have impacts on patterns of disinvestment and gentrification in the future. For example, if local streets are paved only if property owners finance the improvements through Local Improvement Districts, a lower level of service may result in areas of the city where property owners have less ability to pay. Conversely, investments in a Local Improvement District by landlords may drive up rents and result in involuntary displacement of neighborhood residents with lower incomes. Actions should be taken to mitigate these consequences.

The IE PEG was pleased with the initial work being done to identify neighborhoods and communities at risk of displacement. However, the CPU goals and policies are not explicit with respect to expectations for identifying and mitigating that risk in conjunction with infrastructure investment decisions. For example, policy guidance is missing that ensures projects engage local

communities early in infrastructure investment and decision processes, evaluate for potential displacement effects, and utilize a suite of mitigation tools, policies and approaches tailored to the specific neighborhood and populations at risk.

Some recommendations:

- Consider opportunities to strengthen or expand the existing gentrification related goals and policies in the CPU (housing and economic development chapters).
- Evaluate the need to include additional gentrification related goals and/or policies in the 1) infrastructure related chapters (#6, public facilities and services, and transportation chapters) and 2) the community involvement chapter.
- Add policy to direct City bureaus to take four steps: assess the potential of displacement, engage the community early, prepare a community-specific strategy, and monitor outcomes.

7. **Infrastructure equity can be achieved not only by bringing services to people, but also by providing historically underserved populations opportunities to live where services already exist (e.g. bring people to services).** Often the neighborhoods with the best access to services are less affordable. The CPU should address the need to 1) invest in affordable, fair housing in areas that currently have higher levels of service, and 2) stabilize communities that are at risk of displacement that are currently have good services. The IE PEG assumes that other PEGs (especially the Neighborhood Centers PEG) are reviewing draft housing policy language in this regard and thus does not offer specific recommendations in this area.

8. **Transportation plays the pivotal role in moving toward greater infrastructure equity.** Transportation is the means through which Portlanders access other community services (e.g., parks) and jobs. Without transportation infrastructure services, many other important services are not easily accessible. Of all the services that the City provides, transportation is the one where disparities are most evident at present. This results from many different factors, including private development standards, historic disparities and varying terrain.

Furthermore, the City's ability to effectively address transportation disparities is affected by the number of partners involved (e.g., the roles of ODOT, TriMet and other partners in infrastructure development, maintenance and service delivery) and the lack of sufficient funding. Finally, because of the close tie between transportation improvements and adjacent property values, the risk that gentrification may result from transportation investments is particularly high.

Some recommendations (for Chapter 7):

- Because of transportation's pivotal role, it is especially important that basic services be provided for all Portlanders (safety and access) above enhancements. This equity and basic services language is missing and should be included in Chapter 7.
- Within the framework of providing basic services for all, a higher priority should be assigned to projects that complete a network or connect modes.
- Policy 7.24, Project Prioritization, does not address equity at all, but it should. While VMT is an important consideration, it is not the only consideration for choosing capital improvements.
- Restate Goals 7A-7C to incorporate physical accessibility.

- The hierarchy of transportation modes included in Policy 7.6 should be context-sensitive, flexible and responsive to neighborhood input. This could be addressed by incorporating some of the language about context sensitivity from Policy 7.1.b.
- There are several places where flexible design standards could be reinforced as a means to achieve greater equity. Tie Policy 7.1.b into neighborhood plans (as a reference point for context). Policy 7.1.c (design standards and guidelines) suggests uniform standards for street design; the need for conformance to these standards should be balanced with the need to address local context and community concerns.
- Develop policies related to addressing substandard transportation infrastructure in large annexed areas in Southwest and Outer East Portland. Local Improvement Districts (LIDs) are more likely to occur if they are partially subsidized.
- To better address equity concerns in Policy 7.25, Funding, use a more active verb than “encourage” to promote the identification and utilization of subsidies to help underwrite the participation of low income property owners (or property owners serving low income tenants) in LIDs.
- Split Policy 7.1.a into two policies---one dealing with safety, convenience and comfort and the other dealing with access regardless of age or ability.
- Marine transportation should be addressed somewhere in the CPU.
- Recognize transit mobility challenges across different quadrants of the city. Tri-Met’s hub-based transit network does not serve cross-town commuter needs. In particular, north/south transit service in outer East Portland is lacking. As a result, residents turn to driving or transferring on lengthy transit rides. Transit access to jobs in outer East is especially lacking.
- Consider whether the green hierarchy meets the needs of an aging population, or whether it better fits a young, mobile population. Furthermore, it is not clear if or how the green hierarchy applies to commercial and industrial areas.