Appendix 4 | Environmental Justice and Title VI

1. Introduction
2. Demographic & Socioeconomic Profile of the NYMTC Planning Area
3. Environmental Justice Assessment for Communities of Concern
4. Public Participation
5. Attachments
1. INTRODUCTION

Federal mandates have emphasized the importance of incorporating principles of non-discrimination and justice into all aspects of the transportation planning process. These mandates require that recipients of federal aid comply with the policies set forth in Title VI of the Civil Rights Act and other directives that address the disproportionately high and adverse human health or environmental effects on minority and low-income populations.
For the purpose of this analysis, the term **minority** refers to a person’s racial or ethnic identity. The US DOT defines minority as a person who is:

1. Black: a person having origins in any of the black racial groups of Africa;
2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
3. Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;
4. American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
5. Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Similarly, the USDOT defines as low-income a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

Environmental Justice (EJ) refers to the premise that all people and communities are entitled to equal protection under environmental and public health laws and regulations. Among the environmental justice considerations that should be included in the transportation planning process are the following:

- Proper identification of minority and low-income communities (These are defined as Communities of Concern);
- Assessment of program benefits;
- Public involvement; and
- Identification of any disproportionate impacts.

New York Metropolitan Transportation Council (NYMTC), its members and partners, are guided by these requirements. NYMTC members complete detailed analysis and assessment of environmental justice and nondiscriminatory impacts during the development and implementation stages of each transportation investment (programs and services).

This appendix includes an environmental justice assessment of the NYMTC planning area using the U.S. Census’ 2015 5-year American Community Survey (ACS) data to identify Communities of Concern within the NYMTC planning area. This assessment examines how the current transportation network benefits or disadvantages this population by examining their commute patterns (travel time and mode to work). This analysis informs the planning and decision-making process around transportation investments in the region over the course of the next 25 years. Additional analyses (using the information from this appendix) are included in the Council’s Title VI Program and Language Access Procedures.

This appendix also describes NYMTC’s public participation process in developing Plan 2045 as well each member agency’s public involvement programs for their own planning efforts.

**FEDERAL GUIDANCE ON ENVIRONMENTAL JUSTICE AND TITLE VI**

A. ENVIRONMENTAL JUSTICE

The US Environmental Protection Agency (EPA) defines environmental justice as:

“…the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

In February of 1994, the issuance of Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” required that all federal agencies incorporate environmental justice principles into their policies, activities and procedures. The Order also required that federal agencies identify and address disproportionately high and adverse health and environmental impacts on minority and low-income populations to the maximum extent practical, and as permitted by law. Each federal agency was also directed to develop a strategy for implementing environmental justice.
In response to Executive Order 12898, in April of 1997, the U.S. Department of Transportation (USDOT) issued Order 5610.2 “Environmental Justice in Minority Populations and Low-Income Populations.” This order established environmental justice guidelines and procedures to be incorporated into USDOT planning, programs and policies based on the principles set forth in EO12898. The Order was updated in 2012 as USDOT Order 5610.2(a) to provide clarification on aspects of the original Order.

In 1998, the Federal Highway Administration (FHWA) also issued Order 6640.23 which established policies and procedures for the agency to use in complying with Executive Order 12898. The Order was updated in 2012 as FHWA Order 6640.23(a) to provide further guidance on achieving compliance. This order outlines three fundamental guidelines for establishing Environmental Justice actions:

> To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations.

> To consider alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts.

> To provide public involvement opportunities and considering the results thereof, including providing meaningful access to public information concerning the human health or environmental impacts and soliciting input from affected minority and low-income populations in considering alternatives during the planning and development of alternatives and decisions.3

On October 1, 2012 the Federal Transit Administration (FTA) issued Circular FTA C4702.1B to provide recipients of FTA’s financial assistance with guidance in order to incorporate environmental justice principles into plans, projects and activities that receive funding from the FTA.

B. LIMITED ENGLISH PROFICIENCY

In 2000, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” was issued. This required Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Order requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination against Persons with Limited English Proficiency” (LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI’s prohibition against national origin discrimination.

C. TITLE VI

Title VI was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Title VI prohibits intentional discrimination. Because of racial disparities in the distribution of environmental hazards, the EPA has primarily utilized Title VI to help develop and implement environmental justice policy.

Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.
NYMTC’S TITLE VI PROGRAM & LANGUAGE ACCESS OPERATING PROCEDURES

Adopted in mid-2014, NYMTC now has in place a Title VI Program and Language Access Operating Procedure. This establishes a framework for efforts that will be undertaken at NYMTC to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice. The Language Access Operating Procedure supports the Council’s Public Involvement Plan and outlines procedures to accommodate Limited English Proficiency populations in the NYMTC planning area.

Both of these documents are available on NYMTC’s website: www.nymtc.org
2. DEMOGRAPHIC AND SOCIOECONOMIC PROFILE OF THE NYMTC PLANNING AREA

The NYMTC planning area is comprised of ten adjacent counties, including the five counties (boroughs) of New York City (Bronx, Kings [Brooklyn], New York [Manhattan], Queens and Richmond [Staten Island]); Westchester, Putnam, and Rockland counties in the Lower Hudson Valley; and Nassau and Suffolk counties of Long Island, totaling 2,334 square miles in land area. According to the U.S. Census Bureau’s 2015 American Community Survey, the population of the region is almost 12.7 million people, at an average density of 5,430 persons per square mile. The New York City population represents approximately two-thirds of the region’s population, followed by Long Island with 23 percent and the Lower Hudson Valley with 11 percent. Of the nearly 19.5 million people in New York State, the total population of the NYMTC planning area represents roughly 65 percent of the state’s total population - just one indicator of the region’s importance to the overall economy of the state and beyond.

In 2015, the region’s non-Caucasian minority population was 7,212,351, representing 57 percent of the region’s total population. New York City had the largest percent of minority population in the NYMTC planning area with 67 percent, or nearly 5.7 million people. The Lower Hudson Valley had the second largest minority population with 41 percent (approximately 566,000), and Long Island’s minority population constituted 34 percent (almost 960,000) of its total population.

Out of the area’s overall population used to determine the region’s poverty status, approximately 16 percent (just over two million people) are living below the poverty line. Long Island has the lowest percent of population below poverty level with 7 percent (approximately 185,500), followed by the Lower Hudson Valley and New York City with 10 percent and 21 percent respectively.
TABLE A4.1: POPULATION DENSITY BY COUNTY AND REGION

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population</th>
<th>Land Area (Square Miles)</th>
<th>Population Density (Persons/Sq.Mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx</td>
<td>1,428,357</td>
<td>42.16</td>
<td>33,878</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>2,595,259</td>
<td>70.81</td>
<td>36,651</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>1,629,507</td>
<td>22.67</td>
<td>71,895</td>
</tr>
<tr>
<td>Queens</td>
<td>2,301,139</td>
<td>108.56</td>
<td>21,196</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>472,481</td>
<td>58.37</td>
<td>8,094</td>
</tr>
<tr>
<td>New York City</td>
<td>8,426,743</td>
<td>302.57</td>
<td>27,850</td>
</tr>
<tr>
<td>Putnam</td>
<td>99,488</td>
<td>230.31</td>
<td>432</td>
</tr>
<tr>
<td>Rockland</td>
<td>320,688</td>
<td>173.55</td>
<td>1,848</td>
</tr>
<tr>
<td>Westchester</td>
<td>967,315</td>
<td>430.52</td>
<td>2,247</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>1,387,491</td>
<td>834.38</td>
<td>1,663</td>
</tr>
<tr>
<td>Nassau</td>
<td>1,354,612</td>
<td>284.73</td>
<td>4,758</td>
</tr>
<tr>
<td>Suffolk</td>
<td>1,501,373</td>
<td>911.84</td>
<td>1,647</td>
</tr>
<tr>
<td>Long Island</td>
<td>2,855,985</td>
<td>1,196.57</td>
<td>2,387</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>12,670,219</td>
<td>2,333.52</td>
<td>5,430</td>
</tr>
<tr>
<td>New York State</td>
<td>19,673,174</td>
<td>47,126.54</td>
<td>417</td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey

COMMUNITIES OF CONCERN

Communities of Concern are defined as census tracts which meet both of the following two conditions related to race/ethnicity and income:

- The minority population makes up more than 57 percent (the NYMTC planning area average) of the total population.
- More than 16 percent (the NYMTC planning area average) of the total population lives at or below the poverty line.

All census tracts within the boundaries of the NYMTC planning area were analyzed using the parameters described above. Of the 3,081 census tracts in the NYMTC planning area, 32 percent were identified as Communities of Concern, translating to 973 Communities of Concern. These census tracts were found in every county except Putnam County. New York City has the largest share of Communities of Concern (900 tracts), while the Lower Hudson Valley and Long Island regions have fewer Communities of Concern (45 and 28 tracts, respectively).

1 USDOT Order 5610.2 (the USDOT environmental justice order) defines poverty using the U.S. Department of Health and Human Services (DHHS) poverty guidelines (defined by household size). These guidelines are a simplified version of poverty thresholds (also defined by household size) published by the U.S. Census Bureau each year, and thus the Census Bureau and DHHS use slightly different poverty thresholds. However, because the environmental justice assessment completed by Plan 2045 requires a count of people living under the poverty line in the NYMTC planning area (via the U.S. Census Bureau 2011-2015, 5-year American Community Survey (ACS) Table S1701: Poverty Status in the Past 12 Months) Plan 2045 uses the U.S. Census Bureau’s poverty thresholds.
LONG ISLAND
On Long Island, only five percent of the total number of census tracts is characterized as Communities of Concern. Communities of Concern in Nassau County were primarily located in the town of Hempstead, specifically in the villages of Hempstead and Freeport. The Elmont and Valley Stream neighborhoods in the western area of Nassau County were identified as having a large minority community.

Most Communities of Concern identified in Suffolk County are located in the western neighborhoods such as the Huntington Station, Wyandanch and Brentwood neighborhoods. There are also areas in the North Amityville and North Bay Shore neighborhoods of Suffolk County with a significant percent of their population living below the poverty level.

LOWER HUDSON VALLEY
In the Lower Hudson Valley, 45 Communities of Concern were identified, several of which are located in the municipalities of Yonkers, Mount Vernon and New Rochelle in Westchester County, and Spring Valley in Rockland County. These Communities of Concern make up 15 percent of the total number of census tracts in the Lower Hudson Valley region. Putnam County did not have any Communities of Concern.

NEW YORK CITY
In the five boroughs of New York City, 900 census tracts - or 42 percent of the city - are Communities of Concern. In Bronx County, 73 percent of the census tracts were identified as Communities of Concern, covering large swaths of the borough, particularly in the southwestern portion.

In Manhattan, Communities of Concern are primarily located in northern neighborhoods, including East Harlem, Hamilton Heights and Washington Heights, but were also found in Chinatown and the Lower East Side in Downtown Manhattan.

In Queens, Communities of Concern are located in the Flushing, Jamaica, and Corona neighborhoods. In Brooklyn, a large number of Communities of Concern are located in the Bedford-Stuyvesant, Bushwick, East New York and Sunset Park East neighborhoods. There are also sizeable areas of the Borough Park, Williamsburg, Midwood and Flatbush neighborhoods living below the poverty line.

Staten Island has the lowest percentage Communities of Concern in the city, with 23 percent of census tracts characterized as such. These tracts are primarily located along the North Shore in the Saint George, Port Richmond and Mariners Harbor neighborhoods. There is however, an area of the Dongan Hills neighborhood with a large percent of the population living below the poverty level.
### TABLE A4.2: COMMUNITIES OF CONCERN BY COUNTY

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Census Tracts</th>
<th># of Census Tracts with over 56% Minority Population</th>
<th># of Census Tracts with over 16% of population living below Poverty Level</th>
<th># of Communities of Concern</th>
<th>% of Census Tracts that are Communities of Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx</td>
<td>339</td>
<td>293</td>
<td>251</td>
<td>246</td>
<td>73%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>761</td>
<td>425</td>
<td>461</td>
<td>315</td>
<td>41%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>288</td>
<td>114</td>
<td>128</td>
<td>104</td>
<td>36%</td>
</tr>
<tr>
<td>Queens</td>
<td>669</td>
<td>453</td>
<td>236</td>
<td>210</td>
<td>31%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>110</td>
<td>30</td>
<td>33</td>
<td>25</td>
<td>23%</td>
</tr>
<tr>
<td>New York City</td>
<td>2,167</td>
<td>1,315</td>
<td>1,109</td>
<td>900</td>
<td>42%</td>
</tr>
<tr>
<td>Putnam</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Rockland</td>
<td>65</td>
<td>12</td>
<td>14</td>
<td>4</td>
<td>6%</td>
</tr>
<tr>
<td>Westchester</td>
<td>223</td>
<td>72</td>
<td>45</td>
<td>41</td>
<td>18%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>307</td>
<td>84</td>
<td>59</td>
<td>45</td>
<td>15%</td>
</tr>
<tr>
<td>Nassau</td>
<td>284</td>
<td>58</td>
<td>20</td>
<td>17</td>
<td>6%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>323</td>
<td>43</td>
<td>17</td>
<td>11</td>
<td>3%</td>
</tr>
<tr>
<td>Long Island</td>
<td>607</td>
<td>101</td>
<td>37</td>
<td>28</td>
<td>5%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>3,081</td>
<td>1,500</td>
<td>1,205</td>
<td>973</td>
<td>32%</td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey

### TABLE A4.3: MINORITY POPULATION AND POPULATION BELOW POVERTY LEVEL BY COUNTY AND REGION

<table>
<thead>
<tr>
<th>County</th>
<th>Minority Population</th>
<th>Percent Minority</th>
<th>Total Population for Whom Poverty Status is Determined</th>
<th>Population Below Poverty Level</th>
<th>% of Population Below Poverty Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx</td>
<td>1,281,429</td>
<td>90%</td>
<td>1,392,596</td>
<td>427,574</td>
<td>31%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>1,668,314</td>
<td>64%</td>
<td>2,574,154</td>
<td>597,404</td>
<td>23%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>861,806</td>
<td>53%</td>
<td>1,582,885</td>
<td>283,590</td>
<td>18%</td>
</tr>
<tr>
<td>Queens</td>
<td>1,699,758</td>
<td>74%</td>
<td>2,275,823</td>
<td>343,834</td>
<td>15%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>175,681</td>
<td>37%</td>
<td>466,740</td>
<td>58,470</td>
<td>13%</td>
</tr>
<tr>
<td>New York City</td>
<td>5,686,988</td>
<td>67%</td>
<td>8,292,198</td>
<td>1,710,872</td>
<td>21%</td>
</tr>
<tr>
<td>Putnam</td>
<td>18,701</td>
<td>19%</td>
<td>98,228</td>
<td>5,212</td>
<td>5%</td>
</tr>
<tr>
<td>Rockland</td>
<td>116,092</td>
<td>36%</td>
<td>315,877</td>
<td>46,118</td>
<td>15%</td>
</tr>
<tr>
<td>Westchester</td>
<td>431,584</td>
<td>45%</td>
<td>943,130</td>
<td>90,752</td>
<td>10%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>566,377</td>
<td>41%</td>
<td>1,357,235</td>
<td>142,082</td>
<td>10%</td>
</tr>
<tr>
<td>Nassau</td>
<td>502,967</td>
<td>37%</td>
<td>1,334,968</td>
<td>82,146</td>
<td>6%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>456,019</td>
<td>30%</td>
<td>1,471,614</td>
<td>103,269</td>
<td>7%</td>
</tr>
<tr>
<td>Long Island</td>
<td>958,986</td>
<td>34%</td>
<td>2,806,582</td>
<td>185,415</td>
<td>7%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>7,212,351</td>
<td>57%</td>
<td>12,456,015</td>
<td>2,038,369</td>
<td>16%</td>
</tr>
<tr>
<td>New York State</td>
<td>8,502,656</td>
<td>43%</td>
<td>19,164,034</td>
<td>3,005,943</td>
<td>16%</td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey
FIGURE A4.1: LOW-INCOME & MINORITY COMMUNITIES BY CENSUS TRACT, LONG ISLAND

Low-Income Community
Tracts where 16% or more of the population earned an income in 2015 at or below the poverty level.

Data from the 2015 ACS, 5-year estimates.

Minority Community
Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2015 was 57% or more of the regional average.

Data from the 2015 ACS, 5-year estimates.
Figure A4.2: Communities of Concern by Census Tract, Long Island

Community of Concern
Defined as a census tract that is both a Minority Community and a Low-Income Community.

Minority Community: The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.

Low-Income Community: 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
FIGURE A4.3: LOW-INCOME & MINORITY COMMUNITIES BY CENSUS TRACT, LOWER HUDSON VALLEY

- **Low-Income Community**
  - Tracts where 16% or more of the population earned an income in 2015 at or below the poverty level.
  - *Data from the 2015 ACS, 5-year estimates.*

- **Minority Community**
  - Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2015 was 57% or more of the regional average.
  - *Data from the 2015 ACS, 5-year estimates.*
FIGURE A4.4: COMMUNITIES OF CONCERN BY CENSUS TRACT, LOWER HUDSON VALLEY

Community of Concern
Defined as a census tract that is both a Minority Community and a Low-Income Community.

Minority Community: The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.

Low-Income Community: 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
Tracts where 16% or more of the population earned an income in 2015 at or below the poverty level.

Data from the 2015 ACS, 5-year estimates.

Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2015 was 57% or more of the regional average.

Data from the 2015 ACS, 5-year estimates.
FIGURE A4.6: COMMUNITIES OF CONCERN BY CENSUS TRACT, NEW YORK CITY

- Community of Concern
  Defined as a census tract that is both a Minority Community and a Low-Income Community.

- Minority Community: The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.

- Low-Income Community: 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
3. ENVIRONMENTAL JUSTICE ASSESSMENT FOR COMMUNITIES OF CONCERN

To plan for a transportation network that will take into account the needs of all users, including Communities of Concern, it is important to understand how disadvantaged populations (minorities and low-income communities) use the transportation network; specifically, if they have adequate accessibility to it, and if or how they are negatively impacted by it. The analyses undertaken in this section seek to provide valuable insight into these questions.

This section analyzes the means of transportation and travel time to work for both Communities of Concern and the remainder population to better understand the former’s needs and commute patterns, compared to the population not in the Communities of Concern. This section also assesses the rate of linguistic isolation in both Communities of Concern and the remainder population, which can help NYMTC and its member agencies better understand the language resources needed to effectively serve these populations. As in the case of other sections of this analysis, the data source is the 2011-2015 American Community Survey.
Environmental justice analyses can also evaluate other measures. One example is proximity to freight facilities and routes, which often produce negative externalities such as poor air quality, excessive noise, and other environmental contamination concerns. If freight infrastructure is located in close proximity to Communities of Concern, they may be disproportionately and negatively impacted by freight-generating land uses. For the purposes of this appendix, environmental justice will be analyzed through the aforementioned lenses of means of transportation, travel time and linguistic isolation. To learn about the impact of freight facilities and routes within the context of environmental justice, please refer to the Environmental Justice section of the NYTMC Regional Freight Plan 2017-2045 available on NYMTC’s website.

MEANS OF TRANSPORTATION TO WORK
Tables A4.4 and A4.5 on the following page show what modes people use to get to work, for both Communities of Concern and the remainder of the population in the NYMTC planning area. Across the region, people living in Communities of Concern are more likely to take transit than the remainder population. In Communities of Concern, 61 percent of workers use public transportation to commute to work, compared to 33 percent for the remainder population.

However, the rate of public transit usage and dependence in Communities of Concern varies by sub-region. For example, in New York City, people are less likely to commute to work using a car, truck or van, regardless of whether they reside in one of the Communities of Concern. In New York City, 65 percent of workers in Communities of Concern and 51 percent of the remainder population use public transportation to commute to work. In contrast, in Long Island, only 15 percent of workers in Communities of Concern and 11 percent of the remainder population use public transportation as their primary mode of transportation to work. Residents of Communities of Concern in New York City are also less likely to commute by car, truck, or van (76 percent on Long Island versus 21 percent in New York City). Public transportation is one of the key strategies in addressing the needs of communities of concern for affordable and potentially convenient travel. Throughout the NYMTC planning area, public transportation represents a significant share of how Communities of Concern commute to work, and is critical for the mobility of those populations.

Despite the variance in the use of a car, truck, or van, as well as public transportation among Communities of Concern and the region, the percentage of workers that use bicycles, taxicabs, walking or working from home are similar. On Long Island and the Lower Hudson Valley, residents from Communities of Concern were more likely to walk to work than the remainder population (on Long Island, four percent of workers in Communities of Concern and two percent for the remainder population; in the Lower Hudson Valley, 11 percent of workers in communities of concern versus four percent of the remainder population). In contrast, the opposite trend was observed in New York City (nine percent of Communities of Concern versus 11 percent of the remainder population).

The data also reveal that, in general, the closer a census tract is to the Central Business District of Manhattan, the more likely the population is to use public transit, a trend that persists, regardless of whether a census tract is identified as a Community of Concern or not. The data also showed that driving is more prevalent in neighborhoods farthest from transit-rich New York City.
### TABLE A4.4: MEANS OF TRANSPORTATION TO WORK: COMMUNITIES OF CONCERN POPULATION

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Workers</th>
<th>Car, Truck, or Van</th>
<th>Public Transit (Excluding Taxi)</th>
<th>Bicycle</th>
<th>Walked</th>
<th>Taxi, Motorcycle or Other Means</th>
<th>Work at Home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>405,550</td>
<td>86,710</td>
<td>21%</td>
<td>262,899</td>
<td>65%</td>
<td>1,290</td>
<td>0%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>504,158</td>
<td>96,426</td>
<td>19%</td>
<td>343,143</td>
<td>68%</td>
<td>7,048</td>
<td>1%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>276,889</td>
<td>28,239</td>
<td>10%</td>
<td>187,872</td>
<td>68%</td>
<td>4,101</td>
<td>1%</td>
</tr>
<tr>
<td>Queens</td>
<td>386,162</td>
<td>109,852</td>
<td>28%</td>
<td>231,010</td>
<td>60%</td>
<td>2,700</td>
<td>1%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>36,353</td>
<td>18,016</td>
<td>50%</td>
<td>15,614</td>
<td>43%</td>
<td>116</td>
<td>0%</td>
</tr>
<tr>
<td>New York City</td>
<td>1,609,112</td>
<td>339,243</td>
<td>21%</td>
<td>1,040,538</td>
<td>65%</td>
<td>15,255</td>
<td>1%</td>
</tr>
<tr>
<td>Putnam</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rockland</td>
<td>10,474</td>
<td>740</td>
<td>7%</td>
<td>1,905</td>
<td>18%</td>
<td>11</td>
<td>0%</td>
</tr>
<tr>
<td>Westchester</td>
<td>77,711</td>
<td>42,863</td>
<td>56%</td>
<td>20,756</td>
<td>27%</td>
<td>200</td>
<td>0%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>87,645</td>
<td>50,267</td>
<td>57%</td>
<td>22,661</td>
<td>26%</td>
<td>211</td>
<td>0%</td>
</tr>
<tr>
<td>Nassau</td>
<td>41,350</td>
<td>29,217</td>
<td>71%</td>
<td>7,866</td>
<td>19%</td>
<td>216</td>
<td>1%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>24,474</td>
<td>20,998</td>
<td>86%</td>
<td>1,854</td>
<td>8%</td>
<td>152</td>
<td>1%</td>
</tr>
<tr>
<td>Long Island</td>
<td>65,824</td>
<td>50,215</td>
<td>76%</td>
<td>9,720</td>
<td>15%</td>
<td>368</td>
<td>1%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>1,762,581</td>
<td>439,725</td>
<td>25%</td>
<td>1,072,919</td>
<td>61%</td>
<td>15,834</td>
<td>1%</td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey

### TABLE A4.5: MEANS OF TRANSPORTATION TO WORK: REMAINDER POPULATION

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Workers</th>
<th>Car, Truck, or Van</th>
<th>Public Transit (Excluding Taxi)</th>
<th>Bicycle</th>
<th>Walked</th>
<th>Taxi, Motorcycle or Other Means</th>
<th>Work at Home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>142,411</td>
<td>62,707</td>
<td>44%</td>
<td>64,411</td>
<td>45%</td>
<td>436</td>
<td>0%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>638,042</td>
<td>166,844</td>
<td>26%</td>
<td>361,960</td>
<td>57%</td>
<td>10,477</td>
<td>2%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>590,409</td>
<td>41,373</td>
<td>7%</td>
<td>325,313</td>
<td>55%</td>
<td>10,446</td>
<td>2%</td>
</tr>
<tr>
<td>Queens</td>
<td>690,592</td>
<td>299,293</td>
<td>43%</td>
<td>331,847</td>
<td>48%</td>
<td>3,015</td>
<td>0%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>169,569</td>
<td>114,723</td>
<td>68%</td>
<td>45,705</td>
<td>27%</td>
<td>226</td>
<td>0%</td>
</tr>
<tr>
<td>New York City</td>
<td>2,231,023</td>
<td>684,940</td>
<td>31%</td>
<td>1,129,236</td>
<td>51%</td>
<td>24,600</td>
<td>1%</td>
</tr>
<tr>
<td>Putnam</td>
<td>50,308</td>
<td>42,821</td>
<td>85%</td>
<td>4,196</td>
<td>8%</td>
<td>97</td>
<td>0%</td>
</tr>
<tr>
<td>Rockland</td>
<td>132,091</td>
<td>109,074</td>
<td>83%</td>
<td>10,387</td>
<td>8%</td>
<td>139</td>
<td>0%</td>
</tr>
<tr>
<td>Westchester</td>
<td>377,300</td>
<td>258,872</td>
<td>69%</td>
<td>78,171</td>
<td>21%</td>
<td>551</td>
<td>0%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>559,699</td>
<td>410,767</td>
<td>73%</td>
<td>92,754</td>
<td>17%</td>
<td>787</td>
<td>0%</td>
</tr>
<tr>
<td>Nassau</td>
<td>612,295</td>
<td>469,732</td>
<td>77%</td>
<td>98,496</td>
<td>16%</td>
<td>1,179</td>
<td>0%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>696,943</td>
<td>608,117</td>
<td>87%</td>
<td>45,315</td>
<td>7%</td>
<td>1,495</td>
<td>0%</td>
</tr>
<tr>
<td>Long Island</td>
<td>1,309,238</td>
<td>1,077,849</td>
<td>82%</td>
<td>243,811</td>
<td>11%</td>
<td>2,674</td>
<td>0%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>4,099,960</td>
<td>2,173,556</td>
<td>53%</td>
<td>1,365,801</td>
<td>33%</td>
<td>28,061</td>
<td>1%</td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey
FIGURE A4.7: MEANS OF TRANSPORTATION TO WORK, LONG ISLAND

Each map shows the proportion of the population in each census tract who typically commute to work using a particular means.

Source: 2015 American Community Survey, 5-year estimates
FIGURE A4.8: MEANS OF TRANSPORTATION TO WORK, LOWER HUDSON VALLEY

Each map shows the proportion of the population in each census tract who typically commute to work using a particular means.

Source: 2015 American Community Survey, 5-year estimates
FIGURE A4.9: MEANS OF TRANSPORTATION TO WORK, NEW YORK CITY

Each map shows the proportion of the population in each census tract who typically commute to work using a particular means.

Source: 2015 American Community Survey, 5-year estimates
TRAVEL TIME TO WORK

Table 4.6 shows the travel time to work for the section of the population identified as Communities of Concern in each borough/county, while Table 4.7 shows the travel time to work for the remainder of the population. The time periods shown in each table are taken directly from the source data – the 2011-2015 5-year ACS, released by the U.S. Census Bureau (the data source for all indicators in this appendix – Means to Work, Travel Time to Work and Linguistic Isolation).

The national average commute time of 25.5 minutes falls within the 15-29 minute time span (category) used by the Census Bureau, and Table 4.6 shows that the percentage of commuters falling into this category for communities of concern in the NYMTC planning area was: New York City at 18 percent (25 percent for the remainder population); Lower Hudson Valley with 31 percent (29 percent for the remainder population; and Long Island with 36 percent (31 percent for the remainder population).

The Census Bureau has also determined that nationally, eight percent of all workers have a commute of over one hour. In the NYMTC planning area, this figure is 26 percent for Communities of Concern, with a slightly lower figure for the remainder population, of which 21 percent had long commutes. When looking at short commutes (less than 30 minutes), the remainder population was more likely to have shorter commutes than Communities of Concern. 44 percent of commuters in the remainder population had commutes of less than 30 minutes, whereas this figure for Communities of Concern was 30 percent.
### TABLE A4.6: TRAVEL TIME TO WORK: COMMUNITIES OF CONCERN POPULATION

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Workers</th>
<th>Less than 15 Min.</th>
<th>15 to 29 Min.</th>
<th>30 to 44 Min.</th>
<th>45 to 59 Min.</th>
<th>60 or More Min.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>391,829</td>
<td>37,958</td>
<td>10%</td>
<td>66,230</td>
<td>17%</td>
<td>91,510</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>489,268</td>
<td>34,479</td>
<td>7%</td>
<td>73,917</td>
<td>15%</td>
<td>141,654</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>263,700</td>
<td>25,228</td>
<td>10%</td>
<td>62,481</td>
<td>24%</td>
<td>88,611</td>
</tr>
<tr>
<td>Queens</td>
<td>370,005</td>
<td>30,310</td>
<td>8%</td>
<td>65,306</td>
<td>17%</td>
<td>108,773</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>35,590</td>
<td>4,525</td>
<td>13%</td>
<td>8,956</td>
<td>25%</td>
<td>6,591</td>
</tr>
<tr>
<td>New York City</td>
<td>1,559,392</td>
<td>132,500</td>
<td>8%</td>
<td>276,890</td>
<td>18%</td>
<td>437,139</td>
</tr>
<tr>
<td>Putnam</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rockland</td>
<td>10,283</td>
<td>2,790</td>
<td>27%</td>
<td>3,977</td>
<td>39%</td>
<td>2,009</td>
</tr>
<tr>
<td>Westchester</td>
<td>75,007</td>
<td>16,318</td>
<td>22%</td>
<td>22,716</td>
<td>30%</td>
<td>17,265</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>85,290</td>
<td>19,108</td>
<td>22%</td>
<td>26,693</td>
<td>31%</td>
<td>19,274</td>
</tr>
<tr>
<td>Nassau</td>
<td>40,426</td>
<td>8,805</td>
<td>22%</td>
<td>13,371</td>
<td>33%</td>
<td>9,236</td>
</tr>
<tr>
<td>Suffolk</td>
<td>23,939</td>
<td>5,832</td>
<td>24%</td>
<td>9,776</td>
<td>41%</td>
<td>4,648</td>
</tr>
<tr>
<td>Long Island</td>
<td>64,365</td>
<td>14,637</td>
<td>23%</td>
<td>23,147</td>
<td>36%</td>
<td>13,684</td>
</tr>
<tr>
<td><strong>NYMT Region</strong></td>
<td><strong>1,709,047</strong></td>
<td><strong>166,245</strong></td>
<td><strong>10%</strong></td>
<td><strong>326,730</strong></td>
<td><strong>19%</strong></td>
<td><strong>470,297</strong></td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey

### TABLE A4.7: TRAVEL TIME TO WORK: REMAINDER POPULATION

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Workers</th>
<th>Less than 15 Min.</th>
<th>15 to 29 Min.</th>
<th>30 to 44 Min.</th>
<th>45 to 59 Min.</th>
<th>60 or More Min.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>138,154</td>
<td>14,983</td>
<td>11%</td>
<td>28,834</td>
<td>21%</td>
<td>28,650</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>608,252</td>
<td>61,997</td>
<td>10%</td>
<td>119,171</td>
<td>20%</td>
<td>165,731</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>544,852</td>
<td>78,233</td>
<td>14%</td>
<td>205,451</td>
<td>38%</td>
<td>169,195</td>
</tr>
<tr>
<td>Queens</td>
<td>671,621</td>
<td>55,715</td>
<td>8%</td>
<td>130,306</td>
<td>19%</td>
<td>186,751</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>165,494</td>
<td>22,687</td>
<td>14%</td>
<td>41,065</td>
<td>25%</td>
<td>29,903</td>
</tr>
<tr>
<td>New York City</td>
<td>2,128,373</td>
<td>233,615</td>
<td>11%</td>
<td>524,827</td>
<td>25%</td>
<td>580,230</td>
</tr>
<tr>
<td>Putnam</td>
<td>48,028</td>
<td>8,347</td>
<td>17%</td>
<td>10,795</td>
<td>22%</td>
<td>10,561</td>
</tr>
<tr>
<td>Rockland</td>
<td>125,544</td>
<td>33,323</td>
<td>27%</td>
<td>37,245</td>
<td>30%</td>
<td>21,399</td>
</tr>
<tr>
<td>Westchester</td>
<td>356,845</td>
<td>74,642</td>
<td>21%</td>
<td>104,142</td>
<td>29%</td>
<td>70,422</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>530,417</td>
<td>116,312</td>
<td>22%</td>
<td>152,182</td>
<td>29%</td>
<td>102,922</td>
</tr>
<tr>
<td>Nassau</td>
<td>589,608</td>
<td>116,825</td>
<td>20%</td>
<td>165,982</td>
<td>28%</td>
<td>118,918</td>
</tr>
<tr>
<td>Suffolk</td>
<td>672,036</td>
<td>156,306</td>
<td>23%</td>
<td>222,203</td>
<td>33%</td>
<td>138,682</td>
</tr>
<tr>
<td>Long Island</td>
<td>1,261,644</td>
<td>273,131</td>
<td>22%</td>
<td>388,185</td>
<td>31%</td>
<td>257,600</td>
</tr>
<tr>
<td><strong>NYMT Region</strong></td>
<td><strong>3,920,434</strong></td>
<td><strong>623,058</strong></td>
<td><strong>16%</strong></td>
<td><strong>1,065,194</strong></td>
<td><strong>27%</strong></td>
<td><strong>940,752</strong></td>
</tr>
</tbody>
</table>

Source: 2011-2015 American Community Survey
Communities of Concern

Median travel time to work of all commuters in each census tract:

Commute time SHORTER than the national average
Commute time LONGER than the national average

Source: 2015 American Community Survey, 5-year estimates
Median travel time to work of all commuters in each census tract:

- **Commute time SHORTER than the national average**: 25.9 Minutes
- **Commute time LONGER than the national average**

Source: 2015 American Community Survey, 5-year estimates
Communities of Concern

Median travel time to work of all commuters in each census tract:

Commute time SHORTER than the national average

Commute time LONGER than the national average

Source: 2015 American Community Survey, 5-year estimates
LINGUISTICALLY ISOLATED HOUSEHOLDS
The U.S. Census Bureau defines a linguistically isolated household as a household in which “no person 14 years old and over speaks only English and no person 14 years old and over who speaks a language other than English speaks English ‘very well.’

While there are linguistically isolated communities throughout the NYMTC planning area, the maps below show that there is a high geographic correlation between linguistic isolation and Communities of Concern. In fact, households in Communities of Concern are between two to four times more likely to be linguistically isolated than households in non-Communities of Concern. Within Communities of Concern in the NYMTC planning area, 297,000 (or 20 percent) of households are considered linguistically isolated. This is in contrast to 8 percent of total households being linguistically isolated within the remainder population.

Nearly 275,000 households of linguistically isolated households in Communities of Concern (the aforementioned 297,000), are found in New York City’s Communities of Concern. The highest rates of linguistic isolation in Communities of Concern were found in Queens (29 percent), Rockland County (28 percent), the Bronx (22 percent), and Nassau County (20 percent). In both the Lower Hudson Valley and Long Island, 18 and 17 percent of total households, respectively, are linguistically isolated. In contrast, only 11 percent of New York City households in the remainder population are linguistically isolated – this figure is even lower in the Lower Hudson Valley and Long Island, where only five and four percent of households in the remainder population, respectively, are linguistically isolated.

Spanish is the language spoken by most linguistically isolated households in the NYMTC planning area’s Communities of Concern. Asian and Pacific Island languages were prevalent in linguistically isolated households in Queens County in New York City, while other Indo-European languages were prevalent in linguistically isolated households in Rockland County in the Lower Hudson Valley.

The linguistic isolation and Communities of Concern data have important implications for transportation planning in the NYMTC planning area. Limited English proficiency in certain geographies should be taken into consideration when planning public engagement and communicating project or service notifications. This is particularly important for public transportation projects – a mode that these communities rely heavily upon. Tailoring communications based upon a geographical language preference can help ensure greater public involvement to develop a transportation network that is equitable and responsive to local needs.
### TABLE A4.8: HOUSEHOLD LANGUAGE BY LINGUISTIC ISOLATION: COMMUNITIES OF CONCERN

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Households</th>
<th>Linguistically Isolated Households (No one age 14 or over speaks English only or speaks English &quot;very well&quot;)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Spanish Language</td>
<td>Other Indo-European Languages</td>
<td>Asian and Pacific Island Languages</td>
</tr>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>368,642</td>
<td>71,412</td>
<td>19.4%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>425,450</td>
<td>32,085</td>
<td>7.5%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>242,587</td>
<td>32,154</td>
<td>13.3%</td>
</tr>
<tr>
<td>Queens</td>
<td>268,655</td>
<td>35,945</td>
<td>13.4%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>32,121</td>
<td>2,340</td>
<td>7.3%</td>
</tr>
<tr>
<td>New York City</td>
<td>1,337,455</td>
<td>173,936</td>
<td>13.0%</td>
</tr>
<tr>
<td>Putnam</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rockland</td>
<td>5,790</td>
<td>1,179</td>
<td>20.4%</td>
</tr>
<tr>
<td>Westchester</td>
<td>61,389</td>
<td>8,744</td>
<td>14.2%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>67,179</td>
<td>9,923</td>
<td>14.8%</td>
</tr>
<tr>
<td>Nassau</td>
<td>26,689</td>
<td>4,824</td>
<td>18.1%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>14,567</td>
<td>1,722</td>
<td>11.8%</td>
</tr>
<tr>
<td>Long Island</td>
<td>41,256</td>
<td>6,546</td>
<td>15.9%</td>
</tr>
</tbody>
</table>

NYMTC Region            | 1,445,890 | 190,405 | 13.2%  | 36,389 | 2.5%   | 59,252 | 4.1%   | 7,620 | 0.5%   | 293,666 | 20%   |

Source: 2011-2015 American Community Survey

### TABLE A4.9: HOUSEHOLD LANGUAGE BY LINGUISTIC ISOLATION: REMAINDER POPULATION

<table>
<thead>
<tr>
<th>County</th>
<th>Total # of Households</th>
<th>Linguistically Isolated Households (No one age 14 or over speaks English only or speaks English &quot;very well&quot;)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Spanish Language</td>
<td>Other Indo-European Languages</td>
<td>Asian and Pacific Island Languages</td>
</tr>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>Bronx</td>
<td>116,260</td>
<td>4,485</td>
<td>3.9%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>506,336</td>
<td>12,078</td>
<td>2.4%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>507,832</td>
<td>8,816</td>
<td>1.7%</td>
</tr>
<tr>
<td>Queens</td>
<td>511,989</td>
<td>19,650</td>
<td>3.8%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>133,663</td>
<td>993</td>
<td>0.7%</td>
</tr>
<tr>
<td>New York City</td>
<td>1,776,080</td>
<td>46,022</td>
<td>2.6%</td>
</tr>
<tr>
<td>Putnam</td>
<td>34,090</td>
<td>719</td>
<td>2.1%</td>
</tr>
<tr>
<td>Rockland</td>
<td>93,016</td>
<td>2,016</td>
<td>2.2%</td>
</tr>
<tr>
<td>Westchester</td>
<td>280,477</td>
<td>7,345</td>
<td>2.6%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>407,583</td>
<td>10,080</td>
<td>2.5%</td>
</tr>
<tr>
<td>Nassau</td>
<td>413,951</td>
<td>8,251</td>
<td>2.0%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>479,282</td>
<td>11,841</td>
<td>2.5%</td>
</tr>
<tr>
<td>Long Island</td>
<td>893,233</td>
<td>20,092</td>
<td>2.2%</td>
</tr>
</tbody>
</table>

NYMTC Region            | 3,076,896 | 76,194 | 2.5%   | 103,435 | 3.4% | 58,425 | 1.9% | 8,952 | 0.3% | 247,006 | 8% |

Source: 2011-2015 American Community Survey
**Figure A4.13: Linguistically Isolated Households and Communities of Concern, Long Island**

- **One dot represents 50 limited English speaking households**

**Community of Concern**

Defined as a census tract that is both a Minority Community and a Low-Income Community.

- **Minority Community:** The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.
- **Low-Income Community:** 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
One dot represents 50 limited English speaking households

**Community of Concern**

Defined as a census tract that is both a Minority Community and a Low-Income Community.

- **Minority Community:** The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.
- **Low-Income Community:** 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
A Linguistically Isolated Households and Communities of Concern, New York City

Low-Income Community: Defined as a census tract that is both a Minority Community and a Low-Income Community.

Minority Community: The minority population of a census tract in 2015 was 57 (the regional average) or more percent of the population.

Low-Income Community: 16 percent (the regional average) or more of a census tract population earned an income in 2015 at or below the poverty level.
Federal regulations require that the metropolitan planning process facilitates a cooperative, regional framework for multimodal transportation planning. In this role, NYMTC is required by the federal government to provide a continuing, coordinated and comprehensive transportation planning process in order to receive federal transportation funds. As part of this process, NYMTC produces five key planning products which together constitute the process itself:

> Regional Transportation Plan (RTP), which establishes long range goals, objectives, and strategies, typically over a 25-year timeframe;
> Transportation Improvement Program (TIP), which defines funding for specific investments and actions over a five year timeframe;
> Unified Planning Work Program (UPWP), which determines how funding for planning activities will be spent over the course of a program year;
> The Congestion Management Process (CMP), which provides a systematic approach to managing congestion in the NYMTC planning area; and
> The Transportation Air Quality Conformity Determination, which ensures that the RTP and TIP fiscally-constrained projects meet air quality goals to be eligible for Federal funding and approval.
NYMTC is required to prepare the RTP every four years to serve as a blueprint for transportation planning and implementation over at least a 20-year period. The NYMTC plan is guided by the following “planning factors” as defined by the federal transportation legislation that governs metropolitan transportation planning:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
- Increase the safety of the transportation system for motorized and non-motorized users.
- Increase the security of the transportation system for motorized and non-motorized users.
- Increase the accessibility and mobility of people and freight.
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.

In addition to the RTP, NYMTC is required to produce a TIP, a five-year program of the region’s transportation improvements that are eligible for federal funding. Once projects are adopted into the TIP, they are considered “programmed” and eligible for federal funding. NYMTC also produces a UPWP, which identifies transportation planning projects and studies to be conducted over the course of one program year. The UPWP thus enables federal funding for these planning activities. The Transportation Air Quality Determination is conducted with every RTP cycle and update of the TIP. A CMP status report is prepared with every RTP cycle.

To develop and implement transportation investments that will truly benefit and achieve acceptance from transportation network users, it is essential that the public involvement process in developing the RTP and TIP is inclusive of diverse communities across a large geographic region. NYMTC’s public involvement program aims to be proactive, gathering input and ideas at all stages of the planning process via public workshops and planning sessions in each of its constituent counties. The reach of the sessions is amplified through webcasts, an interactive website, and collaboration with community groups throughout the region. In addition, all public meetings are held at accessible times and places, and NYMTC provides translation services as requested, as outlined in its Language Access Operating Procedures.

In addition to public events, NYMTC has upgraded its website in recognition of the benefits of using internet-based technology to conduct public outreach. NYMTC’s website features applications that allow the public to view maps and information on future projects, participate in the planning process, and access other content on transportation planning in the NYMTC planning area. NYMTC also uses social media through Facebook and Twitter to capture a broader and more diverse audience.

NYMTC also maintains a number of advisory working groups that act as conduits for information from the interested public on specific aspects of the transportation planning process. These groups have been established in policy areas such as freight planning; demand management and mobility, human services transportation, waterborne transportation, and pedestrian and bicycle transportation. The advisory working groups provided important content in these areas for Plan 2045.

NYMTC member agencies have also developed their own public outreach strategies with different levels of formality to fulfill their environmental justice and public involvement requirements.

NYMTC has in place a Public Involvement Plan (PIP) that documents the processes the organization uses to gather the public and stakeholders’ views and opinions for consideration in the regional transportation planning process. This PIP also helps ensure that NYMTC’s public involvement process complies with the relevant federal regulations and requirements.
ATTACHMENT 4A: ENVIRONMENTAL JUSTICE AND NYMTC MEMBER AGENCY STATEMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

The MTA addresses environmental justice (EJ) through both the Title VI assessment and its own capital program. Federal EJ regulations, as described in FTA Circular C4702.1A, require that transit agencies receiving Federal grants participate in an assessment regardless of low-income and minority status. The assessment is an analysis of the overall distribution of the benefits and costs associated with the transit systems throughout the MTA service area based on minority and income levels of the communities that are affected. These transit elements include subway station rehabilitations; construction of bus depots; new railroad stations and parking facilities or major rehabilitations of existing ones and new rail yards or major rehabilitations of existing ones. Further, federal guidance has established that a transit route is considered a “minority route” if at least 1/3 of the population along the route is minority. Data used in the MTA’s equity analyses include vehicle load, vehicle assignment, vehicle headways, transit amenities and transit access. Each of these variables is assessed in terms of populations above and below the poverty (income) level and minority and non-minority populations.

To ensure that the level and quality of transportation service is provided without regard to ethnicity or income level, the MTA’s Title VI documentation also in-

Commercial Bicyclist Safety Forum and Helmet Fitting
Photo source: NYC DOT
cludes program-specific reporting and analysis. For each of the areas listed below, an analysis of minority and income is conducted on a community level:

- Demographic and Service Profile Maps/Charts
- Level of Service
- Quality of Service
- Analysis of Customer Surveys
- Analysis of Service and Fare Changes
- Assessment of Grantee Compliance

For Demographic and Service Profile Maps/Charts, the MTA utilizes regional base mapping with overlays indicating minority and poverty classification. Maps are created that cover the entire service territory of each MTA agency. The regional base maps include census tracts, transit service routes, major streets and highways, fixed transit facilities (shops, yards and depots), major trip generators, transit facilities rehabilitation maps (displaying modernized retrospective 10 years and scheduled prospective 5 years), and major service changes.

Level of Service analyzes each agency’s vehicle load, vehicle headway, on time performance, distribution of transit amenities, service availability, and vehicle assignment. Quality of Service examines transit travel times and fare matrices, analyzing specific origin to destination locations within a particular MTA agency by looking at average peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to destination, and cost per mile of trip to destination.

The Assessment of Grantee Compliance examines capital investments in subway/rail stations, bus depots, commuter parking facilities, and rail yards, for each MTA agency. Analysis includes major rehabilitation of existing facilities and construction of new facilities, comparing investments in minority and non-minority communities, and above, at or below poverty communities.

In addition, the MTA conducts a vigorous public outreach effort with respect to its Capital Plan. Each June, a public session is held informing the public of upcoming capital projects which are likely candidates for federal grant funds. Members of the public are invited to comment on these capital projects. The public is encouraged to provide comments. The MTA also maintains a constant dialogue with elected officials and community groups to find out the issues and needs of their constituents.

For selected capital projects, an environmental review is conducted. This can take the form of categorical exclusion (CE) documentation, an environmental assessment, or an environmental impact statement (EIS) in state or federal projects. Each of these types of environmental reviews includes an examination of the project’s anticipated environmental justice impacts, following the National Environmental Protection Act (NEPA) or the State Environmental Quality Review (SEQR), depending on the project’s funding structure or governmental actions required. Environmental impact statements (EISs) have formal public outreach requirements that often include elected officials, community groups and residents, among others. Public meeting or hearing notices are sent to various community entities, radio and television stations, and are posted in local newspapers. In addition, each project maintains an email link and phone number for public comments, and public information materials are translated to other languages as necessary.

**NASSAU COUNTY**

Nassau County conducts a demographic analysis to identify minority and low-income communities in the County, and to ensure that these communities are not discriminated against in the distribution of transit services and amenities. In the past, the County conducted oversight of its transit system, the Nassau Inter County Express (NICE), which has been operated by Transdev Services, Inc since January 2012, to ensure that the level of oversight ensures compliance with Title VI requirements, including equitable distribution of transit services and amenities. NICE has a Transit Accessibility Advisory Committee (TAAC) that meets bi-monthly to ensure that the voices of all citizens are heard, and that concerns raised by various transit users are included in the decision-making process. In addition to this committee, NICE hosts smaller community meetings to seek input from transit users and transit-dependent populations.
The County also ensures that NICE offers access to services for Limited English Proficient (LEP) populations. Transdev Services, Inc. provides Spanish translation of schedules, route maps and all other information obtainable on the NICE website to assist LEP customers. The County must demonstrate compliance with Title VI to the Federal Transit Administration (FTA) once every three years; the most recent compliance report was submitted and approved by the FTA in 2016.

NEW YORK CITY DEPARTMENT OF CITY PLANNING
As part of its City Charter-mandated responsibilities to plan for the orderly growth of the city, the Department of City Planning maintains demographic, socioeconomic, and other statistical data that inform all planning studies and recommendations. The Department has staff in all boroughs which serve as the front line of contact with the public and serve as liaisons to each of the city’s 59 community boards. For agency-initiated projects, the Department engages in broad outreach to all community stakeholders, typically holding routine public meetings in affected areas. As a result of Mayoral Executive Order 120, the Department has developed a language access plan that enhances its ability to engage with Limited English speakers.

In addition, the City Planning Commission has promulgated criteria for the location of city facilities, as established under section 203 of the City Charter. These criteria, commonly described as “Fair Share” criteria, are designed to guide the siting of city facilities, balancing the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services, and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites. An underlying premise of the criteria is that the relevant factors can be weighed more effectively by the agency when communities have been informed and consulted early on in the siting process. The criteria therefore include specific requirements for consulting with communities and local elected officials in connection with facility siting decisions.

Section 204 of the Charter also requires agencies to provide local elected officials and community boards with an “early warning” about proposed facilities through the Department of City Planning’s “Citywide Statement of Needs for City Facilities,” an annual publication that identifies anticipated facility sitings for the upcoming two fiscal years.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION
NYCDOT employs a wide range of mechanisms to allow for and encourage public participation in its programs and activities. These mechanisms include a combination of citywide resources that serve all municipal agencies, as well as NYCDOT-specific procedures and programs, including planning and project development. Examples of these include providing information in English and in other languages through the agency website, the 311 call center, public notices, and public meetings. In addition, projects are vetted by the community through coordination with community boards, elected officials, and NYC DOT borough offices. The public is invited and encouraged to comment on projects. This input, along with regular dialogue with elected officials and community groups, helps the agency determine the issues and needs of communities. To ensure as many people participate in the planning process as possible, public meetings are held in convenient locations that are ADA-accessible. These meetings are advertised in English and typically the language(s) of the community. In-person interpretation services are provided when requested.

Some activities of NYC DOT may involve supplemental public participation, in addition to the mechanisms outlined above. For example, many construction permits required for capital projects mandate public participation. In other cases, NYC DOT often undertakes project-specific outreach efforts which may include pre-announced public meetings, placement of notices, advertisements, flyers, and information sheets and public opinion surveys. These outreach efforts are targeted towards a variety of stakeholders within the affected community including community groups, advocacy groups, residents, businesses, civic organizations, etc.
NYCDOT also addresses environmental justice requirements in a variety of ways. Capital projects, depending on their context and intensity, are subject to environmental reviews, under the National Environmental Protection Act (NEPA), the State Environmental Quality Review Act (SEQRA), or the City Environmental Quality Review (CEQR) processes, which require consideration of potential environmental justice impacts.

In addition, NYCDOT addresses environmental justice issues by improving safety and air quality in all areas of the city, with a special focus on locations that have a concentration of minority, low-income, or vulnerable pedestrians, a high number of crashes, and/or high pollution levels. To identify these areas, specific projects are subject to analysis using demographic data obtained through the U.S. Census, other agencies, or through surveys, and NYC DOT traffic and air quality data.

Additionally, in 2012, NYCDOT initiated the Mobility Management Program, which seeks to coordinate and improve transportation opportunities for people with disabilities, older adults, and low-income populations. The three major focus areas of the program are: (1) the development of resources and tools for project managers and the community; (2) coordination efforts within the agency, other agencies, and the public; and (3) identifying strategies to improve transportation services for this population. In 2015, the Mobility Management Resource Guide was published, which is a one-stop-shop of accessible transportation information for the community. A Spanish version was published in 2017.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

It is the policy of the NYSDOT to prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment. All NYSDOT Divisions, Offices, Bureaus and Regions are required to plan, develop and implement their programs, services and activities to ensure no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin (to include Limited English Proficiency), religion, disability, sexual orientation, marital status or Vietnam-era veteran status.

This policy fully incorporates throughout all of NYSDOT’s operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

NYSDOT’s Civil Rights Policy reflects NYSDOT’s commitment to achieving equal opportunity in all programs, services and activities for which NYSDOT has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Director of the Office of Civil Rights is responsible with monitoring the continued development and implementation of NYSDOT’s external Civil Rights program for achieving our agency’s goal to ensure equal opportunity for all. The Office of Civil Rights reports directly to the Commissioner on all matters.

NYSDOT utilizes the public outreach efforts of the MPOs to ensure that there is general notification of the Department’s capital program and long-range planning efforts. In addition, NYSDOT receives numerous inquiries from the public and elected officials via mail, telephone, and e-mail (either directly or through the Department’s website) regarding pavement condition, bridge condition, safety, congestion, drainage, public transportation quality and timeliness, roadside conditions, etc. Every inquiry receives a response. More information about the Department’s public involvement process in plan-
NYS DOT also conducts public participation at the project level. The level of public participation is driven by the scope of the project. For example, for a simple resurfacing project the public notification and participation might be limited to a letter to the town supervisor or local mayor notifying them of the scope and schedule of the project and offering to provide further information. For a project of greater scope, the NYS DOT would have a formal public involvement process with a number of public meetings and the creation of a project advisory committee composed of local officials and citizens. These key stakeholder groups can provide early input to projects and reduce need for project revision and eliminate potential design or other errors in project scoping. Consultation with these groups also increases confidence in a project from the public’s perspective.

The public information process begins with scoping and extends until construction. Meeting notifications are sent by mail to residents and businesses located within the project area, and advertised in local newspapers usually via a press release. A project mailing list is created and kept current to ensure those who want to be involved are kept involved. Larger projects usually have their own websites.

NYS DOT works with community boards to identify key Community- Based Organizations (CBOs) and Faith Based Organizations (FBOs) within a project study area. The CBOs, and FBOs in turn, identify other groups that network out to all residents who might be impacted by a NYS DOT project. The community boards, FBOs and CBOs also help to generate mailing lists for impacted residents within a project study area. Staff at NYS DOT continues to communicate with these CBOs and FBOs in order to facilitate compliance with all federal state and local laws.

In the Lower Hudson Valley and NY metro area Regions, NYS DOT addresses the diversity of languages spoken by its large population base. Public information materials are translated, as needed, into various languages to assist residents with limited English proficiency. Translation languages include Spanish, Russian, Polish and Chinese, although others can be provided as necessary. For major projects, NYS DOT’s Regions also maintain websites, telephone information lines and email addresses to facilitate public comments. Public meetings can also be held at the community centers of these limited English proficient groups with translators available in order to directly address groups that have been traditionally underrepresented. Invitations to CBOs and FBOs that directly interact with or benefit LEP citizens are sent out ahead of meetings. Public meetings for larger projects are also held at various times and locations to ensure that those with unconventional working schedules or who utilize public transportation may voice concerns.

Specific examples of NYS DOT public participation efforts for transportation projects and planning activities are outlined below:

> NYS DOT has processed awards for funding under the Safe Routes to School Program and funded a number of these projects in minority and/or low income communities. NYS DOT has also obtained funding for traffic calming infrastructure improvements in New Cassel and Roosevelt, two low-income areas in Nassau County.

> NYS DOT has participated in a number of "Visioning" sessions during which community members in minority and/or low-income areas have contributed their ideas on how their communities should proceed with development and transportation infrastructure.

> NYS DOT has complied with its downstate Regional MPOs’ Coordinated Public Transit – Human Services Transportation Plans, which reduce duplication for those agencies that provide transportation for the elderly, disabled and low income individuals and welfare recipients under FTA Sections 5310, 5316 and 5317. NYS DOT has participated in a public workshop for applicants wishing to participate in each program.

> NYS DOT gathers ongoing feedback from community boards and CBOs to ensure that
their public outreach strategy is effective. All input collected through our various outreach initiatives are incorporated into the development and modification of project elements and alternatives as appropriate and as feasible. Dialogue with the community is ongoing and NYSDOT always strives to reach consensus.

In summation, NYSDOT uses a number of methods to reach underrepresented populations and give them greater access to its planning and decision-making. In the future, NYSDOT will continue to ensure its activities and policies remain “ahead of the curve” by adopting policies in compliance with all federal and state civil rights laws and policies as adopted by relevant federal agencies.

PUTNAM COUNTY
To identify necessary improvements and areas that need new transit service, Putnam County works with various departments and agencies, including the Departments of Mental Health and Social Services, Office for Senior Resources, as well as local municipalities, to garner feedback, and identify necessary improvements and areas which need new transit service.

The County compares census information with existing transit routes to determine which areas are being served. While no census tracts within Putnam County have a majority of low-income or minority populations, and the minority population is small and not concentrated, there are some neighborhoods with concentrations of low-income families. Every neighborhood with a preponderance of low-income families is served by transit. Public involvement procedures are an important aspect of any changes to the transit system.

Notices for service changes or public hearings are posted in the county paper, through press releases, notices posted on buses and bus drivers notifying passengers. The public can also provide feedback or get information through the Putnam County website or the County Information phone line. Any notices are posted in both English and Spanish.

Putnam County issues a Title VI Plan every three years, and ensures that any changes to the transit system are reviewed to ensure compliance with Title VI. All transit public information is produced in Spanish as well as in English, including bus schedules and notices.

ROCKLAND COUNTY
Using census information, Rockland County develops base mapping to locate low-income areas, areas with high concentrations of minorities and areas that may be underserved by transit. The County works with various agencies including the Departments of Social Services and Mental Health, the Office for the Aging and others to garner feedback and identify potential service improvements and areas that may need transit service.

Compliance with Title VI is measured, at a minimum, once every three years or when a major service change occurs by analyzing data received from various bus operators within the county, as well as data about transit riders collected by the Public Transportation Department. The data includes the results of the following transit service indicators: vehicle load, vehicle assignment, vehicle headway, distribution of transit amenities and transit access. These indicators are compared against the socioeconomic base mapping, with an overlay identifying major streets and highways along the fixed routes, and data collected regarding the socioeconomic characteristics of transit riders and how they use the transit system.

The data is analyzed to compare service quality in non-minority census tracts and high-income census tracts against service quality in minority census tracts and low-income census tracts. Any disparities require the Public Transportation Department to meet with the bus operator and discuss changes to create parity.

Public involvement is an important part of the decision-making process for any transit system changes such as fare increases or route changes. When required, information is disseminated through public outreach sessions. Notices with dates and times are published in the official county newspapers at least three to four weeks prior to public hearing dates.
The public is also informed through media coverage from Department-generated press releases, paid advertising in English, Spanish and Yiddish newspapers, and sign postings on all buses, in municipal halls, libraries, key bus shelters and on the county web site. In addition, the Department uses the audio system on board its buses to make service and other announcements, often in Spanish and English. (Most of the non-native English speaking population in the County has Spanish as a first language. Therefore, public information materials are often translated into Spanish).

To ensure that communities of concern are included when information is disseminated, the Public Transportation Department also reaches out to the non-profit groups that represent minority and low-income neighborhoods. The County’s public transportation officials communicate regularly with officials who represent low-income and minority areas to ensure that issues and concerns raised by communities of concern are considered in the decision-making process.

Rockland County also maintains several additional methods for the public, including communities of concern, to provide feedback such as a public information office which is staffed Monday through Friday, a website with a transit help email link monitored on a daily basis and a transit information line whose number is published on all Department literature.

SUFFOLK COUNTY

Using information from the most recent decennial Census, Suffolk County develops base mapping to locate communities of concern in the county. Bus routes are overlaid to determine their relation to minority or low-income communities. Every three years, a Title VI analysis is filed with the FTA to demonstrate whether the Bee-Line bus service is equitably provided throughout the County. The data included in the analysis includes vehicle assignment, distribution of transit amenities, and frequency of service throughout the day, and hours and days of the week. Westchester also undertakes the following in relation to Title VI concerns:

> Public notification of rights under Title VI through the County website and postings at major transit facilities and on buses;
> Response to complaints received from the public through the Bee-Line System’s Information Center, website e-mail, or via letter that are classified as alleged Civil Rights Complaints;
> Title VI review of Bee-Line service changes that occur at least three times a year.

Westchester County conducts an on-board passenger survey of the Bee-Line System every three years that captures ethnic/racial self-identification and household income data. The most recent on-board survey was conducted in the Spring of 2016. The income and ethnic/racial data obtained from the survey is used in planning efforts for the bus system, and these two parameters are also components of route profiles that have been developed and are periodically updated for all routes of the Bee-Line System. Environmental justice efforts on the part of the County are often project specific. To ensure that the voices of all citizens are heard during the public outreach process, the County is involved with the following activities:
Hosting and conducting outreach activities including publicizing local workshops related to regional transportation plans and programs, such as the Mobility Advisory Forum of the Mid-Hudson South Technical Coordinating Committee;

Complying with all public participation requirements associated with grant funding and service changes;

Participating in the development and updating of the locally developed Coordinated Public Transit-Human Services Transportation Plan for the NYMTC planning area that includes identifying of the transportation needs of people with low incomes, and provides strategies for meeting those needs and prioritizing transportation services for funding and implementation;

Maintaining a website with e-mail links for all citizen comments and concerns;

Maintaining an extensive mailing list of county residents which facilitates targeted mailings to residents within a particular project study area;

Adopting a plan for addressing the needs of its Limited English Proficient (LEP) population.

Since most of the non-native English speaking population in the County has Spanish as a first language, public information is produced in Spanish, including Bee-Line brochures, notices and the System Map.
ATTACHMENT 4B: FEDERAL EXECUTIVE ORDER 12898

Federal Executive Order 12898
February 11, 1994

EXECUTIVE ORDER FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. IMPLEMENTATION.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, 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 in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian islands.

1-102. Creation of an Interagency Working Group on Environmental Justice. (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency (“Administrator”) or the Administrator’s designee shall convene an Interagency Federal Working Group on Environmental Justice (“Working Group”). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Energy; (k) Environmental Protection Agency; (1) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings at required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or
environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis.

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.
(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information

(a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as
appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency’s programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

William J. Clinton
ATTACHMENT 4C: U.S.D.O.T. ORDER 5610.2(A)

Department of Transportation, Office of the Secretary of Transportation
Order 5610.2(a)
Subject: Department of Transportation Actions to Address Environmental Justice in Minority populations and Low-Income Populations

1. Purpose and Authority
   
   The Department’s original Environmental Justice Order, issued April 15, 1997, was a key component of the Department’s original strategy and established procedures to be used by DOT to comply with Executive Order 12898. This revised Order continues to be a key component of DOT’s environmental justice strategy. It updates and clarifies certain aspects of the original Order while maintaining its general framework and procedures and DOT’s commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities. Relevant definitions are in the Appendix.
   
   b. Executive Order 12898 requires each Federal agency, to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of its programs, policies, and activities on minority populations and low-income populations in the United States. Compliance with this DOT Order is a key element in the environmental justice strategy adopted by DOT to implement the Executive Order, and can be achieved within the framework of existing laws, regulations, and guidance.
   
   c. Consistent with paragraph 6-609 of Executive Order 12898, this Order is limited to improving the internal management of DOT and is not intended to, nor does it, create any rights, benefits, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the Department, its Operating Administrations, its officers, or any person. Nor should this Order be construed to create any right to judicial review involving the compliance or noncompliance with this Order by the Department, its Operating Administrations, its officers or any other person.

2. Scope
   
   This Order applies to the Office of the Secretary, DOT’s Operating Administrations, and all other DOT components.

3. Effective Date
   
   This Order is effective upon its date of issuance.

4. Policy
   
   a. It is the policy of DOT to promote the principles of environmental justice (as embodied in the Executive Order) through the incorporation of those principles in all DOT programs, policies, and activities. This will be done by fully considering environmental justice principles throughout planning and decision-making processes in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; SAFETEA-LU) and other DOT statutes, regulations and guidance that address or affect infrastructure planning and decision-making;
social, economic, or environmental matters; public health; and public involvement.

b. In complying with this Order, DOT will rely upon existing authority to collect data and conduct research associated with environmental justice concerns. To the extent permitted by existing law, and whenever practical and appropriate to assure that disproportionately high and adverse effects on minority or low income populations are identified and addressed, DOT shall collect, maintain, and analyze information on the race, color, national origin, and income level of persons adversely affected by DOT programs, policies, and activities, and use such information in complying with this Order.

5. Integration with Existing Operations
a. The Office of the Secretary and each Operating Administration shall determine the most effective and efficient way of integrating the processes and objectives of this Order with their existing regulations and guidance.

b. In undertaking the integration with existing operations described in paragraph 5a, DOT shall observe the following principles:

1) Environmental justice principles apply to planning and programming activities, and early planning activities are a critical means to avoid disproportionately high and adverse effects in future programs, policies, and activities. Planning and programming activities for policies, programs, and activities that have the potential to have a disproportionately high and adverse effect on human health or the environment shall include explicit consideration of the effects on minority populations and low-income populations. Procedures shall be established or expanded, as necessary, to provide meaningful opportunities for public involvement by members of minority populations and low-income populations during the planning and development of programs, policies, and activities (including the identification of potential effects, alternatives, and mitigation measures).

2) Steps shall be taken to provide the public, including members of minority populations and low-income populations, access to public information concerning the human health or environmental impacts of programs, policies, and activities, including information that will address the concerns of minority and low-income populations regarding the health and environmental impacts of the proposed action.

c. Future rulemaking activities undertaken pursuant to DOT Order 2100.5 (which governs all DOT rulemaking), and the development of any future guidance or procedures for DOT programs, policies, or activities that affect human health or the environment, shall address compliance with Executive Order 12898 and this Order, as appropriate.

d. The formulation of future DOT policy statements and proposals for legislation that may affect human health or the environment will include consideration of the provisions of Executive Order 12898 and this Order.

6. Ongoing DOT Responsibility
Compliance with Executive Order 12898 is an ongoing DOT responsibility. DOT will continuously monitor its programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized or mitigated in a manner consistent with this Order and Executive Order 12898. This Order does not alter existing assignments or delegations of authority to the Operating Administrations or other DOT components.

7. Preventing Disproportionately High and Adverse Effects
a. Under Title VI, each Federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. This statute affects every program area in DOT. Consequently, DOT managers and staff must administer their programs in a manner to assure that no person is excluded from participating in, denied the benefits of,
or subjected to discrimination by any program or activity of DOT because of race, color, or national origin. While Title VI is a key tool for agencies to use to achieve environmental justice goals, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. There may be some overlap between environmental justice and Title VI analyses; however, engaging in environmental justice analysis under Federal transportation planning and NEPA provisions will not necessarily satisfy Title VI requirements. Similarly, a Title VI analysis would not necessarily satisfy environmental justice requirements, since Title VI does not include low-income populations. Moreover, Title VI applies to all Federally-funded projects and activities, not solely those which may have adverse human health or environmental effects on communities.

b. It is DOT’s policy to actively administer and monitor its operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of its programs, policies, and activities. DOT currently administers policies, programs, and activities which are subject to the requirements of NEPA, Title VI, URA, SAFETEA-LU and other statutes that involve human health or environmental matters, or interrelated social and economic impacts. These requirements will be administered so as to identify, early in the development of the program, policy or activity, the risk of discrimination and disproportionately high and adverse effects so that positive corrective action can be taken. In implementing these requirements, the following information should be obtained where relevant, appropriate and practical:

- Population served and/or affected by race, color or national origin, and income level;
- Proposed steps to guard against disproportionately high and adverse effects on persons on the basis of race, color, or national origin, and income level;
- Present and proposed membership by race, color, or national origin, in any planning or advisory body that is part of the program, policy or activity.

c. Statutes governing DOT operations will be administered so as to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

1) identifying and evaluating environmental, public health, and interrelated social and economic effects of DOT programs, policies, and activities,

2) proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by DOT programs, policies, and activities, where permitted by law and consistent with the Executive Order,

3) considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with the Executive Order, and

4) eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.

8. Actions to Address Disproportionately High and Adverse Effects

a. Following the guidance set forth in this Order and its Appendix, the head of each Operating Administration and the responsible officials for other DOT components shall determine whether programs, policies, or activities for which they are responsible will have an adverse human health or environmental effect on minority and low-income populations and whether that adverse effect will be disproportionately high.

b. In making determinations regarding disproportionately high and adverse effects on minority
and low-income populations, mitigation and enhancements measures that will be implemented and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design, comparative impacts, and the relevant number of similar existing system elements in non-minority and non-low-income areas.

c. The Operating Administrators and other responsible DOT officials will ensure that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

d. The Operating Administrations and other responsible DOT officials will also ensure that any of their respective programs, policies, or activities that will have a disproportionately high and adverse effect on populations protected by Title VI (“protected populations”) will only be carried if:

1) a substantial need for the program, policy, or activity exists, based on the overall public interest; and

2) alternatives that would have less adverse effects on protected populations (and that still satisfy the need identified in subparagraph d(1) above), either

a) would have other adverse social, economic, environmental or human health impacts that are severe; or

b) would involve increased costs of extraordinary magnitude.

e. DOT’s responsibilities under Title VI and related statutes and regulations are not limited by this paragraph, nor does this paragraph limit or preclude claims by individuals or groups of people with respect to any DOT programs, policies, or activities under these authorities.

Nothing in this Order adds to or reduces existing Title VI due process mechanisms.

f. The findings, determinations, and/or demonstration made in accordance with this section must be appropriately documented, normally in the environmental impact statement or other NEPA document prepared for the program, policy, or activity, or in other appropriate planning or program documentation.

Appendix

1. Definitions

The following terms where used in this Order shall have the following meanings:

a. DOT means the Office of the Secretary, DOT Operating Administrations, and all other DOT components.

b. Low-Income means a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

c. Minority means a person who is:

1) Black: a person having origins in any of the black racial groups of Africa;

2) Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

3) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;

4) American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or

5) Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

d. Low-Income Population means 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 will be similarly affected by a proposed DOT program, policy or activity.

e. Minority Population means 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 DOT program, policy or activity.

f. Adverse effects means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

g. Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

1) is predominately borne by a minority population and/or a low-income population, or

2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

h. Programs, policies, and/or activities mean all projects, programs, policies, and activ-

ities that affect human health or the environment, and which are undertaken or approved by DOT. These include, but are not limited to, permits, licenses, and financial assistance provided by DOT. Interrelated projects within a system may be considered to be a single project, program, policy or activity for purposes of this Order.

i. Regulations and guidance means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by DOT.

May 2, 2012
Ray LaHood
Secretary of Transportation
ATTACHMENT 4D: FEDERAL HIGHWAY ADMINISTRATION ORDER 6640.23A

Federal Highway Administration - Order 6640.23A

FHWA ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS
6640.23A
June 14, 2012

Par.
1. What is the purpose of this directive?
2. Does this directive cancel an existing FHWA directive?
3. What authorities govern this directive?
4. What is the scope of this directive?
5. What definitions are used in this directive?
6. What is the FHWA's policy concerning Environmental Justice?
7. How are Environmental Justice Principles integrated into existing operations?
8. What are the FHWA's responsibilities?
9. Where can I obtain additional guidance?

1. What is the purpose of this directive? This FHWA directive establishes policies and procedures for the Federal Highway Administration (FHWA) to use in complying with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898), dated February 11, 1994.

2. Does this directive cancel an existing FHWA directive? Yes. This directive cancels FHWA Order 6640.23 FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated December 2, 1998.

3. What authorities govern this directive? a. Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898), issued February 11, 1994. EO 12898 requires Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority populations and low-income populations in the United States. As indicated in the EO, the foregoing requirements are to be carried out to the greatest extent practicable and permitted by law and consistent with the principles set forth in the report on the National Performance Review. Compliance with this FHWA Order is a key element in the environmental justice strategy adopted by FHWA to implement EO 12898, and can be achieved within the framework of existing laws, regulations, and guidance.


   c. Title VI of the Civil Rights Act of 1964 (Title VI).

   d. Title 23, United States Code (U.S.C.), Section 109(h).

   e. National Environmental Policy Act (NEPA).


   g. 23 CFR 200.9(b)(4).

   h. Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Uniform Act)

4. What is the scope of this directive? Consistent with paragraph 6-609 of EO 12898 and DOT Order 5610.2(a), this directive is limited to improving the internal management of the FHWA and is not intended to, nor does it, create any rights, benefits, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the FHWA, its officers, or any person. This directive should not be construed to create any right to judicial review involving the compliance or noncompliance with this directive by FHWA, its officers, or any other person.

5. What definitions are used in this directive? The following terms, where used in this directive, shall have the following meanings:
   a. FHWA. The Federal Highway Administration as a whole and one or more of its individual components.

   b. Low-Income. A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

   c. Minority. A person who is:
      1) Black: a person having origins in any of the black racial groups of Africa;
2) Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
3) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;
4) American Indian and Alaskan Native: a person having origins in any of the original peoples of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
5) Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

d. 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 will be similarly affected by a proposed FHWA program, policy, or activity.

e. 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.

f. Adverse Effects. The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of human-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.

g. Disproportionately High and Adverse Effect on Minority and Low-Income Populations. An adverse effect that:
1) is predominately borne by a minority population and/or a low-income population; or
2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

h. Programs, Policies, and/or Activities. All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded (in whole or in part), or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this directive.

i. Regulations and Guidance. Regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.

6. What is FHWA’s policy concerning Environmental Justice?

a. It is FHWA’s longstanding policy to actively ensure nondiscrimination in federally funded activities. Furthermore, it is FHWA’s continuing policy to identify and prevent discriminatory effects by actively administering its programs, policies, and activities to ensure that social impacts to communities and people are recognized early and continually throughout the transportation decision-making process—from early planning through implementation. Should the potential for discrimination be discovered, action to eliminate the potential shall be taken.

b. EO 12898, DOT Order 5610.2(a), and this directive reaffirm the principles of Title VI and related statutes, NEPA, 23 U.S.C. 109(h), and other Federal environmental laws, emphaziz-
ing the incorporation of those provisions with the environmental and transportation decision-making processes.

c. Under Title VI, each Federal agency is required to ensure that no person on the grounds of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. This statute applies to every program area in FHWA.

d. Under EO 12898, each Federal agency must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. FHWA will implement this EO and the principles of DOT Order 5610.2(a) and EO 12898 by incorporating environmental justice principles in all FHWA programs, policies, and activities within the framework of existing laws, regulations, and guidance.

e. In complying with this directive, FHWA will rely upon existing authorities to collect necessary data and conduct research associated with environmental justice concerns, including, but not limited to, 49 CFR 21.9(b) and 23 CFR 200.9(b)(4).

f. The FHWA will administer its governing statutes so as to identify and avoid discrimination and disproportionately high and adverse effects on minority populations and low-income populations by:

1) identifying and evaluating environmental, public health, and interrelated social and economic effects of FHWA programs, policies, and activities;

2) proposing measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental or public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by FHWA programs, policies, and activities, where permitted by law and consistent with EO 12898;

3) considering alternatives to proposed programs, policies, and activities where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, where permitted by law and consistent with EO 12898; and

4) providing public involvement opportunities and considering the results thereof, including providing meaningful access to public information concerning the human health or environmental impacts and soliciting input from affected minority populations and low-income populations in considering alternatives during the planning and development of alternatives and decisions.

7. How should Environmental Justice principles be integrated into existing operations?

a. The principles outlined in this directive are required to be integrated into existing operations.

b. Future rulemaking activities undertaken, and the development of any future guidance or procedures for FHWA programs, policies, or activities that affect human health or the environment, shall explicitly address FHWA compliance with EO 12898, with DOT Order 5610.2(a), and with this directive.

c. The formulation of future FHWA policy statements and proposals for legislation that may affect human health or the environment will include consideration of the provisions of EO 12898 and this directive.

8. What are the FHWA’s responsibilities?

FHWA managers and staff are responsible for the following:

a. Under Title VI, FHWA managers and staff must administer their programs in a manner to ensure that no person is excluded from participating in, denied the benefits of, or subjected to discrimination under any program or activity of FHWA because of race, color, or national origin.

b. Under EO 12898, FHWA managers and staff must administer their programs to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of FHWA programs, policies, and activities on minority populations and low-income populations.
c. The FHWA currently administers policies, programs, and activities that are subject to the requirements of NEPA, Title VI, the Uniform Act, Title 23 of the United States Code, and other statutes that involve human health or environmental matters, or interrelated social and economic impacts. These requirements will be administered to identify the risk of discrimination early in the development of FHWA’s programs, policies, and activities so that positive corrective action can be taken. In implementing these requirements, the following information should be obtained where relevant, appropriate, and practical:

1) population served and/or affected by race, color, or national origin, and income level;
2) proposed steps to guard against disproportionately high and adverse effects on persons on the basis of race, color, or national origin; and
3) present and proposed membership by race, color, or national origin, in any planning or advisory body that is part of the program.

f. The FHWA managers and staff will ensure that the programs, policies, and activities that will have disproportionately high and adverse effects on minority populations and/or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

g. The FHWA managers and staff will also ensure that any of their respective programs, policies, or activities that have the potential for disproportionately high and adverse effects on populations protected by Title VI (“protected populations”) will only be carried out if:

1) a substantial need for the program, policy or activity exists, based on the overall public interest; and
2) alternatives that would have less adverse effects on protected populations have either:
   a) adverse social, economic, environmental, or human health impacts that are severe; or
   b) would involve increased costs of an extraordinary magnitude.

h. Any relevant finding identified during the implementation of this directive must be included in the planning or NEPA documentation that is prepared for the appropriate program, policy, or activity.

i. Environmental and civil rights statutes, along with Executive Orders require that the environmental effects on minority populations and low-income populations be addressed. Under Title VI, each Federal agency is required to ensure that no person on grounds of race, color, or national origin is excluded from participation in, denied the benefits of, or in any other way subjected to discrimination under any program or activity receiving Federal assistance. Therefore, any member of a protected class under Title VI may file a complaint with the FHWA Office of Civil Rights, alleging that he or she was subjected to disproportionately high and adverse health or environmental effects.

9. Where can I obtain additional guidance?

For more information or additional guidance related to Environmental Justice, please see the FHWA Environmental Justice website.

Victor M. Mendez
Administrator
ATTACHMENT 4D: DEFINITIONS

ADVERSE EFFECTS:
The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

a) is predominately borne by a minority population and/or a low-income population, or
b) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.7

INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED:
Poverty status was determined for all people except institutionalized people, people in military group quarters, people in college dormitories, and unreltated individuals under 15 years old. These groups were excluded from the numerator and denominator when calculating poverty rates.8

LINGUISTIC ISOLATION:
A household in which no person 14 years old and over speaks only English and no person 14 years old and over who speaks a language other than English speaks English “Very well” is classified as “linguistically isolated.” In other words, a household in which all members 14 years old and over speak a non-English language and also speak English less than “Very well” (have difficulty with English) is “linguistically isolated.” All the members of a linguistically isolated household are tabulated as linguistically isolated, including members under 14 years old who may speak only English.9

LOW-INCOME:
A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.10

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 will be similarly affected by a proposed DOT program, policy or activity.11

MEANS OF TRANSPORTATION TO WORK:
This is the principal mode of travel or type of conveyance that the worker usually used to get from home to work during the reference week.12

MINORITY:
> 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);
> 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); or
> 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).13
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 DOT program, policy or activity. Minority includes persons who are American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and other Pacific Islander.14

TRAVEL TIME TO WORK:
This is the total number of minutes that it usually took the worker to get from home to work during the reference week. The elapsed time includes time spent waiting for public transportation, picking up passengers in carpools, and time spent in other activities related to getting to work.15
ENDNOTES

1 Definition found in Attachment 4D
2 http://www.epa.gov/environmentaljustice/
4 Definition found in Attachment 4D
5 Definition found in Attachment 4D
6 Definition found in Attachment 4D