



Environmental Justice in Transportation Projects

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Equity and EJ Overview

***Responding to the Needs of
Our Communities***

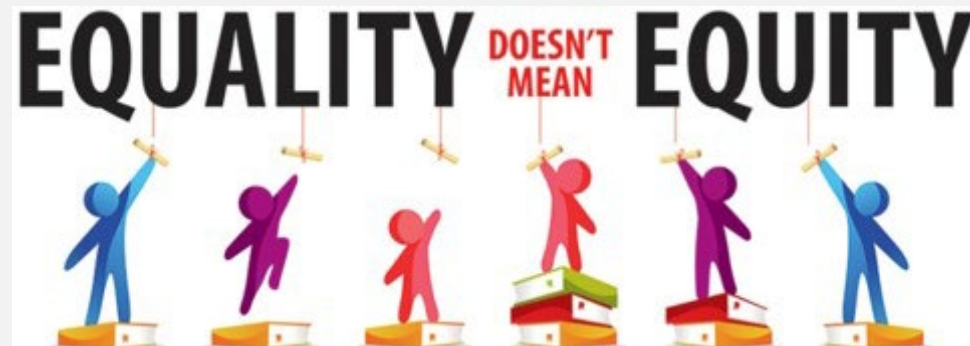


What's the Difference between Equality and Equity?

Equality

Same as “**horizontal equity**” – the **equal distribution** of impacts and benefits between individuals and groups

Grounded in the **Civil Rights Act of 1964** that prohibits discrimination on the basis of race, color, religion, sex, or national origin



Equity

*In the context of our work, the same as what we call "**vertical equity**":*

- ✓ Equity considers the **distribution of effects** between individuals and groups that **differ** by income, social class, or even mobility needs
- ✓ Policies are equitable if they address the **specific needs** of economically and socially disadvantaged groups
- ✓ *Equity is outcome-based*: we strive to provide opportunity for everyone to **achieve the same outcome**

The Equity Landscape



January 2021 to present:

- EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
 - EO 14008, Tackling the Climate Crisis at Home and Abroad
 - EO 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
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- Interim Implementation Guidance for the Justice40 Initiative
 - USDOT Equity Action Plan
 - EO14091, Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government
 - EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All



As per EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government ...

Equity is defined as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as:

- ✓ **People of Color (Black, Latino, Indigenous, Native American, Asian Americans, Pacific Islanders, others)**
- ✓ **members of religious minorities**
- ✓ **LGBTQ+ persons**
- ✓ **persons with disabilities**
- ✓ **persons who live in rural areas**
- ✓ **persons otherwise adversely affected by persistent poverty or inequality**

Justice40 Initiative

- Included in EO 14008, *Tackling the Climate Crisis at Home and Abroad*
- Ensures that Federal agencies deliver the promise of **at least 40%** of the overall benefits to **disadvantaged communities** from Federal investments in clean energy, energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water infrastructure

*Affirms a mandate to **measure** equity benefits – not just report on potential effects of federal actions*

Environmental Justice since 1994

- ✓ **1994:** EO 12898, Federal Actions to Address Environmental Justice in Minority Populations
- ✓ **1997:** USDOT Order 5610.2, Order on Environmental Justice
- ✓ **2012:** FTA Circular 4703.1, Environmental Justice Policy Guidance for FTA Recipients
- ✓ **2012:** USDOT Order 5610.2A, Order on Environmental Justice
- ✓ **2016:** USDOT Environmental Justice Strategy, revised
- ✓ **2021:** USDOT Order 5610.2C
- ✓ **2022:** EPA Legal Tools to Advance Environmental Justice
- ✓ **2023:** EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All
- ✓ **2023:** NPRM: NEPA Implementing Regulations Phase 2

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508

[CEQ–2023–0003]

RIN 0331–AA07

National Environmental Policy Act Implementing Regulations Revisions Phase 2

AGENCY: Council on Environmental Quality.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is proposing this “Bipartisan Permitting Reform Implementation Rule” to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including to implement the Fiscal Responsibility Act’s amendments to NEPA. CEQ proposes the revisions to provide for an effective environmental review process that promotes better decision making; ensure full and fair public involvement; provide for an efficient process and regulatory certainty; and provide for sound decision making grounded in science, including consideration of relevant environmental, climate change, and environmental justice effects. CEQ proposes these changes to better align the provisions with CEQ’s extensive experience implementing NEPA; CEQ’s perspective on how NEPA can best inform agency decision making;



Environmental Justice Definition

1994 – 2023, in a nutshell:

- the **fair treatment** and **meaningful involvement** of all people regardless of **race, color, national origin, or income**

2023 forward (based on EO 14096):

- The **just treatment** and **meaningful involvement** of all people, regardless of **income, race, color, national origin, Tribal affiliation, or disability**, in agency decision-making and other federal activities, that affect human health and the environment so that people:
 - ✓ Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the **legacy of racism** or other **structure or systemic barriers**; and
 - ✓ Have equitable access to a **healthy, sustainable, and resilient environment** in which to live, play, work, learn, grow, worship and engage in cultural and subsistence practices.

Environmental Justice *per EO 14096*



Redefines EJ Communities to be more inclusive:

- Focuses on *income, race, color, national origin, Tribal affiliation, or disability*
- Goes beyond **low-income** and **minority populations** to capture “*communities with environmental justice concerns*”
- Includes communities who are otherwise *adversely affected by persistent poverty or inequality*
- Encourages a **more comprehensive look** at communities — particularly where *racial minorities may make up the majority of the population but still experience environmental injustice*

Environmental Justice *per EO 14096*



Requires consideration of:

- Any *“legacy of racism”* or other structure or systemic barriers
- Any *Cumulative impacts* of environmental and other burdens
- Effects of *climate change*
- Impacts on *access to a healthy, sustainable, and resilient* environment

**ALL INFORMED BY MEANINGFUL
COMMUNITY ENGAGEMENT**

02

EJ in Projects



***Considering Environmental
Justice in Our Work***



APPLYING A COMPREHENSIVE APPROACH TO IDENTIFYING BURDENS

UDOT I-15 Farmington to Salt Lake City

Utah Department of Transportation

Salt Lake City, UT

- Currently in NEPA phase: Draft EIS just released for public review
- Defines a project to improve mobility along a 17-mile segment of I-15 from Farmington to Salt Lake City



UDOT's Quality of Life Framework

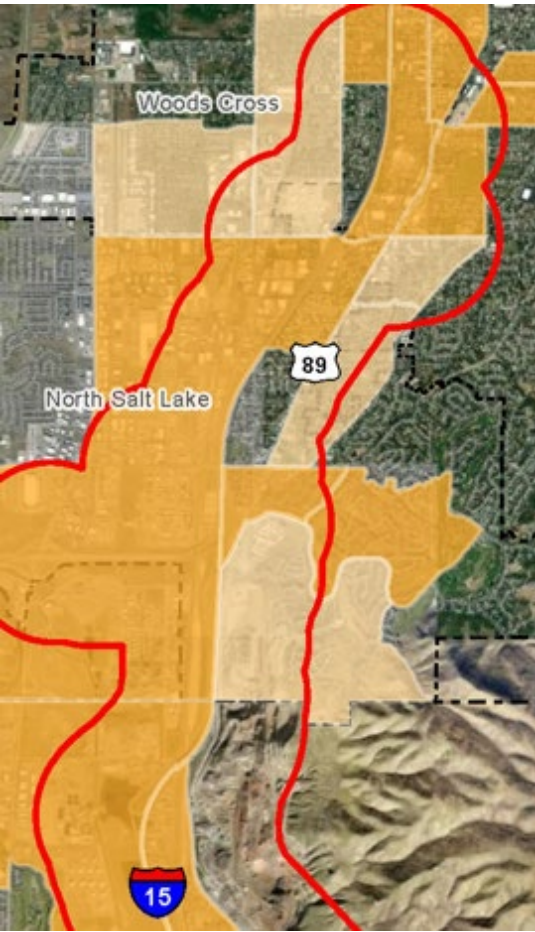
I-15 ENVIRONMENTAL IMPACT STATEMENT

Farmington to Salt Lake City



Environmental Justice in NEPA: Identifying EJ Populations Comprehensively

- For EJ, identified “traditional” low-income and minority (people of color) populations *as well as* persons with a disability, **based on EO 14096**
- Confirmed and identified additional EJ communities **through input from stakeholders**
- Used available tools to identify communities with additional burdens:
 - Used **EPA’s EJScreen** to confirm EJ communities and to help identify existing issues, burdens, and disparities
 - Used **CEQ’s Climate and Environmental Justice Screening Tool** to identify disadvantaged communities in line with the Justice40 Initiative, including flood risk, asthma prevalence, housing underinvestment, and others



Environmental Justice in NEPA: Addressing Past Harms

- Project acknowledges a history of **impacts as a result of past actions**
 - Pre-existing barriers and separations formed by I-15 and a major railroad
 - 1939 redlining and industrial uses
- Project strives to provide new **amenities/improvements** to help **mitigate current and past impacts** related to I-15





DEVELOPING A COMMUNITY- DRIVEN PROJECT

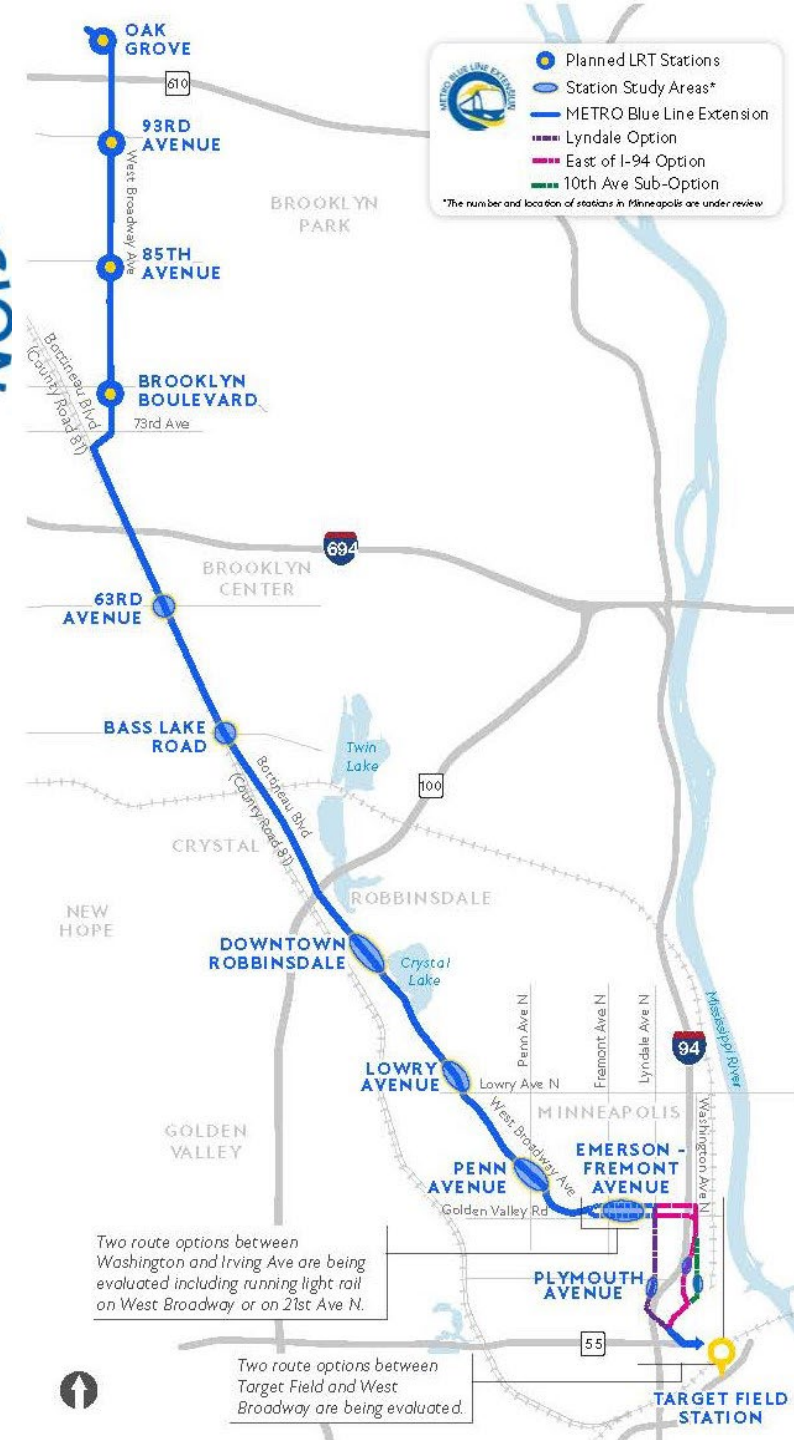
METRO Blue Line Extension

Metropolitan Council and Hennepin County

Minneapolis, MN

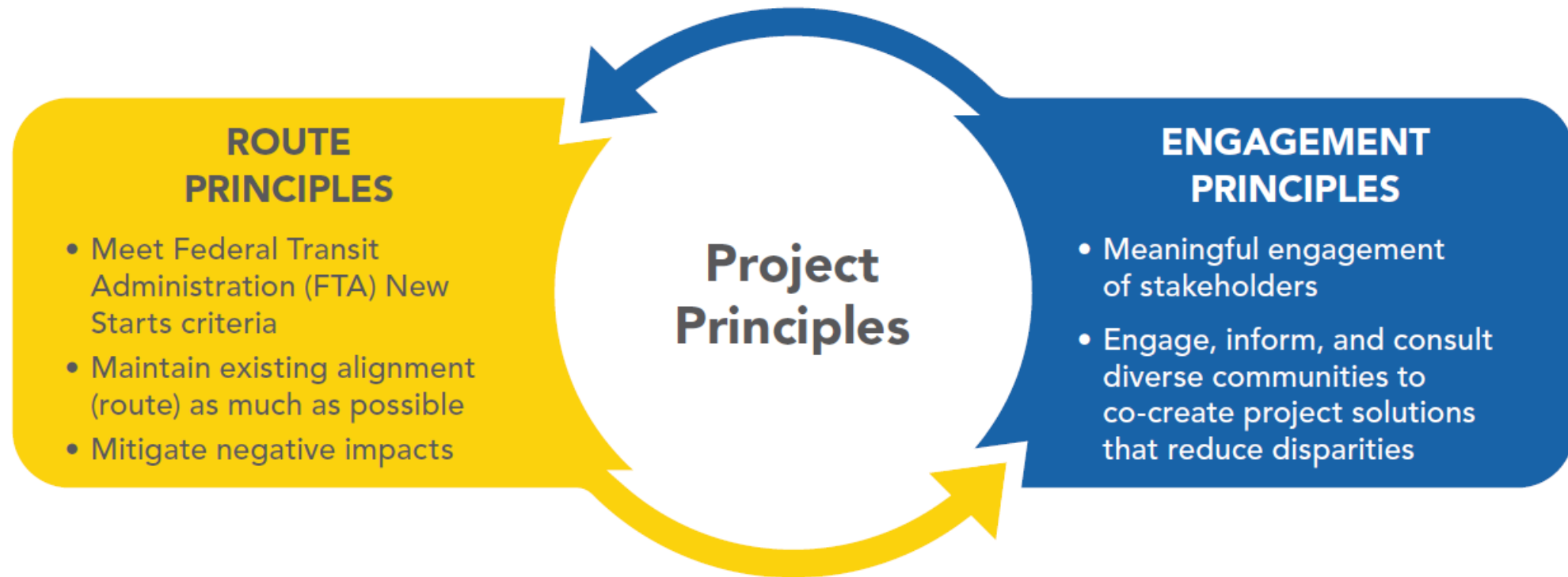


- Currently in NEPA phase:
Development of a Supplemental EIS
- Advancing a project that extends the METRO Blue Line from the existing Blue Line light rail transit from Target Field Station in Minneapolis to Crystal, Robbinsdale, and Brooklyn Park
- Includes connections to other existing and planned light rail, bus rapid transit, local bus, and express bus routes



Environmental Justice in NEPA: Co-creating Project Solutions with Communities

- *2016*: Blue Line Extension Project received Record of Decision from FTA
- *2017 – 2020*: During engineering phase, need to consider alternative route emerged
- *2020 – present*: Project sponsor and partners seize the opportunity to develop a **community-supported route** based on extensive public and stakeholder engagement



Environmental Justice in NEPA: Meaningful Engagement

- Developed several options from 2020 to 2022 in collaboration with communities
- Responded to community input about an option east of I-94
 - Avoids community impacts on west side
 - Provides access to industrial job opportunities
 - Serves affordable housing
 - Opportunity to invest in an underserved community
- Engaged communities through several in-person meetings, door-knocking, virtual events, and on-line survey

Benefits of the Blue Line Extension Community-Supported Route:

- *Best meets the Project goals*
- *Grounded in community feedback through collaboration with stakeholders*
- *Supported by project corridor communities and decision-makers*



Environmental Justice in NEPA: Including Anti-Displacement Policies

- Hennepin County developed an Anti-Displacement Working Group in response to community concerns about housing affordability, business support, and displacement
- Partnered with the University of Minnesota's Center for Urban and Regional Affairs (CURA) to lead this effort
- Worked with community, local governments, and other stakeholders to evaluate the potential for current and future displacement related to the project

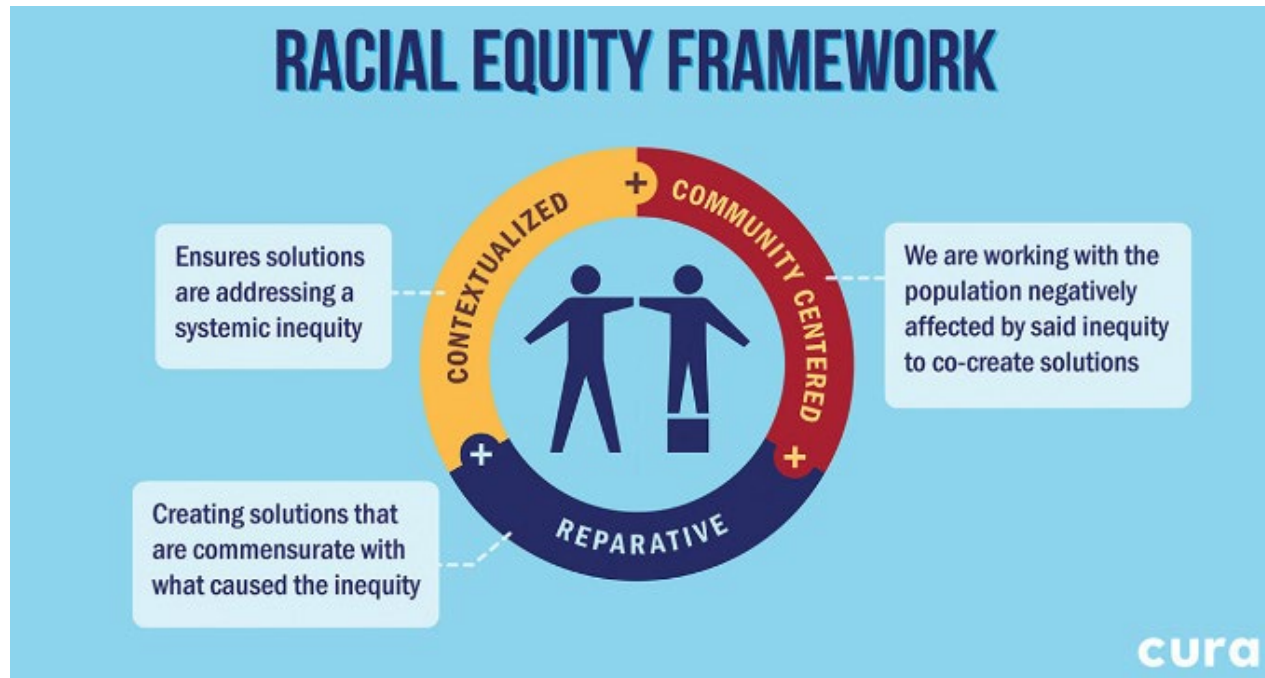
Fighting Against Gentrification



Source: CURA, April 2023

Environmental Justice in NEPA: Including Anti-Displacement Policies

- Applied a Reparative Justice Framework and Organizing Philosophy that sought to:
 - Contextualize displacement in the Twin Cities through research
 - Center community by creating a workgroup that elevated community agency and capacity
 - Recommend anti-displacement strategies and policies that would lead to important community-defined outcomes



- Developed **17 recommended policies**, including:
 - ✓ Tenant Opportunity to Purchase
 - ✓ Rent Control / Stabilization
 - ✓ Zero- to Low-Interest Loans
 - ✓ Small Business Grants / Small Business Support
 - ✓ Workforce Programs
 - ✓ Naturally Occurring Affordable Housing Preservation
 - ✓ Limiting Investor Purchasing and Corporate Ownership
- **Community added:** community development that increases safety, walkability, and urban amenities in the corridor



Summary

Thinking and Planning Ahead: Best Practices in Transit and Highway Project EJ Going Forward

- Rethink who are defined as EJ populations or EJ communities
- Move beyond considerations of fairness (equality) to considerations of equity and justice
- Expand time frame for cumulative impacts
- Address any legacy of racism or past harms that have contributed to systemic barriers
- Build trust with communities
- Listen to and incorporate community input
- Start early





Questions?

For more information, please reach out to:

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