



May 26, 2021

Honorable Carlos Romero  
Mayor, City of East Palo Alto

VIA EMAIL: cromero@cityofepa.org

Dear Mayor Romero,

We are reaching out on behalf of our members in the California Retailers Association and the California Business Properties Association regarding the recent direction of the City of East Palo Alto in relation to the Transportation Demand Management (TDM) Ordinance.

As mentioned in the testimony by the President of the California Retailers Association, three of the retailers affected by the ordinance have not had the opportunity to discuss this issue with the council or city staff. In addition, city staff did not proactively reach out to any of the retailers affected to garner their input or provide the opportunity to ask clarifying questions.

First, to be clear, retailers share the council's commitment to environmental sustainability issues and welcome the opportunity to collaborate, but retailers and our employees have unique workplace circumstances that we would like the council and city staff to consider as retail's first priority is the safety of our team members.

We have a few questions and concerns and welcome the opportunity to have a more in-depth discussion with you and your team at the city to collaborate on accomplishing the transportation goals of the council and city staff while maintaining a commitment to the safety of your constituents who work in the retail industry.

**General Ordinance Concerns:**

- What specific retail partnerships have been taken that demonstrate support for this ordinance? Both of our associations reached out to the retail establishments in the city that would be included in the ordinance and confirmed no city representative has spoken to any leader in the retail establishment regarding this ordinance.
- Can retailers provide transportation incentives to achieve this goal rather than penalties/fines (i.e., provide bus passes, track bus pass usage, etc.)?
- 40% reduction for a first-time ordinance seems high. Can we start with a lower threshold? Would this compound year after year (meaning a 40% reduction in 2022, *then another 40% reduction in 2023*)?

- How will public transportation in East Palo Alto change? How will the city address safety concerns? Will additional public transportation routes be offered? Will route schedules be extended, etc.?

### Specific Retail Challenges:

- Retail Safety/Liability Concerns:
  - Employees from various retailers have expressed safety concerns with the local bus. We need to ensure our employees feel safe utilizing public transportation. We are sure council members and city staff share that concern and we welcome the opportunity to discuss in more detail.
  - Retail operations begin at 4 am and end at 11:45 pm. These times do not make it conducive to ride public transportation, bike or walk due to it being dark, cold and unsafe. How would these concerns be addressed in the ordinance? Again, we want to make sure we are putting the safety of our employees at the forefront.
- Daily Tracking Concerns:
  - Daily Tracking for all employee's (both to and from work) is a significant undertaking for any retailer. Daily inquiry to the mode of transportation & miles traveled seems invasive and logistically unmanageable. Is there an alternative we can discuss?
- Discrimination/Privacy Concerns:
  - Retailers (and employers in general) cannot dictate to employees **HOW** they get to and from work (what mode of transportation is used). How would this issue be addressed especially in relation to the appearance of discrimination?
  - Similarly, retailers cannot dictate **HOW FAR** a team member is willing to travel to get to work (reduce mileage). How would this be addressed in relation to discrimination laws that retailers already operate under?

Again, we welcome the opportunity for a conversation with you and city staff to discuss our concerns in more detail. We want to be good partners with the city as we are major employers of your constituents. We want to make sure we find a way to accomplish your goals while maintaining the safety of our employees.

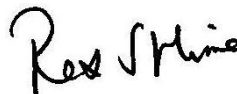
Please do not hesitate to reach out directly to either one of us to schedule a meeting to discuss in more detail.

Thank you, in advance, for the consideration of our concerns and we look forward to our conversation on this issue moving forward.

Sincerely,



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