



Center for  
Environmental  
Excellence

**AASHTO Environmental Justice (EJ) Virtual Peer Exchange**

**Questions and Answers Session**

**July 10, 2020**

## **PART I: Health and Transportation**

**“How do you determine whether the existing infrastructure is equitable and how do you determine where improvements need to be made to improve equity?”**

“This is one of the most challenging aspects of transportation planning and one that requires authentic feedback from the community in order to succeed. A base step is identifying the areas in the region that are classified as “equitable target areas” based on community characteristics such as race, income and national origin. These areas receive additional scoring weight when transportation projects are proposed as part of federal funding requests. The Atlanta Regional Commission (ARC), in partnership with local governments, conducts county-level and city-level sub-regional plans. These plans form the foundation in identifying where transportation improvements are needed and equity is a foundation in these plans. These plans are used as input into both the regional planning process and local infrastructure funding initiatives – such as local transportation sales tax referendums. All these sub-regional plans have explicit community engagement requirements”. - **Rosalind Tucker and Jill Goldberg, Atlanta Regional Commission**

**“We have looked into a voucher system with Uber for our commute solutions program in the Alamo Area, too. We ran into a roadblock when thinking about rides that don't qualify under the ERH program (i.e. not a commute). Can you speak to how you have tackled that issue, if it came up in the Atlanta region? We are hesitant about being "on the hook" if the ride has occurred and reimbursed but is found later during the billing process to not have qualified.”**

“The Atlanta Regional Commission (ARC) is careful to ensure that its policies and activities do not disproportionately impact members of the community who, through federal guidance, have been identified as protected classes. Those protected classes include youth, older adult, female, racial minority, ethnic minority, foreign born, limited English proficiency, people with disabilities, and those who are low-income. Specific policies and activities that are considered include air pollution, noise, safety issues, hazardous materials, limited access to jobs, services and other opportunities, deflated property values, business and/or home displacement, and disproportionate transportation burdens. ARC provides meaningful opportunities for community engagement and access to public information by members of minority and low-income populations during the planning and development of programs, policies and activities. This is achieved through a variety of activities, both formal and informal.” - **Rosalind Tucker, Atlanta Regional Commission**

**“Thank you for all the wonderful presentations. It's no secret that the history of transportation planning in the US leaves a deep history of environmental injustice. Its current practice is still riddled with institutional racism. How have recent protests around the country informed your thinking about how EJ considerations are included more robustly into policy, programs and projects?”**

“The Atlanta region is one of the most racially diverse areas in the nation and environmental justice is a focus area in the regional planning process. While staff works hard to address equity in our planning activities, we are continuing to identify best practices to implement. Certainly the recent protests have reemphasized the critical need to effectively engage with diverse communities and include environmental justice considerations in the regional planning process. ARC staff are internally having

robust discussions on this very issue and - like many of our peers in the nation – we are discussing ways to improve our community relationships, be better at listening to our racially diverse communities so that we can work with them to create transportation strategies that have a real, lasting positive impact for them.” - **Rosalind Tucker and Jill Goldberg, Atlanta Regional Commission**

## **PART II: Planning and Environment Linkages**

### **How are EJ impacts compared to Title VI disparate impacts?**

“The impacts themselves are the same. The *analysis* for Title VI and EJ is where the difference lies. Title VI, is a more meaningful analysis for the minority impacts, but does not include low-income, as EJ does. Whereas, the CEQ guidance for EJ lumps minorities into one category – saying “35% minorities are adversely impacted” doesn’t tell us much about *who* is impacted which doesn’t allow for tailored mitigation per race or origin. You can see the Title VI disparate impact analysis step-by-step example on FHWA’s [Title VI Toolkit](#) under ‘Data Collection and Analysis Walkthrough’”. - **Ashley Carle, Washington State DOT**

### **What are the steps in the equity analysis? Was it done for the 2030 and 2040 vision? What did it look like?**

“The steps in the equity analysis include determining existing conditions (e.g., demographics and housing affordability), evaluating the potential impact of growth alternatives on EJ communities, and offering suggestions for mitigation strategies.

EJ analyses were done for 2030 and 2040. You can find the 2040 EJ analysis [here](#).” - **Ashley Carle, Washington State DOT**

### **What type of mitigation measures for transit are considered? Looking for some examples that may be applicable elsewhere. Wondering how these mitigation measures were implemented and evaluated for effectiveness.**

“You can find some examples of mitigation measures [here](#) in Table 19.” - **Ashley Carle, Washington State DOT**

### **How was youth outreach determined?**

“We went looking for youth councils in our region – and in different parts of the region. There aren’t that many of them, so we reached out to those that we had access to. There’s a version of each of our youth outreach materials (workbook, PowerPoint, map) under resources on our website (click [here](#)).” - **Ashley Carle, Washington State DOT**

**Follow-Up Questions on Federal Highway Administration’s “Planning and Environment Linkages (PEL) Overview” Presentation:**

**Is the FHWA Division involvement in PEL for NEPA purposes or planning purposes? We are a state with NEPA Assignment so I am not sure where the Division Office comes in.**

Generally, FHWA Division Office involvement with PEL should occur throughout the transportation planning and NEPA processes. However, that involvement could take several forms. State DOTs with “NEPA assignment” responsibilities should coordinate with their respective FHWA Division Offices to delineate appropriate FHWA points-of-involvement in PEL-related efforts.

**Is MPO Policy Board input acceptable in PEL process in addition to public input?**

23 CFR 450.104 defines MPO as “*...the policy board of an organization created and designated to carry out the metropolitan transportation planning process.*” Additionally, PEL encompasses two types of planning products (planning decisions and planning analyses). In this context, MPO Policy Board involvement and input is implied. The PEL authorities have requirements regarding the parties that might be involved when doing PEL (23 U.S.C. 139(f)(4)(E)(ii), 23 U.S.C. 168, 23 CFR 450.212 (a)-(c) & 450.318 (a)-(d), 40 CFR 1500.4(j) and 1502.21, 23 U.S.C. 169 23 CFR 450.214 and 320). The FHWA document [PEL Questions and Answers \(November 2, 2016\)](#) provides additional information and insight (see Q&A #2).

**What is the status of the PEL Guidebook?**

The document now known as the PEL Handbook is currently under FHWA’s internal review and clearance process. Once the PEL Handbook is publicly available, an announcement will be transmitted and an introductory webinar will be held. The [FHWA PEL website](#) has the most current information and resources related to PEL.

**Are you aware of MPO's using PEL during long-range/RTP planning processes?**

Conceptually, PEL could be applied to undertake a multimodal, systems-level, corridor, or subarea planning study. Case studies outlining effective PEL practices are available on the [FHWA PEL website](#) and [PEL in Practice: Examples from Discussions with States](#) Moreover, State DOTs and MPOs may develop a programmatic mitigation plan as part of statewide and metropolitan transportation planning processes, either on a regional, ecosystem, or statewide scale. The FHWA document [PEL Questions and Answers \(November 2, 2016\)](#) provides additional information and insight (see Q&A #1 and #12).

### Additional Links:

- **Environmental Justice Analysis in Transportation Planning and Programming: State of the Practice:**

[https://www.fhwa.dot.gov/environment/environmental\\_justice/publications/tpp/](https://www.fhwa.dot.gov/environment/environmental_justice/publications/tpp/)

- **Addressing Changing Demographics in Environmental Justice Analysis, State of the Practice**

[https://www.fhwa.dot.gov/environment/environmental\\_justice/publications/chng\\_de mo/](https://www.fhwa.dot.gov/environment/environmental_justice/publications/chng_de mo/)

- **EJ Screening Tools Peer Network Summary Report**

[https://www.fhwa.dot.gov/environment/environmental\\_justice/resources/peer\\_exchange/scr eening\\_tools/](https://www.fhwa.dot.gov/environment/environmental_justice/resources/peer_exchange/scr eening_tools/)

### Additional Resources:

#### **Tools utilized for Equity Analyses**

##### **The Protected Classes Model**

The protected classes model is an analysis that helps ARC more directly and clearly identify the nine populations protected under [Title VI of the Civil Rights Act](#) and considered within the [Executive Order on Environmental Justice](#). Additional considerations were added based on [FHWA's Environmental Justice recommendations](#) (2017), [FHWA's Title VI and Additional Nondiscrimination requirements](#) (2017), [FTA's Environmental Justice policy guidance](#) (2012), and [FTA's Title VI requirements and guidelines](#) (2012). ARC uses the results of the analysis to demonstrate compliance with this guidance and demonstrate fair treatment of those population groups.

##### **Environmental Justice (EJ) Model**

Formerly referred to as Equitable Target Areas (ETA), this equity analysis model still considers racial minority, ethnic minority, and low-income populations, but moves away from the index methodology used in 2012 to a standard deviation scoring method. These three inputs are considered indicators of the greatest potential inequality in the Atlanta region. This updated model guides regional transportation and land use planning investments. Specifically, [The ARC Transportation Improvement Program \(TIP\) Project Evaluation Framework](#) utilizes the results of this equity analysis to score and rank proposed projects.



### Equity Analyses Resources

- [Protected Classes Model](#)
- [Environmental Justice Model](#)
- [ARC Equity Methodology](#)

