

*“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.”*

*– Title VI of the Civil Rights Act of 1964*

Safety and mobility are two of the U.S. Department of Transportation’s (DOT’s) top priorities. Achieving environmental justice is another undeniable mission of the agency.

A 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on “minority populations and low-income populations.” The DOT’s environmental justice initiatives accomplish this goal by involving the potentially affected public in developing transportation projects that fit harmoniously within their communities without sacrificing safety or mobility.

Environmental justice and Title VI are not new concerns. Today, because of the evolution of the transportation planning process, they are receiving greater emphasis. Effective transportation decision making depends upon understanding and properly addressing the unique needs of different socioeconomic groups. This is more than a desktop exercise; it requires involving the public. The U.S. DOT is committed to this more comprehensive, inclusive approach. These changes make sure that every transportation project nationwide considers the human environment. Use the information in this brochure to learn how to promote environmental justice and ensure nondiscrimination in your community.

### WHAT IS ENVIRONMENTAL JUSTICE?

There are three fundamental environmental justice principles:

- 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.

The need to consider environmental justice is already embodied in many laws, regulations, and policies such as:



**Context-Sensitive Design: Harlem Gateway Corridor, New York.** Transportation Enhancement Program funds help the Harlem community participate in a design process that improves the public streetscape through new lighting, tree planting, pedestrian-friendly design, and murals celebrating the community’s cultural heritage.

- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### IS ENVIRONMENTAL JUSTICE A NEW REQUIREMENT?

No. The recipients of Federal-aid have been required to certify and the U.S. DOT must ensure nondiscrimination under Title VI of the Civil Rights Act of 1964 and many other laws, regulations, and policies. In 1997, the Department issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income*

Title VI of the Civil Rights Act of 1964 ★ National Environmental Policy Act of 1969 (NEPA) ★ Section 109(h) of Title 23 ★ the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended ★ the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) ★ other U.S. DOT statutes and regulations.

*Populations* to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.

### HOW DOES ENVIRONMENTAL JUSTICE IMPROVE TRANSPORTATION DECISION MAKING?

Environmental justice is more than a set of legal and regulatory obligations. Properly implemented, environmental justice principles and procedures improve all levels of transportation decision making. This approach will:

- Make better transportation decisions that meet the needs of all people.
- Design transportation facilities that fit more harmoniously into communities.
- Enhance the public-involvement process, strengthen community-based partnerships, and provide minority and low-income populations with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations.
- Partner with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities.
- Avoid disproportionately high and adverse impacts on minority and low-income populations.

- Minimize and/or mitigate unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.

### TITLE VI AND ENVIRONMENTAL JUSTICE ADDRESS WHICH GROUPS?

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, and national origin. The *DOT Order on Environmental Justice* and Executive Order 12898 address persons belonging to any of the following groups:

**Black** – a person having origins in any of the black racial groups of Africa.

**Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.



**Successful Transit Partnership: El Paso, Texas.** As part of FTA’s Livable Community Initiative, Sun Metro is undertaking a major transit-oriented development to revitalize the El Paso empowerment zone. Sun Metro is using TEA-21 flexible funding, HUD Community Development Block Grants, and local-government and private-sector funding.

**Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

**American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Low-Income** – a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

### DO TITLE VI AND ENVIRONMENTAL JUSTICE APPLY TO ALL TRANSPORTATION DECISIONS?

Yes. Concern for environmental justice should be integrated into every transportation decision – from the first thought about a transportation plan to post-construction operations and maintenance. The *U.S. DOT Order* applies to all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components:

- Policy Decisions.
- Systems Planning.
- Metropolitan and Statewide Planning.
- Project Development and Environmental Review under NEPA.
- Preliminary Design.
- Final Design Engineering.
- Right-of-Way.
- Construction.
- Operations and Maintenance.

### HOW CAN TRANSPORTATION PARTNERS AND THE PUBLIC SUPPORT TITLE VI AND ENVIRONMENTAL JUSTICE?

Federal agencies, State DOTs, Metropolitan Planning Organizations (MPOs), and transit providers advance Title VI and environmental justice by involving the public in transportation decisions. Effective public involvement programs enable transportation professionals to develop systems, services, and solutions that meet the needs of the public, including minority and low-income communities. There are many excellent examples of transportation initiatives that successfully integrate environmental justice principles. Partners and stakeholders can use these successes to champion the opportunities and responsibilities that Title VI and environmental justice present.

**Federal Agencies** – FHWA and FTA staff will continue to work with State DOTs, MPOs, transit providers, and other local agencies to ensure Title VI and environmental justice considerations are integral to all surface transportation activities. In addition to making sure that Federal transportation regulations and policies affirm and reinforce nondiscrimination, Federal staff will take other important actions to:

- Ensure that Title VI compliance and environmental justice principles are understood and implemented in metropolitan and statewide planning activities and in NEPA processes and documents.
- Identify effective practices, potential models, and other technical assistance resources to promote the integration

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of environmental justice into all planning, development, and implementation activities.

**State DOTs** – are at the heart of planning, design, construction, and operations and maintenance projects across all travel modes. They allocate resources from various Federal-aid programs. State DOTs successfully integrate Title VI and environmental justice into their activities when they:

- Develop the technical capability to assess the benefits and adverse effects of transportation activities among different population groups and use that capability to develop appropriate procedures, goals, and performance measures in all aspects of their mission.
- Ensure that State Transportation Improvement Program (STIP) findings of statewide planning compliance and NEPA activities satisfy the letter and intent of Title VI requirements and environmental justice principles.



**Tulalip Tribal Model Partnership Listening Session.** In 1998, FHWA held a nationwide series of community workshops – planned, coordinated, and conducted by community organizations and environmental justice groups – to address the transportation challenges facing minority and low-income populations.

- Enhance their public-involvement activities to ensure the meaningful participation of minority and low-income populations.
- Work with Federal, State, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.

**MPOs** – serve as the primary forum where State DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address a metropolitan area’s needs. MPOs can help local public officials understand how Title VI and environmental justice requirements improve planning and decision making. To certify compliance with Title VI and address environmental justice, MPOs need to:

- 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.

**Transit Providers** – offer mobility for all citizens whether they own a vehicle or not. They provide an essential service for many low-income and minority populations who have no other way to get to work, shopping, child care, medical appointments, recreation, or other destinations. Transit agencies support Title VI and environmental justice principles when they:



**Innovative Mitigation Measures: Philadelphia, Chinatown.** As part of the Vine Street Expressway project, PennDOT, the FHWA Pennsylvania Division, city government, and local planning and development agencies designed innovative mitigation measures to preserve community cohesion and economic vitality in a century-old community of ethnic Chinese.

- Ensure that new investments and changes in transit facilities, services, maintenance and vehicle replacement deliver equitable levels of service and benefits to minority and low-income populations.
- Avoid, minimize or mitigate disproportionately high and adverse effects on minority and low-income populations.
- Enhance public involvement activities to identify and address the needs of minority and low-income populations in making transportation decisions.

**The Public** – Transportation agencies cannot fully meet community needs without the active participation of well-informed, empowered individuals, community groups, and other

nongovernmental organizations such as businesses and academic institutions. These individuals and groups advance the letter, spirit, and intent of Title VI and environmental justice in transportation when they:

- Participate in public involvement activities (meetings, hearings, advisory groups, and task forces) to help responsible State and local agencies understand community needs, perceptions, and goals.
- Get involved with State and local agencies to link TEA-21 programs with other Federal, State, and local resources to fund projects that support community goals.

### WHERE DO I FIND MORE INFORMATION ABOUT ENVIRONMENTAL JUSTICE AND TRANSPORTATION?

For information on resources, technical assistance, publications, and DOT contacts, visit FHWA’s web site: [www.fhwa.dot.gov/environment/ej2.htm](http://www.fhwa.dot.gov/environment/ej2.htm).

#### Additional contact information:

Federal Highway Administration  
Office of Human Environment  
400 Seventh Street, SW, HEPH-40  
Washington, DC 20590  
Phone: (202) 366-0106  
Web Site: [www.fhwa.dot.gov/environment/subject.htm](http://www.fhwa.dot.gov/environment/subject.htm)

Federal Transit Administration  
Office of Planning  
400 Seventh Street, SW, TPL-10  
Washington, DC 20590  
Phone: (202) 366-6385  
Web Site: [www.fta.dot.gov/office/planning/index.html](http://www.fta.dot.gov/office/planning/index.html)

If you would like to learn more about the CMOG Title VI Program please contact:

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To download a complaint form or the CMOG Title VI Plan please visit the CMOG website at: [www.cmcog.org](http://www.cmcog.org)

*“Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”*

*– Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994*

**An Overview of Transportation and Environmental Justice**

environmental justice