

FTA

FEDERAL TRANSIT ADMINISTRATION

Final Circular 4703.1

Environmental Justice Policy Guidance for FTA Recipients

December 11, 2012

FTA, Office of Planning and Environment



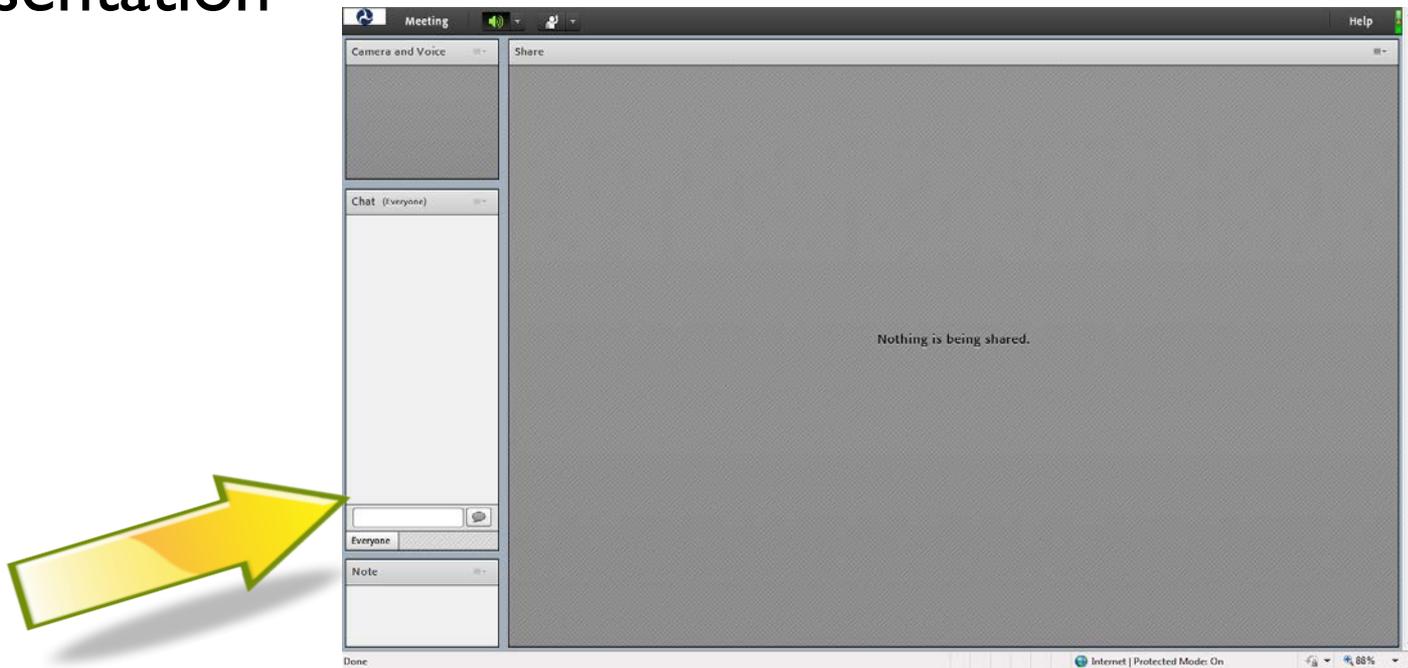
U.S. Department of Transportation
Federal Transit Administration

Audio for Webinar

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- **OR**
 - Dial-in number: 877-336-1831
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How to submit Questions

- Questions related to content should be placed in the Q/A box that will appear on your screen during the presentation



Webinar Format

- Presentation will last approximately 90 minutes followed by 30 minutes of Q/A.
- Audience members are muted due to high number of participants.
- Review content of FTA's EJ Circular
- “Practitioner’s Guide” to EJ Review
- Planning & NEPA EJ examples
- Funding Opportunities and NEPA EJ Resources

Speakers

Lucy Garliauskas – Associate Administrator, Planning & Environment

Cecelia Comito – Regional Counsel, Region V

Faith Hall – Environmental Protection Specialist, Planning & Environment

Maya Sarna – Environmental Protection Specialist, Planning & Environment

What We Will Discuss

- Environmental Justice and how it applies to FTA's programs, policies and projects
- An Analytical Framework for Environmental Justice
- Environmental Justice as part of the transportation planning process
- Environmental Justice as part of the NEPA review process
- A copy of the Circular is available at:
http://www.fta.dot.gov/12347_14823.html

FTA Circular 4703.1

- “Environmental Justice Policy Guidance for FTA Recipients” became effective August 15, 2012
- Circular does **NOT** present new requirements



Environmental Justice

- Executive Order 12898 – 1994
- Memorandum of Understanding on Environmental Justice and Executive Order 12898 – August 2011
- DOT Order 5610.2(a) – May 2012
- Master Grant Agreement
- FTA Circular 4703.1

Principles of Environmental Justice

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.



Organization of FTA 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

Why Isn't My Title VI Analysis Good Enough to Satisfy Environmental Justice?



Environmental Justice Populations

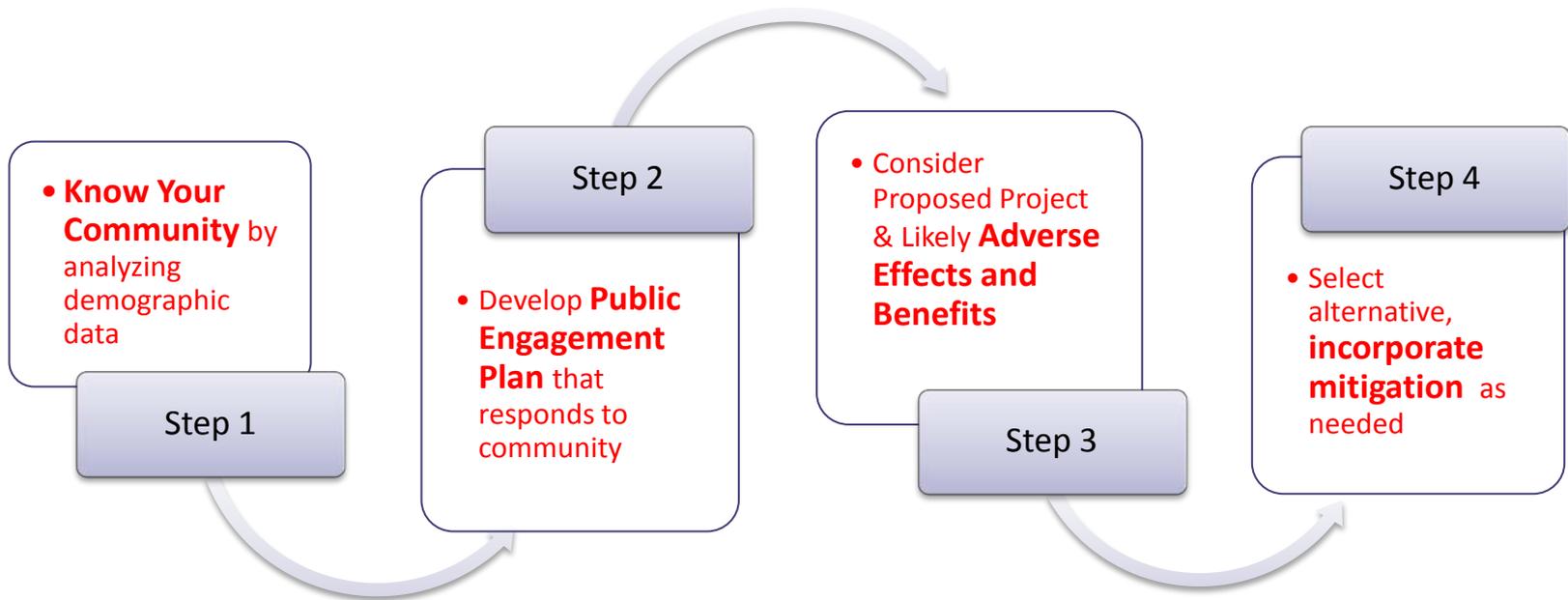
- **Minority population** means any readily identifiable group or groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/ transient persons.
- **Low-income population** means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons.

When is an EJ Analysis Required?

	MINORITY	Non-MINORITY
LOW INCOME		
Non-LOW INCOME		

Conducting an Analysis

Engage EJ Populations At All Stages of Project Development



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)

When is an EJ Population Present?

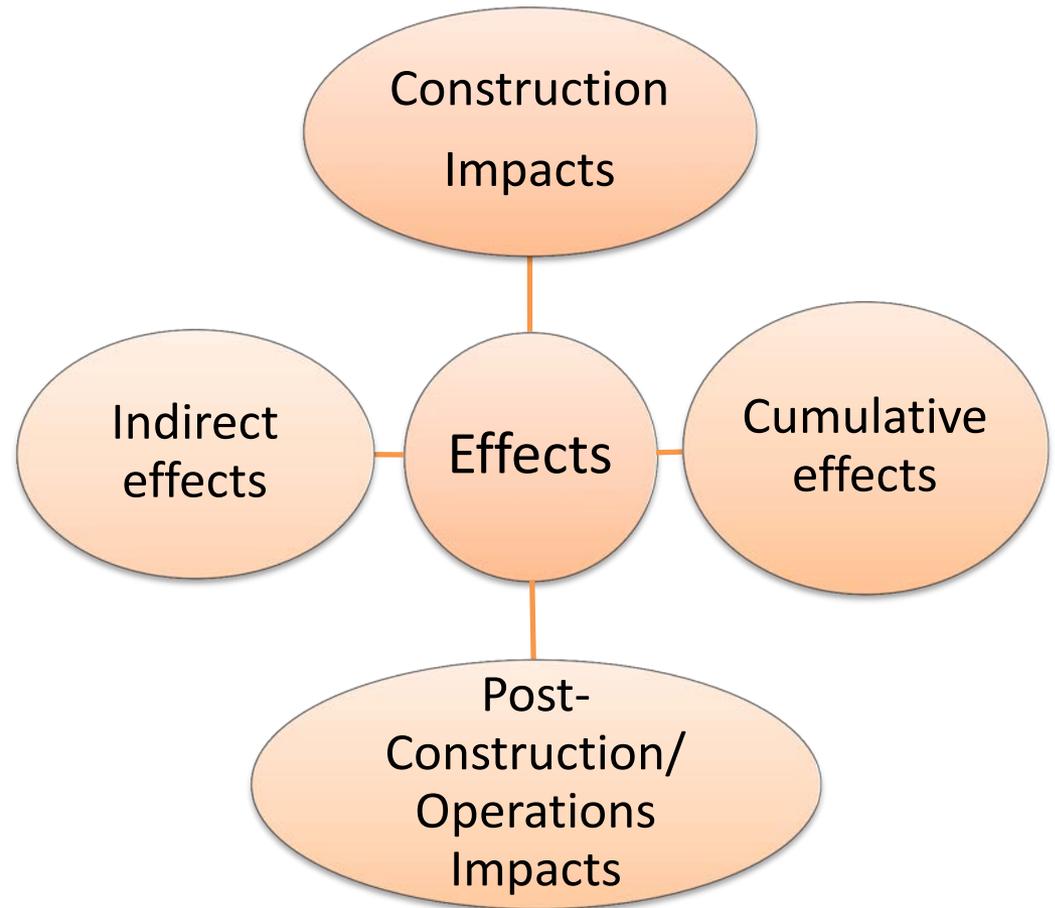
- *Disproportionately high and adverse effects*, not population size, are the bases for environmental justice
- A very small minority or low-income population in the project, study, or planning area *does not eliminate the possibility of a disproportionately high* and adverse effect on these populations

Adverse Effects

- The *totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects*, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; *and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.*

Evaluating Effects

All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed.



Disproportionately High and Adverse Effects

- Effects
 - Predominantly borne by an EJ population, or
 - Appreciably more severe than suffered by the non-EJ population
- Take into consideration mitigation and enhancement measures
- Based on totality of the circumstances (burdens and benefits)
- Reflects community input

Effects 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
- Improved traffic 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



Determine Mitigation

Avoid

- Alternative location
- Revise design/
Reconfigure facility or
site



Minimize

- Limitations during
construction (e.g.
night work,
construction hours)
- Considerations during
operations (e.g. limit
operational periods)

Mitigate

- Measures (e.g. sound
walls, aesthetic
treatments, etc.)



Meaningful Public Engagement

Formal Meeting



Engaged Dialogue



Traditional



Non-Traditional



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



Meaningful Public Engagement

- Potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- The concerns of all participants involved will be considered in the decision-making process; and
- The decision-makers seek out and facilitate the involvement of those potentially affected.

Application of EJ Analysis



What is Transportation Planning?

Who?

- Regional planning organizations (MPOs, COGs), State departments of transportation (DOTs), transit operator and partners

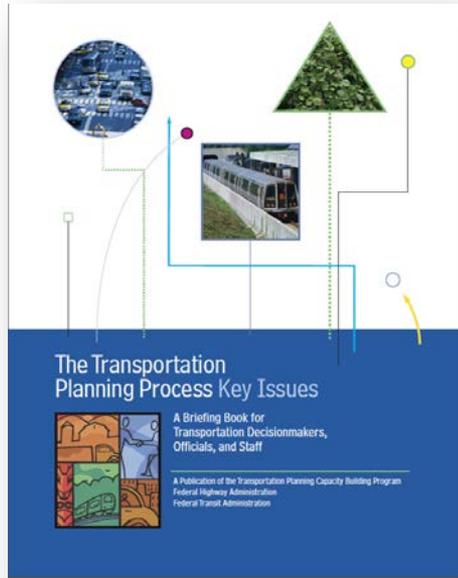
What?

- Assess existing conditions and anticipate future needs;
- Develop a comprehensive range of investment strategies; and
- Provide for project selection that satisfies needs and supports the community's vision for its future.

How?

- Is a continual and cooperative process;
- Coordinates federal funds across jurisdictions; and
- Relies on public engagement with all system users, including proactive outreach to low-income and minority communities.

Transportation Planning Process



Transportation Planning Process

- Major plans must address EJ concerns by:
 - *“seeking out and considering the needs of those traditionally underserved by existing transportation systems, which includes **low-income and minority households** who may face challenges accessing employment and other services”*
 - Regions have formal Public Participation Plans with explicit procedures, strategies, and desired outcomes – and periodic review of effectiveness
 - States need to have a Process that is part of the long range plan development
- Transit capital development plans & Service plans

Transit Considerations in Planning

- Transit providers connect their studies and research on transit ridership and demand to Regional and Statewide planning to best inform the transit element of multi-modal plans
- Transit Development Plans fit into Regional and statewide plans
- Engage EJ populations on issues of future transit service, especially if reductions are possible

Key Questions for EJ Outreach

- Public Engagement is key at all stages
- What message will spark public interest
- How will you distribute information
- What timing is best for outreach
- How will you show how decisions reflect public input
- How to anticipate barriers: location, timing, communication strategies



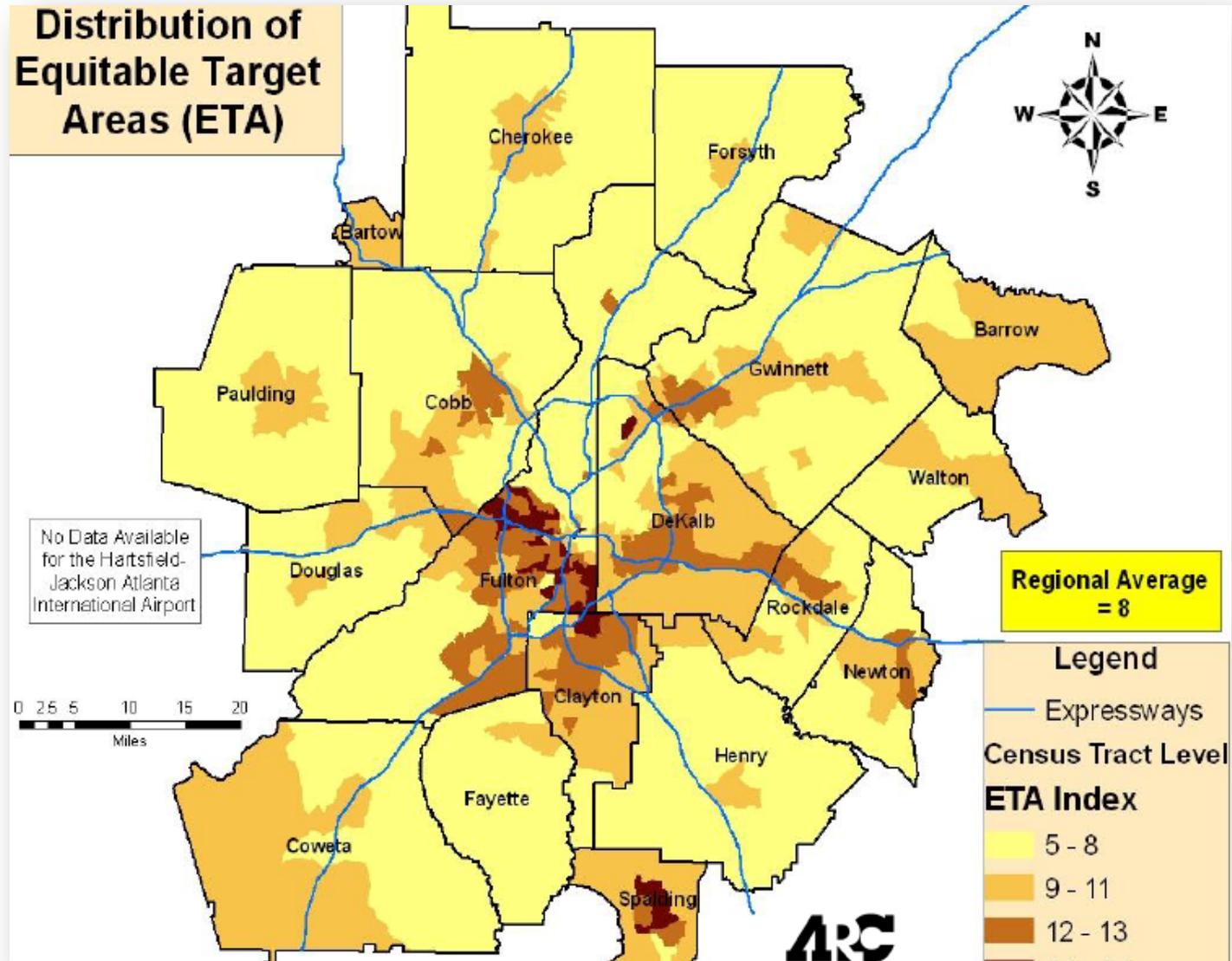
Environmental Justice Planning Case Studies

Atlanta Regional Commission

Social Equity Advisory Committee

Equitable Target Areas (ETA) Index:

- Poverty
- Race
- Median Housing Value
- Age
- Education



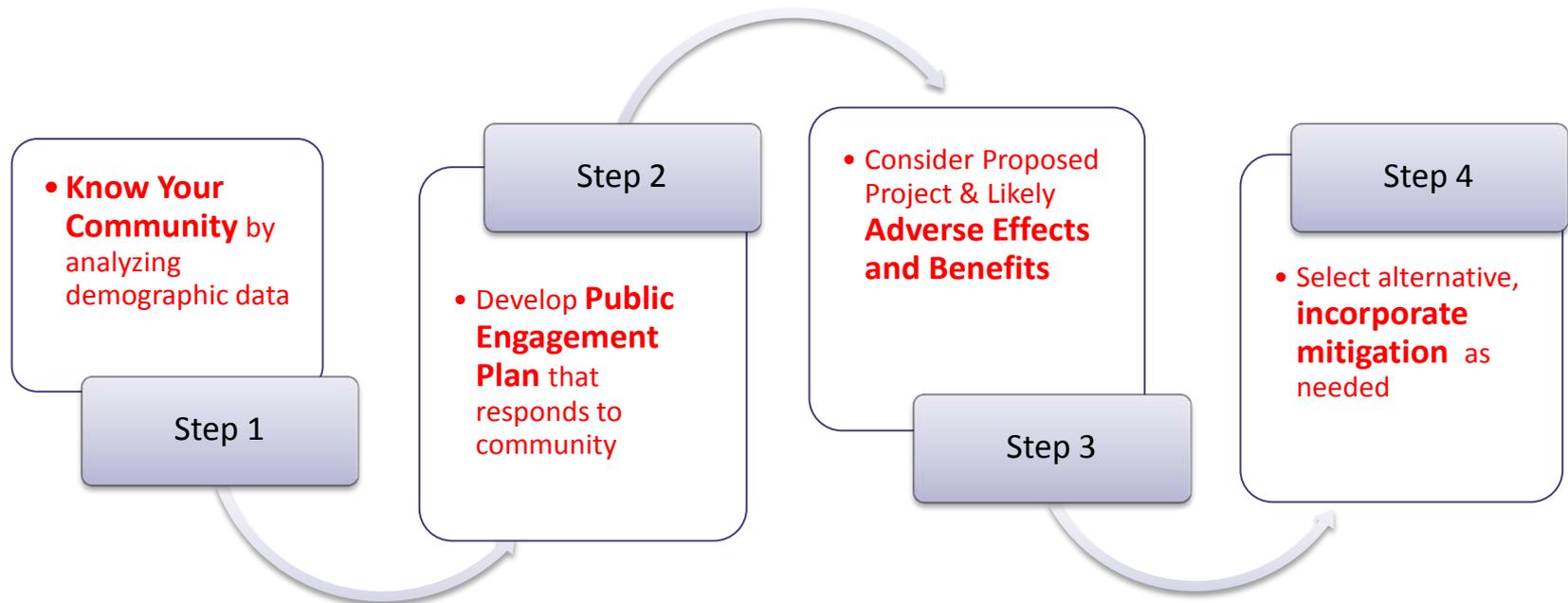
Indian Nations Council of Government Fast Forward Transit Plan Mobile Outreach Bus

*2012 USDOT
Transportation
Planning
Excellence
Award*

*2012 American
Planning
Association
National
Planning
Award*



EJ and NEPA



Adapting EJ Analysis to NEPA

Environmental review is required for all Federally-funded projects and includes:

- Reviewing important adverse effects of the project to determine whether those adverse effects are significant;
- Determining whether adverse effects can be avoided, minimized, or mitigated; and,
- Assessing the Project's benefits versus its burdens on the environment.

All Classes of Action Consider EJ

- Environmental justice should be considered in **all** decisions whether the project is processed with an Environmental Impact Statement, Environmental Assessment, or Categorical Exclusion.



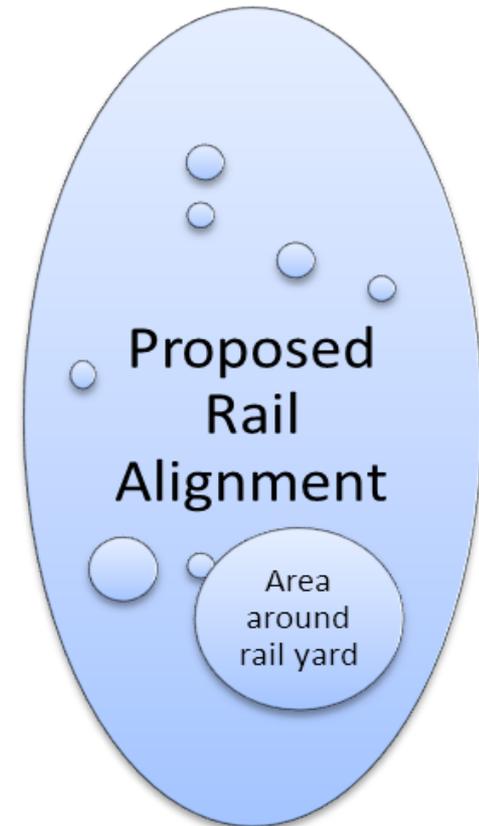
Categorical Exclusions & EJ

- Categorical Exclusions (c-list): no further documentation required
- Categorical Exclusions (d-list): documentation and analysis required depending on the scope of the proposed project
- Unusual Circumstances may lead to EA or EIS



EJ Metrics

- Set appropriate boundaries
- Analyze demographic data
- Consider whether sub-areas are appropriate



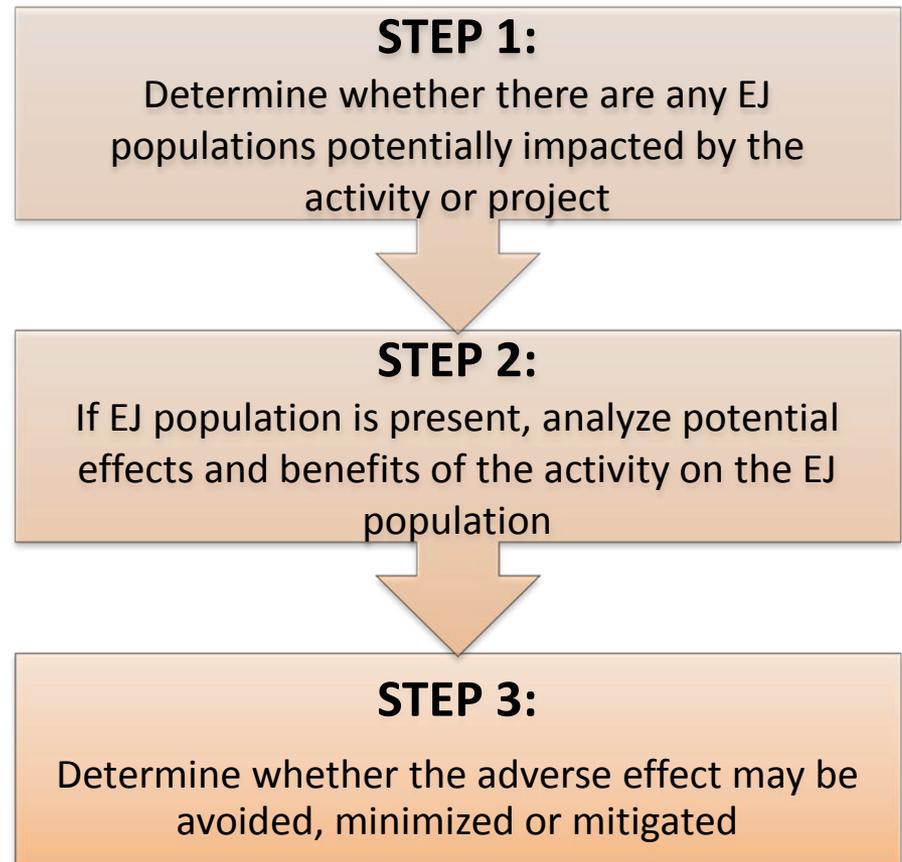
EJ Analysis for NEPA

- ✓ Is the project area well-described?
- ✓ Are neighborhoods, cities, counties identified?
- ✓ How was the area of effects identified?
- ✓ Where did the data used for analysis originate?
- ✓ What level of data was used for analysis? Why?



EJ Analysis Simplified

- ✓ How were EJ populations identified?
- ✓ What methodology was used to determine EJ populations?
- ✓ Is it clear how disproportionately high and adverse effects were determined?
- ✓ Are avoidance, minimization, and mitigation measures identified?
- ✓ Are burdens and benefits adequately assessed?



Public Outreach in EJ NEPA

- ✓ Is there a discussion of the public engagement process?
- ✓ What efforts were made to reach minority and low-income populations?
- ✓ Is there mention of how EJ communities were engaged during
 - ✓ Transportation Planning process
 - ✓ NEPA process

Questions to Consider

- Will the project result in “adverse effects?”
- Will the project result in disproportionately high and adverse effects on an EJ population?
- Does the project propose mitigation and/or enhancement measures?
- Are there project benefits that would accrue to the EJ population as compared to non-EJ populations?
- Does the project affect a resource that is especially important to an EJ population?
- What efforts were made to engage members of EJ populations?

Practice Pointers

- In EAs and EIS's, environmental justice should be discussed in its own chapter
- Your EJ analysis should be consistent with the rest of the NEPA analysis
- Benefits of project should be more than just “EJ populations will benefit from more transit options.”
- What if my study area includes a majority EJ population?

Environmental Justice NEPA Case Studies

ILLUSTRATIVE EXAMPLE # 1

Project Description

- Extension of 9 mile light rail transit (LRT), 11 new stations
- Most tracts within Study Area: R/C/I

Metrics

- Defined Study Area – ½ mile of alignment
- County used for comparative assessment
- 2000 Census data

Environmental Justice Population

- Set threshold values
- EJ Population present in 16 out of 19 Census Tracts

Environmental Issues

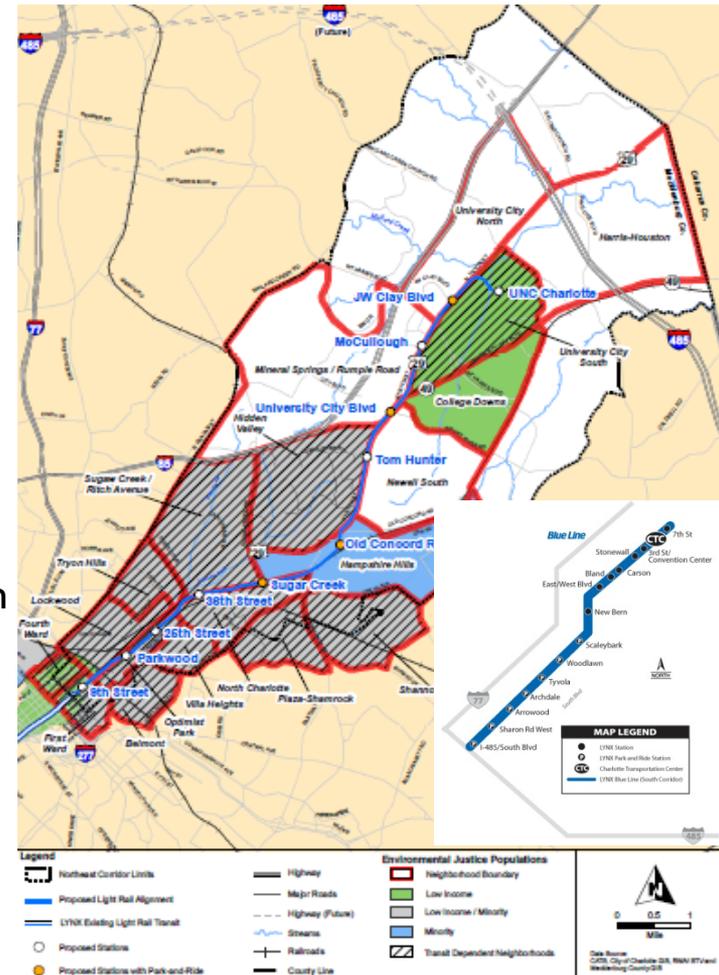
- Acquisition/displacements, visual change, noise and vibration

Environmental Justice Concerns

- Noise

Resolution/Mitigation [?]

- Benefits
- Mitigation



ILLUSTRATIVE EXAMPLE # 2

Project Description

- New transit hub in downtown core
- Most tracts within proximity: C/I

Metrics

- Study Area – immediately adjacent to site
- Land uses determined – no comparison needed

Environmental Justice Population

- Transitional housing and services provider

Environmental Issues

- Construction: visual change, noise and vibration

Environmental Justice Concerns

- N/A

Resolution/Mitigation

- Benefits



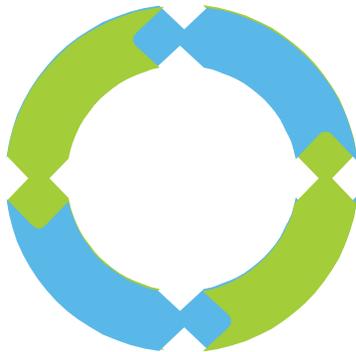
EJ Support



Grant Recipients



Regional Support



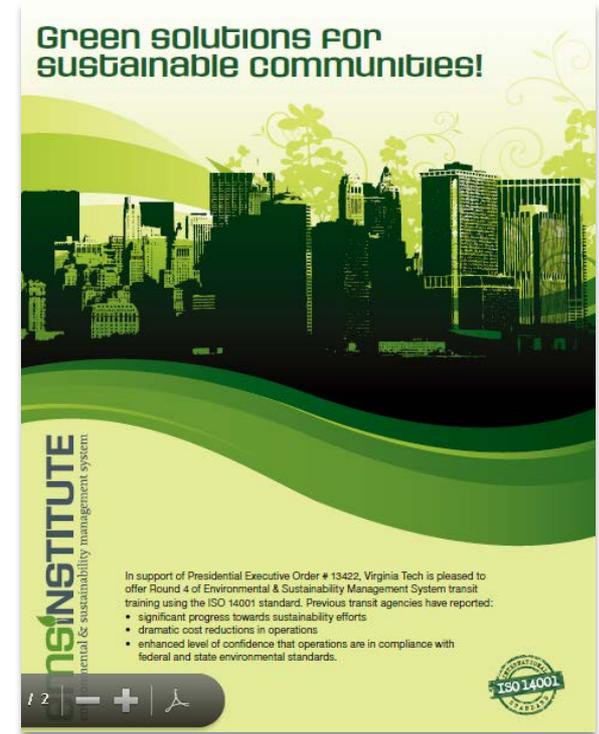
HQ EJ TEAM



What if you need help in determining whether a plan, program or project meets the requirements under EJ?

FTA Environmental Management Systems

- Transit agencies are eligible to apply
- 4 Hands on workshops to design and implement an EMS
- Applications due December 21, 2013.
- More information - http://www.fta.dot.gov/13835_227.html



EPA EJ Small Grants

- \$1.5 million in Environmental Justice Small Grants
- Incorporated non-profits, federally recognized tribes, and tribal organizations are eligible
- Applications due January 7, 2013
- One remaining pre-application teleconference call on Dec 13
- <http://www.epa.gov/environmentaljustice/grants/ej-smgrants.html>

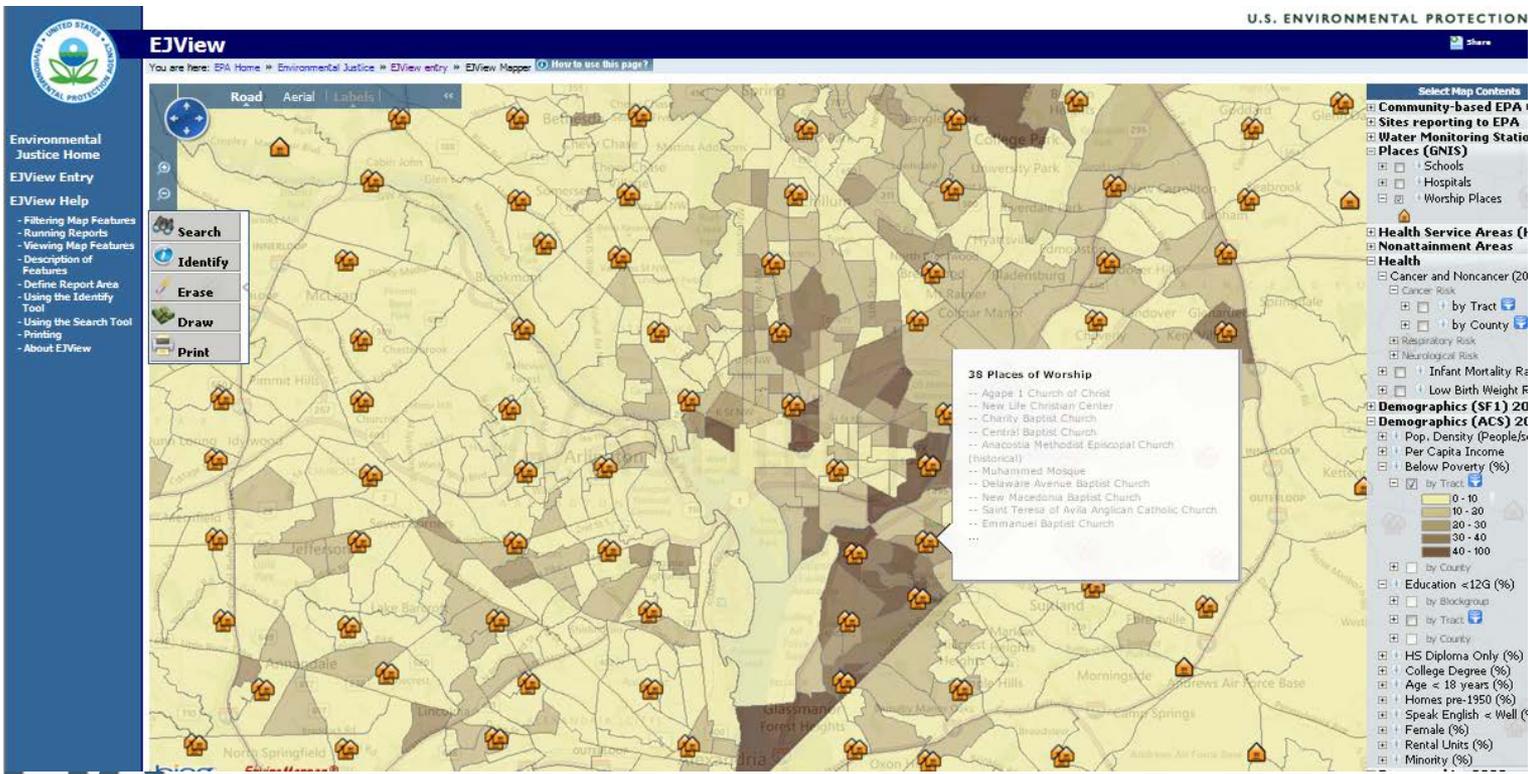
EPA Tools

NEPAssist

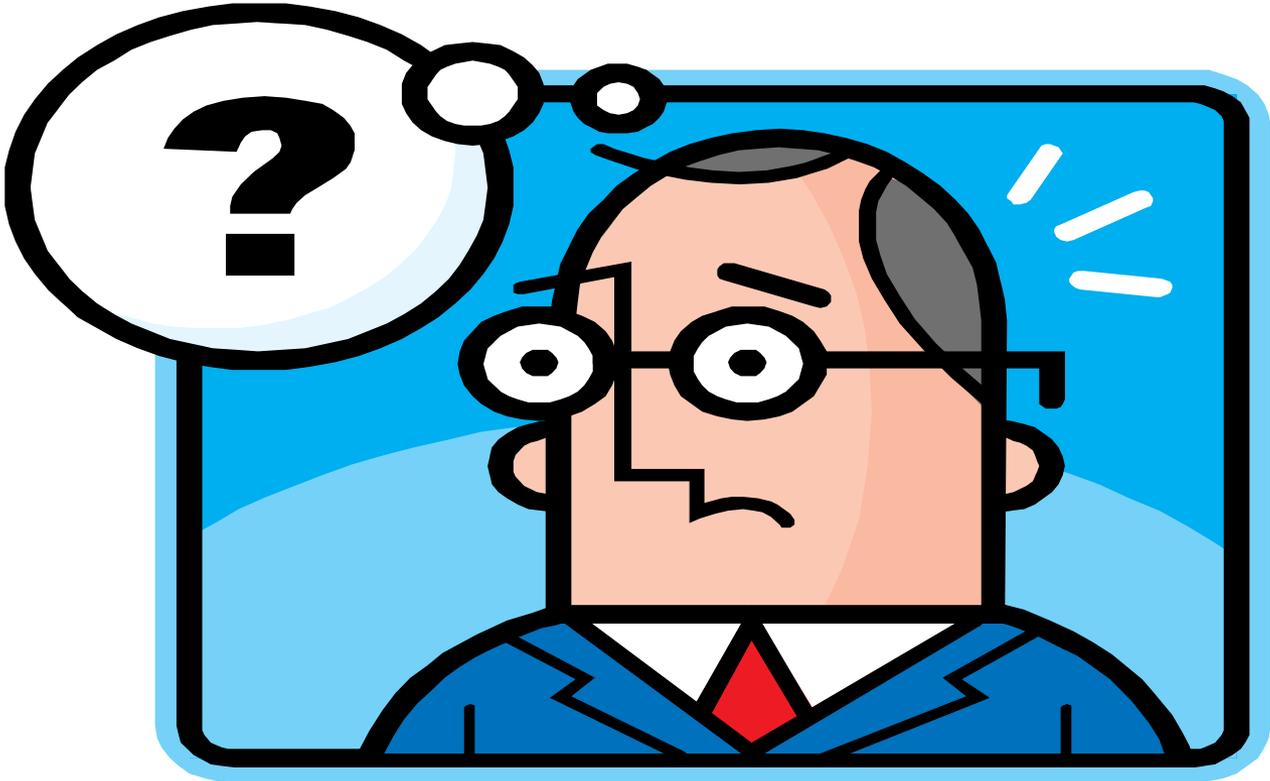
- <http://www.epa.gov/compliance/nepa/nepassist-mapping.html>

EJ View

- <http://www.epa.gov/environmentaljustice/mapping.html>



Questions





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FTA EJ Webpage

http://www.fta.dot.gov/12347_14823.html

