



Expanding Complete Streets Program to Include Food Access Allows Localities to Tailor Solutions to Specific Needs

Position Statement Supporting House Bill 82

Given before the Environment & Transportation Committee

Mr. Chair, Mr. Vice Chair, and members of the committee, thank you for the opportunity to provide our testimony in support of House Bill 82. The Harvard Law School Food Law and Policy Clinic (FLPC) serves partner organizations and communities by providing guidance on cutting-edge food system issues, while engaging law students in the practice of food law and policy. Specifically, FLPC focuses on increasing access to healthy foods, supporting sustainable production and regional food systems, and reducing waste of healthy, wholesome food. FLPC endorses House Bill 82 because it would take the important step of incorporating food access concerns and solutions into the funding available for local governments from the Maryland Department of Transportation (MDOT) through the Complete Streets Program.

Complete Streets is an innovative program that aims to rethink the ways in which transportation and land use planning decisions are made, ensuring that such decisions address the needs of communities, pedestrians, bicycle utilization, and public transit, alongside the traditional considerations around development of roadways. But food access is also an important land use planning concern, and if it is left out from discussions of planning then localities may wind up exacerbating the challenges residents face in getting to sources of healthy food.

Throughout 2017, FLPC had the opportunity to work with stakeholders in Maryland who were involved in creating the Maryland Food Charter to develop a complementary policy scan of state policies related to the food system as well as opportunities for change. Following a series of interviews, community meetings, and legal and policy research, FLPC published its findings in “A Review of Food System Policies in Maryland.”¹ This report outlined possible initiatives for the state of Maryland to enhance its food production, safety, and waste prevention policies in order to make the state’s food system stronger and better able to serve the people of Maryland. Improving access to nutritious food was one of the main concerns raised by the many Maryland community members and experts with whom we engaged. As one of our suggestions to increase food access, we recommended using urban planning and transportation projects using the Complete Streets program as a way to get money to local governments, who are best suited to understand their local food access barriers and needs. That is exactly what this legislation would do.

Though Maryland is one of the wealthiest states in the nation, more than 1 in 4 of its residents find themselves in food deserts with little access to the fresh produce needed for a balanced diet.² A 2012

1 Emma Clippinger, Ariel Ardura et al., *A Review of Food System Policies in Maryland*, CHPLI (Sep. 2017), http://www.chlpi.org/wp-content/uploads/2013/12/MD-Policy-Scan-report-cover_September-2017.pdf.

2 “Food Deserts” are defined as low-income census tracts where residents are >0.5 miles (urban) or >10 miles (rural) from

report found that 1.2 million Maryland residents, including approximately 300,000 children, live in low-income communities underserved by supermarkets.³ In Baltimore, food deserts have been relabeled “healthy food priority neighborhoods” to recognize that the issue is not a lack of access to *any* food, but rather, to fresh produce and other foods necessary for a balanced, sustainable diet.⁴ In 2015, the Johns Hopkins Center for a Livable Future (CLF) reported that 1 in 4 Baltimore residents lack such access, and of those, 85% are African American.⁵ Utilization of food assistance programs also offer a proxy for food access challenges. In 2017, nearly 684,000 Maryland residents received Supplemental Nutrition Assistance Program (SNAP) benefits, representing 11% of the state population.⁶ In addition, over 45% of students in Maryland receive free and reduced-price school meals.⁷ Many Maryland residents struggle with having enough money to put food on the table, and these same residents often do not have the money to pay for vehicle or transportation needed to get to a food retail outlet. Together, these data demonstrate the need for creative solutions to increase access to healthy food.

Recent reports suggest that newly opened supermarkets in food deserts within at least a 0.5 mile radius measurably increase household availability of healthy foods such as fruits and vegetables while decreasing reported consumption of soft drinks and pastries.⁸ But simply building more grocery stores is not a silver bullet. Healthy food may be abundant in an area, but low-income individuals who do not own a car or cannot afford public transportation are often unable to access it.⁹ The broad language of House Bill 82 equips Maryland Department of Transportation to grant financial assistance through the Complete Streets program to local governments to undertake a broad spectrum of potential food access projects. This funding is very appealing as it allows local governments to draw on examples of innovative programs and projects from across the country and use this funding to implement programs in a way tailored to local needs.

The solutions to food access challenges will vary greatly from place to place. For example, some local governments identify transit issues as being a prime barrier to access. In Austin, Texas, finding this to be an issue, the Austin/Travis County Food Policy Council worked with Austin Capital Metro Transit to start operating a “grocery bus” line with the goal of improving access to grocery stores for low-income neighborhoods. This bus line now links low-income neighborhoods with two supermarkets.¹⁰ Instead of

the nearest supermarket. *Maryland Food System State Summary*, JOHNS HOPKINS CENTER FOR A LIVABLE FUTURE (Jun. 2016), http://mdfoodsystemmap.org/wp-content/uploads/2016/07/State-Summary_June2016.pdf.

3 Stimulating Supermarket Development in Maryland, THE FOOD TRUST (May 2017), http://thefoodtrust.org/uploads/media_items/maryland-supermarket-report.original.pdf.

4 Ian Duncan, *Baltimore Rebrands its Food Deserts*, BALTIMORE SUN (Jan. 17, 2018), <https://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-food-desert-rebrand-20180117-story.html>

5 *Mapping Baltimore City's Food Environment*, JOHNS HOPKINS CENTER FOR A LIVABLE FUTURE (Jun. 2015), https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/research/clf_reports/Baltimore-Food-Environment-Report-2015-1.pdf.

6 Catlin Nchako & Lexin Cai, *A Closer Look at Who Benefits from SNAP*, (Dec. 2018) <https://www.cbpp.org/research/food-assistance/a-closer-look-at-who-benefits-from-snap-state-by-state-fact-sheets#Maryland>.

7 *Free and Reduced-Price Meal Statistics*, MD. DEP'T EDUC. (last visited Jan. 30, 2019), <http://www.marylandpublicschools.org/programs/Pages/School-Community-Nutrition/FreeReducedPriceMealStatistics.aspx>.

8 See S. Rogus et al., *Measuring Micro-Level Effects of a New Supermarket: Do Residents Within 0.5 Mile Have Improved Dietary Behaviors?* 118 J. ACAD. NUTR. DIET 1037, 1037–1039 (2018).

9 See Emma Clippinger, Ariel Ardura et al., *A Review of Food System Policies in Maryland*, CHPLI 24–25 (Sep. 2017), http://www.chlpi.org/wp-content/uploads/2013/12/MD-Policy-Scan-report-cover_September-2017.pdf.

10 Jessica E. Todd et al., U.S. Dep't of Agric., Econ. Research Service, *How Food Away from Home Affects Children's Diet Quality* 3, https://www.ers.usda.gov/webdocs/publications/46352/8170_err90_1_.pdf [https://perma.cc/756T-PXLZ].

adding new bus lines, a local government could identify ways to reroute existing bus routes to better serve the changing landscape of residents and food retailers and ensure that all are able to get to the store. Another solution might be bringing food to transit hubs, as most residents are able to get to those hubs. For example, the Metropolitan Atlanta Rapid Transit Authority operates the Fresh MARTA Market in Atlanta, Georgia, which brings farmers markets to four public transportation stations in neighborhoods with limited healthy food access.¹¹ These are just a few examples of creative ways that local governments have identified to address the local need and context of their food access challenges. House Bill 82 would provide the funds to allow for these and other such creative and appropriate local solutions to take route throughout Maryland.

For other localities, the best solution to food access challenges might, by contrast, entail land use planning that allows (and preserves land for) more local food production. As an example, in Seattle, Washington, local land use rules require land be dedicated for one urban garden for every 2,500 residents; local zoning rules also allow for street side planting strips for local gardening and farming enthusiasts.¹² Many localities across the country have used their zoning and land use planning to increase space for urban farming, as urban food production increases food access by infusing healthy food into the city's identity and culture. House Bill 82 opens opportunities for local governments to identify their unique land use planning needs and apply for funding that can more precisely address those needs.

Most importantly, House Bill 82 requires localities to consider food access in areas designated as “food deserts” when they are making other land use planning decisions that affect their Complete Streets designation and potential funding. Often food access in these deserts is further restricted when decisions are made that do not account for the impacts they may have on residents’ abilities to get to their nearest food outlet. For example, city planners may build a highway or major thoroughfare across the path pedestrians use to get to a vital grocery store. Even if localities are not thinking proactively about increasing food access, the addition of food access to the Complete Streets program requires them to ensure they do not harm food access in planning and decisions ostensibly undertake using the Complete Streets model.

While several states have also taken steps to incorporate bike lanes and pedestrian access into their comprehensive “Complete Streets” grant programs,¹³ Maryland would be an innovator to use the Complete Streets approach to prioritize food access. With this bill, the MDOT would require local governments to consider food access in their Complete Streets applications and would empower local governments to apply for funding for a variety of cutting-edge food access solutions that best serve their local residents.

In conclusion, FLPC supports the goals of the “Complete Streets – Access to Healthy Food” bill. Food access is a complex problem which demands innovative solutions. By empowering local governments to identify these solutions and providing them support to implement them, Maryland can tailor food access solutions to the needs of specific jurisdictions and be an innovator in fusing the Complete Streets program with the nutritional needs of its citizens.¹⁴

11 *Fresh MARTA Market*, Community Farmers Markets Atlanta, <http://cfmatl.org/marta/> (last visited Jan. 31, 2019).

12 *See Food Gardening: Growing Food in the City*, SEATTLE.GOV (last visited Jan. 30, 2019) <http://www.seattle.gov/util/EnvironmentConservation/MyLawnGarden/FoodGardening/index.htm>.

13 Wash. Rev. Code § 47.04 (2012).

14 Dr. Karen Salmon, *Maryland Nutrition Standards for All Foods Sold in School*, M.D. PUBLIC SCHOOLS (Jun. 2018), <http://marylandpublicschools.org/programs/Documents/Nutrition/MDNutritionStandardsforAllFoodsSoldJune%202018policychart.pdf>.