
Title VI and Environmental Justice Overview

Overview of Title VI and Environmental Justice

- ❑ Title VI Legislation and Regulations
- ❑ Transportation Laws
- ❑ Environmental Justice Executive Order 12898, USDOT Order and FHWA Order
- ❑ ADOT Guidance
- ❑ FAQs/FRCs
- ❑ Review Process

Title VI Legislation

No person in the United States shall, on the ground 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.

USDOT Title VI Regulations

In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies on the grounds of race, color, or national origin... (49 CFR 21.5(b)(3))



Title 23 - Highways, Part 771 - Environmental Impact and Related Procedures

- ❑ Decisions be made in the best overall public interest upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement;
- ❑ Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.



Environmental Justice

- ❑ Executive Order 12898
 - Consistent with Title VI of the Civil Rights Act
 - Introduced Low Income
 - Introduced disproportionate impacts
 - No specific format for analysis
 - Integrate analysis in appropriate manner



Related Statutes

These populations are addressed by other non-discrimination statutes:

- Age
- Disability
- Physical or mental handicap
- Gender
- Religion

Executive Order 13166

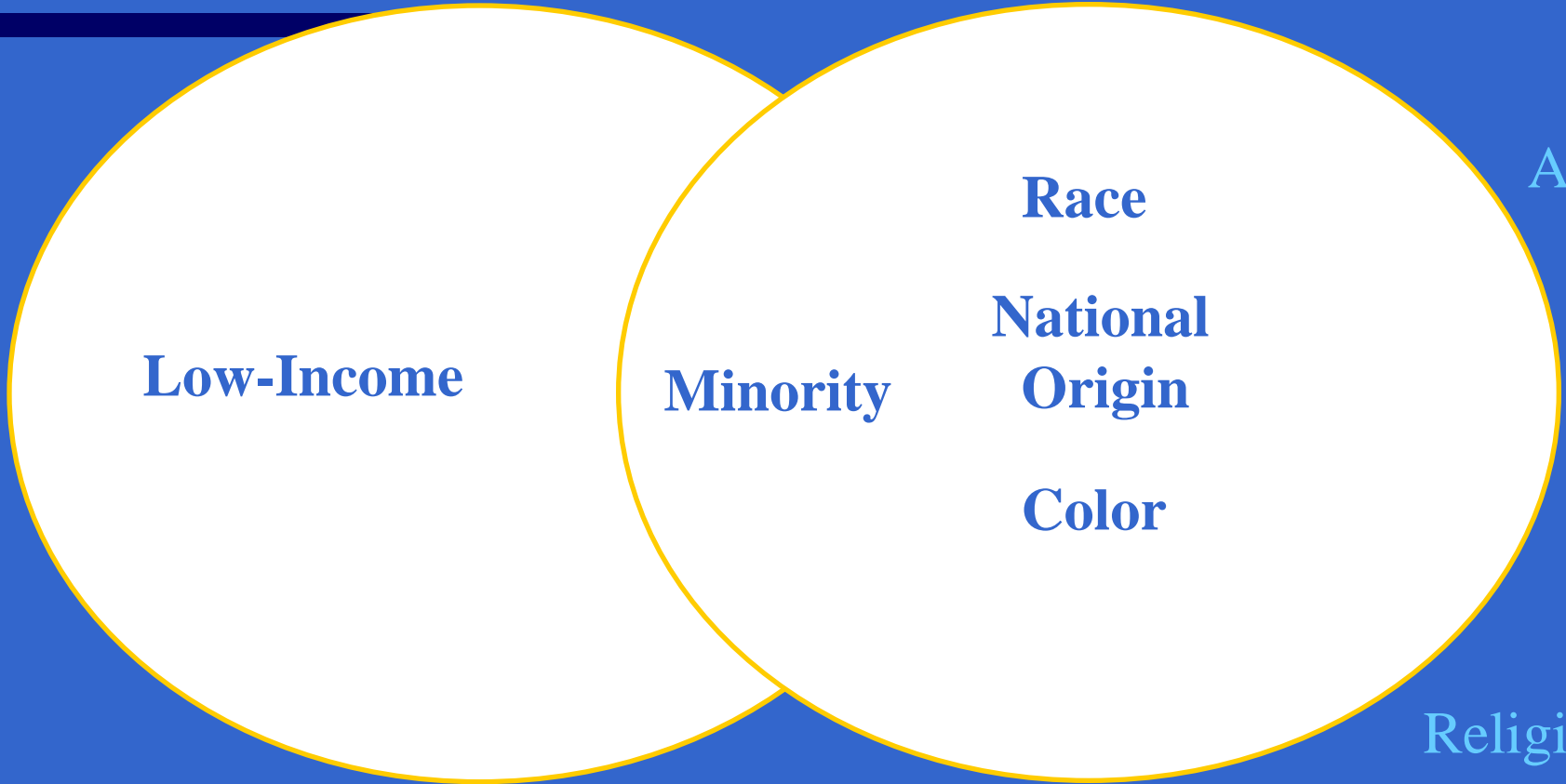
Improving Access to Services for Persons with Limited English Proficiency

- Requires outreach include people of limited English proficiency (people who cannot read and low literacy populations)



Environmental Justice

Title VI



Gender

Age

Religion

Disability



Environmental Justice

- ❑ Distribution and effects of environmental problems and the policies and processes to reduce differences in who bears environmental risks.
- ❑ Concern for the disproportionate risk burden placed upon any population group as defined by gender, age, income, and/or race.
- ❑ The fair treatment and meaningful involvement of all people with respect environmental laws, regulations, and policies.



Environmental Justice

□ Principles

– Consider

- the composition of the affected area
- the potential for multiple or cumulative exposure
- the interrelated cultural, social, occupational, historical, and economic factors

– **Develop** effective public participation

– **Assure** meaningful community representation

Definition of Low Income

□ Low-Income

- A household income at or below the Department of Health and Human Services poverty guidelines for the year 2000.

□ Low-Income Population

- Any readily Identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity.

Definition of Minority

Minority
means a
person who
is:

- ❑ Black (having origins in any of the black racial groups of Africa);
- ❑ Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
- ❑ Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
- ❑ American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

Minority Population

- Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity



Definition of Effect

- **Adverse effect** - totality of significant individual or cumulative human health or environmental effects
- **Disproportionately high** - an effect that:
 - 1) is predominately borne by a Title VI/ EJ population; or
 - 2) will be suffered by the Title VI/ EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non Title VI/ EJ population.

ADOT EJ/Title VI Guidance

- ❑ Is there an adverse effect?
- ❑ Is there an EJ/Title VI (protected) population?
- ❑ Is there a disproportionate impact?
- ❑ Benefits vs.burdens
- ❑ Can it be avoided, minimized, mitigated?
- ❑ Has the public been fully involved?

FAQs

- ❑ Can it be concluded that there's no EJ/Title VI due to scope?
- ❑ Is there a threshold for income?
- ❑ Is there a threshold for the protected populations?
- ❑ Where is the data/information available?
- ❑ What is the area for comparative analysis?
- ❑ Is specialized outreach needed?

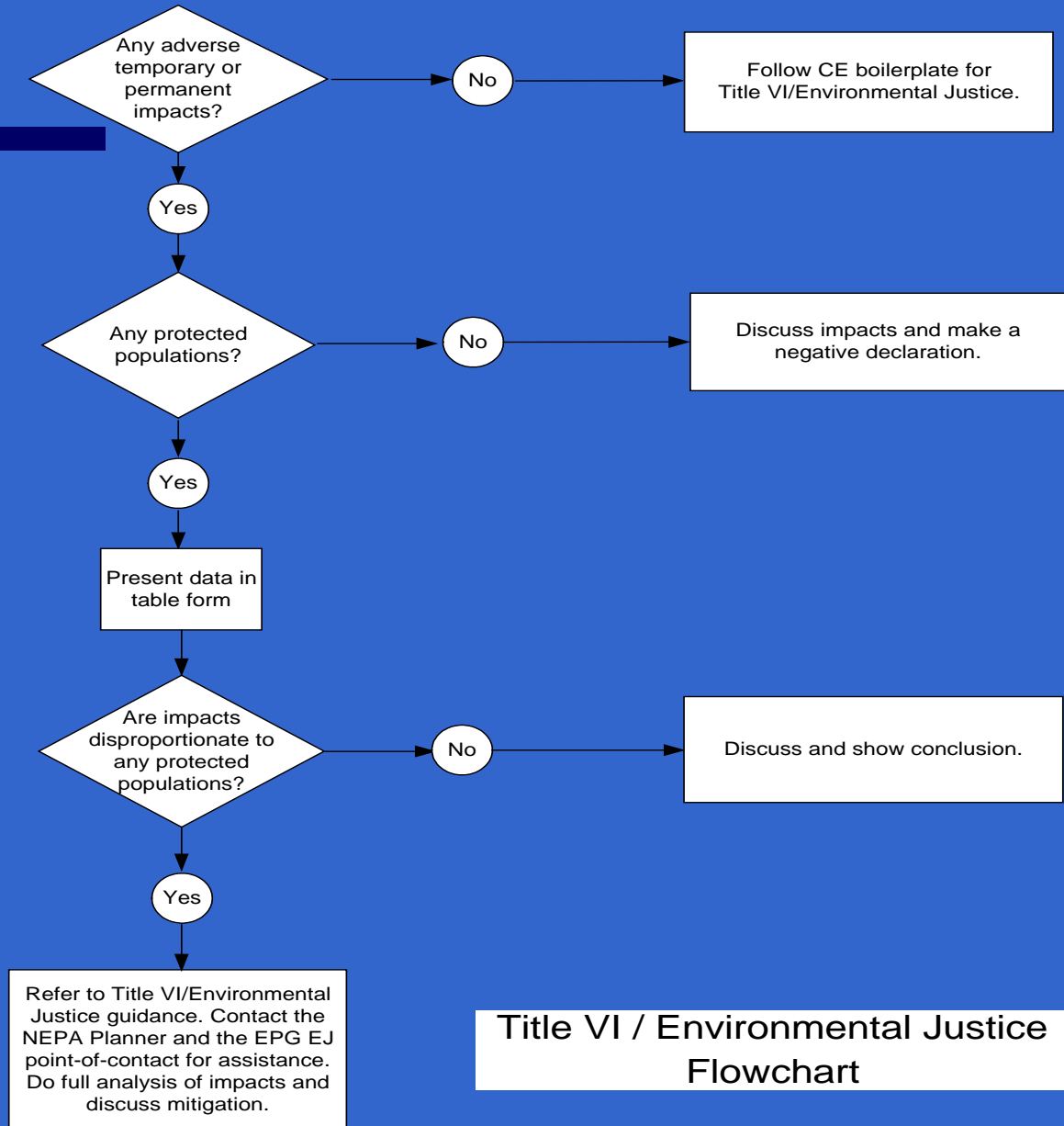
FRCs

- ❑ Impact analysis doesn't include temporary impacts or neighborhood access
- ❑ Data table provides no comparison data, doesn't include all populations, no highlights
- ❑ No discussion of data in text
- ❑ Group identity not considered
- ❑ Use effects and disproportionate impacts interchangeably
- ❑ Sweeping conclusions

Review Process

- ❑ Review by EPG specialist as part of EPG Review
- ❑ Revisions made as needed, resubmitted
- ❑ Document is flagged for Scope, EJ/Title VI, Public Involvement
- ❑ Entire document is sent to ADOT Civil Rights
- ❑ Approved by ADOT Civil Rights, then to FHWA (if Federally funded)

Review Process



Resource Links

- ❑ http://environment.transportation.org/environmental_issues/environmental_justice/
- ❑ http://www.fhwa.dot.gov/environment/environmental_justice/
- ❑ <http://www.epa.gov/environmentaljustice/>