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**An Evaluation of Environmental Justice and Environmental Equity:
Laws and Issues that affect Minority and Low-Income Populations**

by

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Research Report SWUTC/08/167921-1

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ABSTRACT

Environmental justice and transportation equity concerns pertain to discriminatory outcomes in planning, operation and maintenance, and infrastructure development by state and metropolitan systems. On February 11, 1994, President Bill Clinton signed Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Two major federal laws, the National Environmental Protection Agency (NEPA) and Title VI of the Civil Rights Act, are highlighted in the Executive Order. This study provides an overview of literature and case studies regarding Environmental Justice issues and concerns. Additionally, the study includes survey responses of state DOT's and MPO's about their methods of addressing environmental justice in planning and projects.

EXECUTIVE SUMMARY

Many people believe that communities of color, especially those within inner cities, are subjected to a variety of environmental and economic injustices. An article published called “Transportation Racism and New Routes to Equity” (Bullard et. al., 2004) notes that some of our transportation policies and practices still destroy stable neighborhoods, separate and disperse communities, leaving disconnected neighborhoods struggling to survive. These communities are often removed from enclaves of jobs and economic growth centers. Further, a number of authors contend that reliance on the automobile, current land use practices and transportation designs perpetuate suburban sprawl. Large numbers of people commuting to urban area jobs add to the problems of air pollution and traffic congestion. Dispersed development patterns are particularly hard on low income residents, who are transit dependent. A history of locating facilities known to be high polluters in communities of color further encourages segregation and increases white flight to the suburbs, which lowers the tax base from inner cities and can exacerbate urban inner city financial problems. Additionally, the rapid development of a city’s outlying areas uses excessive amounts of vacant land, which are important to a region’s ecological balance, leading to unsustainable communities.

In addition to job access, people who are elderly, mobility-impaired, or have low incomes rely on public transportation to link with essential services, educational and employment opportunities, health care, social and other governmental services. Officials responsible for choosing the location of public and health facilities typically focus on the lowest immediate costs associated with site acquisition. For federal, state, county and municipal public service offices, this issue is particularly acute since public revenues are scarce and highly competitive. Often forgotten in the long-term success of a facility is whether a transportation system exists, which can provide efficient, affordable access for the people who need the services most. The real cost of the facility is not considered, if the transportation costs for accessibility are disproportionately borne by those who can least afford the funds.

Recent efforts target inclusion in the planning and locating of transportation projects and public facilities. Steady improvement has been realized over the last several decades, reversing past trends where minorities and other underrepresented groups did not have the opportunity to participate in the planning process for public facilities. Historically, individuals from these communities had little or no influence on public projects that impacted their neighborhoods. Another problem is that cumulative project effects are not well considered in the planning process. For example, a department of transportation constructing a roadway does not consider a factory under construction along the planned roadway. Thus, environmental impact for each project will be evaluated separately, underestimating the potential affect on nearby residences. In his work, Dr. Robert Bullard (1993), the Director of Environmental Justice Resources Center at Clark Atlanta University, writes that environmental justice linked with sustainability and cumulative risks such as the ones just described should be addressed in the public planning, review and decision making.

Minority, low income and other historically underrepresented communities need confidence that government policies will focus on environmental, social and comprehensive analyses in planning and implementing public projects. The trends toward greater and more varied avenues of

communication must continue. Each department of transportation that responded to a survey associated with this research has increased its outreach and inclusion in its transportation project development process. They are incorporating known community leaders and organizations as liaisons, bolstering traditional public involvement processes. This has allowed greater voice to individuals that are not traditionally heard.

Implementation of projects that unite, instead of creating barriers, and that promote community and economic development is the goal. Well planned projects can stimulate or otherwise enhance stagnate communities contributing to community revitalization, especially if communities are part of the decision making process. This work includes a brief historical background, case studies, and survey responses from state departments of transportation and metropolitan planning organizations. It is intended to be a resource document summarizing key aspects of the practice in environmental justice.

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CHAPTER 1

INTRODUCTION AND BACKGROUND

What is Environmental Justice and Environmental Equity?

A deep plethora of literature exists about Environmental Justice and Environmental Equity. Conferences and symposiums explore the concept, define it and case studies show application. This work largely synthesizes efforts of others to conceptualize the state of knowledge regarding environmental justice. Primary research in this report consists of a survey conducted by these researchers. The Environmental Protection Agency (EPA) defines Environmental Justice as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies" (www.epa.gov/compliance/environmentaljustice, retrieved June 28, 2006). Fair treatment implies that no racial, ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises and from the execution of federal, state, local, and tribal programs and policies. Others describe Environmental Justice as a movement consisting of civil rights activists and environmentalists working to ensure the rights of low-income and minority communities with respect to clean and healthy environments. In a general sense, it includes concerns for disproportionate risk burdens placed upon any population group, as defined by gender, age, income and race. To date, most attention has been directed at Environmental Justice with respect to income and race. The following represents important definitions related to Environmental Justice as described in Federal Highway Administration and Environmental Protection Agency guidelines.

- Affected Communities -- individuals or groups of individuals which are subject to an actual or potential economic or environmental health threat arising from pollution sources or proposed polluting sources.
- Low-Income Community -- a population that is classified by the U.S. Bureau of the Census as having an aggregated mean income level for a family of four that correlates to \$19,157 as per the poverty threshold 2004, adjusted through the poverty index using a standard of living percentage change where applicable, and whose composition is at least 25 percent of the total population of a defined area or jurisdiction.
- Pollution Prevention -- the reduction or elimination of pollutants through source reduction, increased efficiency in the use of raw materials, energy, water, or other resources; or the protection of natural resources by conservation. Pollution prevention measures reduce the amount of pollutants released into the environment prior to recycling, treatment and disposal.
- People of Color Community -- a population that is classified by the U.S. Bureau of the Census as African American, Hispanic American, Asian and Pacific American, American Indian, Eskimo, Aleut and other non-white persons, whose

composition is at least 25 percent of the total population of a defined area or jurisdiction.

- Tribe -- all federally recognized American Indian tribes (including Alaskan Native Villages), pueblos, and rancheros. The term tribe refers to only federally recognized indigenous peoples. Other indigenous peoples are able to apply for grants as other eligible grass-roots organizations as long as they are incorporated.
- Risk Reduction -- the process of estimating and comparing the dimensions and characteristics of risks, and determining the feasibility and costs of reducing them, to determine which future actions to take to achieve the greatest reduction of the most serious threats.

The purpose of this work is to examine the literature, collect example case studies and conduct a survey of MPOs and state DOTs to determine the state of the practice relative to Environmental Justice.

CHAPTER 2

REVIEW OF THE LITERATURE

History of Environmental Justice and Environmental Equity

A small, predominately African-American community in Warren County, North Carolina was the catalyst for the Environmental Justice and Equity Movement as the state of North Carolina decided to build a toxic waste landfill in an overwhelmingly low-income and minority community in Warren County in 1982. This landfill was created for the disposal of PCB-contaminated soil that was removed from fourteen counties throughout the State. To protest this decision, several Civil Rights and environmental activists worked to stage numerous demonstrations, which resulted in the arrest of more than 500 people. Some of those arrested included Dr. Benjamin F. Chavis, Jr. (former Executive Director of the National Association for the Advancement of Colored People), Dr. Joseph Lowery of the Southern Christian Leadership Conference, and Congressman Walter Fauntroy (D-DC) (Bullard, January 1, 2004).

Warren County became a rallying point for many who were eager to see national attention focused on the inequities in the siting of unwanted land uses. At the request of Congressman Walter Fauntroy, the U.S. General Accounting Office (GAO) conducted a study of the states comprising Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). The purpose of the study was to determine the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities. The findings from the study indicated that three out of every four landfills, in the Environmental Protection Agency's (EPA) Region IV, were located near predominately minority communities (Community Coalition for Environmental Justice, 1993). Similarly, a 1987 Commission on Racial Justice (CRJ) report showed that the most significant factor in determining the siting of hazardous waste facilities nationwide was race. The CRJ study found that three out of every five African-Americans or Hispanics live in a community near unregulated toxic waste sites. Additionally, the study noted that African-Americans were disproportionately represented in the populations of metropolitan areas with the greatest number of uncontrolled toxic waste sites (Commission on Racial Justice, 1987). Other studies have supported the premise of race as a significant factor in the siting of unwanted land uses. These studies also point to the fact that economic considerations play a significant role in the decision to locate toxic waste sites in predominately minority communities. Often, poor communities are intentionally chosen to host undesirable land uses simply because there is no expectation of resistance from community residents or their leaders.

The first conference on Transportation: Environmental Justice and Social Equity was held in Chicago, Illinois, November 1994. The conference was sponsored by the Federal Transit Administration (FTA) and the Surface Transportation Policy Project (STPP) and hosted by the Center for Neighborhood Technology (CNT). The purpose of the meeting was to bring forth issues and begin dialogue between those affected and those responsible for meeting transportation challenges. The meeting brought together over 150 people representing various community groups, federal agencies, national non-profit organizations, and local officials. Many people with years of experience in implementing policies and projects came together with those

impacted by their efforts. The intent was to begin a strategy to relieve some of the pain caused by past decisions and to recreate the planning and decision-making process for future investments to benefit all communities, particularly, low income and minority communities and tribal communities. The group also realized that transportation investments could serve as a framework or seed for economic redevelopment as well as provide access to the jobs, services and recreation that all people need (Transportation: Environmental Justice and Social Equity Conference, 1994).

Another important conference point was the level of transportation investment in rural areas, especially for transit based investments. It was noted by some attendees that previous federal funding legislation had not been friendly to rural transit. To highlight the problem, it was noted that the make ups of most state highway commissions are not representative of the state's population in race or gender.

Recognition of the history and importance of the disproportionate negative impact of projects on traditionally disenfranchised populations culminated in President Clinton's Executive Order 12898. The essence of the order is to require projects utilizing federal dollars to investigate the potential impacts of their project on disadvantaged communities and include these communities in the planning and implementation stages. Timetables for responses were established. The EPA responded by initiating an Environmental Justice Strategy, which focuses on the Agency's efforts in addressing these concerns.

An Analysis of Environmental Justice Issues and Concerns

At the 1994 conference, Dr. Robert Bullard, Director of Environmental Justice Resources Center at Clark Atlanta University, asserted that environmental justice equals sustainability, and even though the Department of Transportation did not participate in the original work on environmental justice, now is the time for that agency to be more assertive in environmental justice protections. There are many issues that must be addressed, including cumulative risks. There are clear violations of Title VI of the Civil Rights Act in the use of federal transportation funds. The 1964 Civil Rights Act must be enforced. Another enforcement issue arises in the National Environmental Protection Act (NEPA) and the social impacts that need to be included in assessments. Dr. Bullard also challenged the definition of "environmentalism."

According to Dr. Bullard, "environmentalism" must be redefined to include the total community of where we live and work as well as the natural environment (Panel 2 Discussion, From Rhetoric to Reality; Transportation Environmental Justice and Social Equity Conference, 1994.)

Public Participation

Environmental justice guidelines and practice stress the need for communities to be involved in the planning as well as the evaluation stages of transportation. It is important that agencies coordinate with a cross section of community organizations that represent the public and that bring critical issues to the table. Public participation is needed for all citizens in decision making and in the planning process for the development of more equitable solutions to facility location matters, especially the transportation needs of minorities and low-income people that often

overlooked. One of the intense challenges for government agencies is to not only provide citizens the opportunity to comment, but incorporate those comments into design stages; citizens must be involved throughout the entire planning, evaluation and implementation process.

Access to Public Transportation

Many citizens are locked out of opportunities for education, employment, healthcare, social and other essential or governmental services because they have no transportation and are not included in the processes through which transportation policies and plans are made. This is one example of an environment justice infraction. Similar to the private sector markets, policy officials tend to focus on the lowest immediate costs associated with sites, using conventional marketplace criteria in making their decisions for federal, state, county and municipal public service offices. Criteria include the price of land, construction costs and build-out expenses. Such costs are also the criterion applied to decisions about a wide range of public facilities, including county hospitals, post offices, public welfare offices, transit services and accommodations for senior citizens, and public housing complexes. The rationale is that the government must get the best deals for the tax payer money. A transportation system that can provide people with efficient and affordable access to these locations is a factor that is often overlooked in the long-term success of a facility. If the people who need the services most are unable to easily use them, even the best facilities are useless.

A community's ability to provide services such as educational and cultural programs and to aid in economic development, an asset upon which communities can build and develop, is largely dependent upon the positive role of transportation to that community. It can allow communities an option to suburban sprawl, which contributes to deterioration in inner cities, often negatively affects the environment and creates public health problems.

However, there is an inequity in the expenditure of public funds on urban/rural poor and communities of color in comparison with those spent on wealthy/suburban communities. Many communities believe that government has a responsibility to correct its historical lack of investment in inner city communities.

Locating Public Facilities

Sometimes, government programs and policies do not work in tandem which is a concern. Even in agencies with a mandate to promote access, the agency's real estate office, working in isolation, may locate inaccessible facilities. In contrast, transportation programs working closely with housing, health, education, and other community service systems, can dramatically enhance equity and environmental quality. However, the essential connection between transportation and the location of governmental services is part of a broader issue. Transportation planning usually focuses on mobility issues, but location and access can play a much more important role by making sure that government offices are near the people who need to use them.

Access to Health Care

Health care facilities already exist to serve the poor and the uninsured, but many people are not able to benefit from these health services due to the lack of transportation. Facilities are often located in areas not served by public transportation and those without automobiles have to rely on expensive alternatives such as taxis, ambulances, or even a car rental. Some Americans choose to use their money needed for food and shelter either to get to the clinic for routine check-ups or to go without preventive health care. Sometimes, emergency care becomes the only kind of care that they receive. Transportation's impact on health care is likely greater than generally considered.

The Tahana Whitecrow Advocacy Alliance organization in Oregon described how public transportation issues are critical to the Native American community. For the urban Native American community, transportation has sometimes been a barrier and sometimes a lifeline to services, particularly health care. This Oregon community worked together regarding transit access to a local health clinic. The public transit line serving that population stopped roughly one mile from the only Native American medical clinic. Transit-dependent patients, including patients who were sick, pregnant, disabled, elderly or simply in need of routine check-ups were forced to walk a mile on what amounted to be a muddy trail because there were no sidewalks. The Tahana Whitecrow Advocacy Alliance asked the transit agency on behalf of the community to extend the transit line an additional mile. The General Manager denied their request. It took protests, legal challenges, and a new General Manager before the community won the mile-long extension (Panel 2 Discussion, From Rhetoric to Reality; Transportation Environmental Justice and Social Equity Conference, 1994).

Contra Costa's citizens in San Francisco were more successful in their efforts. They engaged the NAACP Legal Defense and Educational Fund to file a class-action lawsuit to prevent the County from building a new hospital in an area inaccessible to poor and minority residents. Although the hospital was already under construction, the federal district court halted the project, citing that construction of the new county hospital in Central County, without any improvement in public transportation or the availability of health care services to the Western and Eastern Counties near poor minorities, will, in effect, entrench and perpetuate the county's alleged systemic discrimination against the county's indigent minorities (U.S. District Judge Sandra Brown Armstrong, August 1994). Judge Armstrong also made it clear that looking at statistics on travel time for all county residents was not relevant; only data that zeroed in on the people who actually used the hospital were to be considered.

Transit Linkage

Transportation's interrelationship with service delivery needs to be viewed from three perspectives: 1) public participation in decision-making, 2) citizens access to facilities, and 3) community economic development. Sometimes, fragmented governmental authority is responsible for instances of social inequity. Usually, a capital planning, real estate, or procurement office does the work of finding locations, negotiating leases, and purchasing properties. Often the operating agency which will occupy the facility is not involved in the siting

process, even though it will be accountable, ultimately, for providing services and is in the best position to understand the potential impacts that siting decisions can have on their clientele. Clearly, operating agencies should be more closely involved in the location of their facilities so they can be held accountable for their success in providing services, but often, in those rare instances when the best possible site for a facility is in an area not served by public transportation, the government agency is responsible for working with transit officials to provide efficient public transit access to the site-using the provisions of the TEA-21 transit legislation. Further, the need to expand limited public transit service is extremely acute in rural areas, as well as in inter-village/town transportation where no public transit access exists and thus maintains a serious, chronic barrier to accessible government services.

Transit-Oriented Development

Transit-oriented development (TOD) involves promoting densification, mixed land uses, and design for human scale. Critics have charged that many of these concepts lead to gentrification—many "neo-traditional" neighborhoods are too expensive for low-income individuals. Communities have been relatively unsuccessful in identifying long term solutions that maintain a level of affordability in TOD neighborhoods. The California legislature is currently considering a bill that would allow for "mixed-income" zoning, requiring new developments to contain at least 15 percent affordable housing (Senate Bill 46, As Amended: July 5, 2997).

The project or area served by the grant must include 15 percent of units that will be affordable to renters earning no more than 60 percent of the area median income or homeowners earning not more than 120 percent of area median income. It also requires rental units remain affordable for 55 years and ownership units be sold to qualified households and subject to resale restrictions for at least 30 years (http://info.sen.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_46_cfa_20070709_132639_asm_comm.html).

Transportation advocates view TOD as a proven strategy to reduce commuting pressures and the inducement of traffic flow and continued sprawl. It is believed that zoning changes can also vary property use within city blocks, giving people easy access to more services.

Public Transportation

Even the most successful low-income community economic development program will not be successful without transportation services that are affordable, efficient, convenient, and that cover sufficient territory. For many economically disadvantaged individuals, mass transit may be the only form of transportation accessible. Low-income people constitute the largest share of total public transit ridership.

Although U.S. public transit services in some locales deteriorated between the 1980s and 1990s, there is renewed interest in public transit as a means of alleviating congestion and air pollution, and of improving access and mobility. The passage of ISTEA, TEA21 and SAFETEA-LU granted municipalities the latitude to shift highway funds to transit projects and promoted

coordination of transportation and land use. These bills provided a clear signal that communities are beginning to recognize the strains resulting from extreme auto dependency.

Federal Response to Environmental Justice Issues and Concerns

Following the Clinton Administration's issuance of its Executive Order on Environmental Justice in 1994, activists called for an advisory council initiating a process of inclusion with the EPA and established the National Environmental Justice Advisory Council (<http://www.epa.gov/compliance/environmentaljustice/nejac/index.html>). ISTEA, TEA-21, and SAFETEA-LU not only contain strong public participation rules, but offer a variety of funding sources to facilitate community development and adequate local transportation including the Congestion Mitigation and Air Quality funds (CMAQ), statewide transportation enhancement funds, and flexible funding for Surface Transportation Program (STP) projects which include roads, transit, bicycling, and walking. Low-income communities can take advantage of these funding opportunities as they offer greater emphasis on transit, bicycling, walking, and travel modes dominant in low income neighborhoods.

Transportation officials must ensure that their transportation plans comply with Title VI of the Civil Rights Act, a requirement made by ISTEA, TEA 21, and SAFETEA-LU. Although some see this as a barrier, Title VI requires that any transportation investments or policies involving federal funds, such as the siting of highway corridors or the implementation of congestion pricing do not disproportionately harm communities of color.

Rural areas, with less than a fourth of the nation's total population but nearly forty percent of the nation's poor only receive about 7 percent of transportation funds. The limited potential for funding in rural areas is also compromised by the difficulty rural communities encounter in meeting the 50 percent operating expenses (collected mainly through fares) matching fund requirement that is often stipulated at the state level (Surface Transportation Policy Project, 1995).

Access

Questions on measures of system accessibility include: 1) Coverage and extent. Is a transit line or arterial near the minority neighborhood under consideration? Are minority groups in the region likely to depend on transit for their local travel? Do transportation options link housing with services and employment sites? 2) Service level. How often does the bus come by? How crowded is it? Urban minority neighborhoods are sometimes characterized by packed buses, and pass-ups. Some systems provide higher quality service for suburban park and ride patrons, buses with luggage racks, reading lights and higher quality seating. Unpaved roads or no transit service at all is usually par in rural areas.

Assessing Transit Investment

A civil rights or environmental justice analysis could: examine investment patterns proposed in the long-range plan or transportation improvement program; seek to pinpoint the percentage of road and transit funding going to areas with high proportions of minority residents, and how this investment pattern compares to the population pattern in the region or state; ask whether adequate funding is being devoted to maintain older areas with high minority populations or is the bulk of funding being devoted to new projects in newly developing areas; determine if low-income and minority communities are receiving older, less reliable transportation equipment and vehicles than wealthier communities.

When discussing questions of fairness, the disproportionate subsidization of transportation services for wealthier communities can be examined. The Labor Community Strategies Center in Los Angeles pointed out that overcrowded bus routes in its center city actually break even or make money while the new commuter rail lines to outlying suburbs require tax subsidies of \$10-\$20 per rider.

Los Angeles recently decided to use revenues from a new one-cent sales tax for high-occupancy vehicle lanes and commuter rail instead of buses, upon which extremely poor people depend (www.thestrategycenter.org/projects-nationalschool.htm, July 7, 2007).

CHAPTER 3

FEDERAL AND STATE LAWS REGARDING ENVIRONMENTAL JUSTICE AND ENVIRONMENTAL EQUITY

Federal Laws

Suitable transportation policies are needed that will benefit people from all walks of life regardless of age, mobility, or economic standing who rely on public transportation for education, employment, healthcare, social activities and governmental services. To assure that citizens are not adversely affected and discriminated against, the Federal government has passed many federal laws and legislation such as:

- Intermodal Surface Transportation Efficiency Act (ISTEA)
- Executive Order 12898
- National Environmental Policy Act (NEPA)
- Title VI of the Civil Rights Act of 1964 (TITLE-VI)
- The Transportation Equity Act for the 21st Century (TEA-21)
- Executive Order 11514
- Title-III of the Americans with Disabilities Act of 1990 (ADA)

These laws have forced State DOTs and MPOs to adhere to many new guidelines and regulations, which will make public transportation accessible to all citizens and ensure against discrimination to economically disadvantaged populations. Prior to the passing of ISTEA legislation in 1991, minorities in low-income communities were disproportionately underrepresented in transportation decisions affecting their communities. ISTEA stressed already existing directives that all citizens be allowed the opportunity to provide input into local transportation decisions that affect their communities.

Executive Order 12898

The new Clinton administration brought about changes in the law and an overall reception to these laws by government officials. On February 11, 1994, President Clinton signed Executive Order 12898 that directed each federal agency to develop an environmental justice strategy for identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Further, this order provided minority and low-income populations an opportunity to comment on the development and design of reclamation activities. Monies were allocated to federal agencies and state governments to assist communities in developing strategies to combat local environmental problems. This law works in conjunction with the National Environmental Policy Act and Title-VI of the Civil Rights Act.

National Environmental Policy Act (NEPA)

In 1969, NEPA was established by Congress, to declare a national policy, which will:

- encourage productive and enjoyable harmony between man and his environment
- promote efforts which will prevent or eliminate damage to the environment and biosphere
- stimulate the health and welfare of man to enrich the understanding of the ecological systems and natural resources important to the Nation
- establish a Council on Environmental Quality (NEPA Section 2)

The idea behind NEPA was to spearhead environmental justice by setting regulations that assist MPOs and DOTs in recognizing disproportionate environmental impacts and try to avoid them whenever possible. In the past, low-income populations and minority populations were more likely to be exposed to physical displacement and adverse impacts on their cultural institutions, traditional forms of land use, community cultural character, religious practices, and financial well being. To combat this type of discrimination, NEPA demands direct consideration of Title-VI legislation.

Title-VI of the Civil Rights Act of 1964

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Title-VI of the Civil Rights Act of 1964 is a national law which states that, “No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This set a rationale that the government, local or federal, must provide equality for all citizens. In terms of transportation, Title-VI helped to provide increased accessibility to public transportation and weighed the economical and environmental effects of proposed actions in communities. Operating on the premise that minority communities have received inadequate transportation funding in previous years, Title-VI helped set the stage for the dramatic changes in the way MPOs and DOT’s formulate their policies and plans (Title-VI of the 1964 Civil Rights Act: 42 U.S.C. 2000d-1).

With the ending of ISTEA’s (Intermodal Surface Transportation Efficiency Act)six-year authorization period in 1997, Congress passed The Transportation Equity Act for the 21st Century (TEA21), which set the national policy regarding surface transportation program for the next six-years from 1998 to 2003. Thereafter, SAFETEA- LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act- A Legacy for Users) provided the framework for the next years of transportation policy and implementation.

The Transportation Equity Act for the 21st Century (TEA-21)

The Transportation Equity Act for the 21st Century was enacted on June 9, 1998, as Public Law 105-178. TEA-21 is a six-year, \$217 billion authorization of federal highways, bridges, and the work of programs originated under ISTEA. TEA-21 provides technical corrections and maintains ISTEA's emphasis on local involvement in transportation decision-making. TEA-21 is the largest federal transportation measure ever passed by Congress and was signed into law on June 9, 1998, by President Bill Clinton. Similar to its predecessor ISTEA, TEA-21 also reinforces compliance with Title-VI and NEPA.

Safe, Accountable, Flexible, Efficient Transportation Equity Act- A Legacy for Users (SAFETEA- LU)

In summary, the legislation supports the idea of decentralizing, meaning placing greater authority in the hands of local transportation officials. Until the passing of ISTEA and TEA-21, state agencies distributed highway and transit funds in the amounts set aside in the law. Thereafter, two of the categories (CMAQ and STP) allowed greater local discretion. As such, one of the major concerns of ISTEA and TEA-21 was to ensure citizen involvement through a documented public involvement process. O'Toole (1997) argues that ISTEA puts too much power in the hands of public officials. He further suggests that ISTEA's public involvement requirements are intended to foster transportation-decisions that will more accurately reflect the public's interest. In the past, these decisions have been most responsive to highway contractors and developers. The goal of ISTEA and TEA-21 legislation is to encourage and promote a combination of central city officials, along with citizens and private interests to coordinate their planning efforts. TEA-21 mandates that MPOs have regular public meetings, which will occur prior to the approval of the TIP, the Metropolitan Transportation Plan, and the Unified Planning Work Program (UPWP). Any supplemental public notices should also take place prior to TIP and Metropolitan Transportation Plan amendments. These new TEA-21 regulations provide a way to explore alternative transportation projects, promote creative thinking, decentralize the power of public officials and provide for broader decision-making with the public.

Moreover, over the years Congress has passed many different legislative acts to increase mobility and provide public transit accessibility such as: ISTEA, Executive Order 12898, NEPA, Title-VI and TEA-21. These federal laws have been a major driving force in public involvement, environmental justice, and the overall effort in the fight against transportation discrimination. These laws are beneficial in that they help to create jobs, improve safety, encourage transit use, create a better quality of life, and are greatly contributing to the well being of the citizenry. Additionally, transportation plays an integral part in creating socially just and financially stable communities. Working in concert with housing, health, education and other community systems, transportation programs can dramatically enhance equity and environmental quality.

CHAPTER 4

CASE STUDIES

Atlanta

The city of Atlanta's Metropolitan Transit Authority (Marta) has experienced several lawsuits involving environmental equity issues in the public transportation arena. One involved the Labor/Community Strategy Center (LCSC) organization in Los Angeles which filed a lawsuit against Marta. The civil rights lawsuit was prompted by Marta's decision to pass a 25-cent fare hike for bus routes and to discontinue their discounted \$42 monthly bus pass. The lawsuit alleges that this change would make transit trips unaffordable for many people. LCSC teamed up with several groups, including the NAACP Legal Defense Fund to charge Marta with class bias, discrimination against people of color, and malfeasance, because the typical bus passenger has an income of under \$15,000 and no car, and 81 percent of them are people of color. In the meantime, they argued Marta was spending the vast majority of its discretionary funding on light rail projects that primarily benefited wealthier white communities. This lawsuit was unprecedented because it was the first time that Title VI of the 1964 Civil Rights Act was being applied to a transportation issue. It was also important to LCSC's overall vision for transportation reform for the region, which outlines plans to empower people through accessible transportation and economic development (Rhetoric to Reality; Transportation Environmental Justice and Social Equity Conference, 1994).

Washington, DC: A Metropolitan Case Study

The District of Columbia in Washington, D.C., like many local governments, faces increasing budget pressures. In February 1994, the mayor proposed a budget that raised new revenues \$50 million from an increase in local parking taxes and \$9.9 million from an increased tax on gasoline. At the same time, as the mayor's proposal to raise revenues, she also proposed to make spending cuts to balance the budget. The budget reduced the city contribution to mass transit by \$14 million (Gawain Kripke, 1995).

Commercial parking lot owners quickly organized a campaign against the parking tax increase. They hired a local firm to produce a study and provide leaflets to as many customers as possible. Local business organizations loudly criticized the tax increase and argued that it would cause more downtown businesses to leave the city. A coalition of environmentalists, citizen groups, and transportation activists organized a joint letter to the city council urging support of the parking and gas tax increases and opposing the transit cut. In addition, many low-income advocates, elderly citizens, and disabled people testified before the city council and other decision-making bodies to argue against the transit cut.

Environmental and transportation activists argued that parking and gas taxes should be viewed as user fees because motorists in the District receive benefits in the form of public roads, street parking and orderly traffic enforcement. Many motorists, who make daily use of the streets of DC, pay very little or nothing in taxes to the District for these benefits. Boisterous outcries against the transit cuts came when it became clear that this would translate into fare increases.

Local activists argued that riding to work on a bus or rail is far more energy efficient and causes less air pollution than driving, and that fare increases would especially hurt lower-income residents and disabled persons because these disadvantaged people use transit more.

The city council stripped the budget of the parking and gas tax increases, but assigned the issue of transit cuts to the relevant committee. After a strong public response in hearings, the chairman of the transit committee returned the issue to the full city council advising no cuts. To make up for the shortfall, the council adopted legislation to impose a parking fee on non-taxed parking spots including those owned by the federal government and non-profit institutions. The city council did this under the rubric of clean air law, thereby inducing the federal agencies to comply with the local measures to meet clean air standards.

Successful Example of Community Organizing

The Urban Habitat Program of the Earth Island Institute collaborated with the Bayview Hunters Point community, the largest African-American community in San Francisco, to formulate a plan in which development of a largely abandoned industrial zone would support the needs and goals of the community. The joint work of the New Bayview Committee and Urban Habitat focused on incorporating the perspectives and needs of the community into the planning and evaluation process, and linking the communities' needs and vitality to regional needs and vitality.

Urban Habitat, working with the New Bayview Committee and other Bayview Hunters Point residents, developed the first community-designed transit system plan based on social and environmental justice criteria in the country. The goal of Urban Habitat was to help the community articulate its vision of an effective, convenient and accessible transit system for the neighborhood and to secure consideration of the community plan by the San Francisco Municipal Railway (MUNI), which was in the process of outlining options for the Bayshore corridor. Urban Habitat and the New Bayview Committee challenged the assumptions of MUNI and submitted a hybrid alternative to four proposals by the transit agency, MUNI. The hybrid alternative incorporates options to address the social and ecological justice criteria.

Engaging the community throughout the planning process was the role of Urban Habitat, along with providing access to technical and professional knowledge about issues and options and advocating for the plan at city and county levels. Frequent communication with city elected officials and agency staff was pivotal in building support for the project and will continue to be the cornerstone in their efforts to have the Community Hybrid Alternative adopted as the design plan for the Bayview Hunters Point transit system. After a positive finding of the Major Investment Study (MIS), the project can be submitted to the MPO for approval and acceptance into the regional Transportation Improvement Program (Hobson, Jeff; Spring, 2007).

South Carolina Route 72

The South Carolina Department of Transportation (SCDOT) is proposing to widen approximately 15.5 miles of two-lane SC 72 from the South Carolina side of Richard B. Russell Lake, an impoundment of the Savannah River, through Calhoun Falls to GA 28, west of the town of Abbeville, in Abbeville County. This project is also part of a larger two-State, long-range plan

to provide a multilane highway between Athens, Georgia and Charlotte, North Carolina, to help attract industry and promote economic development (Adkins, 1999). Calhoun Falls is more than 60 miles from the nearest interstate highway. Upgrading GA 72/SC 72 to a multilane highway would improve access to Calhoun Falls and make it a more attractive location for manufacturing and distribution facilities. Additionally, operational costs would be relatively inexpensive, and markets in Atlanta, Columbia, and Charlotte would be only about 2 hours away by truck (Adkins, 1999). The project team felt that it was important to actively involve the Bucknelly community because some of the proposed alternatives would generate disproportionately high and adverse effects upon its predominantly minority population. A public meeting for the community attracted only a few African Americans.

The Federal Highway Administration (FHWA) and the SCDOT teamed to conduct kick-off meetings in Calhoun Falls and in Abbeville with representatives of both Calhoun Falls and Abbeville County. Meetings were also held in the community of Bucknelly. In addition, Calhoun Falls Mayor and Town Council and Abbeville County Council and Economic Development Board were involved in the process.

At least one of the six proposed alignments for this project would traverse a minority community in Calhoun Falls known as Bucknelly. SCDOT and its consultants wanted to involve this neighborhood in the decision-making process about these road improvements, but they were initially unsure of the best ways to generate and maintain community participation.

The project team decided on a series of community workshops. After discussion, the Bucknelly community indicated their preference for the “yellow brick road” alternative, which did not divide the community. After the Bucknelly meeting, the project team decided to drop four of the alternatives. They carried forward, for detailed study only, the yellow brick road and Abbeville County's “purple southern bypass” alternatives. While the yellow brick road showed adverse effects for some commercial businesses, it also presented an opportunity to address some areas in need of redevelopment. Following the second series of workshops, the project team recommended the yellow brick road alternative as the Environmental Assessment's preferred alternative.

Fruitvale Transit Village Project

Fruitvale, located southeast of downtown Oakland, began to change with new freeway construction in the 1950s. The freeways allowed canneries and factories in Fruitvale to move farther away where land was less expensive. The community's white, middle-class residents followed the jobs. Fruitvale's business district went into decline and the community became like many other low income, inner city neighborhoods without jobs or adequate housing. An advantage for Fruitvale was strong community-based organizations and a BART station, which could serve as a nucleus for a development plan. A series of community workshops and studies were conducted with an eye to creating a plan that integrated residential, retail and businesses into the BART transit station development. The plan recommended a plaza-like link between the BART station and the business district one block away that included a public gathering space for concerts and other venues (Martinez, 1992).

For information and literature on additional case studies, see Appendix C.

CHAPTER 5

ENVIRONMENTAL JUSTICE SURVEY OF MPOS AND DOTs

Selected questions from a survey of states add information to that learned through the case studies. A survey instrument was mailed to all states and a number of Metropolitan Planning Organizations as part of an inquiry about environmental justice practices; 19 states responded and 10 MPOs. See Appendix B – 1 for a list of the states and the MPOs that responded. More than one attempt was made to obtain a response from each state via email followed by multiple telephone calls; the responses represent a reasonable geographic distribution and many of the larger states answered. The 22 question survey inquired mostly about environmental justice experiences, but three questions are more closely aligned with general public involvement practices. The survey findings are included (Appendix B – 2) as anecdotal information and to enhance our understanding of current thinking about environmental justice activities for the purposes of this report. MPOs and DOTs expressed similar perspectives about EJ. Important summary points from the survey are noted below:

- A consistent level of knowledge about environmental justice is shown across the respondents. Several respondents expressed commitment to the concept, beyond merely adhering to the legislation.
- Public involvement is one aspect of environmental justice, but agencies must do more than just engage in involvement in response to environmental justice.
- Strategies to ensure compliance include applying performance measures, GIS based assessments, and surveying the public regarding their opinions. One agency indicated that projects found to be discriminatory are not carried forward. Others mentioned avoidance and mitigation.
- Lessons are learned through the EJ processes; some injustices may be mitigated and other injustices may be avoided. Indeed, any environmental justice matter identified in the environmental documentation must be mitigated. Planning for new projects is more sensitive due to the Environmental Justice guidelines.
- In some communities, political influence may advance a project over identified EJ matters. Litigation may occur in these instances.

CHAPTER 6

SUMMARY AND RECOMMENDATIONS

Historically low income people, as well as people of color and their communities have often reaped a disproportionate share of negative externalities for public projects. The case studies and information presented in this report show the importance of transportation professionals being sensitive to environmental justice matters. A number of opportunities exist to avoid some of the errors of the past. Including all potentially affected citizens in the planning process early is one important step. Provision of adequate resources for solid incorporation of citizen ideas and focusing on the issues important to low income and underrepresented communities improves the public participation process. Transportation planners and professionals must assess inequities, frame the issues and get to know the communities.

Responses from MPOs and state DOTs show a positive sensitivity to the requirements of environmental justice. Their processes have incorporated criteria and performance measures to ensure that the variable is included in planning and project implementation steps in accordance with NEPA guidelines. The survey showed consensus that the existence of the Environmental Justice legislation is resulting in greater sensitivity to the effects of transportation projects on low income communities.

Appendix A

Federal Laws

Executive Order 12898

<http://www.nonoise.org/library/execords/eo-12898.htm#projdev>

National Environmental Policy Act of 1969

<http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>

Title VI of the Civil Rights Act of 1964

<http://www.usdoj.gov/crt/cor/coord/titlevi.htm>

Executive Order 11514

<http://archnet.asu.edu/archnet/topical/crm/usdocs/nepa6.htm>

Americans with Disabilities Act (ADA)

<http://www.usdoj.gov/crt/ada/Anchor-36000>

State Laws

South Carolina

Environmental Protection and Conservation

<http://www.lpitr.state.sc.us/code/t48c056.htm>

Texas

Texas Commission on Environmental Quality

Chapter 90. Regulatory Flexibility and Environmental Management Systems

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=90&sch=C&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=90&sch=C&rl=Y)

Alabama

Environmental

<http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>

Virginia

Creation of Department of Environmental Quality; statement of policy.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-1183>

Appendix B-1

List of States and MPOs Responding to the Survey

Departments of Transportation (19)

Arkansas	New Jersey
Florida	Ohio
Illinois	Pennsylvania
Indiana	Tennessee
Iowa	Texas
Kentucky	Vermont
Louisiana	Washington
Maine	Wisconsin
New Hampshire	Wyoming
Nevada	

Metropolitan Planning Organizations (10)

New Orleans Regional Planning Commission (Louisiana)
Des Moines MPO (Iowa)
Houston-Galveston Area Council (Texas)
Metroplan Orlando (Florida)
Oahu Metropolitan Planning Organization (Hawaii)
Pioneer Valley PC (Massachusetts)
Tahoe MPO (Nevada)
Bismark-Mandan (North Dakota)
Michiana Area Council of Governments (Indiana)
Tri-Cities Area MPO (Virginia)

Appendix B-2

Environmental Justice Survey Questions and Responses

This survey is being conducted by Texas Southern University's Center for Transportation Training and Research (CTTR). Our objective is to review and document agency perspectives on environmental justice, resulting in a study that will describe the state of the industry. The responses will be reduced, and therefore responses will remain anonymous. Your time and participation is truly appreciated, and at your request, a finished report will be forwarded to you.

Thoughts and Opinions

1. What is your understanding of environmental justice?

MPO

EJ provides an opportunity for low income and minority communities to participate in siting of capital improvements, implementation of programs and procedures accomplished through public involvement and outreach.
A federal requirement highlighting the importance of public involvement by traditionally underserved peoples.
To provide a level playing field for everyone.
We follow the guidance from FHWA and FTA that describes environmental justice. Our transportation projects are reviewed for impacts to minority and low income groups. For transit projects, Title VI also has us look for equity in transit benefits
The equitable distribution of burdens and benefits of infrastructure projects between and among races and socio-economic classes.
Environmental justice is a policy that is supposed to help mitigate any potential harmful effects a project or service might have on a minority community.
Please see environmental justice section in Tri-Cities Area 2026 LRP located www.craterpdc.state.va.us under MPO subheading.
Outreach to under-served community members.
Environmental justice is about fairness; that no group receives a disproportionate share of a program's benefits or impacts. One of the components of comprehensive transportation planning is ensuring that the principles of environmental justice are met throughout the planning process, from early in the development of the plan to its completion and implementation.

DOT

<p>Ensure that projects do not result in disproportionate impacts (beneficial or adverse) upon a disadvantaged population.</p>
<p>EJ is making sure no group of people, racial, ethnic, or socioeconomic groups, carries a disproportionate share of negative impacts of transportation decisions should equitably share in the benefits of those decisions.</p>
<p>Articles discussing EJ appeared in journals in the 1950's. The major concern was location of hazardous waste facilities in poorer areas of cities. A great deal of literature is written on the subject; many people tried to use political power to ensure that health & well-being of minority or low-income people would not be sacrificed for the most expedient & least expensive solution. President Clinton signed the Executive Order on EJ 12898 & all federal agencies issued guidance.</p>
<p>Environmental justice is about equity. In my line of work, EJ is about making sure that our projects do not disproportionately impact a group of people or provide unequal benefits to others at the expense of other groups, when proposing, designing, and ultimately constructing projects.</p>
<p>It stems from Title VI of the Civil Rights Act and, especially, an executive order. The order specifies that agencies must consider if their actions will cause disproportionate adverse effects on minority and low-income populations.</p>
<p>Fair treatment of everyone. Building improved roads in ways that consume community without hurting or adding to the slight of those who have little or no hope.</p>
<p>To make sure that impacts of transportation projects do not disproportionately affect low income or minority populations.</p>
<p>Environmental justice is merely an extension of Title VI that emphasizes fair and full participation of minority and low income people in order to identify and avoid disproportionate impacts.</p>
<p>Environmental justice is intended to determine if minority and low-income populations are disproportionately adversely impacted by transportation (and other federal-aid) projects relative to non-minority or higher income populations.</p>
<p>A Presidential Executive Order which directs all Federal agencies to identify and address the impacts of their activities on minority and low-income populations.</p>
<p>Environmental justice is impact related to low income and minority populations.</p>
<p>EJ means that ALL voices are heard during the transportation planning and project development decision making processes.</p>
<p>It is an Executive Order signed by President Clinton that directs Federal agencies to administer and implement programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects of minority and low-income populations.</p>

The honest consideration of a transportation projects' impact on EJ communities and a sincere effort to evaluate alternatives equally based on public input and not cost. The attitude of "design, build, and defend" needs to change. The traditional engineering approaches are not always effective when dealing with minimization of impacts.
"Environmental justice" or "EJ" is the concept that state and federal actions address disproportionate environmental and human health threats to minority and low income populations
From a transportation perspective, environmental justice is a principle that helps to assure equity in the transportation decision-making process. It covers such areas as policy development, planning, project development and implementation, operations and maintenance.
Our agency's concept of Environmental Justice (EJ) is that we must ensure that minority or low-income residents within project areas are included in project decision making during the planning process.

2. Do you believe that environmental justice in transportation concentrates solely on public involvement?

- A) Yes
- B) No

<p>MPO Y – 0 N – 10</p> <p>DOT Y – 0 N – 18</p>

3. A. What methods do your agency employ to show steps and actions to determine whether discriminatory effects exist in projects?

B. If discriminatory effects are identified, how are these effects mitigated?

MPO

METROPLAN ORLANDO completes analysis of involvement by EJ communities and impact of projects, programs and procedures on those communities using demographic and geographic data and public opinion surveys.
Our agency identifies projects by location including low income and minority populations
Keep EJ in the forefront of consciousness on any project.

Local jurisdictions have to include EJ evaluations as part of their project submissions.
Generally, the use of GIS in identifying LI/ M populations and projects that may affect same.
Currently, our agency is in the process of determining which steps and courses of actions to take in order to determine where discriminatory effects exist in projects.
Application of performance measures as explained in the 2026 LRP cited above
Regional Transportation Planning Process, Environmental Impact Process.
We have developed an “Environmental Justice Monitoring Plan” whereby states adherence to federal regulations adopted pursuant to Title VI of the Civil Rights Act of 1964 and in Executive Order 12898 on environmental justice. The plan’s components are below: <ul style="list-style-type: none"> • Routinely begin public outreach early in the decision-making process, with meaningful opportunities identified to provide input into the planning process. • Seek the input of the traditionally under-represented populations, including minority and low-income populations.
GIS analysis -funding analysis-review of public partnership

DOT

Population studies, filed studies and surveys coordinate with local minority ministers and outreach groups.
Our districts are well-versed in our processes of determining community boundaries, assessing community impacts, and involving the public.
A. In some cases public was involved during the MPO land use/transportation planning phase. We will initiate early public involvement & context sensitive coordination w/ communities as a first step. Next, NEPA document will include demographic & other related material from Census/local sources. Then, analyze the info & write a conclusion in NEPA doc whether or not there will be disproportionately adverse impacts to minority or low-income groups. B. Mitigation ranged from modification of the roadway design, changes to proposed access, noise walls, additional landscaping and air quality monitoring programs during construction.
A. The analysis of possible alternatives & the impacts associated with each alternative occurs, per NEPA requirements, during the preparation of the environmental documentation. Effective public involvement also assists us in analyzing and evaluating impacts. B. If, during the environmental doc, preparation points to an alternative which is discriminatory, that alternative will not be carried forward; money and another alternative is selected.
First, we determine if minority and low-income populations exist in the project area. If they do, then, adverse (and beneficial) effects of the project are examined to determine if concentrations exist. Possible mitigation measures are discussed with the affected groups.
A. Interviews with local officials, field visits, public meetings B. None to date

<p>A. Following FHWA directives on EJ and Title VI of the CRA of 1964. B. No effects have been found or mitigated for to date.</p>
<p>A. All NEPA Class I & III environmental documentation is completed and reviewed by Bureau of Environment and local FHWA office. Title VI Coordinator conducts internal process reviews on a recurring basis and provides training annually to ensure that nondiscrimination requirements are communicated to all project managers. B. Mitigation is determined during the course of public hearings, and an agreement in this regard is made w/ local entities. Project managers ensure that mitigation measures are incorporated into design and carried out.</p>
<p>The department uses open-forum public meetings, special project offices staffed w/ public liaisons located in or as close as possible to affected neighborhoods, community meetings, meetings with local governments and agencies, and public outreach to determine if minority and low-income populations might be affected. On-the-ground surveys and analysis of demo info are used to determine if or not a project would potentially have disproportionate adverse impacts. B. It depends on the nature of the impact. If housing relocations are required, residents are relocated and compensated pursuant to the Uniform Act. A typical mitigation measure for noise impacts is construction of sound walls. Other alter/changes to the design are investigated. Other mitigation measures might require construction of some type of community facility (e.g., community center, park) or other improvement that would offset the project's effect and maintain the cohesion of the neighborhood or community.</p>
<p>A. Identification of affected communities is undertaken during the early scope development for the project. Implement a public involvement process and engage shareholders during scoping process. Avoid impacts on minority and low-income populations and utilize context sensitive solutions. B. Context Sensitive solutions</p>
<p>A. Evaluation of census information, inclusive public involvement and community impact assessment. B. As with any impact, options are considered in minimization, avoidance and mitigation.</p>
<p>Internal reviews and frequent face to face meetings with state and federal resource and regulatory agencies to review all aspects of the project.</p>
<p>A. TDOT- Civil Rights Office through its Title VI program division reviews proposed projects and makes recommendations to ensure compliance with EJ. B. Dialogue among the interdisciplinary team is initiated by the Title VI Office in an effort to correct any deficiencies.</p>
<p>A. in coordination with the FHWA field office, conducts census and other research to identify minority and low income populations that may be directly or indirectly affected by a sponsored project. There have been limited EJ primarily due to repair and replacement of existing infrastructure, projects that are rural in nature and don't affect concentration of populations, and the dearth of minority populations in the state. We are also committed to a robust public involvement process in project development to address many issues including EJ as well as environment and community character issues. The Agencies project development process includes numerous interactions at the local level and the state's land use and other regulatory processes allow meaningful and substantive participation of affected parties. B. There have been no discriminatory effects identified to date.</p>
<p>I could give you pages for this answer but will try to give my personal focus instead of a regurgitation of executive order 12898. Environmental Justice is equal treatment for all, particularly minorities and low income.</p>

<p>A. We first determine whether or not EJ populations are present in the project area. If so, we identify any adverse effects they may be subjected to. If so, we determine, quantitatively and qualitatively, whether or not the adverse effects are disproportionately borne by the EJ populations. B. Mitigation of some effects are required by law/regulation. Others as good-faith efforts in consultation w/ affected pop. Mitigation approaches vary depending on resources impacted.</p>
<p>A. Wyoming makes contact with local planning offices and uses population census data identify minority groups. B. To date none have been identified</p>
<p>A., Methods to show steps and actions include demographic inventories based on Census Tract or Block information, field investigations and calls to local officials, ministers or facility managers as appropriate. Public involvement will usually result in the identification of discriminatory effects. B. Any discriminatory effects are addressed with additional public involvement and subsequent design modifications. Mitigation efforts include pedestrian overpasses, depressed roadway segments, new parklands, noise walls, etc.</p>

4. Do you think that historically, inequities have existed in transportation planning toward minority and low-income communities?

- A) Yes**
- B) No**

<p>MPO Y – 9 N – 1</p> <p>DOT Y – 14 N – 4 NA – 1</p>

5. How would you rate USDOT performance on facilitating the realization of environmental justice in transportation planning?

- A) Excellent**
- B) Good**
- C) Average**
- D) Poor**

<p>MPO A – 1 B – 7 C – 2 D – 0</p> <p>DOT A – 1 B – 7 C – 9 D – 1 NA – 1</p>

6. Can environmental injustices in transportation planning truly be mitigated or are there only lessons to be learned?

MPO

In most cases, the transportation planning process provides an ideal opportunity to identify EJ impacts and consider potential mitigation strategies.
Historically speaking obviously there can only be lessons learned. However, from the policies we now have in place any potential injustices can be mitigated.
I think both are possible in the appropriate situation.
They can v=be mitigated. Projects have been altered, realigned, or otherwise changed to mitigate negative effects.
There will never be perfect equity, but you can get better and do better every day.
Lessons to be learned.
It is likely that raising awareness of environmental justice considerations can be accomplished.
Yes, projects don't have to typically impact poorer neighborhoods. However, it's understood why they do.
Regardless of the plan or project, there will be members of the community, including those who consider themselves as part of "environmental justice populations", who are in support of the plan/project and those that are against it. It is too easy to say that a planning process, no matter how well thought out, developed, and implemented, will mitigate all environmental injustices. One of the benefits of conducting regular self-evaluations of RTPs and TIPs is to develop an awareness
Injustices cannot be truly mitigated-politics plays a role and that will not change

DOT

<p>It would difficult to retrofit or reroute existing transportation systems, but the planning of new systems are more sensitive to this issue.</p>
<p>Some mitigation can occur, in collaboration with the affected community.</p>
<p>They can be effectively mitigated in some cases. In other cases, the impacts are unavoidable and the only choice is whether or not to continue with the project.</p>
<p>These injustices can be mitigated and we can certainly learn lessons from past injustices.</p>
<p>It depends – this sort of mitigation is subjective.</p>
<p>It can cause confusion. Using Community impact statements and intermediate planning may use assumptions that are incorrect.</p>
<p>I believe that mitigation is possible, but that enhancement of quality of life should be the goal of impacts to these populations.</p>
<p>In most case mitigation is doable, although there may be some economic burden.</p>
<p>Again, in this state, given the current process, I'm not sure that environmental injustices can be mitigated at the planning level; however, they can certainly be mitigated at the project implementation level. At the project implementation level, typically, if there is an EJ issue, it surfaces early in the NEPA process. If an EJ issue arises at the Environmental Assessment level of NEPA, it must be mitigated. If it cannot be mitigated to a non-significant level, the level of NEPA rises to an Environmental Impact Statement, and all reasonable and feasible alternatives must be put forward and equally analyzed to determine the least environmentally damaging preferred alternative. For those few projects that involve EJ issues, regardless of the level of NEPA analysis, mitigation is assumed.</p>
<p>I believe that injustices can be mitigated through community outreach and context sensitive solutions.</p>
<p>Both</p>
<p>Normally, an alternative with identified discriminatory effects would NOT be carried forward.</p>
<p>It can be mitigated but it takes a commitment from executive level staff.</p>
<p>Mitigation can help, however the true lessons are that the political winds actually dictate what considerations are given and which regulations are over looked. It takes litigation or threats of litigation to force most DOT's consider project impacts.</p>
<p>Environmental justice, like other issues considered under NEPA, is best incorporated in project planning and in the selection of alternatives rather than considered as a mitigation option.</p>

<p>A. The chapters 457 and 458 in our Environmental Procedures Manual which provide background, guidance and a step by step process. The EPM is listed in on the attached EJ webpage. http://www.wsdot.wa.gov/environment/EnvJustice/default.htm B. That is dependent on the project and what benefits and mitigation can be supplied. It also is dependent on information that comes from public involvement and working with the community on what they consider acceptable mitigation. For instance, a pedestrian bridge identified in one project, which the neighborhood requested is being considered mitigation</p>
<p>Some can be mitigated. For example, if a noise standard is exceeded, a noise barrier may be erected to mitigate the problem; but some injustices are lessons to be learned. For example, if the premise is true that close proximity of highways to minority communities increases the incident of asthma and other respiratory illnesses in children, and if, for example, some children die from acute attacks of asthma, mitigation is out of the question. It is not to say that we can not do some things to minimize the problem (decreasing congestion, etc.) but we can not resurrect the children. We can only learn from such experience that, in planning for the future, we should not be building highways close to minority communities.</p>
<p>Wyoming has never had a project mitigate.</p>
<p>Current and future project planning can include measures to eliminate or minimize adverse impacts to Title VI and EJ protected populations. Obviously lessons are learned from every project, but that does not preclude mitigation measures.</p>

7. Does environmental justice level the playing field for minorities or does it cause more confusion?

MPO

<p>Our response is somewhere in the middle. It does not level the playing field since there is no real incentive for being sensitive to the impacts of projects on EJ communities. The confusion is in the application of the process. For example, how is an EJ community defined? Is there a universal methodology for evaluating the impacts of a project, program or procedure?</p>
<p>It levels the playing field.</p>
<p>EJ can level the playing field sometimes, but complicated regulations tend hurt even</p>
<p>It's intended to level the playing field, but this effort on its own will not do so. Discrimination exists on many levels.</p>
<p>I think there is confusion about the concept generally, amongst nearly everyone. Local/ State and Federal agencies need a better handle on specific aspects and definitions of EJ. I think generally that it does level the playing field in that it provides legal leverage to planners in presenting equitable solutions to policy makers.</p>
<p>Environmental justice tries to level the playing field for minorities. It gives everyone the opportunity to have a say in the process.</p>
<p>I believe the latter is more often the result of environmental justice's applications.</p>

Probably causes more confusion. Specifically related to Lake Tahoe to playing field is never really level due to the need to support the tourism economy and the water quality projects that are proposed. This may mean realigning a roadway through a poor neighborhood as an example.
From an agency standpoint, environmental justice creates self awareness so that steps are taken to be more inclusive in the planning process, from public outreach methods to evaluation impacts by geographic area. Under the environmental justice executive order, anyone can file a complaint, from a financially wealthy person of a minority race, to a middle-income White person. In the event that a complaint is filed by someone who it was intended to protect or by another, it is incumbent upon the agency to be able to support and defend itself through its policies and practices. The federal environmental justice guidelines that are in place assist the agency in doing this.
Definitions of minority are becoming vague and low income populations shift. Equality assumes a level field-equality might be a better goal.

DOT

It is a more level playing field. It would difficult to retrofit or reroute existing transportation systems, but the planning of new systems are more sensitive to this issue. It is a more level playing field.
It does cause some confusion, especially if we focus all of our outreach efforts just on certain populations rather than seeking out all potentially affected communities. It can only level the playing field when we do a good job of assessing communities with our eyes fully open.
There is confusion about EJ on both the part of the public and IDOT. But, overall EJ is a good thing in that it ensures that IDOT will pay attention to the needs of people who concerns might have otherwise been taken less seriously.
EJ does level the playing field and it has caused significant strides to be undertaken by state DOT's and transportation professionals throughout the industry. At the same time, EJ guidance for the most part can be confusing. The guidance can be so broad and pervasive, it can live much to be left to interpretation by those who wish to implement EJ as part of there project. Depending upon the interpretation, this can lead to great confusion for the practitioner.
Depending on how it is addressed, it can do both. If outreach is effective, then the playing field can be leveled
A. Both B. Minimizing impacts to low income/minority populations, if it causes impacts to others, can result in charges of reverse discrimination or bring public scrutiny on the population you are trying to minimize impacts to.
I believe that by following the NEPA requirements, disproportionate impacts are inherently avoided. Recognizing NEPA requirements, It's hard to articulate that special attention should be given to minority and low-income populations, not to mention others protected by Title VI and related statutes. Most project development personnel look strictly at impacts without respect to race category. With this in mind, it's difficult to explain and convince key players that additional measures should be taken to affect a system that already strives for equal distribution of impacts.
I'm not sure I would say EJ causes more confusion, but I also don't believe EJ "levels the playing field." If there is confusion, it's in making the distinction between an adverse impact and a disproportionate adverse impact. In terms of transportation projects in Nevada, I don't believe it is necessary to "level the playing field". EJ is a requirement that adds another layer to the analysis of social impacts, but this requirement doesn't change what the department is obligated to do to mitigate impacts by virtue of Title VI.

I believe that it does level the playing field through community outreach and shareholder identification and engagement.
In some cases there maybe confusion created, however in good transportation planning and awareness in public involvement can determine a better transportation decision in the end. Not sure about leveling the playing field for minorities any more than low-income.
Both. Lessons learned from past injustices should be used to identify appropriate mitigation in the present situations. It helps level the field by giving them a voice that was not heard in the past.
It attempts to level the playing field but there is an implementation problem that the system must address
It does not level the playing field by much, remember, as long as the impacts are disclosed and alternatives written up correctly, an EJ community can be mowed over just as easy as a non EJ neighborhood
Environmental justice has the potential to level the playing the field if it is seriously undertaken by the agency with a commitment to allow minorities and low income people to be heard. Like all issues that need to be considered during project planning, environmental justice issues must be carefully weighed within the context of the projects purpose and the agency's and its stakeholders' goals. Minority and low income groups must have the opportunity to be fairly informed, provide feedback, and their concerns considered in public and accountable forums.
I think when demographics are used early in planning that avoidance can be used and sometimes mitigation can be planned for
Environmental justice attempts to level the playing field, but there is some confusion since a lot of subjectivity comes into play.
Can Cause more confusion. We treat all citizens, cultural groups, tribes and neighborhoods the same in the NEPA process.
An inventory of the project area is made in the project planning phase. Minority, low-income and groups protected under title VI are identified with use of Census data, field checks and public involvement. Potential impacts to these groups are then assessed and measures to avoid impacts are discussed. Feasible avoidance measures along with ideas for mitigation are presented to the public, technical advisory groups or local officials as appropriate.

Explain your response.

8. How are transportation projects and plans evaluated in light of environmental justice?

MPO

Demographic and geographic data and public opinion surveys are used to identify and evaluate social, economic and physical impacts (i.e. displacement).

We look at the overall percentage of projects within our study area and asses whether there are disproportionate improvements which may negatively affect a low income or minority population.
EJ is always considered in our project evaluations.
We first look at potential negative impacts as weighed against positive ones. If we believe there can be a potential detriment to LI/M communities (or any other community for that matter), we look for ways to avoid the problem primarily, then mitigate as a last resort.
Currently, projects go through our public input process. We are currently working on expanding environmental justice process.
Refer to 2026 LRP narrative.
They seem to be a component discussed. With all projects there are impacts and benefits. It just depends on how a community views the project.
They begin its environmental justice evaluation with an assessment of the entire metropolitan planning area (Oahu). A geographic and demographic profile is developed and, using the methodology described in our response to Question #18, low-income and minority population areas are identified. Projects that are planned or programmed through the RTP and the TIP, respectively, are identified and mapped. Using a GIS for the quantitative portion of the analysis and the performance measures identified in our response to Question #12, an evaluation is made as to whether the projects contained within the RTP or the TIP collectively offer a disproportionately high and adverse impact. A report is then made to the Technical Advisory Committee and then to the Policy Committee.
Distribution of funding is carefully scrutinized.

DOT

Environmental Justice is one of many important factors considered in comparative analysis of project alternatives and play a role in the decision process.
The potential for EJ impacts is a concern from the very beginning of the project. If we know that we will negatively impact a minority or low-income neighborhood, the first question is how to make the project result in a greater good.
EJ issues are given full consideration during the course of a project's development, particularly during the environmental assessment phase of the project. During our preparation of the appropriate environmental document (CE, EA, or EIS), potential impacts are identified and evaluated, this would include social, economic, historical, archeological, wetlands, land usage, environmental justice, etc. During this evaluation, alternatives are weighed and discarded if impacts to any of the above are disproportionately high to a town, a community, or to a group of individuals.
It is one of the many areas that are evaluated to make sound decisions
Poorly in that there are no follow up studies
EJ is always considered in our NEPA evaluations.
There is more awareness to potential issues.

EJ is evaluated in the same manner as any other potential area of concern. The footprint of the project determines the area of potential impact, and that area of potential impact is studied and evaluated according to laws, regulations, policies, technical memoranda, and agency and CEQ guidance. Again, public involvement is key component of this process.
It insures participation of potentially affected communities in the decision- making process.
It is considered with all other environmental disciplines
We present ALL environmental impacts to the resource and regulatory agencies at five key steps in our project development process.
Each proposed project is reviewed by a Title VI staff person for compliance with Title VI and EJ
We have a complete EJ review and CIA protocol, and the opportunity to address the issues are presented, in the end, the project engineer’s move on.
The agencies project development process includes numerous interactions at the local level and the state’s land use and other regulatory processes allow meaningful and substantive participation of affected parties. B. There have been no discriminatory effects identified to date.
It is a confusing “policy” to implement since its only legal “teeth” is Title VI which applies only to minorities and there is no concrete guidance from either USDOT or FHWA. So it levels the “playing field” when implemented but also causes confusion in its practice
If disproportionate effects are identified, we mitigate or look for other alternatives.
EJ issues are treated the same as any other environmental factors. Our goal is to do the right thing regardless of the issue.
An inventory of the project area is made in the project planning phase. Minority, lo-income and groups protected under Title VI are identified with the use of Census data, field checks and public involvement. Potential impacts to these groups are then assessed and measures to avoid impacts are discussed. Feasible avoidance measures along with ideas for mitigation are presented to the public, technical advisory groups or local officials as appropriate.

9. Is there a perception in your community that the transportation infrastructure, whether highways or roads, appears to be better funded and maintained in areas of affluence?

- A) Yes**
- B) No**

<p>MPO Y – 5 N – 5</p> <p>DOT Y – 10 N – 9</p>
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10. Is there a perception in your community that public transportation appears to be better funded and maintained in areas of affluence?

- A) Yes
- B) No
- C) Not applicable, we have no public transportation

<p>MPO Y – 1 N – 8 NA – 1</p> <p>DOT Y – 4 N – 15</p>
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10. Transportation’s interrelationship with service delivery needs to be viewed from three perspectives: citizens access to facilities, community economic development, and public participation in decision-making. Do you think the inclination of jobs migrating to the suburbs has contributed to environmental injustices?

MPO

Yes. Demand drives the need for supply. Because more trips and vehicle miles are made in the suburbs there is a need to fund and maintain the suburban transportation network (roads). As a result, greater shares of resources are shifted to these communities.
No
Yes
Perhaps, but this is not a major problem in our community.
In some instances, but not all. This is a general societal trend that has to do with forces outside the control of the MPO, local policymakers or even the local business community. We can only do what we can do to be as equitable as possible.
Yes. More funding has to be spent in the suburbs to upgrade or build new infrastructure, while less funding is used to maintain already existing infrastructure in the cities. With more jobs going to the suburbs, there are fewer opportunities in the city. This ultimately reduces the tax base that corporations once provided, resulting in a loss of services, ranging from emergency response to parks to transit.
In the sense that market decisions which have created new employment opportunities in suburban locations, no. I believe these decisions are influenced primarily on a profit motive. However, if low-income minority persons are not able to use the transportation system to access these job opportunities, then new suburban employment centers do create new environmental justices concerns.

Yes. There is also a high demand for affordable housing here, again a resort community that has housing priced so high the middle and lower income class has a difficult time buying their own home.
Not applicable: there are not a significant number of jobs migrations to the suburbs. Most of the jobs are concentrated in the primary and secondary urban centers.
Jobs have not migrated as much as residence. White flight people invest where they live.

DOT

Transportation plays a role in the migrating of jobs to the suburbs, but it is not the only factor. Most times, improvement to transportation facilities are a reaction to existing conditions instead of proactive in how a community develops
Yes
This phenomenon is one of the elements that contributes to the overall decline of inner-cities and can perpetuate the downward spiral of tax base loss. It is also very hard on the individuals and families that have to cope with near perpetual absence of the wage earner.
In a way yes. When jobs migrate to the suburbs it creates or increases traffic to that area. This increased traffic will contribute towards future transportation projects in that area as the traffic increases. This could cause additional funds to be allocated in these areas as oppose to other areas. So the possibility of EJ injustice under this scenario exists. This is why DOT's must remain vigilant in their commitment to EJ.
Perhaps, and this would be best analyzed with a broad, long-range plan level approach.
Yes
Yes
No
This might be a factor contributing to environmental injustices for those cities that have lost an economic base and jobs in the urban core and are in a situation where revenues can't fund infrastructure maintenance or improvements or provide an adequate level of services to disadvantaged populations.
Yes
Yes
No
We are not aware of any data to support this theory.
Yes, to some extent, however regardless of why are where, the population with the less political representation is usually the loser
There are environmental and other interests in Vermont that have raised the issue that certain infrastructure improvements have the potential to have a negative affect on historic down towns and exacerbate scattered development or sprawl. This concern has been driven by the desire to support downtown or growth centers and the positive environmental, community character and anti-sprawl benefits rather than environmental justice concerns per se.

Yes, in many ways since many low income folks rely on public transportation to get them to places of employment and suburban areas have poor public transportation. It can limit them in the types of employment they can find and the amount of choices
Yes. People who are dependent upon public transportation would be at a disadvantage if the services were not adequate. And even if adequate, the cost of transportation, travel time, etc. may have negative consequences.
Currently not an issue or condition Wyoming communities.
No. While the loss of inner-city jobs is a major factor in the economic decline of metro areas, it is unlikely that modern commuting patterns are contributing to environmental decline. We view EJ as way to protect traditionally vulnerable inner-city neighborhoods from further abuse and neglect, regardless of resident's job locations. The genesis of the Executive Order for EJ was the tendency of city planners to locate hazardous waste facilities in depressed inner-city neighborhoods.

Your Agency’s EJ guidelines and Best Practices

12. Do you identify performance measurements to guide your decision-making and assure implementation of environmental justice in the planning process?

MPO

Yes, our performance measures address whether we have brought our message to the communities and whether they have responded.
Yes
No
No
It depends on what you define as a performance measure. We have no formal performance standard specific to EJ that I am aware of. We perform geospatial analyses to help guide our decision making. We have a policy of equity to all our citizens and work hard to implement that policy
Our agency is currently preparing an environmental justice report to deal with this.
Yes
Yes
Yes. We identify any disproportionately high and adverse impacts consistent with the provisions of the federal regulations through the use of six (6) performance measures. These are used to evaluate its plans and programs for compliance with environmental justice. The performance measures are: accessibility, mobility, equity, population policy, safety, and public involvement.
Yes we do extensive analysis.

DOT

Yes
We are in the process of developing performance measures. Several of our districts and MPOs have identified measurements.
No
Yes. The evaluation of performance measures is part of our planning process.
Prior to project development, EJ is not scrutinized in much detail.
No
No
Yes
Not that I'm aware of.
Yes
Yes
No
Yes
Yes
No
Our agency uses performance measures but none apply to EJ.
Not with EJ per se. If so, I am not aware of it.
No
We are not sure what "performance measurements" are. Decisions about projects and the potential impacts that may result are made by engineers, other specialists, local community leaders and the public. All NEPA documents must satisfactory address EJ issues or FHWA will not sign them, and funding authorization could be in jeopardy.

13. Has USDOT issued any specific planning guidelines for your agency on implementing environmental justice?

MPO

In terms of specific planning guidelines, no.
Not specific, but general
No
Yes, both FHWA and FTA.
None that I'm aware of.
-No
Yes
None other than the standard.

No; OMPO follows the direction provided to all MPOs by the USDOT as described on the FHWA environmental justice website.
Yes we follow specific guidelines.

DOT

Guidance manuals and workshops have been provided.
no
Yes
I cannot recall any recent guidelines
Some training was provided which did include some general guidelines.
Yes
No
No
FHWA has issued guidelines and position papers to implement EJ, but not in conjunction with the planning process to my knowledge.
Yes
Yes
No
Yes
No
Yes
FHWA has guidance (2001) entitled "Assistance in Reviewing the Application of Title VI and Environmental Justice in the Transportation Planning Process".
USDOT provided a broad frame of reference in its Order on EJ. FHWA subsequently provided more specific guidelines (Region 5).
Yes
Yes

14. Do you think that your agency has played a role in contributing to the inequities in transportation planning historically?

- A) Yes**
- B) No**

<p>MPO Y – 8 N – 2</p> <p>DOT Y – 12 N -- 6 1 Yes Before NEPA, No After NEPA</p>

15. Should there be a certification for DOT's and MPO's regarding environmental justice training?

- A) Yes
- B) No

MPO Y - 2 N - 7 NA - 1
DOT Y - 8 N - 10 NA - 1

16. How often are seminars or conferences held to discuss the importance of environmental justice in transportation planning?

- A) Very Often
- B) Often
- C) Seldom
- D) Hardly Ever

MPO A - 1 B - 3 C - 4 D - 1
DOT A - 0 B - 4 C - 14 D - 1
2, 4, 3, 2, 3, 3, 3, 3, 3, 2, 3, 3, 3, 2, 3, 3, 3, 3, 3
Total = 19

17. To enhance accountability and to mitigate discriminatory outcomes, do you feel that your agency should be required to receive additional training in environmental justice practices?

- A) Yes
- B) No

<p>MPO Y – 4 N – 5 NA – 1</p> <p>DOT Y – 10 N – 8 NA – 1</p>
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18. What are some creative ways you’ve observed in complying with environmental justice principles in transportation planning?

MPO

Use of the GIS to measure how well the public outreach is being implemented
Targeted invitations to understand areas.
Nothing creative wise
Including the faith community in public outreach to gather input form minorities.
Involving the community in design in solving a problem. -Partnering with non-profit and faith based groups.-Sending mailouts on pending actions directly to affected citizens -Assisting community groups affected by a transportation initiative to get assistance in some other mitigation effort (construction of a playground or community center ,etc)
Reports used a point system to determine where minority populations were in relationship to different highway and transit improvements.
Doors hangers throughout an entire development, telephone hot line, project office, presentations and home neighborhood meetings.
Because of the relatively high incidence of non-white population (i.e., more than 70% of Oahu’s population is non-white), we have developed a methodology to identify areas where environmental justice is a concern. The methodology has been developed and implemented to identify environmental justice areas within the Federal Highway Administration’s definition of minority and low-income population.

DOT

Direct notification of proposed highway projects to minority ministers in the community and appropriate outreach groups
We worked with the local high schools on one of four major bridge projects to create a contest for students to design a bridge logo that incorporated important historical or cultural elements from the area. One design was chosen and the winner received an award and scholarship money. In another instance, a project located in the Chicago area caused concern to nearby residents due to the high incidence of childhood asthma. We met with concerned citizens and agreed to install an air quality monitoring system to measure levels of pollutants before and during construction.
We have used our public involvement process quite extensively to assist us in complying with EJ principles. Through early and consistent public involvement we have been able to gather data and problem solve with the members of the communities we serve, to successfully mitigate impacts and reach consensus on many projects. Obviously, there will be some projects that no matter how much mitigation of impacts we implement, we may not reach a consensus with the community.
Since I am located in project development, I can only speak to project level methods. When warranted, door-to-door surveys conducted to ensure that all along the corridor are aware of the project & given an opportunity to participate. Follow-up visits occurred to ensure that 100% of the households were reached.
Too new to say
Nothing creative wise
Nothing creative, just periodic training for project managers.
I can't address this question. Refer to responses above.
Roundtable/Shareholder meetings, project info being presented at street fairs, and development of internet site.
Considering community impact assessment
Not Observed
The establishment of an EJ task force has been useful in addressing EJ in the early stages of the planning process.
Across the country, I have read about numerous projects being moved as a result of strong public opposition by EJ communities. I feel that it is the exception rather than the rule
There have been creative ways to incorporate public discourse in transportation planning but these activities have been focused on community character, in the case of a US highway bisecting the small rural village and significant and complicated environmental and ecological impacts associated with the expansion of a US highway in one of the states most significant natural areas, the federal Wildlife Management area. The project involved an accessible and intensive public discourse and resulted in specific design recommendations supported by the community. The project helped create consensus among state and federal regulators, refuge officials, environmental NGOs, and local regional officials through the use of a professional environmental mediator. These efforts did not involve environmental justice issues but included an approach, process and techniques that the agency could utilize when faced with minority or low income communities affected by a project.

This question is unclear.
Take the message to the people and not expect them to come to you. Bear in mind that one size does not fit all. Identify and respect cultural differences.
None
On one project that would affect a low-income and minority neighborhood, we had vans available to drive area residents to the meetings even though the public involvement was held in an easy to access well known location.. Hand bills advertising this service and the meeting times and dates were distributed door-to-door within the affected community, and placed in local churches and other facilities. The meeting attendance was very high.

19. Being able to communicate success stories and best practices is important when striving to mitigate a problem. Is there some sort of means or a tool created to circulate best practices and success stories involving environmental justice and transportation planning?

MPO

Internet based clearinghouse and newsletter. Consistent sessions and workshop at national meeting.
Internet
Possibly, but I'm not sure what the best tool would be.
We have received DOT publications that showcase success stories.
RPC newsletter, specific to our region-APA State and Local Chapter recognition
Transportation and Environmental Justice Case Studies Case studies, December 2000, USDOT
FHWA is in the position to identify best environmental justice practices by MPOs by federal region. This could be an objective of the transportation planning certification process.
Institute of Transportation Engineers (ITE Journal)
the FHWA case studies website to refer to best practices: Http://www.fhwa.dot.gov/environment/ej2000.htm

DOT

Update of guidance documents and continue to hold environmental justice workshops.
We do not focus only on environmental justice, but more on outreach to all affected populations. We recently held a statewide workshop to showcase how districts and MPOs are assessing community impacts.
Yes..... is currently developing a "Best Practices in Public Involvement for Transportation Projects". This manual will focus a great deal on EJ as well as many other topics. We have a draft of the manual and hope to have it completed and available to the public by early 2005.
AASHTO's Environmental Excellence web page
No
Website such as FHWA HEP or AASHTO Center for Environmental Excellence.

No
Yes. This information has and is being gathered and is presented via the internet, publications, brochures, case studies, and at conferences such as the annual Community Impact Assessment Workshop.
Internal employee newsletter and WEB site
Not at this time
Unknown
We are not aware of any tool to disseminate information.
Currently, the only method we have is informal. I maintain a distribution list of "EJ analysts" that I share resources and information with. Some of us keep in touch with each other on an informal basis to share "best practices" and successes and lack of success.
I search the Internet.
Don't have enough experience to comment.
The FHWA web-site and the ETAP newsletter often include articles about EJ. It is also useful to be aware of and read new brochures and books written on the subject. Success stories are often presented at transportation conferences.

20. What are your plans to increase participation?

MPO

Public hearings held in minority or low-income neighborhoods-advertising in minority newspapers-minority cultural festivals -representation of minorities on mailing lists-minority chamber of commerce activities-printing brochures and reports in other languages
Wide distribution of announcements.
Continue to look at new methods and continue strong efforts to increase participation.
We have printed many of our documents in Spanish.
Step up direct discussion on a project level basis
We currently do not have specific plans for increasing participation but we try new things if the previous attempts did not work. We always try to avoid holidays or busy times of the year. We give 4 weeks notice of a meeting via e-mail and newsletters.
Website, outreach efforts and speakers Bureau
Currently holding focus groups meeting employee presentations, currently attending meeting of identified under-served groups. Online to publish a newsletter in the next 3 months, in English and Spanish.

<p>We will continue to do the following in its public outreach program:</p> <ul style="list-style-type: none"> • Make documents available to the public through distribution to public libraries, Citizen Advisory Committee members, and upon request. We will notify the public of their availability and the review period through letters and email to Policy Committee members, and press releases to the media. These notices will also be posted on the website, at public libraries, and at the City Clerk's office. • During the review period for various plans, presentations will be made of the plans, amendments, and other information at monthly meetings. Responses will be developed through its participating agency's staff, as applicable.
<p>We have neighborhood council meetings</p>

DOT

<p>Do more community outreach especially in the neighborhoods of underserved populations. Attempt to reach more people on an individual basis.</p>
<p>We are currently surveying all districts and MPOs to assess their public involvement, CIA efforts. Out of this research will come training and materials needs, as well as, performance measures.</p>
<p>Continue to work harder to engage the public earlier in the development of a project. Currently, many projects do not receive public involvement attention until the project gets to the environmental stage of its development. Public involvement at our agency seems particularly strong during the environmental phase and design phase. If we could do more during the planning stage, it would ultimately be of a better benefit to the citizens. However, man power/staff issues have much to do with our capabilities.</p>
<p>Public outreach tool kit to be developed</p>
<p>Continue to look at new methods and continue strong efforts to increase participation</p>
<p>Working through project managers using a Title VI tracking form for each project where all efforts to identify EJ populations and encourage public participation are documented. This will place more focus on specific requirements that can be affected an appropriate level.</p>
<p>This is a management decision. Currently a project in progress in which it was recognized that a high level of participation was critical to the alternatives evaluation process. The decision was made to take a context-sensitive design approach and schedule open-forum and presentation-style meetings frequently and at critical steps of the project to address individual and community concerns.</p>
<p>Increase community-based partnerships.</p>
<p>Training and on-gong QARs</p>
<p>On a project basis, development of a PI Plan is required at the very start of a project. The PI Plan MUST include an assessment of EJ issues and a strategy to address them if identified.</p>
<p>The civil rights office has actively engaged low-income and minority communities in our decision making process. It is our intent to augment the scope and depth of engagement.</p>
<p>Continued training and information provided to elected officials and newsgroups behind the scenes</p>

None at the present time.
We have a group of people from various disciplines in WSDOT including public affairs that have been looking at what kinds of public involvement we have to do by law, what we do beyond that already and develop recommendations for what needs to be added/improved.
Project staffs are encouraged to be flexible-to keeping in mind that different groups will require different approaches.
Constantly review the public Involvement process and policy for new ideas and techniques. Use the internet to encourage more participation in dissemination of information.
We believe that our current practices with regard to public involvement are very effective. However, we always strive to increase participation and use ideas from previous projects and other states experiences to add to the body of knowledge in this area.

Appendix C

Abstracts Relative to Additional Case Studies

South Park Avenue Improvement Project

The Federal Transit Administration (FTA), through its Livable Communities Initiative, awarded the City of Tucson, Arizona, \$1.5 million to carry out a series of transportation enhancements along a 1-mile stretch of South Park Avenue. Located within Tucson's federally designated Enterprise Zone/Enterprise Community, South Park is a low-income, minority community originally settled by African Americans during the 1940s. It is an area rich in cultural and historical significance because, during its early days, it was one of the few places in Tucson where African Americans could purchase land, build homes, start businesses, and create a community (Walzak, 1995).

Verona Road/West Beltline Needs Assessment Study

The Allied Drive neighborhood was originally developed in the 1960s with construction of more than 1,500 residential dwelling units. The neighborhood remained largely middle class until an influx of low-income minorities to Dane County in the 1990s; middle class residents began moving out as soon as they were able to find alternative living arrangements. The isolation of the neighborhood caused by the intersection of Verona Road and the West Beltline also separates Allied Drive from the rest of Madison, helping to concentrate poverty in the area. Transportation deficiencies were clearly among the multiple causes of the Allied Drive neighborhood's increasing economic distress. Approximately 80 percent of residents did not own a vehicle, and only one bus line served the neighborhood (Fox, 1997).

Baltimore Regional Transportation Board Creates Equity Subcommittee

The Baltimore Regional Transportation Board (BRTB), in its capacity as the Metropolitan Planning Organization (MPO) for the Baltimore region, developed a work activity in the FY 1999 Unified Planning Work Program (UPWP) that led to the current EJ activities. Initially, the public involvement program was broadened to include greater representation from non-traditional participants. Following this, a consultant began preparing background and state of the practice information in the profession. The consultant's work provided background information on the broad topic of equity and specific recommendations on how the BRTB could approach matters of equity in the metropolitan Baltimore transportation planning process. The final consultant report was prepared in September 1999 and there was a recommendation for a committee that reported to the BRTB explicitly addressing the matter of equity (Baltimore Metropolitan Council).

Bibliography

- Adkins, Carol. (1999). *South Carolina Route 72*. Federal Highway Administration, Retrieved February 13, 2003, from <http://www.fhwa.dot.gov/environment/ejustice/case/case10.htm>
- Almanza, Susana and Raul Alvarez. “*The Impacts of Siting Transportation Facilities in Low-Income Communities & Communities of Color*”. People Organized in Defense of Earth and her Resources (PODER), Austin, Texas, (n.d.).
- Baltimore Metropolitan Council, <http://www.baltometro.org/index.asp>
- Bullard, Robert D., Glenn S. Johnson, Angel O. Torres (2004). Highway Robbery: Transportation Racism and New Routes to Equity. South End Press.
- Bullard, Robert D. (January 1, 2004) *Environmental Racism PCB Landfill Finally Remedied: But No Reparations for Residents* <http://www.ejrc.cau.edu/warren%20county%20rdb.htm> (retrieved 2/20/08)
- Bullard, Robert D. (2000). *Environmental Justice: Grassroots Activism and Its Impact on Public Policy Decision Making*. *Journal of Social Issues*.
- Bullard, Robert D. (1993). Confronting *Environmental Racism: Voices from the Grassroots*. Boston: South End Press.
- Cameron, Michael, A *Consumer Surplus Model for Roadway Pricing*, *Environmental Defense Fund*, July 1991.
- Cervero, Robert, *Suburban Gridlock, Center for Urban Policy Research*, New Brunswick, New Jersey, 1986
- Chen, Don, and Hank Dittmar. (1999). *Equity in Transportation Investments*. Federal Transit Administration. <<http://www.fta.dot.gov/library/policy/envir-just/backcf.htm>>.
- Davidson, Curt. (1990). Emelle, Alabama: *Home of the Nations Largest Hazardous Waste Landfill, Environmental Justice Case Study*, Retrieved November 10, 2002, from <http://www.umich.edu/~snre492/cases.html>
- FHWA (Federal Highway Administration), Memorandum. <http://www.fhwa.dot.gov/environment/ejustice/cj-10-7.html>
- Fox, Susan. (1997). *Verona Road/West Beltline Needs Assessment Study*. Federal Highway Administration, Retrieved December 3, 2002, from <http://www.fhwa.dot.gov/environment/ejustice/case/case1.htm>

- Grimshaw, Jacky. *Transportation and Provisions of Government Services*. Center for Neighborhood Technology, Chicago, Illinois, (n.d.).
- Holtzclaw, John, *Explaining Urban Density and Transit Impacts on Auto Use, Natural Resources Defense Council*, January 1991, in California Energy Commission Docket No. 89-CR-90.
- Hobson, Jeff (Spring 2007). “Creating Great Communities in the San Francisco Bay Area”, *Race, Poverty and the Environment: a Project of Urban Habitat*. Vol. 12:1.
- Hyde, Michelle. (1995). *The Ward Valley Struggle. Environmental Justice Case Study*, Retrieved October 8, 2002, from <http://www.umich.edu/~snre492/cases.html>
- Kripke, Gawain. (1995) Washington, DC: A Metropolitan Case Study, Friends of the Earth. Labor Communities Strategies Center. www.thestrategycenter.org/projects-nationalschool.html (retrieved November 11, 2005)
- Lawler, Robert. (2000). *MPO Environmental Justice Report*. Federal Highway Administration, Retrieved December 9, 2002, from <http://www.fhwa.dot.gov/environment/ejustice/case/case7.htm>
- National Environmental Justice Advisory Council
www.epa.gov/compliance/environmentaljustice/nejac/index.html (retrieved November 11, 2005).
- Martinez, Arabella. (1992). *Fruitvale Transit Village Project*. Federal Highway Administration, Retrieved November 10, 2002, from <http://www.fhwa.dot.gov/environment/ejustice/case/case6.htm>
- McMillan, Melissa. (1999). *Midway Village Housing Project. A Struggle for Environmental Justice*, Retrieved November 5, 2002, from <http://www.umich.edu/~snre492/cases.html>
- Mezza, Jim. (1990). *Toxic Neighbors of Corpus Christi. Environmental Justice Case Study*, Retrieved December 3, 2002, from <http://www.umich.edu/~snre492/cases.html>
- Mutsumi, Mizuno. (1999). *Justice in Decision Making*. Washington, DC: Federal Transit Administration.
<<http://www.fta.dot.gov/library/policy/envir-just/backcf.htm>>.
- Mizuno, Mutsumi. “*Justice in Decision Making*” Background Paper, Takema Park, Maryland, (n.d.).
- NCTOG Home Page, *Public Involvement Components*, (Feb. 2001)

- NCHRP. (National Cooperative Highway Research Program) *Research for the AASHTO Standing Committee on Planning*.
<http://www.4.trb.org/trb/crp.nsf/All+Projects/nchrp+8-36>
- NCTOG. (North Central Texas council of Governments) *Public Involvement Components*
http://www.dfwinfo.com/trans/public_involvement/components.html
- O'Toole, Randal. "A Poisonous Brew for American Cities." The Cato Institute.
<http://www.cato.org/pubs/pas/pa-287.html> (November 5, 1997).
- Olsen, Laura, *Transit-Oriented Communities, Mobility Partners Case Study*, Surface Transportation Policy Project, 1994
- Pisarski, Alan E., *Travel Behavior Issues in the 90's, U.S. Department of Transportation*, Federal Highway Administration, July 1992.
- Smith, Richard. (1990). *East-West Expressway Environmental Impact Study*. Federal Highway Administration, Retrieved January 5, 2003, From <http://www.fhwa.dot.gov/environment/ejustice/case/case3.htm>
- Sperling, Gene B., *The Clinton Administration's Anti-Poverty Agenda: Remarks to the National Press Club*, October 1, 1999
<http://clinton4.nara.gov/WH/EOP/nec/html/speech991001.html>
- Statter, Harry. (1995). *Hog Farming in North Carolina. Environmental Justice Case Study*, Retrieved October 5, 2002, from <http://www.umich.edu/~snre492/cases.html>
- Surface Transportation Policy Project and Center for Neighborhood Technology. (1995). *Transportation: Environmental Justice and Social Equity Conference Proceedings*. Washington, DC: FTA.
- The first conference on Transportation, *Environmental Justice and Social Equity*, Chicago, Illinois, November 1994.
- The Strategy Center (July 7, 2007). www.thestrategycenter.org/projects-nationalschool.htm
- USDA. (USDA Forest Service). *The National Environmental Policy Act of 1969*.
<http://www.fs.fed.us/forum/nepa/nepalaw.html>
- USDOT. (U.S. Department of Transportation) *Useful Intermodal Links*.
<http://www.dot.gov/intermodal/links.html>
- USDOT. (U.S. Department of Transportation) *Intermodal Issues in Transportation*, <http://www.dot.gov/intermodal/passenger.html>

- USDOT. (U.S. Department of Transportation) *Intermodal Planning and Research Links*. <http://www.dot.gov/intermodal/regional.html>
- USDOJ. (U.S. Department of Justice) *Coordination and Review Section*. <http://www.nsdoj.gov/crt/cor/coord/title/vi.html>
- USDHHS. (US Department of Health and Human Services) *Your Rights Under Title VI of the Civil Rights Act of 1964*. <http://www.os.dhhs.gov/orc/title6.html>
- U.S. Environmental Protection Agency. EPA, *Reaffirms Commitment to Environmental Justice: Memorandum to EPA Officials*, August 9, 2001, www.epa.gov/swerosps/ej/
- U.S. Environmental Protection Agency.
<<http://cfpub.epa.gov/ncea/cfm/healthri.cfm>> (2006, June 28)
- U.S. Environmental Protection Agency.
[http://www.epa.gov/compliance/environmentaljustice/\(2006](http://www.epa.gov/compliance/environmentaljustice/(2006). June 28)
- Walzak, Keith. (1995). *South Park Avenue Improvement Project*. Federal Highway Administration, Retrieved January 20, 2003, from <http://www.fhwa.dot.gov/environment/ejustice/case/case8.htm>
- Wartzman, Rick, *New Bus Lines Link the Inner-City Poor with Jobs in Suburbia*, Wall Street Journal, 24 September 1993.