

Addressing Environmental Justice in Transportation Planning Practice

NADO & USDOT

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DOT Order on Environmental Justice (EJ)

- **Updates in Departmental Order 5610.2(a), Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**
 - Specifies that Environmental Justice applies to planning and that an EJ analysis should be conducted as part of early planning efforts.
 - Clarifies the distinction between a Title VI analysis and an environmental justice analysis conducted as part of a NEPA review.
 - Updates the definitions of minority populations to be consistent with the most recent OMB definitions.

DOT Order on Environmental Justice

- For more information on the new USDOT Order please visit:
http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/ .
- For more information on the updated USDOT Strategy please visit:
http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/dot_ej_strategy/.

FHWA-Complying with E.O. 12898

- FHWA issued Order 6640.23 in 1998; revised Order issued in 2012 after USDOT's order. "FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" to establish policies and procedures for the FHWA to use in complying with E.O. 12898.

FHWA EJ Order 6640.23: Key Elements

- Establishes internal policies and procedures for the FHWA to use in complying with EO 12898.
- Provides guidance on key definitions (e.g., clarifying the definition of “minority.”)
- Restates the FHWA policy to actively ensure nondiscrimination
- Speaks to integrating principles with existing operations and future proposals
- Focus on preventing disproportionately high and adverse effects
- Actions to be taken to address disproportionately high and adverse effects when they may exist

Changes to the FHWA Order

FHWA Order: 1998

- Section 1: Purpose and Authority
- Section 2: Definitions
- Section 3: Policy
- Section 4: Integrating Environmental Justice Principles with existing operations
- Section 5: Preventing Disproportionately High and Adverse Effects (DHAE)
- Section 6: Actions to Address (DHAE)

FHWA Order: Changes 2012

- Environmental Justice actions were related to agency actions as a whole. The new FHWA Order outlines staff on all levels to consider Environmental Justice
- Minority definitions have been expanded and revised for consistency to comply with the Census definitions
- Clarification of the source for the reference in the order to the National performance Review to ensure that it still should be considered
- Additional language on differences between Title VI and EJ analyses
- Throughout the FHWA Order a clear and distinct separation of the provisions of Title VI and EO 12898

EJ at FRA

Planning- Environmental justice is considered for all potentially affected communities throughout the rail planning and project development process, and through public outreach and participation efforts conducted by the Federal Railroad Administration (FRA) and our project sponsors.

Implementation- FRA initiatives to engage and protect environmental justice populations include remaining flexible during the planning process; providing information and obtaining input to develop informed decisions and alternatives to avoid impacts from our projects; involving the community in planning for quiet zones; implementing grade crossing closures and as well as providing additional safety measures within communities.

Civil Rights- Civil Rights are the core rights that all Americans have to be treated fairly and equally in all aspects of their life. One of these rights is to a safe and healthy environment. EJ looks at whether our projects disproportionately impact low-income, minority and disadvantaged communities and the mitigation efforts if they should. EJ principles should be a part of any initiatives that organizations undertake to improve the civil rights of all Americans.

FTA EJ Final Circular

- FTA issued its first circular on Environmental Justice, Circular 4702.1 “Environmental Justice Policy Guidance for FTA Recipients.”
- The Circular became effective on August 15, 2012
- FTA is now undertaking outreach to educate our grantees on how to more effectively incorporate the principles of environmental justice in all aspects of their transportation decision-making.
- http://www.fta.dot.gov/12347_14823.html

Organization of Circular

- Chapter I:** Environmental Justice, Title VI, and Public Transportation
- Chapter II:** Conducting an Environmental Justice Analysis
- Chapter III:** Achieving Meaningful Public Engagement with Environmental Justice Populations
- Chapter IV:** Integrating Principles of Environmental Justice in Transportation Planning and Service Delivery
- Chapter V:** Incorporating Environmental Justice Principles into the NEPA Process

What's next for FTA

- FTA will hold a webinar in October 2012
- Webinar to include
 - Detail review of the content in Circular
 - Discussion of difference between Title VI and EJ compliance
 - EJ in Transportation Planning and NEPA
 - Case studies

EJ and Implementation-From Construction to Service Provision

- What are some indirect ways that EJ communities may be impacted by service provision or lack thereof?
 - Service elimination without alternative options or mitigation
 - Service reduction without alternative options or mitigation
 - Fare increase in which EJ communities are bearing disproportionate burden

EJ and Implementation-From Construction to Service Provision

- Discuss key considerations that should be accounted for when analyzing service expansions and cuts:
 - Are there alternatives within $\frac{1}{4}$ mile walking distance to a bus stop or $\frac{1}{2}$ mile of rail station?
 - What other alternatives have been considered?
 - Would considering alternatives create a larger burden to EJ communities?

EJ and Implementation-From Construction to Service Provision

- Only section of new Title VI Circular where low-income is included
- Clearly defines when to do a Title VI analysis and when to do a low-income analysis
- Requires recipients to develop major service change policy, disparate impact policy, disproportionate burden policy, and evaluate adverse effects based on degree of impact
- Recipients may use population of service area or ridership for comparisons

EJ and Civil Rights

EJ is a Civil Rights Issue:

- When some communities benefit from improved accessibility, congestion relief, faster transit service and others do not;
- When some communities suffer disproportionately from adverse effects of transportation policies, e.g., congestion, noise, water and air pollution.
- When some communities are paying higher transportation costs than other communities relative to benefits and service they receive
- When some communities are not represented, or under-represented in transportation decision-making, policy development...that affect the allocation of resources



EJ and Civil Rights

- Emerging Issues in EJ and Civil Rights
 - More focus and discussion about:
 - Why are burdens not equitably distributed?
 - Do we have good data on the causes of environmental inequities?
 - Are there inherent biases in the transportation planning process that tend to favor mobility over accessibility and automobile travel over other modes?



EJ and Civil Rights

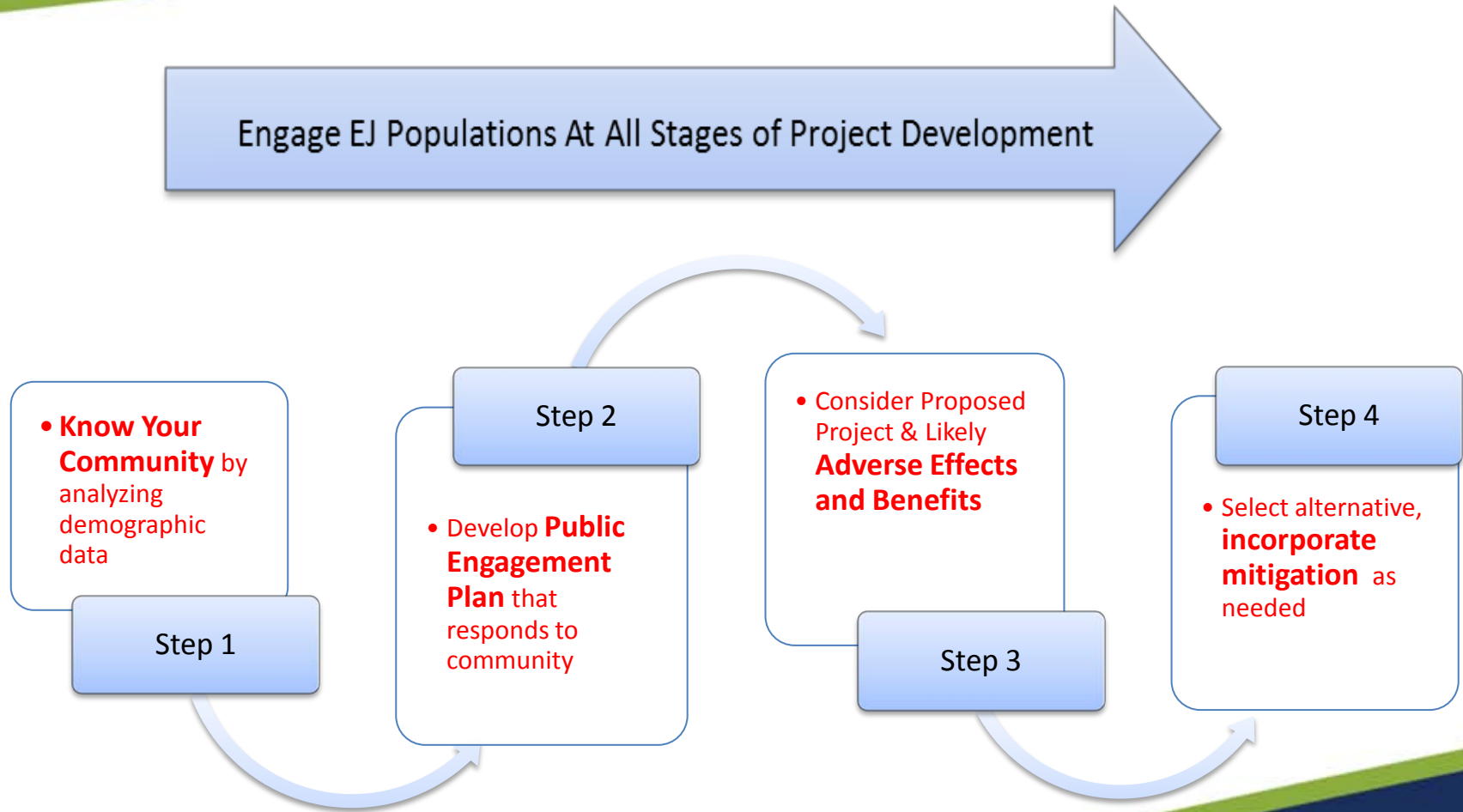
- What does meaningful involvement really mean and are recipients of federal aid attaining it?
- Should social equity be an important planning goal and a requirement for sustainable development which balances economic, social, and environmental objectives (e.g. congestion reduction, increased travel speeds, travel cost savings and traffic safety)?



EJ in Planning and NEPA

- “Categorical Exclusion” designation within NEPA does not relieve an agency of the responsibility to assess whether or not a project requires further EJ analysis
- EJ must be considered at both the planning and the project level
- Unconventional outreach strategies can help to garner input from vulnerable populations

Conducting an Analysis



Know Your Community

- What is your “study area”?
- Use an appropriate unit of geographic analysis
 - Use the most up-to-date reliable data available (U.S. Census data – tract or block group level)
 - Other sources (local planning departments, MPOs/COGs, EDCs)
 - Travel the alignment (talk to residents or community organizations)

Determining Whether Adverse Effect Will Be Borne By EJ Population

Questions to consider :

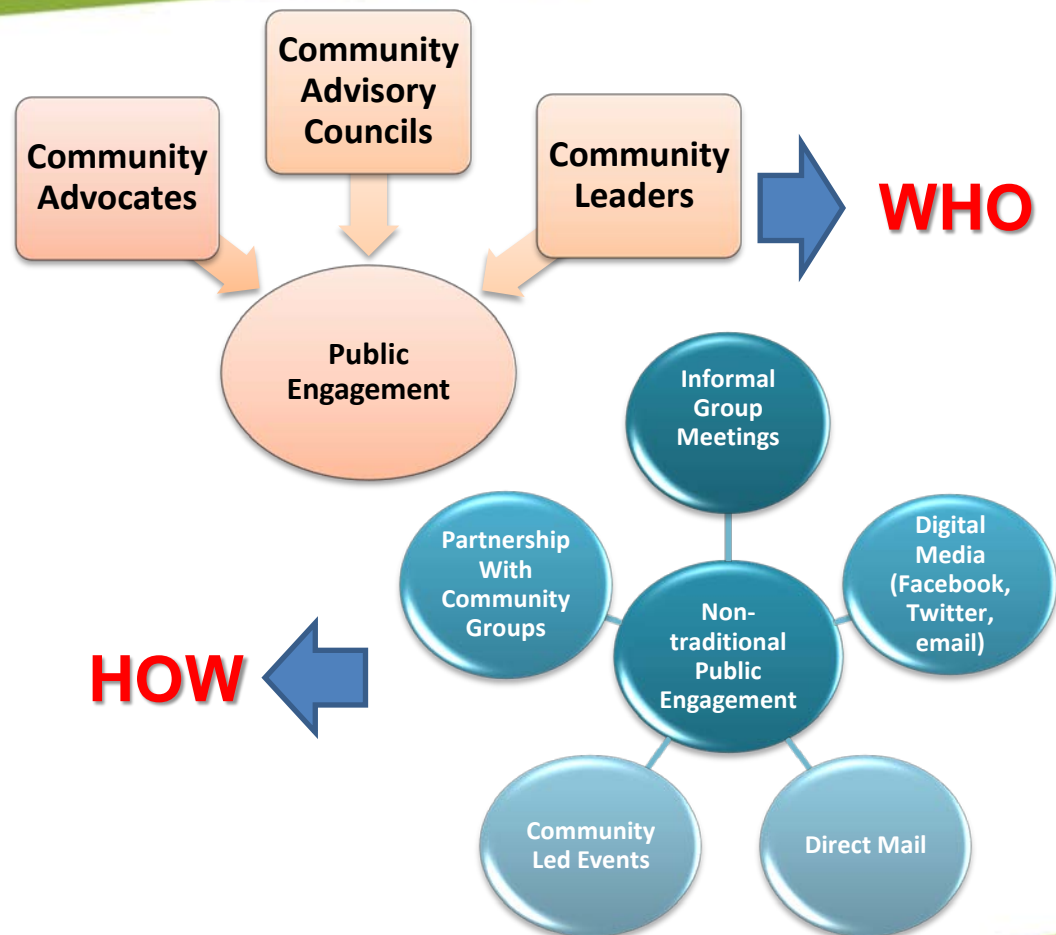
- Whether the adverse effects on EJ populations exceed those borne by non-EJ populations?
- Whether cumulative or indirect effects would adversely affect an EJ population?
- Whether mitigation and enhancement measures will be taken for EJ and non-EJ populations?
- Whether there are off-setting benefits to EJ populations as compared to non-EJ populations?

What about benefits?

- Direct user benefits
 - Travel time savings
- Improved traffic and circulation
- Direct employment (new jobs)
- Redevelopment opportunities
- Improved access to jobs within the corridor
- Improved access to retail, entertainment, restaurant, and other non-work related establishments

Public Outreach and Participation

- Reach out to minority and low-income communities
- Contact social agencies and private organizations
- Provide opportunities for public input in addition to traditional open houses
- Advertise in target publications and community newsletters, other than in English
- Follow-up on suggestions gathered during public outreach activities.
- Make reasonable efforts to reach those affected by the proposed action



EJ in Planning and NEPA

- How can the NEPA and planning process be better inclusive of EJ populations while avoiding duplication?
- How can we ensure that we are accurately predicting potential project impacts on EJ populations (monitoring/community feedback)?

Questions?

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