Pedestrians and bicyclists fight for space on Oakland streets designed for diesel trucks in former industrial areas that are now among the few affordable places to live. Massive concrete structures jut out like exposed bones in a city where once-bustling African-American cultural and economic centers have been repeatedly destroyed by giant transportation projects.

One such project, the West Oakland aboveground Bay Area Rapid Transit (BART) track built in the 1970s, loomed over jazz clubs that were forced to close when the constant noise of trains drowned out the music. The 7th Street corridor—once the stroll for legendary local blues heroes—is now a desolate strip in the shadow of the BART overpass.

Soon, East Oakland residents may see the Oakland Airport Connector (OAC)—a driverless, cable-pulled shuttle atop an elevated track—looming over their neighborhood. Designed by an Austrian architectural engineering firm known for its aerial ski lifts, the three-mile Connector would whisk passengers from the Oakland Coliseum BART station to the Oakland Airport parking lot.

Maxine Oliver-Benson shakes her head in disbelief over the price of the project—$484 million. “I won’t ever use it for anything—the majority of people in my community won’t ever use it,” says the activist and 19-year resident of East Oakland, staring moodily at the throngs of people heading to a game at the Oakland Coliseum on the overhead walkway that connects the BART station to the arena.

“They won’t ever have to set foot on the ground here, now not even to get to the airport,” she sighs.

Oliver-Benson lives off the Hegenberger Corridor near the Oakland Coliseum—a neighborhood with relatively high rates of black home ownership that has been predominantly African-American since 1947. She and others in her homeowners’ association have been closely following the OAC project and do not approve of it. They are not alone in their opposition.

A coalition of civil rights, faith-based, and environmental groups (Urban Habitat, TransForm, Genesis, and Public Advocates) filed a civil rights complaint with the Federal Transit Administration (FTA), contending that the project had been planned without due regard for its effect on the surrounding neighborhoods, largely populated by low-income people of color. The FTA upheld the complaint causing the Metropolitan Transportation Commission to redirect $70 million in federal stimulus money to all Bay Area Transit operators. Opponents had also challenged the BART Board of Directors for failing to consider alternatives to the elevated tram and for glossing over the financial and technical risks of the project.

Despite it all, BART’s directors voted 7-to-1 to move forward with the project on September 16. Thirty years of BART’s dreaming and scheming came to fruition on October 20, 2010 when the OAC project broke ground.

**History of the Connector**

From the Coliseum BART station, it’s a straight shot down Hegenberger Road to the Oakland Airport. Since 1986, the airport has contracted with a private company to run AirBART, a bus shuttle service. An estimated nine percent of airport users take the shuttle, according to BART. Travel time ranges from 12 to 30 minutes, depending on traffic and passengers must pay the $3 one-way fare in exact change.

It is an imperfect system and there has been no shortage of ideas for better connections. Feasibility studies and proposals have cycled through city council meetings and newspaper headlines since 1973, even before AirBART. In 2000, Alameda County voters passed a sales tax that provided partial funding for a connector. Early projections assumed the train would
reach 45 mph, be capable of carrying up to 32,000 passengers a day and have two stops, thus boosting business along Hegenberger Road. The estimated cost of the entire project was $130 million—less than a third of the current price tag—but BART was unable to come up with the rest of the money, despite reaching out to private investors.

In 2008, while anticipating the release of federal stimulus funds for transportation projects, the various agencies behind the OAC realized that they would never be able to afford the proposed system, so they made some adjustments behind closed doors, according to John Knox White, program director at TransForm, a transportation and land-use advocacy group.

BART got rid of the two stops along Hegenberger Road, replaced the previously proposed technology with a cheaper untested overhead cable system that would run at 23 mph, and lowered the number of expected riders to 4,300 per day. The projected fare is between $4.50 and $6 one-way, and the trip would take 16-19 minutes, including walk time to the airport terminals.

TransForm proposed an alternative—RapidBART—a high-speed bus with signal prioritization down Hegenberger and bypass jump lanes at traffic stoplights that would cost between $45 and $60 million. BART said that it reviewed the proposal but disagreed that RapidBART could deliver passengers to the airport on time more reliably than the OAC. In fact, BART spokesman Linton Johnson called the proposal “a great deal of hype with very little substance.” But e-mails obtained by TransForm under a Public Records Act request, reveal that Tom Dunscombe, BART’s OAC project manager, wrote to four different paid consultants on May 8, 2009, asking for help in undermining the proposal. “Any information you can provide to put holes in this would be appreciated... we have some worried Board members and I need to easily discredit this ‘paper’,” he wrote.

Hijacking the Stimulus

When the federal stimulus package was released, BART and the Metropolitan Transportation Commission (MTC) worked out an elaborate plan that involved swapping funds from other projects and pools of money to finance the OAC, along with $70 million in stimulus money. The scheme immediately drew the ire of community advocates like Urban Habitat and Genesis, who considered it a discriminatory use of funds. They mobilized hundreds of people to MTC hearings, which prompted the MTC to make a contingency plan to allocate the $70 million to Bay Area transit operators if other OAC funding fell through.

Although BART maintained that the OAC plan met federal civil rights requirements, the advocates thought otherwise. Urban Habitat first notified MTC in July 2009 that BART had not conducted an adequate equity analysis showing how the connector plan would impact low-income people and communities of color. In September 2009, when BART refused to show evidence of compliance, the coalition filed an administrative complaint against BART with the Federal Transit Administration’s Office of Civil Rights. The complaint charged BART with a violation of Title VI of the 1964 Civil Rights Act, which requires federal grant recipients to ensure non-discrimination in the spending of federal funds. The OAC had little to offer its neighbors, the complaint asserted, and would siphon funds from badly needed bus service and from BART’s own core system.
Transit Funding Fight Goes National

Following a decade-long campaign, Chicago’s Little Village Environmental Justice Organization (LVEJO) has won funding to rehabilitate a vital train line and run it on weekends again. But attempts to reverse cuts to bus services across the city’s south and west sides have failed, prompting activists to take their fight for increased funding to the national level.

“We saw that our local struggle to restore service to the Little Village community would not be successful if we did not push Congress to pitch in their fair share of funding and ensure that it is distributed equitably,” said Michael Pitula of LVEJO.

The feeling was pervasive enough to prompt the Labor/Community Strategy Center of Los Angeles to convene “Transit Riders for Public Transportation” (TRPT) in 2009. The national coalition of transportation justice groups aims to change federal funding priorities and regain the “private right of action” to enforce the Department of Transportation’s civil rights regulations.

Since the 1950s, every six years Congress has taken up a Federal Surface Transportation Authorization that heavily favors roads over public transit.

“We want to flip that,” says Francisca Porchas of the Strategy Center, which houses the Los Angeles Bus Riders Union (LA BRU). “We need to reduce greenhouse gases 80-90 percent in the next 30 years and we can’t have a bill that gives 80 percent of $500 billion to highways and freeways.”

Moreover, the 20 percent allocated to public transit is restricted to new capital projects rather than to maintenance, labor costs, and repairs. Now Congressman Russ Carnahan (D-MO) has authored a bill (H.R. 2746), which would allow a larger percentage of federal funds to be available for operating transit.

“Everybody’s talking about this bill as the next big shift in transportation policy [since] the Interstate Highway Act of the 50s,” said James Burke of WEACT in Harlem, New York. “Now we need Congress and the Obama administration to support the operations in our system and improve civil rights policies.”

TRPT is also advancing a bill that would restore “private right of action,” to enforce Department of Transportation regulation Title VI. The LA BRU exercised this right in its groundbreaking civil rights suit against the Los Angeles County Metropolitan Transportation Authority. But a 2001 Supreme Court decision (Alexander v. Sandoval) took away an individual’s right to take legal action when transportation policies have discriminatory impacts on the basis of race, color, or national origin. Since then, individuals have only been able to file administrative complaints with federal agencies or sue for intentional discrimination, which is much harder to prove than “discriminatory impact.”

The defeat of House Transportation and Infrastructure Committee chair Jim Oberstar (D-MN) in the midterm election bodes ill for TRPT’s efforts. And the new Republican Committee Chair, John Mica of Florida has already said that an increase in the federal gasoline tax, the primary revenue source for previous federal transportation bills, is “off the table.”

“Given that the last mid-term Republican wave resulted in Congress cutting funding for public transit, and the strong likelihood that Tea Party members will resist any civil rights legislation, our need for a national movement is greater than ever,” says Bob Allen of Urban Habitat. —MR and PL

From “Back of the Bus” to “No Bus”

The effects of segregation, white flight, and capital abandonment of the 1960s and ’70s can be seen and felt at any bus stop in East or West Oakland where AC Transit bus riders—over 80 percent, people of color and over 30 percent, surviving on less than $25,000 a year—crane their necks, searching the city’s wide, flat streets for buses that are known for being late, or not arriving at all.

Sixty-three-year-old West Oakland resident Annie McKinzie is used to waiting for the bus these days. She stopped driving after corneaplasty to correct her vision in both eyes. Three times a week, she embarks on a two- to four-hour trip on AC Transit to run errands downtown and at the mall, pay her bills at Costco, and pick up her prescription eye drops. Until just a few months ago, McKinzie was able to hop on the No. 14 bus a block away from her home and travel the 1.7 miles to downtown Oakland in less than 15 minutes. But AC Transit cut service by over seven percent in March and almost eight percent in October and the No. 14 line fell victim to these cuts.

A retired administrative assistant from an insurance company, McKinzie is now an activist with the
AC Transit Riders Demand a Fair Shake

“They [the MTC and CTC] came up with $70 million for a little bitty trip to the airport—so they can come up with money for AC Transit!” yelled Karen Smulevitz of United Seniors of Oakland and Alameda County into her bullhorn over the street sounds of downtown Oakland. “Do you need that airport tram?”

“No!” yelled the crowd.

“Do you need the buses fixed and running?”

“Yes!” they responded, louder still.

The rally on November 9 involved a growing coalition of East Bay organizations—Building Opportunities for Self Sufficiency (BOSS), Genesis, Public Advocates, Urban Habitat, and Alliance of Californians for Community Empowerment (ACCE)—working to meet the needs of folks who use public transit for basic survival. The newest member of this coalition is an emerging alliance of the East Bay’s bus riders organized by ACCE and assisted by groups already engaged in transportation work.

Over the past seven months, ACCE has signed up 300 dues-paying members and gathered an additional 1,375 supporters. Bus riders have begun meeting regularly to develop a set of demands, which focus on protecting services and keeping fares affordable.

“None of us can afford to see services cut,” said Kit Vag, who moved to the Bay Area from Fresno. “I don’t want to see Oakland turn into another Fresno—buses running once every hour or 30 minutes. That just won’t do.”

But AC Transit—the Bay Area’s largest bus system with a ridership that is 80 percent low-income and 60 percent transit-dependent—has reduced its services by 30 percent over the last 30 years. And with a current deficit of $56 million, it has cut services an additional 15 percent in 2010. Simultaneously, Caltrain and BART, which primarily serve wealthier, whiter areas, have more than doubled their service, and billions have been spent on highways. In other words, those who can afford to drive have seen their access to essentials and opportunities expand, while AC Transit riders have lost access to critical destinations.

Participants at the rally testified to the harm done by transit cuts by writing their problems on a large board: “Can’t get to school—#54 cut” or “Can’t see family—#NL cut.”

ACCE member Janet Mack recounted how she has to leave her Oakland home at 5:45 a.m. on weekends to get to her job in Alameda on time because AC Transit cut #62 on weekends and she has to walk to the #51 stop.

“The other day it was raining when I went to work and my feet were wet all day... Some of these officials should ride the bus some time so they can see what it’s really like out there!” said Mack.

The central demand of the rally was that local, regional, and federal elected officials take responsibility and stop the cuts to AC Transit. Richmond Mayor Gayle McLaughlin and Alameda County Supervisor Nate Miley attended the rally, while County Supervisor Keith Carson and California Assembly member Nancy Skinner sent representatives. All signed a pledge that they would do anything within their power to fight continuing service cuts and fare increases. The coalition plans to call other officials to account in the coming months. —MR
San Francisco Riders and Workers Unite for M.O.R.E. Public Transit

The MUNI Operators and Riders Expanding Public Transit (M.O.R.E.) coalition has united transit riders, workers, and anti-war activists in response to the devastating cuts to San Francisco’s MUNI service in 2010. M.O.R.E. is demanding that elected officials and MUNI management cut the “fat from the top” and “tax the rich” rather than deepen the attack on public employees and public services.

“If there are going to be cuts to MUNI, they need to come from the $60 million worth of work orders and bloated management salaries. The bus drivers didn’t cause this problem. The campaign against them is a racist anti-worker distraction,” said Frank Lara, a M.O.R.E. leader and an organizer with the ANSWER coalition, one of about a dozen groups represented in the coalition.

Other organizations in the coalition include Transport Workers Union Local 250A (TWU 250A) representing MUNI drivers, People Organized to Win Employment Rights (POWER), the Chinese Progressive Association, Urban Habitat, and Senior Action Network.

As M.O.R.E. has grown, it has moved beyond the struggle to maintain and expand MUNI service to addressing broader issues that impact riders and drivers. It has been a leading opponent of the “saturation raids” conducted on MUNI buses by armed San Francisco police officers. Although characterized by MUNI management as attempts to enforce fare payment, the raids have resulted in systematic harassment of immigrants and alleged deportations.

Michelle Xiong, a leader in the Chinese Progressive Association who has seen police targeting the Chinatown bus lines says, “I’m scared to go on the bus now if my bus transfer is even close to the expiration time because the police have been so strict and it’s very intimidating since I don’t speak English fluently.”

M.O.R.E. also opposed Proposition G, which it described as a “political ploy that tries to put the blame of declining public services on the backs of working families.” The measure, which passed with 65 percent of the vote, forces TWU 250A to renegotiate many of its work rules and imposes an arbitration requirement stacked against the union.

“[Prop. G makes] drivers seem like the only reason why Muni doesn’t perform better,” Local 250 President Irwin Lum told Streetsblog. He pointed to bloated executive salaries at the San Francisco Municipal Transportation Agency (over $300,000 for CEO Nat Ford, for example) as well as mismanagement that has allowed other city departments to siphon off almost $62 million of MUNI’s funding (www.sfexaminer.com/local/Munis-outside-costs-assailed-84308187.html).

M.O.R.E.’s newest campaign is focused on providing every child and youth in San Francisco with a free MUNI transit pass. With it, M.O.R.E. hopes to broaden its membership and raise awareness of transportation justice issues among groups that don’t focus on public transit but whose members and communities rely on MUNI to get to essential services. (To join the struggle for transportation justice in San Francisco and the Youth Bus campaign, visit http://morepublictransit.net). —MR

Alliance of Californians for Community Empowerment (ACCE) and has been attending AC Transit meetings since last year. She takes notes on her bus journeys, documenting the effects of the recent service cuts. Recently, she was appalled to see seniors laden with grocery bags struggling to the new No. 26 bus stop six blocks away from its old location in front of the Pak ’n Save in East Oakland. She spoke up about it at an AC Transit meeting and “they put the 26 line back up right across the street from the Pak ’n Save,” she says, looking pleased.

Overall, however, AC Transit service has sunk to its lowest levels in 30 years and the agency, facing a $56 million deficit, has raised fares and reduced service to its lowest level in 30 years. The deficit reflects an unequal distribution of public transit funds that favors white and higher-income rail riders and discriminates against low-income and “minority” bus riders like McKinzie. A 2006 passenger survey by the MTC found that almost half (46 percent) of BART riders are white and fewer than 13 percent have incomes below $25,000. That is in contrast to the ridership on AC Transit buses, which cover 13 cities in Alameda and Contra Costa Counties, from Fremont through Oakland to Richmond.

Of the 10 transit providers in the Bay Area, AC Transit serves the largest percentage of passengers of color (over 80 percent) and the smallest percentage of white passengers. But the MTC provides subsidies of $6.14 per transit trip for BART and only $2.78 per trip for AC Transit (based on data from 1998-2005). The MTC’s $13 billion, 25-year transit expansion program dedicates 94 percent of the project costs to rail, while buses receive only four percent.

Transportation justice advocates suggest realigning transit funding priorities to support transit in the urban core. This would mean retaining and expanding bus lines but cutting back expansions that mostly
benefit better-off and predominantly suburban riders. The civil rights complaint filed against the OAC is a step toward this goal.

**Win Some, Lose Some**

The federal government responded to the complaint against the OAC with “unheard of” speed, according to Bob Allen, director of the transportation justice program at Urban Habitat. Within a couple of months of filing the complaint, the FTA pulled the $70 million stimulus money from the OAC project. The MTC then voted to fall back on its contingency plan and divide the $70 million among the 10 Bay Area transit operators, which were looking at service cuts, fare hikes, and layoffs to cover their budget deficits. It was a big boost to the transit agencies and helped preserve their services in the face of the recession and reduced funding from other sources.

Even so, the OAC project was far from dead as BART and the MTC hustled to put together a new funding package.

“Whenever we have a proposal for a youth bus pass, or for a regional low-income pass, as we did a couple of years ago, we always hear, ‘If we had more operating funding we could do it!’” Allen says, looking annoyed. “But when it comes to something like the Oakland Airport Connector, they can lose $70 million in February and by June they’ve gone to the California Transit Commission and other sources, looked around, and identified funds. They’ve gone to extraordinary lengths to cobble together federal money, to work with the Port of Oakland, and with the state to swap money out from highway projects. They’re even willing to tap fare money to subsidize the project.”

At their July 22 meeting, BART directors faced a packed room buzzing with anxious conversation as they prepared to vote on whether to accept the new funding package. They looked far from fazed by accusations of civil rights violations and Board President James Fang railed against the federal government for “coming in and being Big Brother… unfairly and unjustly taking our $70 million.”

**Good Faith not Good Enough for Jobs**

Director Carole Ward Allen, who represented the BART district where the OAC is to be built, implored the Board to support the project in order to create jobs. “We talk about 18 percent unemployment,” she said, “but in my district it’s almost 90 percent in some areas. We’re holding extensive meetings. Over 20 years we’ve been trying to push this OAC. The citizens totally supported this project and we now need to move on.”

On Ward Allen’s heels there came a crush of representatives from churches and crime prevention groups, building trade unions, and investors, including the Port of Oakland, the Oakland Airport, and Doppelmayr, the contractor that designed the latest version of the OAC. They spoke passionately albeit ambiguously about the necessity to create jobs and drive economic growth in Oakland.

But not all organized labor supported the OAC and the jobs may not be as plentiful as labor hoped, or as available to local residents. The Service Employees International Union, BART’s own station agents repre-
MTC Feels the Heat on Civil Rights Title VI Compliance

The Metropolitan Transportation Commission (MTC) is facing new scrutiny of its civil rights practices stemming from its role in the Oakland Airport Connector (OAC) project.

As the federally mandated planning organization for the San Francisco Bay Area, the MTC approves all new transportation projects and allocates federal, state, and local funding for new and existing services. Hence, it is responsible for ensuring that the agencies and projects it funds comply with federal civil rights laws. Although the MTC denies any such responsibility, the Federal Transit Administration (FTA) disagrees and has launched an investigation following a complaint filed last June by Public Advocates on behalf of Urban Habitat and Genesis.

“FTA remains concerned that we found BART, a sub-recipient of MTC, out of compliance in 2009,” wrote FTA’s Civil Rights Director Cheryl Hershey to MTC Executive Director Steve Heminger last August. “The fact suggests to us that MTC has not adequately ensured BART’s Title VI compliance… and that raises the possibility that other sub-recipients of MTC may be out of compliance.”

In 2005, MTC faced civil rights challenges over its own direct funding decisions when Public Advocates filed a federal class action suit charging it with discrimination for consistently prioritizing projects that serve white, higher-income rail riders over AC Transit, which mostly serves low-income bus riders of color (Darensburg v. MTC). In 2009, a federal district judge ruled that MTC’s practices did have a discriminatory effect on minority bus riders but refused to overturn the funding decisions. The case is now before the Ninth Circuit Court of Appeals.

MTC’s skewed funding priorities reflect its undemocratic structure, says Bob Allen, who heads Urban Habitat’s transportation justice program. The 19-member commission is composed of county and city representatives, plus representatives from regional, state, and federal agencies. Each of the Bay Area’s nine counties gets one seat—including the smaller, suburban, and less diverse counties of Marin, Napa, Solano, and Sonoma. Alameda, Contra Costa, Santa Clara, San Mateo, and San Francisco each get one additional seat to represent all their major cities. So, in effect, Santa Clara County, which includes San Jose with a population of around 930,000, and Alameda County with an African-American population of around 194,000, each have just one representative more than Napa County with its total population of 135,000.

To make matters worse, commissioners tend to be local politicians who are more responsive to their electorate than to the interests of the greater region, says Allen. “If we’re serious about fighting sprawl and for fairness in our transportation policy, the region has to spend more money on inner-core urban transit systems to make them run effectively. We’re really skeptical that it can happen with this power imbalance.”

Strong FTA enforcement of Title VI complaints would help transportation justice advocates as they work for fairness at all levels of the planning process.

“The same principle that requires MTC to monitor and ensure Title VI compliance by transit operators also requires it to ensure compliance by county transportation agencies that play a major role in the planning process,” says Richard Marcantonio, managing attorney at Public Advocates. “Looking forward, the implications of the Title VI complaint could be big, not just here, but in other regions [where] metropolitan planning organizations are folding in the decisions of local agencies that have not been vetted for compliance.” —MR

Presented by Amalgamated Transit Union (ATU) Local 1555, as well as ATU Local 192, which represents 1,750 AC Transit workers, strongly opposed the project, calling it a waste of resources. They said that jobs could be better created by expanding and funding bus service and preserving the current transit systems throughout the Bay Area.

While the existing pot of operating funds is being drained by expensive expansions and everyday service and driver’s jobs are being slashed, AC transit management is trying to blame union workers for the ballooning deficit. “It’s another [occasion] where a public entity has pitted unions against unions,” said ATU Local 192 President Claudia Hudson, reflecting on the situation. “I’m in the biggest labor fight of my life.”

BART representatives have said publicly that the OAC will create anywhere from 2,500 to 5,000 jobs. But not all of these are local jobs, John Knox White points out. “A good chunk of the manufacturing for the Connector will be done out of the country, out of the state, or out of the area,” he says. And the Project Stabilization Agreement only commits BART to a “good
faith effort” to hire Oakland residents for the project. “They say God is in the details,” says Mahasin Abdul-Salaam, co-chair of the Transportation Task Force at Genesis. “In terms of benefits and workforce levels, we found no mandate [for] a certain amount of jobs. ‘Good faith effort’ is a non-commitment to whatever those equity numbers would need to be.”

Fang acknowledged the financial risks inherent to the project. “We are going to get jobs with this vote. But after the jobs are gone, BART will be paying the bills,” he said, noting that the projections for predicted fare revenues were based on a 40 to 65 percent increase in ridership over the next 35 years. But he quickly put his doubts aside saying, “Oakland has a can-do attitude. We’re hoping—big hope, blind hope moving forward!”

City councilmember and longtime OAC proponent Larry Reid told the directors, “I think your staff has heard from my community. A community that has long been denied the resources it needs. I will go outside and get on my knees and pray.”

Oliver-Benson scoffs at the claims that BART staff engaged in community outreach on the project. They held five meetings this year, she says, and all of them after they had been accused of civil rights violations.

“The meetings were supposed to be for District 7 residents to give approval,” she says, taking a deep breath. “But they’re going forward no matter what we do. I just believe that we are talking to brick walls when it comes to the airport connector.”

Legacy of Cuts

The OAC groundbreaking ceremony brought out a galaxy of elected officials—Congresswoman Barbara Lee, Oakland Mayor Ron Dellums, and State Assembly members Nancy Skinner (D-Berkeley/Richmond) and Sandre Swanson (D-Oakland)—along with directors from BART and the MTC, labor leaders, and honchos from the Chamber of Commerce. Speaker after speaker congratulated everyone for pulling together and persevering to make the OAC—a “long-term legacy project,” according to Fang—come true.

Abdul Salaam, however, sees something else when she reflects on the development of the project: namely, community interests that were not aligned and different concepts of equity at work. “The people backing the OAC... were never into fair participation,” she observes. “In these times of class disparity, in these economic conditions, to spend $500 million on a project that will serve 4000 people a day, while an entire agency like AC Transit is biting the dust is just immoral. During the civil rights era, issues had to do with being able to access transportation on an equal status. Today the question is—will we even have that public transportation?”

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