APPENDIX 4
ENVIRONMENTAL JUSTICE AND TITLE VI
PLAN 2040
Appendix 4: Environmental Justice and Title VI

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1. INTRODUCTION

Federal mandates have emphasized the importance of incorporating environmental justice principles into all aspects of the transportation planning process. These mandates require that recipients of federal aid comply with the nondiscrimination policies set forth in Title VI of the Civil Rights Act of 1964 and other directives that address the disproportionately high and adverse human health or environmental effects on minority and low-income populations. Among the environmental justice issues that should be considered in the transportation planning process are: proper identification of communities; assessment of benefits of programs; assessment of participation in the development of products and activities (public involvement); and any disproportionate impacts.

This Environmental Justice Assessment informs and guides the efforts of the New York Metropolitan Transportation Council (NYMTC) and each of its member agencies and partners to ensure that the benefits and burdens of strategic regional transportation investments are not disproportionately affecting minority and low-income populations. More detailed analysis and assessment of impacts are conducted by NYMTC members in the development and implementation of each project.

FEDERAL GUIDANCE ON ENVIRONMENTAL JUSTICE AND TITLE VI

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.

EPA has this goal for all communities and persons across this Nation. 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.¹

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 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. In 1998, the Federal Highway Administration (FHWA) issued Order 6640.23 that established policies and procedures for the agency to use in complying with Executive Order 12898. 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.²

On August 12, 2012 the Federal Transit Administration (FTA) issued Circular FTA C4703.1 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.

NYMTC AND ENVIRONMENTAL JUSTICE AND TITLE VI

NYMTC is a regional council of governments that serves as the Metropolitan Planning Organization (MPO) for the Lower Hudson Valley, New York City, and Long Island. The federal government requires that every area in the United States with more than 50,000 residents must have a designated MPO in order to qualify for federal transportation funding. NYMTC provides a collaborative planning forum to address transportation-related issues, forecast future conditions and needs, develop long- and short-range plans, and facilitate the development of a shared, sustainable vision for transportation and development in the region. By undertaking these en-
NYMTC fulfills federal planning requirements and maintains the eligibility of the region for federal transportation funding which must be used in a fair and equitable manner (Title VI of the Civil Rights Act of 1964). As part of the federal requirements, NYMTC produces the Regional Transportation Plan (RTP) which establishes long-range goals, objectives, and strategies over a 25-year period.

**Demographic Overview of the NYMTC Planning Area**

The NYMTC planning area is made up of ten nearby counties, including the five counties (boroughs) comprising New York City (Bronx, Kings (Brooklyn), New York (Manhattan), Queens and Richmond (Staten Island)); Westchester, Putnam, and Rockland counties of the Lower Hudson Valley, and Nassau and Suffolk counties of Long Island. According to the 2010 U.S. Census Bureau, the region has a total area of 2,430 square miles and has a population of approximately 12,368,525 million people and 4,463,630 million households. The New York City population represents approximately 66 percent of the region’s population, followed by Long Island with 23 percent and the Lower Hudson Valley with 11 percent. The total population of the NYMTC planning area represents roughly 64 percent of the total population of New York State, just one indicator of the region’s importance to the overall economy of the state and beyond. In 2010, the region’s non-Caucasian minority population was 6,868,642, representing 56 percent of the region’s total population. New York City had the largest percent of minority population (67 percent or 5,452,229) followed by the Lower Hudson Valley with 39 percent (529,568) and Long Island with 31 percent (886,845).

Out of the area’s overall population used to determine the region’s poverty status, approximately 15 percent (1,783,037) are below poverty level. Long Island has the lowest percent of population below poverty level with 5 percent (148,494), followed by the Lower Hudson Valley and New York City with 9 percent and 19 percent respectively.

**Environmental Justice and Title VI Assessment of the Transportation Planning Process**

This Environmental Justice Assessment evaluates population trends and geographic locations of Communities of Concern within the NYMTC planning area. All demographic data presented here were obtained from the 2010 Census and the 2006 - 2010 American Community Survey conducted by the United State Census Bureau and serves as the basis for the following geographical analysis. The 2006 - 2010 American Community Survey was used to identify the poverty status of the entire NYMTC planning area, while the 2010 Census was used to identify the minority population of the NYMTC planning area. This information is presented to provide an overview of regional data available regarding these communities.
In keeping with federal mandates, Communities of Concern were located and identified using two criteria. The geographical distribution of was evaluated using the following criteria at the census tract level within the ten counties of the NYMTC planning area (1) Percent of minority population\(^4\) (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); and (2) Percent of persons below the poverty level low-income community\(^5\).

Census tracts that met or exceeded the designated threshold of 56 percent (regional average) minority population were selected as a potential Community of Concern. If a census tract’s percent of persons below poverty equaled or exceeded the regional average of 15 percent, it was also selected as a potential Community of Concern. Census tracts that have met both criteria were designated Communities of Concern. All census tracts within the boundaries of the NYMTC planning area were analyzed using the method described above. There are 3,082 census tracts within the NYMTC planning area of which 30 percent were identified as Communities of Concern. The total of 924 Communities of Concern represents census tracts with both 1) a minority population of 56 percent or greater, and 2) persons below the poverty level of 15 percent or greater. These census tracts were found in every county except Putnam County. New York City has the largest share of Communities of Concern (855 tracts), while the Lower Hudson Valley and Long Island regions have fewer Communities of Concern (47 and 22 tracts, respectively).

### Lower Hudson Valley

In the Lower Hudson Valley, of the 47 Communities of Concern that were identified, several are located in the towns of Yonkers, Mount Vernon and Ossining in Westchester County and Haverstraw and Spring Valley in Rock-

### Long Island

On Long Island, Communities of Concern made up only four percent of the total number of census tracts. Communities of Concern in Nassau County were located in the town of Hempstead, specifically in the villages of Hempstead and Freeport. The Elmont neighborhood in the western area of Nassau County was identified as having a large minority community. Communities of Concern identified in Suffolk County are located in the Deer Park and Brookhaven neighborhoods. There are also areas in the East Patchogue and Amagansett neighborhoods of Suffolk County with a significant percent of their population living below the poverty level.
land County. These Communities of Concern make up 15 percent of the total number of census tracts in the region. While Putnam County did not have any Communities of Concern, there are areas Putman County’s town of Patterson and in southern Phillipstown that have a significant percent of their population living below the poverty level.

NEW YORK CITY

In New York City, 71 percent of the census tracts in the Bronx have been identified as Communities of Concern. These census tracts are located mainly in the southwestern part of the borough. In Manhattan, Communities of Concern were primarily located in the northern most neighborhoods including East Harlem, Hamilton Heights and Washington Heights. Communities of Concern in Queens were located in the Flushing, Jamaica, and Corona neighborhoods. In Brooklyn, while a great number of Communities of Concern are located in the Bedford Stuyvesant, Bushwick and East New York neighborhoods, there are also sizeable areas of the Borough Park, Williamsburg, Midwood and Flatbush neighborhoods that have a large percent of their population living below poverty level. On Staten Island, Communities of Concern were primarily located along the North Shore in the Saint George and Mariners Harbor neighborhoods. There is however, an area of the Emerson neighborhood with a large percent of the population living below the poverty level.

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 Population of Total Population</th>
<th>Population for whom Poverty Status is Determined</th>
<th>Population Below Poverty Level</th>
<th>Percent Population Below Poverty Level of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx</td>
<td>1,233,899</td>
<td>89%</td>
<td>1,327,400</td>
<td>376,680</td>
<td>28%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>1,611,394</td>
<td>64%</td>
<td>2,445,076</td>
<td>538,435</td>
<td>22%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>824,380</td>
<td>52%</td>
<td>1,541,275</td>
<td>273,701</td>
<td>18%</td>
</tr>
<tr>
<td>Queens</td>
<td>1,613,995</td>
<td>72%</td>
<td>2,177,759</td>
<td>282,786</td>
<td>13%</td>
</tr>
<tr>
<td>Richmond (Staten Is.)</td>
<td>168,561</td>
<td>36%</td>
<td>454,759</td>
<td>47,034</td>
<td>10%</td>
</tr>
<tr>
<td>New York City</td>
<td>5,452,229</td>
<td>67%</td>
<td>7,946,269</td>
<td>1,518,636</td>
<td>19%</td>
</tr>
<tr>
<td>Putnam</td>
<td>17,001</td>
<td>17%</td>
<td>95,069</td>
<td>6,693</td>
<td>7%</td>
</tr>
<tr>
<td>Rockland</td>
<td>108,017</td>
<td>35%</td>
<td>298,977</td>
<td>33,676</td>
<td>11%</td>
</tr>
<tr>
<td>Westchester</td>
<td>404,550</td>
<td>43%</td>
<td>916,524</td>
<td>75,538</td>
<td>8%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>529,568</td>
<td>39%</td>
<td>1,310,570</td>
<td>115,907</td>
<td>9%</td>
</tr>
<tr>
<td>Nassau</td>
<td>462,223</td>
<td>35%</td>
<td>1,308,076</td>
<td>64,807</td>
<td>5%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>424,622</td>
<td>28%</td>
<td>1,455,696</td>
<td>83,687</td>
<td>6%</td>
</tr>
<tr>
<td>Long Island</td>
<td>886,845</td>
<td>31%</td>
<td>2,763,772</td>
<td>148,494</td>
<td>5%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>6,868,642</td>
<td>56%</td>
<td>12,020,611</td>
<td>1,783,037</td>
<td>15%</td>
</tr>
<tr>
<td>New York State</td>
<td>8,073,855</td>
<td>42%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey
Low-Income and Minority Communities by Census Tract, Long Island

Tracts where 15% or more of the population earned an income in 2009 at or below the poverty level.

Data from the 2010 ACS, 5-year estimates.

Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2010 was 56% or more of the regional average.

Data from the 2010 Census.
Communities of Concern, 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 2010 was 56 (the regional average) or more percent of the population.

Low-Income Community: 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
Low-Income and Minority Communities by Census Tract, Lower Hudson Valley

Tracts where 15% or more of the population earned an income in 2009 at or below the poverty level.

Data from the 2010 ACS, 5-year estimates.

Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2010 was 56% or more of the regional average.

Data from the 2010 Census.
Communities of Concern, Lower Hudson Valley

*Town of Bedford (census tract 9830) – The 2006-2010 ACS data shows a population of 211 people eligible to determine poverty. Of these 168 lived below the poverty line (80%) and over 56% were minority population thus qualifying census tract 9830 as a Community of Concern.

*Town of Mount Pleasant (census tract 9810) – The 2006-2010 ACS data shows a population of 400 people eligible to determine poverty. Of these 283 lived below the poverty line (71%) and over 56% were minority population thus qualifying census tract 9810 as a Community of Concern.

**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 2010 was 56 (the regional average) or more percent of the population.

**Low-Income Community:** 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
Low-Income and Minority Communities by Census Tract, New York City

Low-Income Community
Tracts where 15% or more of the population earned an income in 2009 at or below the poverty level.

Data from the 2010 ACS, 5-year estimates.

Minority Community
Tracts where the minority population (all racial and ethnic groups excluding non-Hispanic Whites) in 2010 was 56% or more of the regional average.

Data from the 2010 Census.
Communities of Concern, New York City

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 2010 was 56 (the regional average) or more percent of the population.

- **Low-Income Community:** 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
The tables below depict the differences in the way the population of Communities of Concern and the remainder of the population in the region commute to work. Among the NYMTC planning area’s Communities of Concern, 60 percent of the workers use public transportation to commute to work as compared with 33 percent of the remaining population of the region. Thus, public transportation is critical for the mobility of those living in Communities of Concern. However, the use of public transportation in Communities of Concern varies by subregion. In New York City, fewer workers residing within Communities of Concern commute to work using a car, truck or van as compared with the remaining population of the same area who do not reside within Communities of Concern. Also, in New York City, 63% or 910,404 workers in Communities of Concern use public transportation to commute, whereas, 16% or 7,664 workers in Long Island’s Communities of Concern do so, and are more likely to commute by car, truck, or van.

Despite the differences between the use of a car, truck, or van and public transportation among Communities of Concern and the remainder of the region, the percentage of workers that use bicycles, taxicabs, walking or working from home are similar.
### Table A4.4
**Means of Transportation to Work- Communities of Concern Population**

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total Number of Workers</th>
<th>Car, Truck, or Van (Excluding Taxi)</th>
<th>Public Transit</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>365,299</td>
<td>88,077</td>
<td>227,907</td>
<td>62%</td>
<td>1,051</td>
<td>0%</td>
<td>29,770</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>473,131</td>
<td>97,126</td>
<td>314,793</td>
<td>67%</td>
<td>4,636</td>
<td>1%</td>
<td>37,919</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>260,513</td>
<td>30,890</td>
<td>172,830</td>
<td>66%</td>
<td>2,743</td>
<td>1%</td>
<td>37,812</td>
</tr>
<tr>
<td>Queens</td>
<td>303,834</td>
<td>89,138</td>
<td>179,697</td>
<td>59%</td>
<td>1,644</td>
<td>1%</td>
<td>23,194</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>33,524</td>
<td>15,462</td>
<td>15,177</td>
<td>45%</td>
<td>122</td>
<td>0%</td>
<td>1,239</td>
</tr>
<tr>
<td>New York City</td>
<td>1,436,301</td>
<td>320,693</td>
<td>910,404</td>
<td>63%</td>
<td>10,196</td>
<td>1%</td>
<td>129,934</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>16,320</td>
<td>11,502</td>
<td>11,167</td>
<td>70%</td>
<td>83</td>
<td>1%</td>
<td>527</td>
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<tr>
<td>Westchester</td>
<td>72,811</td>
<td>41,258</td>
<td>18,278</td>
<td>25%</td>
<td>126</td>
<td>0%</td>
<td>3,052</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>89,131</td>
<td>52,760</td>
<td>21,445</td>
<td>24%</td>
<td>209</td>
<td>0%</td>
<td>3,827</td>
</tr>
<tr>
<td>Nassau</td>
<td>34,396</td>
<td>24,246</td>
<td>6,230</td>
<td>18%</td>
<td>187</td>
<td>1%</td>
<td>2,432</td>
</tr>
<tr>
<td>Suffolk</td>
<td>13,361</td>
<td>11,220</td>
<td>1,434</td>
<td>11%</td>
<td>98</td>
<td>1%</td>
<td>262</td>
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<tr>
<td>Long Island</td>
<td>47,757</td>
<td>35,466</td>
<td>7,664</td>
<td>16%</td>
<td>285</td>
<td>1%</td>
<td>2,694</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>1,573,189</td>
<td>408,919</td>
<td>939,513</td>
<td>60%</td>
<td>10,690</td>
<td>1%</td>
<td>141,229</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey

### Table A4.5
**Means of Transportation to Work- Remainer Population**

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total Number of Workers</th>
<th>Car, Truck, or Van (Excluding Taxi)</th>
<th>Public Transit</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>153,640</td>
<td>70,326</td>
<td>69,722</td>
<td>45%</td>
<td>315</td>
<td>0%</td>
<td>8,228</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>586,049</td>
<td>167,167</td>
<td>325,807</td>
<td>56%</td>
<td>5,528</td>
<td>1%</td>
<td>54,751</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>566,484</td>
<td>44,168</td>
<td>307,585</td>
<td>54%</td>
<td>5,891</td>
<td>1%</td>
<td>138,757</td>
</tr>
<tr>
<td>Queens</td>
<td>727,253</td>
<td>317,894</td>
<td>346,343</td>
<td>48%</td>
<td>2,278</td>
<td>0%</td>
<td>34,910</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>170,550</td>
<td>113,229</td>
<td>48,370</td>
<td>28%</td>
<td>92</td>
<td>0%</td>
<td>3,825</td>
</tr>
<tr>
<td>New York City</td>
<td>1,203,976</td>
<td>712,784</td>
<td>1,097,827</td>
<td>50%</td>
<td>13,802</td>
<td>1%</td>
<td>240,471</td>
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<td>Putnam</td>
<td>47,539</td>
<td>40,846</td>
<td>3,381</td>
<td>7%</td>
<td>24</td>
<td>0%</td>
<td>652</td>
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<tr>
<td>Rockland</td>
<td>121,408</td>
<td>100,945</td>
<td>8,931</td>
<td>7%</td>
<td>116</td>
<td>0%</td>
<td>4,564</td>
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<tr>
<td>Westchester</td>
<td>367,120</td>
<td>255,608</td>
<td>72,455</td>
<td>20%</td>
<td>518</td>
<td>0%</td>
<td>14,031</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>536,067</td>
<td>397,399</td>
<td>84,767</td>
<td>16%</td>
<td>658</td>
<td>0%</td>
<td>19,247</td>
</tr>
<tr>
<td>Nassau</td>
<td>599,554</td>
<td>462,252</td>
<td>95,463</td>
<td>16%</td>
<td>1,823</td>
<td>0%</td>
<td>14,671</td>
</tr>
<tr>
<td>Suffolk</td>
<td>695,485</td>
<td>612,324</td>
<td>40,800</td>
<td>6%</td>
<td>1,578</td>
<td>0%</td>
<td>9,745</td>
</tr>
<tr>
<td>Long Island</td>
<td>1,295,039</td>
<td>1,074,576</td>
<td>136,263</td>
<td>11%</td>
<td>3,401</td>
<td>0%</td>
<td>24,416</td>
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<tr>
<td>NYMTC Region</td>
<td>4,035,082</td>
<td>2,184,759</td>
<td>1,318,857</td>
<td>33%</td>
<td>17,861</td>
<td>0%</td>
<td>284,134</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey
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.

Communities of Concern

Source: 2010 American Community Survey, 5-year estimates
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.

- **DRIVING ALONE**
- **CAR-POOLING**
- **PUBLIC TRANSIT**
- **OTHER THAN DRIVING OR PUBLIC TRANSIT (walking, biking, taxicab, motorcycle, etc.)**

Source: 2010 American Community Survey, 5-year estimates
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: 2010 American Community Survey, 5-year estimates
Travel Time to Work

The data presented in Table 5a and Table 5b below depict the difference in travel time to work between the population residing in the Communities of Concern and the population residing outside the Communities of Concern in the remainder of the region. When analyzing the data for the census tracts comprising Communities of Concern grouped by county, it becomes clear that the longer commutes are only associated with Communities of Concern located within New York City. In the five other counties in the NYMTC planning area, there is no such association. In fact, there appears to be a slight positive association between Communities of Concern in the five other counties and shorter commutes. Because of the larger population in general in New York City, however, as well as the larger representation of Communities of Concern, the region as a whole shows an association between longer commute times and Communities of Concern.

The map of the Lower Hudson Valley and New York City shows that most workers, whether they reside within or outside of a Community of Concern are commuting longer than the national average of 25.3 minutes. On the contrary, most workers on Long Island are commuting less than the national average. The workers with the longest commuting time are located primarily in New York City.
### Table A4.6
Travel Time to Work: Communities of Concern Population

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total Number 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>390,748</td>
<td>37,078</td>
<td>9%</td>
<td>64,088</td>
<td>16%</td>
<td>82,942</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>459,075</td>
<td>35,930</td>
<td>8%</td>
<td>73,389</td>
<td>16%</td>
<td>122,600</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>248,896</td>
<td>27,610</td>
<td>11%</td>
<td>60,688</td>
<td>24%</td>
<td>81,382</td>
</tr>
<tr>
<td>Queens</td>
<td>296,402</td>
<td>27,446</td>
<td>9%</td>
<td>50,737</td>
<td>17%</td>
<td>74,493</td>
</tr>
<tr>
<td>Richmond (Staten Is.)</td>
<td>32,551</td>
<td>4,887</td>
<td>15%</td>
<td>6,614</td>
<td>20%</td>
<td>6,421</td>
</tr>
<tr>
<td>New York City</td>
<td>1,427,672</td>
<td>132,951</td>
<td>9%</td>
<td>255,516</td>
<td>18%</td>
<td>367,838</td>
</tr>
</tbody>
</table>

| Putnam                                  | -                       | -                 | -              | -             | -              | -               | -              | -               | -              | -               | -               |

| Rockland                                | 16,054                  | 3,764             | 23%            | 6,651         | 41%            | 3,016           | 19%            | 996             | 6%             | 1,627           | 10%             |
| Westchester                             | 70,788                  | 17,301            | 24%            | 23,555        | 33%            | 14,064          | 20%            | 6,096           | 9%             | 9,772           | 14%             |
| Lower Hudson Valley                     | 86,842                  | 21,065            | 24%            | 30,206        | 35%            | 17,080          | 20%            | 7,092           | 8%             | 11,399          | 13%             |
| Nassau                                  | 33,667                  | 8,357             | 25%            | 9,525         | 28%            | 8,317           | 25%            | 2,352           | 7%             | 5,116           | 15%             |
| Suffolk                                 | 13,179                  | 3,704             | 28%            | 4,401         | 33%            | 2,895           | 22%            | 975             | 7%             | 1,204           | 9%              |
| Long Island                             | 46,846                  | 13,355            | 29%            | 14,419        | 31%            | 11,428          | 24%            | 3,327           | 7%             | 6,320           | 13%             |
| NYMTC Region                            | 1,561,360               | 167,371           | 11%            | 300,141       | 19%            | 396,346         | 25%            | 248,594         | 16%            | 413,833         | 27%             |

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey

### Table A4.7
Travel Time to Work: Remainder Population

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total Number 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>168,477</td>
<td>18,558</td>
<td>11%</td>
<td>32,780</td>
<td>19%</td>
<td>31,220</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>559,109</td>
<td>61,608</td>
<td>11%</td>
<td>111,708</td>
<td>20%</td>
<td>147,907</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>252,820</td>
<td>87,007</td>
<td>34%</td>
<td>198,061</td>
<td>78%</td>
<td>161,109</td>
</tr>
<tr>
<td>Queens</td>
<td>708,318</td>
<td>69,487</td>
<td>10%</td>
<td>143,861</td>
<td>20%</td>
<td>181,840</td>
</tr>
<tr>
<td>Richmond (Staten Is.)</td>
<td>166,747</td>
<td>24,041</td>
<td>14%</td>
<td>38,853</td>
<td>23%</td>
<td>32,216</td>
</tr>
<tr>
<td>New York City</td>
<td>1,855,471</td>
<td>260,701</td>
<td>14%</td>
<td>525,263</td>
<td>28%</td>
<td>554,292</td>
</tr>
<tr>
<td>Putnam</td>
<td>45,355</td>
<td>9,243</td>
<td>20%</td>
<td>11,082</td>
<td>24%</td>
<td>8,900</td>
</tr>
<tr>
<td>Rockland</td>
<td>115,785</td>
<td>32,713</td>
<td>28%</td>
<td>34,033</td>
<td>29%</td>
<td>18,823</td>
</tr>
<tr>
<td>Westchester</td>
<td>347,639</td>
<td>76,741</td>
<td>22%</td>
<td>101,702</td>
<td>29%</td>
<td>70,776</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>508,779</td>
<td>118,697</td>
<td>23%</td>
<td>146,817</td>
<td>29%</td>
<td>98,499</td>
</tr>
<tr>
<td>Nassau</td>
<td>578,706</td>
<td>124,046</td>
<td>21%</td>
<td>167,852</td>
<td>29%</td>
<td>117,142</td>
</tr>
<tr>
<td>Suffolk</td>
<td>670,839</td>
<td>172,704</td>
<td>26%</td>
<td>220,844</td>
<td>33%</td>
<td>128,671</td>
</tr>
<tr>
<td>Long Island</td>
<td>1,249,545</td>
<td>296,750</td>
<td>24%</td>
<td>388,696</td>
<td>31%</td>
<td>245,813</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>3,613,795</td>
<td>676,148</td>
<td>19%</td>
<td>1,060,776</td>
<td>29%</td>
<td>898,604</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey
Travel Time to Work, Long Island

Communities of Concern

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

Source: 2010 American Community Survey, 5-year estimates
Travel Time to Work, Lower Hudson Valley

Source: 2010 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

Minutes: 0 5 10 15 20 25 30 35 40 45

25.3 Minutes: National average commute time
Travel Time to Work, New York City

Communities of Concern

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

Source: 2010 American Community Survey, 5-year estimates
**Linguistically Isolated Households**

According to the 2006-2010 American Community Survey, among all of the households within the Communities of Concern, 282,683 households in the NYMTC planning area, or 21 percent, are considered linguistically isolated. A linguistically isolated household is defined by the U.S. Census Bureau as any 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”. The New York City counties had the largest percent of linguistically isolated population within the Communities of Concern with 21 percent, followed by the Lower Hudson Valley with 19 percent and Long Island with 16 percent. Among the linguistically isolated population located within a Community of Concern, the Spanish language was the language spoken by most.

While there are linguistically isolated communities found throughout the NYMTC planning area, the maps provided show that there is a concentration of linguistically isolated communities located within the Communities of Concern. The data presented in the tables below indicate that households in Communities of Concern are between two to four times more likely to be linguistically isolated than non-Communities of Concern. This demonstrates the importance of providing transportation project notifications in the languages spoken by the people of the community to increase public awareness and participation.

**Table A4.8**

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total Households</th>
<th>Spanish Language</th>
<th>Other Indo-European Languages</th>
<th>Asian &amp; Pacific Island Languages</th>
<th>All Other Languages</th>
<th>Total Linguistically Isolated Households in County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronx</td>
<td>344,533</td>
<td>67,256 19.5%</td>
<td>4,909 1.4%</td>
<td>1,579 0.5%</td>
<td>3,230 0.9%</td>
<td>76,974 22%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>418,658</td>
<td>40,015 9.6%</td>
<td>15,076 3.6%</td>
<td>12,640 3.0%</td>
<td>1,772 0.4%</td>
<td>69,503 17%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>235,863</td>
<td>35,807 15.2%</td>
<td>2,763 1.2%</td>
<td>12,968 5.5%</td>
<td>691 0.3%</td>
<td>52,229 22%</td>
</tr>
<tr>
<td>Queens</td>
<td>221,320</td>
<td>32,530 14.7%</td>
<td>9,932 4.5%</td>
<td>19,489 8.8%</td>
<td>639 0.3%</td>
<td>62,590 28%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>29,961</td>
<td>1,916 6.4%</td>
<td>367 1.2%</td>
<td>699 2.3%</td>
<td>190 0.6%</td>
<td>3,172 11%</td>
</tr>
<tr>
<td>New York City</td>
<td>1,250,335</td>
<td>177,524 14.2%</td>
<td>33,047 2.6%</td>
<td>47,375 3.8%</td>
<td>6,522 0.5%</td>
<td>264,468 21%</td>
</tr>
<tr>
<td>Putnam</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rockland</td>
<td>10,457</td>
<td>1,802 17.2%</td>
<td>710 6.8%</td>
<td>99 0.9%</td>
<td>27 0.3%</td>
<td>2,638 25%</td>
</tr>
<tr>
<td>Westchester</td>
<td>59,186</td>
<td>8,277 14.0%</td>
<td>1,534 2.6%</td>
<td>403 0.7%</td>
<td>266 0.4%</td>
<td>10,480 18%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>69,643</td>
<td>10,079 14.5%</td>
<td>2,244 3.2%</td>
<td>502 0.7%</td>
<td>293 0.4%</td>
<td>13,118 19%</td>
</tr>
<tr>
<td>Nassau</td>
<td>23,366</td>
<td>3,439 14.7%</td>
<td>439 1.9%</td>
<td>89 0.4%</td>
<td>49 0.2%</td>
<td>4,016 17%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>8,686</td>
<td>1,011 11.6%</td>
<td>70 0.8%</td>
<td>- 0.0%</td>
<td>- 0.0%</td>
<td>1,081 12%</td>
</tr>
<tr>
<td>Long Island</td>
<td>32,052</td>
<td>4,450 13.9%</td>
<td>509 1.6%</td>
<td>89 0.3%</td>
<td>49 0.2%</td>
<td>5,097 16%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>1,352,030</td>
<td>192,053 14.2%</td>
<td>35,800 2.6%</td>
<td>47,966 3.5%</td>
<td>6,864 0.5%</td>
<td>282,683 21%</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey
Table A4.9

Household Language by Linguistic Isolation: Remainder Population

<table>
<thead>
<tr>
<th>Communities of Concern Within Each County</th>
<th>Total 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>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Spanish Language</td>
<td>Other Indo-European Languages</td>
<td>Asian &amp; Pacific Island Languages</td>
<td>All Other Languages</td>
<td>Total Linguistically Isolated Households in County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>Bronx</td>
<td>127,931</td>
<td>4,767</td>
<td>3.7%</td>
<td>2,743</td>
<td>2.1%</td>
<td>868</td>
<td>0.7%</td>
<td>548</td>
<td>0.4%</td>
<td>8,926</td>
<td>7%</td>
</tr>
<tr>
<td>Kings (Brooklyn)</td>
<td>484,527</td>
<td>14,068</td>
<td>2.9%</td>
<td>53,726</td>
<td>11.1%</td>
<td>14,177</td>
<td>2.9%</td>
<td>4,501</td>
<td>0.9%</td>
<td>86,472</td>
<td>18%</td>
</tr>
<tr>
<td>New York (Manhattan)</td>
<td>496,341</td>
<td>8,307</td>
<td>1.7%</td>
<td>6,024</td>
<td>1.2%</td>
<td>8,924</td>
<td>1.8%</td>
<td>727</td>
<td>0.1%</td>
<td>23,982</td>
<td>5%</td>
</tr>
<tr>
<td>Queens</td>
<td>552,991</td>
<td>24,985</td>
<td>4.5%</td>
<td>27,985</td>
<td>5.1%</td>
<td>26,996</td>
<td>4.9%</td>
<td>2,415</td>
<td>0.4%</td>
<td>82,381</td>
<td>15%</td>
</tr>
<tr>
<td>Richmond (Staten Island)</td>
<td>134,318</td>
<td>1,849</td>
<td>1.4%</td>
<td>3,631</td>
<td>2.7%</td>
<td>1,600</td>
<td>1.2%</td>
<td>313</td>
<td>0.2%</td>
<td>7,393</td>
<td>6%</td>
</tr>
<tr>
<td>New York City</td>
<td>1,796,108</td>
<td>53,976</td>
<td>3.0%</td>
<td>94,109</td>
<td>5.2%</td>
<td>52,565</td>
<td>2.9%</td>
<td>8,504</td>
<td>0.5%</td>
<td>209,154</td>
<td>12%</td>
</tr>
<tr>
<td>Putnam</td>
<td>34,907</td>
<td>411</td>
<td>1.2%</td>
<td>348</td>
<td>1.0%</td>
<td>69</td>
<td>0.2%</td>
<td>13</td>
<td>0.0%</td>
<td>841</td>
<td>2%</td>
</tr>
<tr>
<td>Rockland</td>
<td>87,100</td>
<td>1,450</td>
<td>1.7%</td>
<td>2,533</td>
<td>2.9%</td>
<td>697</td>
<td>0.8%</td>
<td>151</td>
<td>0.2%</td>
<td>4,831</td>
<td>6%</td>
</tr>
<tr>
<td>Westchester</td>
<td>286,609</td>
<td>8,315</td>
<td>2.9%</td>
<td>3,993</td>
<td>1.4%</td>
<td>1,652</td>
<td>0.6%</td>
<td>303</td>
<td>0.1%</td>
<td>14,263</td>
<td>5%</td>
</tr>
<tr>
<td>Lower Hudson Valley</td>
<td>408,616</td>
<td>10,176</td>
<td>2.5%</td>
<td>6,874</td>
<td>1.7%</td>
<td>2,418</td>
<td>0.6%</td>
<td>467</td>
<td>0.1%</td>
<td>19,935</td>
<td>5%</td>
</tr>
<tr>
<td>Nassau</td>
<td>419,467</td>
<td>7,878</td>
<td>1.9%</td>
<td>6,229</td>
<td>1.5%</td>
<td>3,780</td>
<td>0.9%</td>
<td>523</td>
<td>0.1%</td>
<td>18,410</td>
<td>4%</td>
</tr>
<tr>
<td>Suffolk</td>
<td>486,603</td>
<td>12,053</td>
<td>2.5%</td>
<td>4,979</td>
<td>1.0%</td>
<td>2,126</td>
<td>0.4%</td>
<td>129</td>
<td>0.0%</td>
<td>19,287</td>
<td>4%</td>
</tr>
<tr>
<td>Long Island</td>
<td>906,070</td>
<td>19,931</td>
<td>2.2%</td>
<td>11,208</td>
<td>1.2%</td>
<td>5,906</td>
<td>0.7%</td>
<td>652</td>
<td>0.1%</td>
<td>37,697</td>
<td>4%</td>
</tr>
<tr>
<td>NYMTC Region</td>
<td>3,110,794</td>
<td>84,083</td>
<td>2.7%</td>
<td>112,191</td>
<td>3.6%</td>
<td>60,889</td>
<td>2.0%</td>
<td>9,623</td>
<td>0.3%</td>
<td>266,786</td>
<td>9%</td>
</tr>
</tbody>
</table>

Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey
Linguistically Isolated Households and Communities of Concern, Long Island

- One dot represents 50 households in which no one 14 and over speaks English only or speaks English "very well."

**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 2010 was 56 (the regional average) or more percent of the population.

**Low-Income Community:** 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
Linguistically Isolated Households and Communities of Concern, Lower Hudson Valley

- One dot represents 50 households in which no one 14 and over speaks English only or speaks English "very well."

**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 2010 was 56 (the regional average) or more percent of the population.

**Low-Income Community:** 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
Linguistically Isolated Households and Communities of Concern, New York City

- One dot represents 50 households in which no one 14 and over speaks English only or speaks English "very well."

**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 2010 was 56 (the regional average) or more percent of the population.

**Low-Income Community:** 15 percent (the regional average) or more of a census tract population earned an income in 2009 at or below the poverty level.
4. PUBLIC PARTICIPATION

As required by federal regulation, 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 any federal transportation funds. As part of this process, NYMTC produces three 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; and

- **Unified Planning Work Program (UPWP)**, which determines how funding for planning activities will be spent over the course of a program year.

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 Transportation Improvement Program (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 Unified Planning Work Program (UPWP), which identifies transportation planning projects and studies to be conducted over the course of a program year. The UPWP enables federal funding for these planning activities.

Involving a diverse set of communities in a planning process across a large geographic area is essential to developing and implementing transportation investments that will be the most beneficial to, and accepted by, the very people relying on those resources.

NYMTC’s public involvement program aims to be proactive, gathering input
and ideas at early stages of the planning process for consideration as the process moves forward. Throughout the development of the RTP, particularly at early stages of the process, NYMTC hosts public workshops and planning sessions in each of its constituent counties and the five counties (boroughs) of New York City for the purpose of informing the public about the development of the plan. The reach of the sessions is amplified through the use of webcasts, an interactive website, and collaboration with community groups throughout the region. In addition, all public meetings are held at times and places that are easily accessible for all, and NYMTC provides translation services as requested.

Recognizing the benefits of information technology to public outreach, NYMTC upgraded its website to allow public participation in the planning process, view spatially displayed data and information on future projects, and access other transportation planning related information. NYMTC also uses social media through its Facebook page and Twitter to capture a broader and more diverse audience.

NYMTC 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 information needed for the development of various aspects of this RTP plan has also been gathered through the activities of these working groups.

NYMTC member agencies have also developed varying public outreach strategies with different levels of formality to fulfill their environmental justice requirements. The public involvement mechanisms that NYMTC has employed in the development of the RTP plan are part of a larger program of public involvement which is used throughout the metropolitan planning process. In April 2012, NYMTC updated its Public Involvement Plan (PIP) which documents the processes that the organization uses to gather the public’s and stakeholders’ views and opinions for consideration in the regional transportation planning process. This PIP also ensures that NYMTC’s public involvement process complies with the relevant federal regulations and requirements.
5. APPENDICES

APPENDIX A: 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. Vehicle load, vehicle assignment, vehicle headways, transit amenities and transit access are the data used in the MTA’s equity analyses. 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 includes 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 which 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 map (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). Each of these types of environmental review includes an examination of the project’s anticipated environmental justice impacts, following either the National Environmental Protection Act (NEPA) or the State Environmental Quality Review (SEQR), depending on the project’s funding structure. Environmental impact statements (EISs) have formal meeting requirements and often include elected officials, community groups and residents, among others. Meeting 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 conducts a demographic analysis to identify minority and low-income communities in the County, and ensure that these communities are not discriminated against in the distribution of transit services and amenities. In the past, the County conducted oversight of MTA Long Island Bus to ensure that they comply with Title VI requirements, including equitable distribution of transit services and amenities. Effective January 2012, Nassau County’s transit system (NICE Bus) switched operation from the MTA to Veolia Transportation. The same level of oversight previously conducted of Long Island Bus is now being conducted of NICE Bus. Previously there was an Accessible Transportation Oversight Committee that met bimonthly to ensure that the voices of all citizens are heard and that the issues and concerns raised by communities of concern are included in the decision-making process. This committee continues to meet (under a new name, the Accessibility Advisory Committee) and serve as an outlet for concerned citizens under the new operator. In addition to this committee, Veolia is hosting smaller community meetings to seek input from transit users and transit dependent populations.

The County also ensures that the transit system provides access to services for Limited English Proficient populations. Veolia provides Spanish translation of schedules, route maps and all the information provided on the NICE Bus website to assist residents who are not proficient English speakers.

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 2010.

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 our 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 addresses environmental justice issues in a variety of ways. The agency reviews its services and standards every three years to demonstrate compliance with Title VI, which ensures minority and low-income communities are not adversely impacted. Capital projects undergo environmental reviews, which include an analysis of potential environmental justice impacts. These reviews, depending on the project, include the National Environmental Protection Act (NEPA), the State Environmental Quality Review (SEQRA), or the City Environmental Quality Review (CEQR).

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 high pollution levels. To identify these areas, specific projects are subject to screening analysis using US Census and NYC Department of City Planning demographic and socio-economic reports, and NYSDOT and NYCDOT traffic data.

NYCDOT projects are thoroughly vetted by the community through coordination with community boards, elected officials, and NYCDOT 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 lo-
cations and at times that are convenient and accessible for community members. All meeting facilities are ADA accessible, and language translation services are provided as needed.

New York State Department of Transportation

The NYSDOT Regions develop the Capital Program and participate in long-range transportation planning in cooperation with several MPOs and county planning agencies. NYSDOT’s capital program addresses goals for pavement condition, bridge condition, safety, and mobility within available funding, while aligning with the goals of the MPOs’ Metropolitan (Long-Range) Transportation Plans and the New York State Transportation Master Plan. Though the NYSDOT Regions are not directly involved in developing long-range plans for their respective Regions, the Department does develop a Statewide Transportation Master Plan which outlines a blueprint of strategies to respond to transportation needs for the entire state.

The 2006 NYSDOT Strategies for a New Age: New York State’s Transportation Master Plan for 2030, was developed with extensive public input. Many resources were consulted including the public at large, transportation interest groups, providers of transportation services such as transit operators, members of the state transportation federation, other states, other state agencies, MPO long range plans, relevant state and Federal plans and requirements and other studies. Much of the input to the Plan was provided at the public hearings of the New York State Advisory Panel on Transportation Policy for 2025. The Advisory Panel consisted of a group of transport and other professionals representing many perspectives. More than 300 citizens, interest groups, representatives of the Metropolitan Planning Organizations (MPOs), legislators and other stakeholders testified at one or more of nine public hearings held at various locations throughout the state and/or provided written testimony. Other valuable input included issues presented in MPO long-range plans. For example, the Statewide Plan points out that challenges to mobility and reliability are the greatest in the downstate or New York City metropolitan area where many of the highways, streets, transit lines, airports and even sidewalks are severely congested. NYSDOT’s capital program and the statewide transportation master plan are available on the NYSDOT website.

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. For more information on the Department’s public involvement process in planning, go to the NYSDOT website, https://www.dot.ny.gov/divisions/policy-and-strategy/planning-budget/public-involvement.

NYSDOT also conducts public participation at the project level. The level of public participation is driven by the scope of the project. 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 NYSDOT 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. It also increases confidence in the project from public perspective. The public information meeting notification is by mail to people living within the project area, businesses within the project area, and notice in the 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. The process begins in scoping and extends until construction. Larger projects usually have their own websites.

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

In the downstate Regions, NYSDOT addresses the diversity of languages spoken by its large population base. Public information materials are translated, as needed, into various languages to assist residents who have limited English proficiency. Some examples include Spanish, Polish and Chinese translations, although others can be provided as necessary. NYSDOT Regions also maintain websites, telephone information lines and email addresses for major projects in order to facilitate public comments. Public meetings can also be held at the community centers of these Limited English Proficiency groups with translators available in order to directly address groups that have been traditionally underrepresented. Invitations to CBOs 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 those with different working schedules or who utilize public transportation may voice concerns.

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

- **NYSDOT** 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. NYSDOT has also obtained funding for traffic calming infrastructure improvements in New Cassel and Roosevelt, two low-income areas in Nassau County.

- **NYSDOT** 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.

- **NYSDOT** 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. NYSDOT has participated in a public workshop for applicants wishing to participate in each program.

- Public Hearings were held by NYSDOT involving projects on Route 111, Route 878 and the Long Island Transportation Rail Intermodal (LITRIM) Facility at Pilgrim State, all affecting disadvantaged communities. For the LITRIM at Pilgrim State, two public hearings were held, both of which attracted large audiences. NYSDOT was instrumental in acquiring CMAQ funding for the S92 bus which runs through Riverhead from East Hampton to Orient on Long Island’s east end. This funding helps to offset the operating deficit for this route, which serves many minority workers in this area commuting to their jobs.

- **NYSDOT** has hosted public hearings surrounding the Setauket-Port Jefferson Station Multi-Use Path, which passes in part through areas determined to be Limited English Proficiency areas. Meetings were held and documents tailored to meet the requirements of affected individuals.

- **NYSDOT** gathers ongoing feedback from community boards and CBOs to ensure that our public outreach strategy is effective. All input gleaned 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 has addressed a number of methods to reach underrepresented populations and given greater access to its planning and decision-making. In the future, NYSDOT will continue to attempt to stay “ahead of the curve” by adopting policies in compliance with any federal or state civil rights laws or policies as adopted by relevant federal agencies.

**Putnam County**

Putnam County works with various agencies including the Departments of Mental Health and Social Services, and others 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. No census tracts within Putnam County have a majority of low-income or minority populations however there are some neighborhoods with concentrations of low-income families. The minority population in the County is small and not concentrated. Due to low population densities on the western side of the County, the bus system serves about 50% of the population; however, every neighborhood with a preponderance of low-income families is served by transit. The routes have not been modified in many years. Typically, the planning money in Putnam County is not targeted to certain neighborhoods, but is distributed county-wide. Most of the projects in the county are road or bridge improvements, which generally occur on a maintenance cycle.

Notices for service changes or public hearings are posted in the county paper. The bus drivers also notify their passengers. The public can also provide feedback or get information through the Putnam County website or the County Information phone number.

**Rockland County**

Using census information, Rockland County develops base mapping to locate low-income areas, areas with high concentrations of minorities and areas that maybe 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 onboard 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 maps to identify low income communities and communities where the minority population percentage is greater than the percentage in the County as a whole and overlays the bus routes on it to determine how many communities are served by transit.

The County must demonstrate compliance with Title VI once every three years through an update plan filed with the FTA. The transit plan is scored on a point system which includes variables such as vehicle assignment and peak loading factors.

Most of the non-native English speaking population in the County has Spanish as a first language. If a project study area includes a community where the majority of the residents are not native English speakers, meeting materials and information will be translated into Spanish. This is done on a project by project basis.

**Westchester County**

Using census information, Westchester County develops base mapping to locate communities of concern in the county and overlays the bus routes on it 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.
- 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 related are immediately flagged, and there is follow-up.
- Bee-Line service changes that occur at least three times a year undergo Title VI review.

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 fall of 2010. This income and ethnic/racial data 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, conducting outreach activities including publicizing local workshops related to regional transportation plans and programs, including 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 and the System Map.
APPENDIX B: 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 Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) 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 the 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.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strate-
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Sec. 2-2. Federal Agency Responsibilities

(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 Responsibili-

ties 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/or 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

Appendix C: U.S.D.O.T. Order 56102

United States Department of Transportation – Order 5610.2

Department of Transportation, Office of the Secretary, Washington, D.C.

Order

Subject: Department of Transportation Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

1. Purpose and Authority

a. This Order establishes procedures for the Department of Transportation (DOT) to use in complying with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994. 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 the Department 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, the United States Coast Guard, 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 Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) 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. Within six months of the date of this Order each operating administration will provide a report to the Assistant Secretary for Transportation Policy and the Director of the Departmental Office of Civil Rights describing the procedures it has developed to integrate, or how it is integrating, the processes and objectives set forth in this Order into its operations.

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

(1) Planning and programming 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
(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 which 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 receiving Federal financial assistance.

b. It is DOT policy to actively administer and monitor its operations and decisions making to assure that nondiscrimination is 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, ISTEA 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 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;

--Present and proposed membership by race, color, or national origin, in any planning or advisory body which is part of the program.

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, and activities for which they are responsible will have an adverse impact on minority and low-income populations and whether that adverse impact will be disproportionately high.

b. In making determinations regarding disproportionately high and adverse effects on minority and low-income popu-
lations, mitigation and enhancements measures that will be taken 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. Operating Administrators 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 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 (and that still satisfy the need identified in subparagraph (1) above), either (i) would have other adverse social, economic, environmental or human health impacts that are more severe, or (ii) 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 (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, the Indian subcontinent, or the Pacific Islands); or

(4) 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).

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 means all projects, programs, policies, and activities 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. * These definitions are intended to be consistent with the draft definitions for E.O. 12898 that have been issued by the Council on Environmental Quality and the Environmental Protection Agency. To the extent that these definitions vary from the CEQ and EPA draft definitions, they reflect further refinements deemed necessary to tailor the definitions to fit within the context of the DOT program.

Federico F. Pena,
Secretary of Transportation.

[FR Doc. 97-9684 Filed 4-14-97; 8:45 am] BILLING CODE 4910-62-P
1. PURPOSE AND AUTHORITY.
   a. This Order 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.

   b. EO 12898 requires Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health and 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. These requirements are to be carried out to the greatest extent practicable, consistent with applicable statutes and 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. Consistent with paragraph 6-609 of Executive Order 12898 and the Department of Transportation Order on Environmental Justice (DOT Order 5610.2) dated April 15, 1997, this Order is limited to improving the internal management of the Agency 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 Agency, 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 Agency, its operating administrations, its officers, or any other person.

2. DEFINITIONS
   The following terms, where used in this Order, shall have the following meanings:

   a. FHWA means the Federal Highway Administration as a whole and one or more of its individual components;

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

   c. Minority means a person who is:
      (1) Black (having origins in any of the black racial groups of Africa);
      (2) Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
      (3) Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
      (4) American Indian and Alaskan Native (having origins in any of the original people of North America and who
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 would be similarly affected by a proposed FHWA 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 FHWA 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 FHWA 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 nonminority population and/or non-low-income population.

h. Programs, Policies, and/or Activities means all projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, 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 Order.

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

3. POLICY
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, and this Order are primarily a reaffirmation of the principles of Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, the National Environmental Policy Act (NEPA), 23 U.S.C. 109(h) and other Federal environmental laws, emphasizing the incorporation of those provisions with the environmental and transportation decision making processes. 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. 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.

c. FHWA will implement the principles of the DOT Order 5610.2 and EO 12898 by incorporating Environmental Justice  Appendix 4-45 maintains cultural identification through tribal affiliation or community recognition).
Justice principles in all FHWA programs, policies, and activities within the framework of existing laws, regulations, and guidance.

d. In complying with this Order, FHWA will rely upon existing authorities to collect necessary data and conduct research associated with environmental justice concerns, including 49 CFR 21.9(b) and 23 CFR 200.9 (b)(4).

4. INTEGRATING ENVIRONMENTAL JUSTICE PRINCIPLES WITH EXISTING OPERATIONS
a. The principles outlined in this Order are required to be integrated in 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 compliance with EO 12898 and this Order.

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 Order.

5. PREVENTING DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS
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. 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.

b. FHWA currently administers policies, programs, and activities that are subject to the requirements of NEPA, Title VI, the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (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, or national origin, and income level;
   (2) proposed steps to guard against disproportionately high and adverse effects on persons on the basis of race, or national origin; and,
   (3) present and proposed membership by race, or national origin, in any planning or advisory body that is part of the program.

c. 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; and
   (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 FHWA programs, policies, and activities, where permitted by law and consistent with EO 12898; and
   (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 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 and low-income populations in considering alternatives during the planning and development of alternatives and decisions.
6. ACTIONS TO ADDRESS DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS

Following the guidance set forth in this Order, FHWA managers and staff shall ensure that FHWA programs, policies, and activities for which they are responsible do not have a disproportionately high and adverse effect on minority or low-income populations.

When determining whether a particular program, policy, or activity will have disproportionately high and adverse effects on minority and low-income populations, FHWA managers and staff should take into account mitigation and enhancements measures and potential offsetting benefits to the affected minority or low-income populations. Other factors that may be taken into account include design, comparative impacts, and the relevant number of similar existing system elements in nonminority and non low-income areas.

FHWA managers and staff will ensure that the programs, policies, and activities that will have disproportionately high and adverse effects 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 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.

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 more severe; or
   b. would involve increased costs of an extraordinary magnitude.

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

Environmental and civil rights statutes provide opportunities to address the environmental effects on minority populations and low-income populations. 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, Attention HCR-20, alleging that he or she was subjected to disproportionately high and adverse health or environmental effects. FHWA will then process the allegation in a manner consistent with the attached operations flowchart.

Original signed by:

Kenneth R. Wykle Federal Highway Administrator
APPENDIX E: 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 unrelated 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. 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 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
ENDNOTES

1 http://www.epa.gov/environmentaljustice/


3 Definition found in Appendix E

4 Definition found in Appendix E

5 Definition found in Appendix E


