

# Environmental Justice Policy Review

Zachary Johnson

On behalf of the Southwest Washington Regional Transportation Council

## Introduction

Environmental justice (EJ) is an important consideration for Metropolitan Planning Organizations (MPOs) across the country. While environmental justice requirements and guidelines were first promulgated in the 1990s, they are based on Title VI of the Civil Rights Act of 1964 which states, “no person in the United States shall, on the grounds 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.”<sup>1</sup> In 1994, President Clinton signed Executive Order 12898, directing each federal agency to “make achieving environmental justice part of its mission.”<sup>2</sup> Agencies were directed to identify policies, programs, and activities that had disproportionately adverse environmental and/or health impacts on low-income and minority populations.

In April 1997, Department of Transportation (DOT) Order 5610.2 was issued in response to the EO 12898. This order was subsequently updated by Order 5610.2(a) in 2012. The DOT EJ strategy derived from this order presents three guiding EJ criteria:

- 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.<sup>3</sup>

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<sup>1</sup> “Title VI of the Civil Rights Act of 1964” (1964).

<sup>2</sup> “Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 16, 1994, <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.

<sup>3</sup> “Department of Transportation Environmental Justice Strategy,” March 2, 2012, [https://www.fhwa.dot.gov/environment/environmental\\_justice/ej\\_at\\_dot/dot\\_ej\\_strategy/index.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/dot_ej_strategy/index.cfm).

Per DOT Order 5610(a), the Federal Highway Administration (FHWA) has released the following directives to MPOs:

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.<sup>4</sup>

The Federal Transit Administration (FTA) released Circular FTA C 4703.1 on August 15, 2012 to provide EJ guidance to recipients of FTA funds.<sup>5</sup> This circular contains an examination of requirements as well as an overview of which communities constitute EJ communities. FTA considers minority populations to include the following persons:

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian and other Pacific Islander

Low-income persons are those whose median household income is less than or equal to the Department of Health and Human Services (HHS) poverty guidelines. Locally-devised thresholds are encouraged, and definitions of low-income populations vary across MPOs.

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<sup>4</sup> "An Overview of Transportation and Environmental Justice," June 28, 2017, [https://www.fhwa.dot.gov/environment/environmental\\_justice/overview/](https://www.fhwa.dot.gov/environment/environmental_justice/overview/).

<sup>5</sup> Federal Transit Administration, "Environmental Justice Policy Guidelines for Federal Transit Administration Recipients," August 15, 2012, [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf).

## State of Practice

While the federal government issues broad goals for MPO EJ policy, there is a lack of detail about specific policy options or models. This lack of detail has led to variation in EJ policy across MPOs. Considerations like population size, demographics, and resources play a role in shaping EJ policy for the unique needs of the region in question. Most EJ analysis can be placed into two overarching categories: quantitative and qualitative. To identify best practices in both categories, RTC commissioned a report that detailed the EJ policy of fourteen MPOs from across the United States. Five of these MPOs represented populations in the 400,000 to 500,000 range, meaning they were close to the RTC's constituent population. Five more were MPOs in the Pacific Northwest, which allowed RTC to consider what neighboring MPOs had implemented. The final four MPOs were those with innovative and extensive EJ policies. These MPOs had large populations and budgets and were considerably more diverse than Southwest Washington, but modified version of some of their policies could be applicable to the RTC. A summary of the MPOs studied is included as Appendix A.

Quantitative approaches rely on data models and mapping to determine if an MPO is adequately serving EJ communities. Examples of data measures include trip times, projects per census tract, and distance to public transportation options. Mapping plays a central role in these methods. By identifying census tracts that have higher than average concentrations of EJ populations, MPOs can use their data modeling to show if these tracts are being treated equitably.

The second approach is the qualitative approach, which places a heavy emphasis on dialogue. Various MPOs have convened task forces or community groups of EJ stakeholders to

determine if the MPO is adequately addressing the needs of EJ communities. Some have done this on a limited basis, such as when developing EJ policy, while others have made a long-term commitment to dialogue with these communities in all aspects of planning. Many MPOs use a combination of quantitative and qualitative methods. A common method is developing policy based on data and then dialoguing with communities to improve it.

## Stakeholder Interviews

Following MPO analysis, RTC conducted interviews with stakeholders from organizations representing EJ communities. The purpose of these interviews was to get a sense of what transportation issues were affecting EJ populations and how RTC could more effectively engage with EJ populations. The interview subjects all agreed that transportation issues often have a larger impact on low-income populations and people of

Stakeholders Interviewed
<b>Bill Bauman and Colleen Kuhn</b> Human Services Council
<b>Dolly England</b> Clark College Office of Diversity and Equity
<b>Bridget Fahnbulleh</b> Vancouver NAACP
<b>Andy Silver</b> Council for the Homeless
<b>Barbe West</b> Free Clinic of SW Washington

color, particularly as these communities are less likely to have reliable access to automobiles. Concerns about gentrification, housing costs, commute times, and the location of public transportation in relation to service providers were all discussed.

In addition to specific transportation issues, the interviews provided valuable information on ways that RTC’s public involvement methods could be improved to better incorporate EJ communities. These findings are incorporated into the “Recommendations” section of this report. Overall, these interviews were an important starting point for further engagement with various community groups.

## Recommendations

In improving environmental justice policy, RTC should enhance both quantitative and qualitative methods to ensure that all communities are included in the transportation process and that outcomes do not have a disproportionate negative outcome on EJ communities. By creating sustained dialogue with EJ communities, maximizing the accessibility of RTC processes and materials, and enhancing existing modeling methods, SWRTC can meet the requirements of federal guidelines and ensure that EJ communities play a role in shaping policy well into the future.

Recommendations
1. Create sustained dialogue with environmental justice communities
2. Maximize accessibility of RTC processes and materials
3. Enhance environmental justice mapping and data

### **Recommendation #1: Create sustained dialogue with environmental justice communities**

Ensuring that EJ principles are being upheld and that all communities are being considered in planning is an ongoing process, not something that can be studied once and then checked off. RTC could devote resources to create detailed models around EJ policy, but these models would be a poor substitute for continued engagement with EJ communities. Data and models will continue to be crucial to planning, but it can be easy for experts to miss what is important to community members.

The most practical way for RTC to engage with these communities is through existing groups. There are several organizations in Southwest Washington that work with or represent EJ communities. These include organizations for people of color and groups representing low income populations. During the stages of the planning process when RTC is seeking public input, staff

should reach out to these groups and stakeholders. Providing a brief synopsis of what RTC is working on, giving details on the planning process, and asking for feedback at existing meetings

Community Groups	
<b>Area Agency on Aging and Disabilities</b>	would be a more efficient and inclusive way of
<b>Coalition of Service Providers</b>	interacting with EJ communities than attempting to
<b>Commission on Asian Pacific American Affairs</b>	arrange separate meetings. By reaching out to members
<b>Free Clinic of SW Washington</b>	of these groups, RTC can help foster the relationships that
<b>Latino Community Resources Group</b>	will ensure that more community members are included
<b>LULAC</b>	in the process. In developing strategies for this outreach,
<b>NAACP</b>	RTC should work with group leaders and seek a balanced
<b>Native American Parent Association</b>	approach between providing information and receiving

feedback. Attendance at these existing meetings would also allow RTC staff to invite community members to larger public open houses in a more personalized way.

**Recommendation #2: Maximize accessibility of RTC processes and materials**

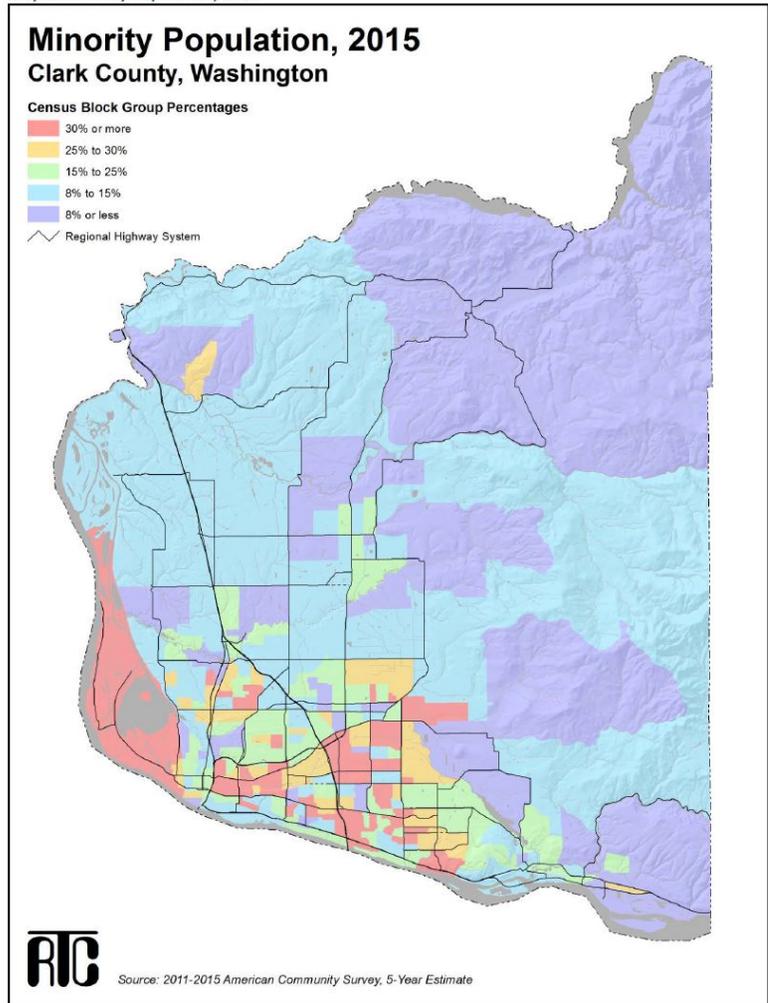
RTC meetings and materials should be as accessible as possible to EJ populations. In addition to attending existing EJ community group meetings, RTC can ensure that open houses are accessible by providing materials and translation in multiple languages. RTC’s existing Limited English Proficiency Plan addresses this need and meets the legal requirements. Dialogue with groups representing speakers of languages other than English may reveal ways in which this

plan could be improved. During event planning, the needs of EJ populations should be explicitly considered. This includes ensuring that meetings are held at a variety of times so working people have access, that meetings are held at locations with easy access to public transportation, and that the aforementioned language issues are considered.

**Recommendation #3: Enhance environmental justice mapping and data**

The mapping that RTC does on EJ demographics is important to the planning process and should continue. It is important to show what types of transportation projects are affecting EJ communities, and this mapping is a valuable first step. RTC should enhance these maps with more detail regarding the diversity of the student population. Interview subjects suggested including information about schools with a higher percentage of students on free or

Map 1: Minority Population, 2015



Example of existing EJ demographic mapping showing overall minority population by census tract based on data from the American Community Survey.

reduced lunch and those with diverse student populations on the map. Doing so will provide another metric by which to judge the diversity of an area beyond census tract demographics.

Another way to enhance mapping is to overlay service locations of importance to EJ communities. Several MPOs use data and mapping about the location of services, medical offices, and shopping locations in relation to EJ communities. RTC should seek to synergize some compatible content of the EJ Demographic Profile and the Human Services Transportation Plan (HSTP). In particular, the section of the HSTP dealing with major trip destinations has utility in the EJ discussion. Working with the stakeholder groups discussed in Recommendation #1, RTC should ask for additions relevant to EJ communities.

## Conclusion

The efforts of this policy review show a commitment by RTC to enhance its efforts in environmental justice outreach and policy. Existing work on analysis, mapping, and Title VI, coupled with the successful implementation of the recommendations of this report, will allow RTC to fully address the three EJ requirements for MPOs:

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.<sup>6</sup>

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<sup>6</sup> "An Overview of Transportation and Environmental Justice," June 28, 2017, [https://www.fhwa.dot.gov/environment/environmental\\_justice/overview/](https://www.fhwa.dot.gov/environment/environmental_justice/overview/).

The public involvement piece is of crucial importance to EJ policy. The transportation and planning needs of EJ communities can only be determined through engagement and dialogue. EJ policy will necessarily evolve over time as feedback from EJ communities changes. By sustaining dialogue with EJ communities, maximizing accessibility to RTC processes and materials, and enhancing existing EJ mapping and data, RTC can ensure that needs are identified and addressed in an equitable manner.

## Appendix A: MPO Case Studies

MPOs in Case Study	Population	Summary of EJ Efforts
Greater Bridgeport Regional Council	406,161	Mapping, demographics, key questions, public involvement
Regional Transportation Commission of Washoe County	412,326	Mapping, demographics, community access to transit, public involvement
Santa Barbara County Association of Governments	423,891	Mapping, demographics, travel time and access models, air quality reports, public involvement
Genesee County Metropolitan Planning Commission	425,788	Mapping, demographics, point-by-point detailing of EJ MPO requirements, public involvement
Madison Area Transportation Planning Board	434,348	Mapping, demographics, transport methods and access, public involvement
Rogue Valley Metropolitan Planning Organization	167,859	Mapping, demographics, three-point project scoring, public involvement
Spokane Regional Transportation Council	471,221	Mapping, demographics
Community Planning Association of Southwest Idaho	581,325	Mapping, demographics, public involvement, four factor analysis method
Puget Sound Regional Council	3,690,866	Mapping, demographics, project evaluation, public involvement
Metro	1,499,844	Mapping, demographics, sounding boards, HMCs and FHMCs, public involvement
Delaware Valley Regional Planning Commission	5,626,318	Mapping, demographics, Indicators of Potential Disadvantage model, public involvement
New York Metropolitan Transportation Council	12,367,508	Mapping, demographics, means of transportation and travel time, public involvement
Sacramento Area Council of Governments	2,274,557	Mapping, demographics, project analysis, public involvement
Mid-Ohio Regional Planning Commission	1,436,334	Mapping, demographics, stakeholder involvement, public involvement, access to locations

## Appendix B: Community Groups

### **Area Agency on Aging and Disabilities**

Email: [iaclark@dshs.wa.gov](mailto:iaclark@dshs.wa.gov)

Website: <http://www.helpingelders.org/>

### **Coalition of Service Providers**

Email: [info@councilforthehomeless.org](mailto:info@councilforthehomeless.org)

Website: [http://www.councilforthehomeless.org/csp\\_docs/](http://www.councilforthehomeless.org/csp_docs/)

### **Commission on Asian Pacific American Affairs**

Email: [capaa@capaa.wa.gov](mailto:capaa@capaa.wa.gov)

Website: <https://capaa.wa.gov/about/board-meetings/>

### **Free Clinic of Southwest Washington**

Email: [barbe@freeclinics.org](mailto:barbe@freeclinics.org)

Website: <https://freeclinics.org/>

### **Latino Community Resource Group**

Website: <https://www.facebook.com/Clark.LCRG/>

### **LULAC**

Email: [swwalulac@gmail.com](mailto:swwalulac@gmail.com)

Website: <https://swwalulac.org/>

### **NAACP**

Email: [naacpvancouver@gmail.com](mailto:naacpvancouver@gmail.com)

Website: <http://vancouvernaacp.weebly.com/>

### **Native American Parent Association**

Website: <https://www.facebook.com/Native-American-Parent-Association-of-Southwest-Washington-323823754457249/>