

EQUITY, ENVIRONMENTAL JUSTICE AND TITLE VI FOR REGIONAL PLANNING

Presented by: Tracee Strum-Gilliam, AICP
BMC-BRTB PAC
February 6, 2019
Baltimore, MD

What is Environmental Justice?

Environmental Justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and **policies.**” (USEPA)

Source: Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses (EPA, 1998a)

Executive Order 12898

Issued by President Clinton on February 11, 1994 – *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations (EO 12898) directs federal agencies to:*

“Promote nondiscrimination in Federal programs substantially affecting human health and the environment, and provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.”

Agencies use existing law to ensure that when they act:

- They do not discriminate on the basis of race, color, or national origin
- They identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income communities
- ***They provide opportunities for community input in the National Environmental Policy Act (NEPA) process (potential effects and mitigation)***

EJ and Projects/Policies

The fundamental principles of environmental justice in the context of infrastructure projects are defined as:

- Avoiding, minimizing, or mitigating disproportionately high and adverse human health and environmental effects, ***including social and economic effects, on minority populations and low-income populations;***
- ***Ensuring full and fair participation by all potentially affected communities in the decision-making process;*** and
- Preventing the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

EJ Populations Definitions

- Low-Income – a person whose household income is at or below the Department of Health and Human Services poverty guidelines.
- Minority – a person who is Black, Hispanic, Asian American, American Indian, or Alaskan Native
- Low-Income Population – any readily identifiable group of low-income persons who live in geographic proximity
- Minority Population – any readily identifiable group of minority persons who live in geographic proximity

USDOT's Renewed Focus Means DOTs Need to Reprogram

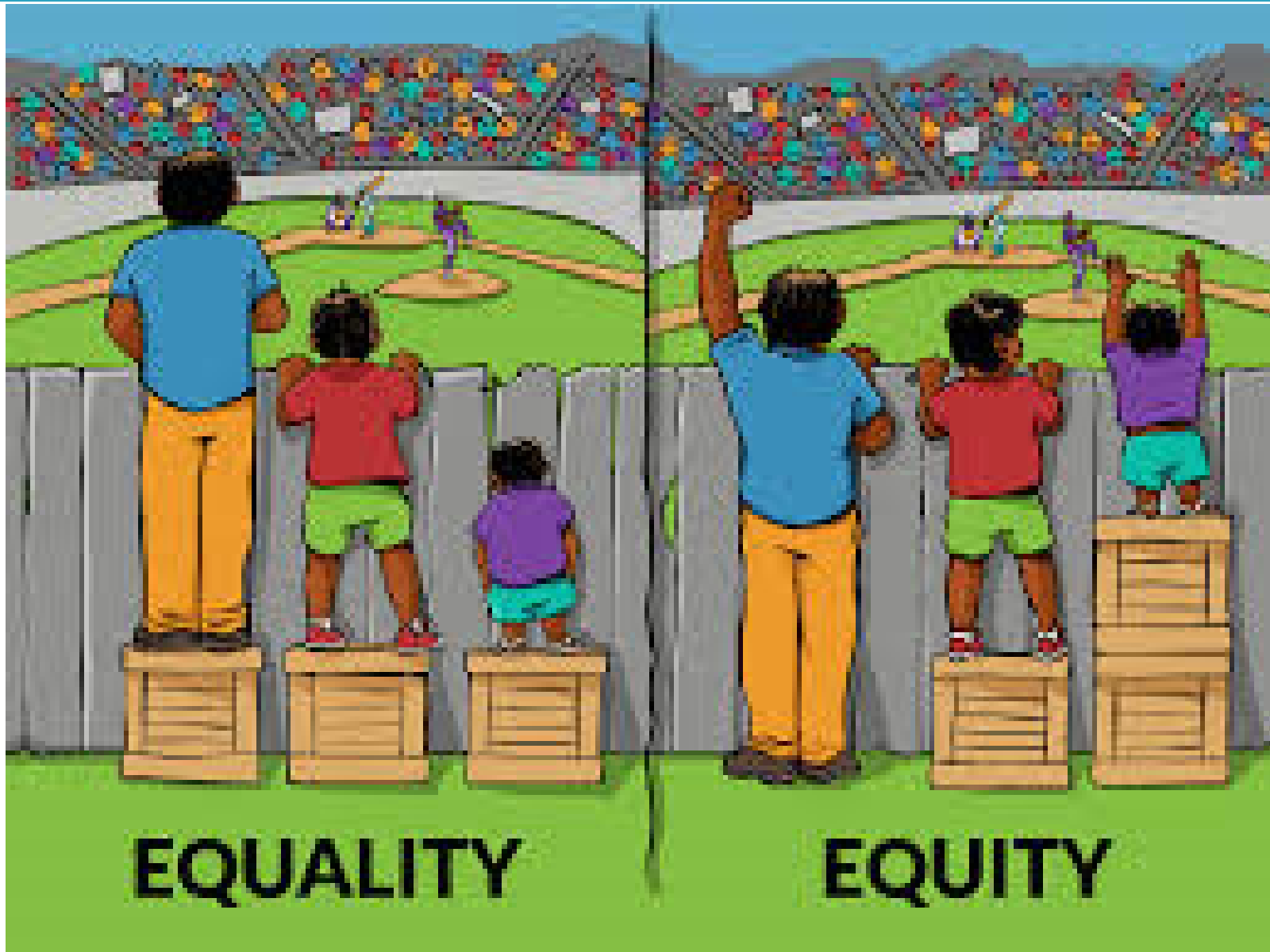
- MOU on Environmental Justice signed by all lead Federal agencies on August 4, 2011
- Department of Transportation Updated Environmental Justice Order 5610.2(a) May 2012 “*Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*”
- FTA Title VI Circular 4702.1B and EJ Circular 4703.1
- EPA’s *Plan EJ 2014* and its supplement *Advancing Environmental Justice Through Title VI of the Civil Rights Act*

Title VI and LEP Considerations

Under Title VI, each Federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

- Title VI Programs include Public Involvement Plans and Limited English Proficient (LEP) Plans
- Title VI Reporting (monthly, quarterly etc.)
- Title VI Claims (Investigation of complaints)
- Fare Increases/Service Changes (equity analysis) all require outreach efforts

Equity Considerations



Program Level and Regional Analysis

System Analysis and Corridor level planning are the cornerstone of solid planning. The Equity space requires another layer of analysis focused on:

- Understanding location of underserved populations
- Needs, transportation choice
- Balanced investment (Benefits and Burden's Analysis)
- Public Outreach and Engagement

Program Level and Regional Analysis

System Wide and Program level engagement/outreach plans of don't typically dray EJ, Title VI and LEP stakeholders in. Often project level programs connect at a more personal level with EJ Title VI and LEP stakeholders. These plans should consistently address and incorporate tools to reach and engage underserved populations. Bolster effectiveness by:

- ❑ Reviewing and incorporating strategies from your DOT's EJ Plan;
- ❑ Identifying the location and concerns of EJ populations;
- ❑ Identifying advocates and resources for the elderly and (LEP) populations and other Title VI populations;
- ❑ Including Socio-Economic Descriptions in your plans; and
- ❑ ***Incorporating traditional and grassroots strategies.***

Sources

- Executive Order 12898 (Clinton, 1994a)
- *PBS NEPA Desk Guide (EPA, 1999) · Interim Guidance for Investigating Title VI Administrative Complaints*
- *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses (EPA, 1998a)*
- *The Model Plan for Public Participation (National Environmental Justice Advisory Council, 2000)*
- *Environmental Justice, Guidance Under the National Environmental Policy Act (Council on Environmental Quality, 1997)*
- FTA website www.fta.dot.gov
- EPA website www.epa.gov/environmentaljustice/