

Effective Environmental Justice Compliance



AASHTO National Civil Rights
Subcommittee Training Symposium
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MDOT Statewide Planning Section

Enabling Legislations

- As a recipient of Federal financial assistance, MDOT must demonstrate compliance to:
 1. Title VI of the Civil Rights Act of 1964
 2. National Environmental Policy Act of 1969
 3. Federal-aid Highway Act of 1970
 4. Civil Rights Restoration Act of 1987
 5. Environmental Justice (EJ) Executive Order 12898 of 1994
 6. Limited English Proficient (LEP) Executive Order 13166 of 2000



What is Environmental Justice?

- Executive Order 12898 of 1994 signed by President Clinton:
“To the greatest extent practicable and permitted by law... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income population in the United States...” (EO 12898, Section 1-101)

What is Environmental Justice?

- U.S. Department of Transportation (2012) EJ principles:
 1. 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.
 2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

What are Low-income and Minority Populations?

- Low-income = a person whose median household income \leq U.S. Dept. of Health and Human Services poverty guidelines (\$11,490 in 2013)
- Minority = a person who is:
 1. Black
 2. Hispanic
 3. Asian
 4. American Indian and Alaskan Native
 5. Native Hawaiian and Other Pacific Islanders



Minority too!

- For our analysis, Minority *also* included:
 1. Elderly persons (Age 65+)
 2. Handicapped/Disabled persons
 3. Persons living in Occupied Housing Units with No Vehicles Available

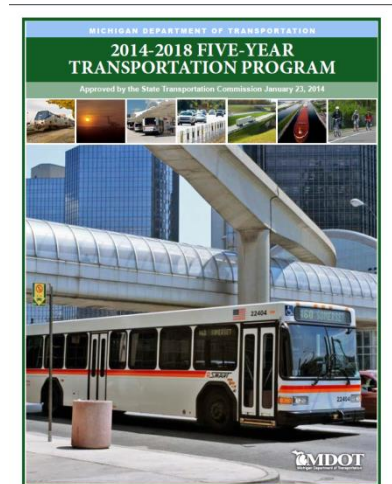


Requirements of the Legislations

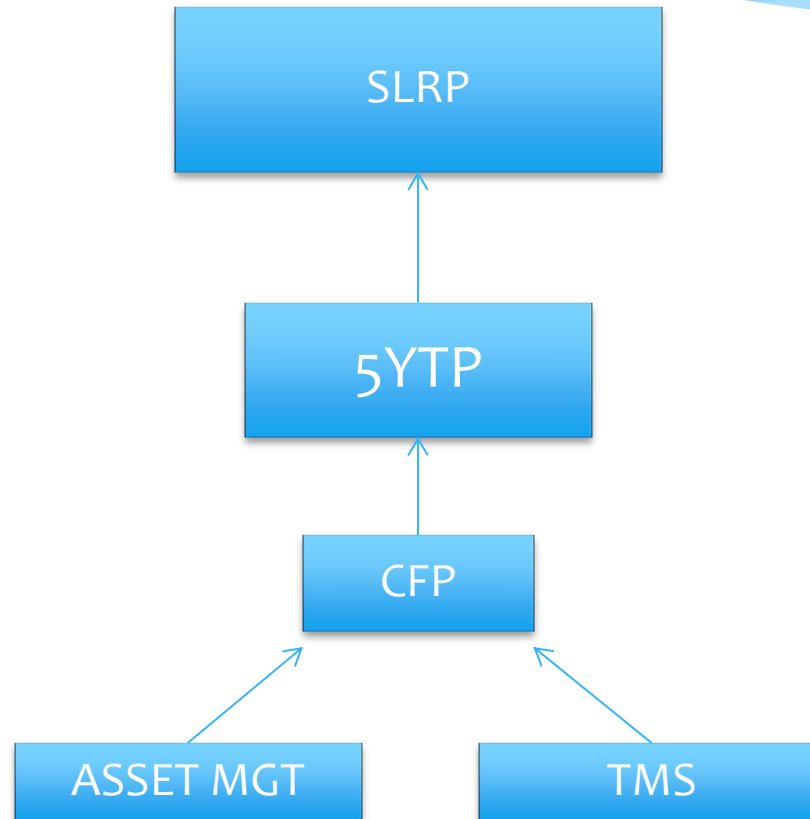
- Requires a process of project selection
- Process ensures and prevents any form of discrimination against race, color, national origin, age, sex, income, handicap/disability, or means of transportation
- Process establishes procedures for identifying disproportionate impacts

MDOT's Policy, Plans, & Processes

- The State Long-Range Plan (SLRP) – a 25-year Federally required horizon plan specifying broad goals and objectives for all modes of transportation
- The Five-Year Transportation Program (5YTP) – a legislatively required multi-modal document housing highway improvement projects for a five-year period
- Highway Call for Projects (CFP) – project selection process leading from the assessment of:
 1. Asset Management
 2. Transportation Management System (TMS)



Policy, Plans, & Databases



EJ Analysis for FY 2014-2018

- Purpose of EJ Analysis:

1. Detail MDOT's FY 2014-2018 Highway Call for Projects process and procedures
2. Describe how these processes and procedures create a just and equitable process of project development and decision-making

EJ Analysis Methodology

1. Acquire most current Census population data (2010)
2. Compute statewide averages and establish a statewide baseline ratios
3. Synthesize Census data with the Location Quotient statistical method
4. Request an MDOT Architectural Project (MAP) database snapshot of projects with future 5-year start dates (e.g. FY 2014-2018)

EJ Analysis Methodology - Cont.

5. Develop statewide thematic maps showing spatial location of EJ population groups
6. Develop project-level maps showing list of candidate projects at statewide and MDOT designated region levels
7. Evaluate cost relationships or disproportionate impact level of proposed projects for implementation at MDOT region level
8. Collect Disadvantaged Business Enterprise (DBE) contract information from MDOT Contract Service Division

Location Quotient Method

- Location Quotient (LQ) = statistical technique used to calculate the shared distribution of a smaller, local economy to a larger, reference economy
- For our EJ analysis:
 1. Local Economy = 2010 Census Tract
 2. Reference Economy = State of Michigan

Location Quotient Notation

$$\mathbf{LQ_i} = \frac{\frac{x_i}{n_i}}{\frac{x}{n}} \text{ or } \frac{x_i}{x} \times \frac{n_i}{n}$$

- LQ_i** = Location Quotient for the local economy
x_i = Total number of EJ population groups for the local economy
n_i = Total population for the local economy
x = Total number of EJ population groups for the reference economy
n = Total population for the reference economy

FY 2014-2018 EJ Analysis

- Projects analyzed in FY 2014-2018 MAP Database Snapshot Query were divided into two categories:
 1. Categorical Exclusion (CE) projects
 2. Significant projects

Categorical Exclusion Projects

- CE projects = a project that does not individually or cumulatively have significant impact(s) on the natural, human, or social environment
- No Environmental Assessment (EA) or Environmental Impact Statement (EIS) needed
- Primary work type are road resurfacing, restoration and rehabilitation, bridge or deck replacement, capital preventive maintenance, traffic operation/safety, and other FHWA-certified projects.



Significant Projects

- Significant project = a project that may individually or cumulatively have significant impact(s) on the natural, human, or social environment
- Environmental Assessment (EA) or Environmental Impact Statement (EIS) are required
- Primary work type of new route/structure, and major and minor widening



Example EJ Analyses

1. State of Michigan
2. MDOT Metro Region

Statewide EJ Analysis: Demographics

Michigan Statewide EJ Demographics

Year	Total Population	Total All Minority Races	% All Minority Races	Total Elderly (Age 65+)	% Elderly (Age 65+)	Total Low-Income	% Low-Income	Total Occupied Housing Units	Total Occupied Housing Units with No Vehicles	% Occupied Housing Units with No Vehicles
2000	9,938,444	1,972,391	19.85%	1,219,018	12.26%	1,021,605	10.28%	3,785,661	290,240	7.67%
2010	9,883,640	2,080,520	21.10%	1,361,530	13.77%	1,444,004	14.61%	3,843,997	275,799	7.17%

Source: U.S. Census Bureau American Community Survey, 2000 and 2010

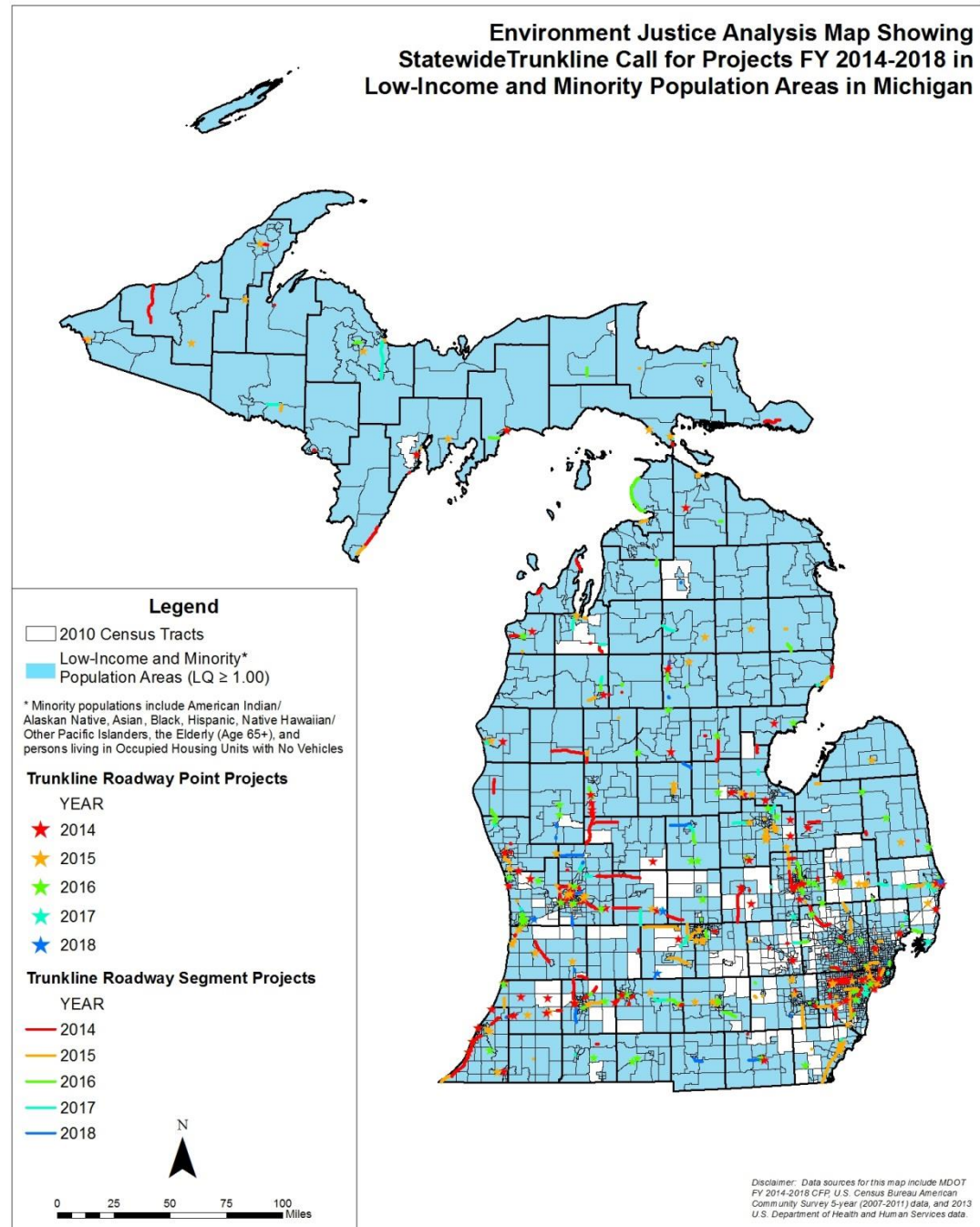
Statewide EJ Analysis: Projects

Statewide Number of Trunkline Projects and Costs

	Total No. of Projects	Projects in EJ Areas	% in EJ Areas	Cost to EJ Areas	Total Cost of All Projects
FY 2014	288	268	93.06%	\$640,485,497	\$661,213,818
FY 2015	218	207	94.95%	\$530,254,651	\$545,400,639
FY 2016	155	152	98.06%	\$436,256,390	\$437,919,322
FY 2017	100	98	98.00%	\$583,886,300	\$584,651,168
FY 2018	53	51	96.23%	\$282,458,889	\$283,985,134
Totals	814	776	95.33%	\$2,473,341,727	\$2,513,170,081

Statewide EJ Analysis Map

- 90% of State has 2010 Census Tracts containing identified EJ population groups with $LQ \geq 1.0$
- 95% of State has Trunkline projects completely within or partially tangential to EJ Areas



Metro Region EJ Analysis: Demographics

Metro Region EJ Demographics

Year	Total Population	Total All Minority Races	% All Minority Races	Total Elderly (Age 65+)	% Elderly (Age 65+)	Total Low-Income	% Low-Income	Total Occupied Housing Units	Total Occupied Housing Units with No Vehicles	% Occupied Housing Units with No Vehicles
2000	4,207,702	1,270,227	30.2%	511,680	12.2%	454,760	10.8%	1,610,830	152,867	9.5%
2010	4,074,684	1,277,306	31.3%	520,874	12.8%	600,100	14.7%	1,566,911	134,012	8.6%

Source: U.S. Census Bureau American Community Survey, 2000 and 2010





Metro Region EJ Analysis: Projects

Metro Region Number of Trunkline Projects and Costs

	Projects in EJ Zones	Total No. of Projects	% in EJ Zones	Cost to EJ Zones	Total Cost of All Projects
FY-2014	65	68	95.59%	\$286,416,414	\$291,599,145
FY-2015	45	47	95.75%	\$152,640,934	\$153,673,934
FY-2016	23	23	100.00%	\$137,405,326	\$137,405,326
FY-2017	28	29	96.55%	\$335,710,048	\$335,743,048
FY-2018	10	10	100.00%	\$84,129,768	\$84,129,768
TOTALS	171	177	96.61%	\$996,302,490	\$1,002,551,221

Metro Region EJ Analysis Map

Legend

-  Counties
-  2010 Census Tracts
-  Trunkline Highways
-  EJ Zones (LQ > 1.00)*

* EJ Zones include all Low-Income and Minority persons as defined by Executive Order 12898 of 1994 and Title VI of the Civil Rights Act of 1964.

Roadway Point Projects

YEAR

-  2014
-  2015
-  2016
-  2017
-  2018

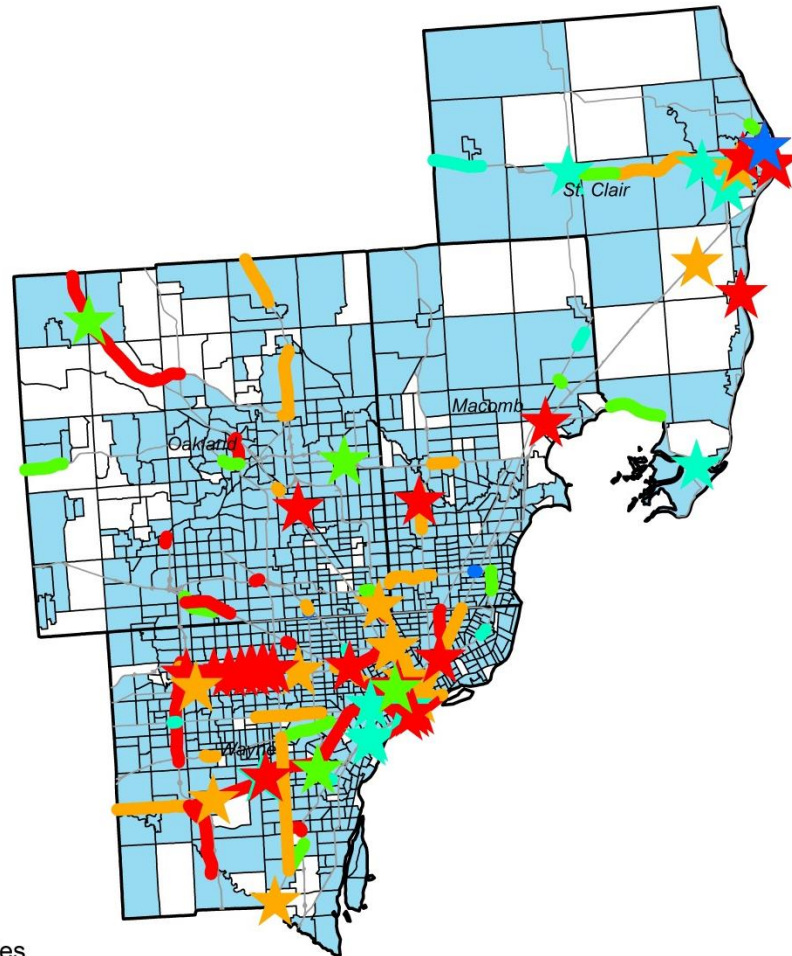
Roadway Line Projects

YEAR

-  2014
-  2015
-  2016
-  2017
-  2018

Disclaimer: Data sources for this map include MDOT FY 2014-2018 CFP, U.S. Census Bureau American Community Survey 5-year (2007-2011) data, and 2013 U.S. Department of Health and Human Services data.

Metro Region Trunkline FY 2014-2018 CFP in Environmental Justice Zones



EJ Analysis Observations

- New route/structure projects, and major and minor widening projects as identified in the project listings may/may not have significant impact(s) on EJ population groups based on definition of “regionally significant project” ... however,
- It is still *strongly* encouraged that MDOT project managers use due diligence in involving identified EJ populations as early as possible
- MDOT project managers should also encourage the public to participate in the data collection process during all MDOT public involvement meetings

MDOT Public Involvement Process (PIP) Toolkit

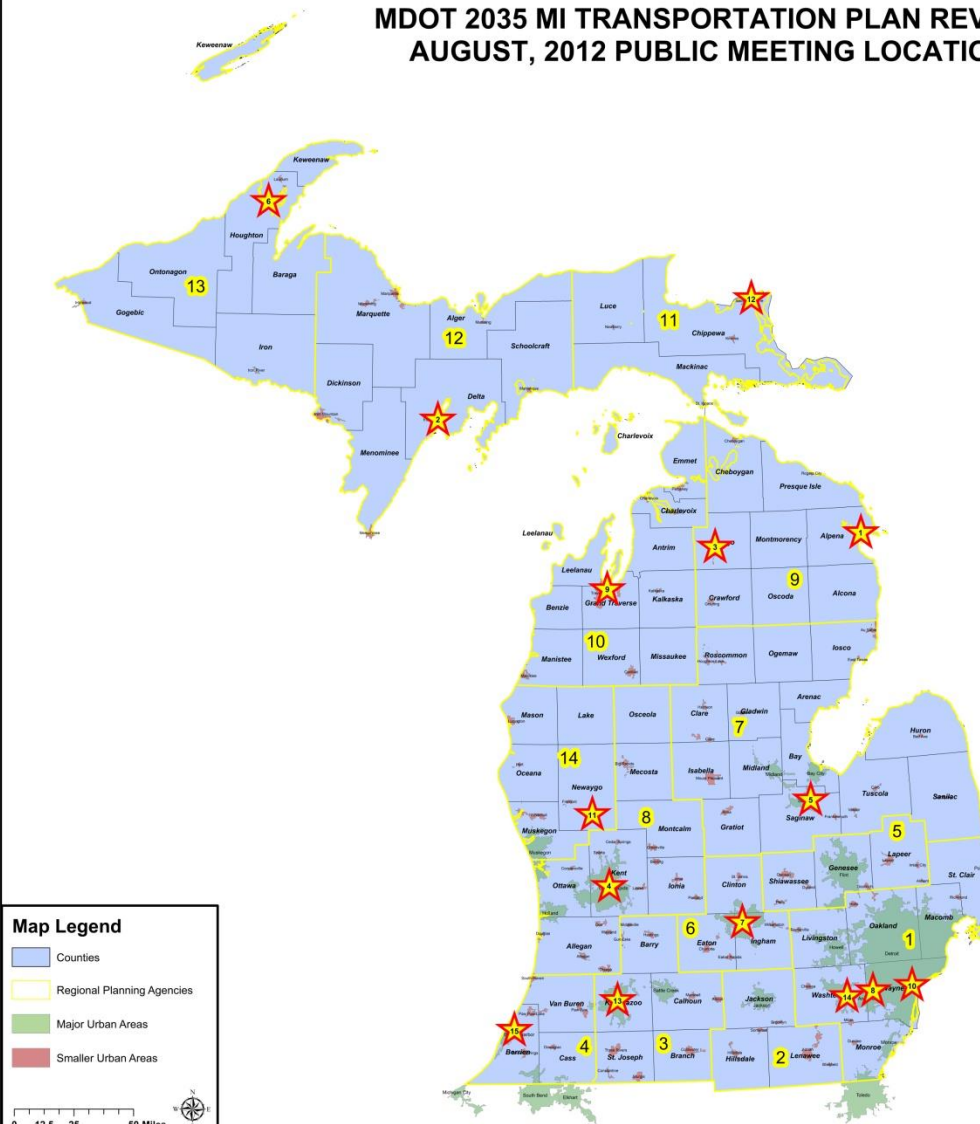
- Stakeholder interviews
 - Key stakeholders identified by MDOT
- Household participation studies
 - Household studies conducted by random telephone interviews
- Economic Advisory Group
 - Industry leaders from State's eight economic sectors
- Stakeholder workshops
 - Utilize breakout groups to maximize interaction
- Open houses
 - Formal presentation/handouts to engage public and gather info.
- Library partnership online questionnaires
 - Online questionnaires located at participating libraries around State
- Outreach meetings
 - Reach out to involve traditionally underserved communities
- MDOT Website

Public Involvement Meetings w/SLRP

MEETINGS LOCATIONS LEGEND

- 1** ALPENA
Alpena County Public Library
211 N. First Street
- 2** ESCANABA
Joseph Heirman University Center
Bay de Noc Community College
- 3** GAYLORD
University Center
80 Livingston Boulevard
- 4** GRAND RAPIDS
MDOT Transportation Service Center
2660 Leonard Street NE
- 5** SAGINAW
MDOT Bay Region Office
55 East Morley Drive
- 6** HOUGHTON
Community Room
Lakeshore Center
600 East Lakeshore Drive
- 7** LANSING
Tri-County Regional Planning
Commission, Suite 2C
3135 Pine Tree Road
- 8** CANTON
Summit on the Park
46000 Summit Parkway
- 9** TRAVERSE CITY
Council of Governments
Conference Room
Michigan Works Building
1209 South Garfield
- 10** DETROIT
MDOT Transportation Service Center
1060 West Fort Street
- 11** NEWAYGO
Cronk's Oakridge Facility
9103 Mason Drive (M-37)
- 12** SAULT STE. MARIE
Lake Superior Room
Cisler Center
Lake Superior State University
- 13** KALAMAZOO
Board Room
Metro Transit
530 North Rose Street
- 14** ANN ARBOR
Multipurpose Room
Ann Arbor District Library
343 South Fifth Avenue
- 15** BENTON HARBOR
Anchor Rooms A & B
Michigan Works
499 West Main Street

MDOT 2035 MI TRANSPORTATION PLAN REVISION AUGUST, 2012 PUBLIC MEETING LOCATIONS



REGIONAL PLANNING AGENCIES LEGEND

- 1** Southeast Michigan Council of Governments
535 Griswold Street, Suite 300
Detroit, MI 48226
- 2** Region II Planning Commission
120 West Michigan Avenue
Jackson, MI 49201
- 3** Southcentral Michigan Planning Council
PO Box 2137
Portage, MI 49801
- 4** Southwest Michigan Planning Commission
185 East Main Street, Suite 701
Benton Harbor, MI 49022
- 5** GLS Region V Planning & Development Commission
1101 Beach Street, Suite 223
Flint, MI 48502
- 6** Tri-County Regional Planning Commission
913 West Holmes Road, Suite 201
Lansing, MI 48910
- 7** East Michigan Council of Governments
3144 Davenport Avenue, Suite 220
Saginaw, MI 48602
- 8** West Michigan Regional Planning Commission
820 Monroe NW, Suite 214
Grand Rapids, MI 49503
- 9** Northeast Michigan Council of Governments
121 East Mitchell
Gaylord, MI 49735
- 10** Northeast Michigan Council of Governments
600 East Front Street
Traverse City, MI 49686
- 11** Eastern U.P. Regional Planning & Development Commission
125 Arlington Street, Arlington Plaza, Suite 18
Sault Ste. Marie, MI 49783
- 12** Central U.P. Planning & Development Regional Commission
2415 14th Avenue South
Escanaba, MI 49829
- 13** Western U.P. Planning & Development Region
PO Box 365
Houghton, MI 49931
- 14** West Michigan Shoreline Regional Development Commission
316 Morris Avenue, Suite 340
Muskegon, MI 49443

Final Observations

- Current 2010 U.S. Census Bureau demographic data only provides Race and Age data at Block Group level (Income, Handicap/Disability, and Means of Transportation not yet available); therefore, a comparable analysis with last year (FY 2013-2017 EJ Analysis) cannot yet be made
- This analysis still provides tailor-made project related consideration for public involvement and the public participation process
- The definition of regionally significant project is in the area; however, it is still strongly encouraged that MDOT Project Managers use due diligence when involving identified EJ population groups within areas as early as possible

Final Observations

- Adequate involvement may require special ways of reaching out to identified EJ population groups
- Project Managers should ensure that the public has the best information available on Environmental Justice, and that such materials are easily and readily available
- MDOT must continue to consider all projects as projects of equal significance no matter where they are located, and that all treatment, involvement, or mitigation plans be well documented



Certification of FY 2014-2018 EJ Analysis

- MDOT certifies the process used in identifying projects on the MAP Database Snapshot Query as:
 1. Complying with Title VI of the Civil Rights Act of 1964, the Environmental Justice Executive Order 12898 of 1994, and all other related regulations and directives therein
 2. Ensures that people affected by MDOT programs and projects will receive the services, benefits, and opportunities to which they are entitled to without regard to race, color, national origin, age, sex, income, handicap/disability, or means of transportation

Questions? Comments?



Thank You!

- For more information, contact:

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