



Title VI Program 2014

**New York Metropolitan Transportation
Council**

Adopted: September 4, 2014

Table of Contents

	Page
I. Introduction	
i. About the New York Metropolitan Transportation Council	1
ii. Title VI Program Overview	2
II. Title VI Implementation and Program Administration	
i. Title VI Coordinator	5
ii. Complaint Procedure	5
iii. Notice to the Public	8
iv. Monitoring	8
III. Special Emphasis Program Areas	
i. Communications and Public Involvement	8
ii. Planning and Programming	13
iii. Analytic Requirements	14
iv. Consultant Contract Activities	17
v. Education and Training	17
vi. Proposed Strategies and Timeframes	18
IV. Proposed Strategies for Continuous Improvement	18

Appendices

1. Title VI Complaint Form
2. Notice to the Public
3. Limited English Proficiency Procedures
4. Title VI and EJ Assessment of the Planning Process
5. Impact Analysis (including maps and tables)
6. Title VI Assurances
 - a. Appendix A to be attached to all contracts
 - b. Appendix B to be attached to all contracts involving real property
 - c. Appendix C to be attached to all contracts involving deeds, leases, permits, licenses etc.
7. Title VI Training Attended by Staff

I. INTRODUCTION

i. About the New York Metropolitan Transportation Council

The New York Metropolitan Transportation Council (NYMTC) is a regional council of governments that is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley. NYMTC provides a collaborative planning forum to address transportation-related issues; develops regional plans; and makes decisions on the *use* of federal transportation funds. In its effort to ensure that transportation programs using federal funds are based on a continuing, comprehensive and coordinated planning process, NYMTC continuously seeks to build a stronger regional community through consultation with all stakeholders.

NYMTC'S Members

NYMTC's nine voting members are:

- The counties of Nassau, Putnam, Rockland, Suffolk, Westchester
- The Metropolitan Transportation Authority
- New York City Department of City Planning
- New York City Department of Transportation
- New York State Department of Transportation

NYMTC's seven advisory members are:

- The Port Authority of New York & New Jersey
- New York State Department of Environmental Conservation
- New Jersey Transit
- North Jersey Transportation Planning Authority
- Federal Highway Administration
- Federal Transit Administration
- U.S. Environmental Protection Agency

NYMTC's Planning Area

NYMTC's Planning Area consists of the 5 Boroughs of New York City; the lower Hudson Valley counties of Putnam, Rockland, and Westchester; and the two Long Island counties of Nassau and Suffolk.

Figure 1: NYMTC's Planning Area



ii. Title VI Program Overview

"It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, and disability. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not." (Source: US Department of Transportation)

Title VI and environmental justice are an integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. The commitment to Title VI has, and continues to be, reflected in the NYMTC's work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at NYMTC to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

Authorities and Citations

The following is a compilation of the federal regulations, statutes, and orders that together create the legal requirements for nondiscrimination within the New York Metropolitan Transportation Council:

- Title VI of the federal Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in federally-assisted programs and activities. The law specifically states that "No person in the United States shall on the ground of race, color,

or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance" (42 USC 2000d).

- The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "program or activity" to include all programs or activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally-assisted or not (Public Law 100-259 [S. 557] March 22, 1988).
- The 1970 Uniform Act (42 USC 4601) prohibits unfair and inequitable treatment of persons displaced or property to be acquired as a result of federal-aid programs and projects.
- Section 504 of the 1973 Rehabilitation Act (29 USC 790) prohibits discrimination on the basis of physical or mental disability.
- The 1973 Federal-aid Highway Act (23 USC 324) prohibits sex/gender discrimination.
- The 1975 Age Discrimination Act (42 USC 6101) prohibits age discrimination.
- Executive Order 12898 on Environmental Justice prohibits discrimination on the basis of minority or income status.
- Executive Order 13166 on Limited English Proficiency prohibits discrimination on the basis of how well a person speaks English.
- FTA Circular 5702.1B of October 1, 2012
- Article 15 New York State Human Rights Law
- Article 15A New York State Minority and Women Business Enterprises Law

Title VI Goals and Objectives

The New York Metropolitan Transportation Council is committed to the following goals and objectives to guide the implementation of this Title VI program:

- A. Ensure that the quality of transportation service is provided without regard to race, color, national origin, sex, disability, age or income level;
- B. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- C. Promote the full and fair participation of all affected populations in transportation decision making;
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

Title VI Policy Statement

The following is the New York Metropolitan Transportation Council’s (NYMTC) official nondiscrimination policy statement. It covers all NYMTC’s programs and activities:

The New York Metropolitan Transportation Council is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related nondiscrimination rules and statutes.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NYMTC, whether those programs and activities are federally funded or not.

It is also the policy of NYMTC to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low income populations. NYMTC identifies minority and low income communities through the use of Census data. NYMTC takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

In addition, NYMTC will provide meaningful access to services for persons with Limited English Proficiency.

In the event that NYMTC distributes federal-aid funds to a subrecipient, NYMTC will include Title VI language in all written agreements and will monitor for compliance.

NYMTC’s Executive Director is responsible for initiating and monitoring Title VI activities, preparing reports, and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Joel Ettinger, Executive Director
New York Metropolitan Transportation Council

Date

II. TITLE VI IMPLEMENTATION AND PROGRAM ADMINISTRATION

i. Title VI Coordinator

The Executive Director is responsible for overall implementation of NYMTC's Title VI Nondiscrimination Program. The Executive Director designates a Title VI Coordinator. The Title VI Coordinator shall have a responsible position on the NYMTC staff and easy access to the Executive Director. The Title VI Coordinator is responsible for Title VI Program administration.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of NYMTC's administration. As part of this responsibility, the Title VI Coordinator will:

- Ensure all NYMTC program administration is in compliance with Title VI.
- Monitor progress, implementation, and compliance issues.
- Assist with the collection of data supporting NYMTC's nondiscrimination activities, including statistical data (i.e., race, color, gender, age, disability, and language proficiency) for use in planning and monitoring by NYMTC, its member agencies, consultants, and the general public.
- Disseminate Title VI program information to NYMTC employees and beneficiaries, as well as to the general public.
- Include Title VI language in contracts and studies.
- Provide Title VI language, provisions, and related requirements, as applicable, to any consultants under direct contract with NYMTC.
- Assist with staff training programs on Title VI and other related statutes.
- Identify, investigate, and eliminate discrimination when found to exist in connection with NYMTC program areas.
- Prepare an annual Title VI report, which evaluates the effectiveness of NYMTC's Title VI program and related efforts, by documenting accomplishments over the past year and establishing goals for the forthcoming year.
- Stay current of federal and state laws, rules, regulations, guidelines, and other resource information pertaining to NYMTC's Title VI Program.
- Update the Title VI Plan as needed or required.

Current NYMTC Title VI Coordinators: Marcia Garcia and Chris Rodrigues-Moore

ii. Complaint Procedure

Purpose

NYMTC's Title VI Complaint Procedure is written to specify the process employed by NYMTC to investigate complaints, while ensuring due process for complainants and respondents. The process does not preclude NYMTC from attempting to informally resolve complaints at the lowest administrative level.

This procedure applies to all external complaints relating to any program or activity administered by NYMTC and/or its subrecipients, consultants and contractors, filed under Title VI of the Civil Rights Act of 1964 (including its Disadvantaged Business Enterprise and Equal Employment Opportunity components), as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, low income, national origin. Additional statutes include, but are not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990.

These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Intimidation or retaliation of any kind is prohibited by law.

Procedures

1. Any individual, or their representative, who believes they have been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

Complaints may be mailed to:

Title VI Coordinator

New York Metropolitan Transportation Council
199 Water Street, 22nd Floor
New York, NY 10038

Title VI Coordinator

The Office of Civil Rights
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Civil Rights Officer

U.S. Department of Transportation
Federal Transit Administration
Region II
One Bowling Green, Room 429
New York, New York 10004

2. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s). See Appendix 1 for NYMTC's Title VI complaint form, also available on www.nymtc.org

- b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for NYMTC to be able to process it.
 - e. Allegations received by telephone will be reduced to writing with the assistance of the NYMTC Title VI Coordinator and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to NYMTC for processing.
3. Complaints alleging discrimination on the grounds covered by Title VI of the Civil Rights Act of 1964, as amended, should be promptly forwarded to the NYSDOT Title VI Coordinator and recorded upon receipt on a Complaint Log sheet maintained by NYMTC Title VI Coordinator. The log shall include the:
 - Name of the complainant(s)
 - Date complaint was received
 - Nature of complaint
 - Name of the NYMTC representative handling the complaint
 - Action taken by NYMTC
 - Disposition of Complaint
4. Once the complaint is recorded on the Complaint Log sheet, a letter shall be sent to the complainant and respondent, within ten business days of receipt of the complaint to advise the complainant and respondent that the complaint is being investigated and providing a date by which the complainant will receive a response.
5. NYMTC staff will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.
6. In instances where additional information is needed for assessment or investigation of the complaint, the complainant will be contacted in writing within 15 business days. Failure to provide the requested information by a certain date may result in the administrative closure of the complaint.
7. NYMTC will process the complaint in accordance with the approved Title VI Complaint Processing Procedures. In addition to the complaint process stated above, as indicated above, a complainant may file a Title VI complaint with the U.S. Department of

Transportation, Federal Transit Administration, or the Office of Civil Rights, Region II, One Bowling Green, Room 429, New York, New York 10004-1415.

iii. Title VI Notice to the Public

In compliance with Title VI of the Civil Rights Act of 1964, as amended, the New York Metropolitan Transportation Council (NYMTC) assures that no person shall, on the grounds of race, color, national origin, disability, age, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by NYMTC. NYMTC further assures that every effort will be made to ensure nondiscrimination in all its program activities, whether those programs and activities are federally funded or not. Please see Appendix 2 for the complete “Title VI Notice to the Public.” Where space and costs are issues, such as in its electronic bulletin “NYMTC-NOTES,” NYMTC may use an abbreviated version of the notice also contained in Appendix 2.

NYMTC will post its Title VI Policy Statement on its website and in its written materials. The location will be www.nymtc.org/about-us/public-involvement/title-vi-compliance for the full policy statement. NYMTC will translate this statement into Spanish, and Russian and copies will be available on NYMTC’s website and in the Office of the NYMTC Title VI Officers. NYMTC makes this statement available to its sub-recipients, given that they may adopt NYMTC’s notice.

iv. Monitoring

As part of its monitoring plan NYMTC will ensure that all products and processes, including contracts, comply with Title VI requirements. The Council will adhere to the Title VI requirements as prescribed by the NYSDOT as applicable. Routine discussions will be held with Members’ as part of the annual Unified Planning Work Program (UPWP) audits, and Members will be encouraged to participate in training, presentations, conferences, and webinars sponsored by NYSDOT and/or the FHWA and FTA. Attendance records will be maintained of all participants involved with training, presentations, conferences and webinars.

III. SPECIAL EMPHASIS PROGRAM AREAS

i. Communications and Public Involvement

The Communications and Public Involvement program area applies to and affects NYMTC’s work program as a whole, particularly efforts and responsibilities related to the Planning and Programming program area, which is described later in this section.

- **Public Involvement Plan** – see www.nymtc.org for full Plan
To better achieve its outreach efforts, NYMTC has developed five desired goals for its public involvement activities:
 1. Educate the public about the transportation planning process and how they can get involved;
 2. Engage the public and all stakeholders through timely notice of meetings and events and increased opportunities to provide input;

3. Enhance outreach tools and techniques to engage the many diverse regional constituencies;
4. Ensure that public participation methods, mechanisms and opportunities are clearly defined and accessible; and
5. Effectively involve the community, including those who have been traditionally underserved and underrepresented in the planning process.

(i) Key elements of the Public Involvement Plan

NYMTC's public participation process operates at three levels: regional; sub-regional; and local. Public participation is built into the development of the federally required planning products and analyses from beginning to end using the methods and techniques described below.

Staff Responsibilities

In a region of over 12 million people, NYMTC's public involvement strategy is multifaceted and embedded within every layer of the organizational structure. On a primary level, project teams involving both Central Staff and Transportation Coordinating Committees (TCCs) overseeing the TIP, RTP and UPWP have direct responsibility for managing public involvement activities specific to each product and planning activity. All of these programs are supervised at the Director level, with support from the Office of the Executive Director as needed.

Another approach involves educational outreach and community-based interactions that enable NYMTC to expand on the various tools (media, members, online) used to interact with the interested public. It also includes ongoing educational outreach along with defining a process for more meaningful interactions and ongoing dialogues with stakeholder communities.

Integrated Mailing List System (IMLS)

NYMTC has developed and is using an IMLS as a means of optimizing and managing the use of its contact and distribution lists. IMLS allows for a centralized database to be maintained for all contacts by users throughout the organization and selectively used through a filtering system for all levels of NYMTC's current public involvement mechanisms as outlined in this section.

Website, Social Media and Bulletins

NYMTC's website explains the planning process, makes products and analyses available for download, spatially displays data and information on programmed projects, and provides calendar information on meetings and events. The website capability is supplemented by an electronic bulletin, *NYMTC Notes*, which is published monthly, and sent to subscribers. *NYMTC Notes* reports on planning activities and data products and advertises public involvement meetings and opportunities. In addition, *NYMTC-Notes Events Update* is published as needed to provide updated information in between issues of the newsletter. NYMTC also uses

social media to reach a broader, more diverse audience through its Facebook page, www.Facebook.com/NYMTC.

Explanatory Materials

NYMTC also maintains and distributes an inventory of explanatory materials to help the public understand the organization, its planning process and its activities. These include three explanatory brochures including *About NYMTC*, a *Guidebook for Public Involvement and The Basics of Freight Transportation*, and annual reports that coincide with the Annual Meeting of NYMTC each year. These materials are intended to provide basic primers on the organization and planning process, as well as opportunities for public involvement and recaps of activities. These materials are available for download on NYMTC's website, and are available in NYMTC's offices.

MPO Speakers

The MPO provides speakers to civic organizations, clubs, schools, neighborhood associations, and other organizations to educate them on, and engage them in, the transportation planning activities of the MPO. The speakers provide information on the purpose, process, and products of the MPO and seek continued participation and comments from the public.

Advisory Working Groups and Study Advisory Committees

NYMTC uses advisory working groups as conduits for information from stakeholders and the public on specific aspects of the transportation planning process. These groups have been established in policy areas such as freight movement, demand management and mobility, human services transportation, transportation enhancements, safety, and pedestrian and bicycle transportation. Ad hoc advisory groups also provide input into the development and use of NYMTC's technical analysis tools and specific federal grant programs. Additionally, specific planning studies undertaken through the UPWP often use advisory committees comprised of community representatives and stakeholders to assist in the studies. Taken together, NYMTC's advisory working groups and committees provide significant opportunities for community and public involvement in the planning process.

Regional Planning Corps

NYMTC established the Regional Planning Corps in 2005 as an innovative mechanism for extending the reach of its contact and distribution lists and to multiply its effectiveness in alerting communities throughout the region to relevant transportation information and planning activities. The Corps consists of community-based organizations, advocacy groups, local municipal governments, community boards and professional associations who have agreed to serve as a distribution network for NYMTC's information, bulletins about public involvement opportunities and news about planning products and studies. New members are added to the Corps on a regular basis, further expanding NYMTC's reach into diverse communities. In late 2005 and early 2006, NYMTC also used the newly formed

Regional Planning Corps to critique its public participation practices and develop recommendations for improving participation in the future.

(ii) Opportunities for public comments

As part of the transportation planning process, NYMTC offers different ways for people to comment on transportation activities, programs, and decisions made by the Council.

- Comments are accepted at any time by NYMTC staff and can be submitted via the website, e-mail, social media (Facebook and Twitter), phone, fax, U.S. mail and in-person at any Program, Finance, and Administration Committee (PFAC) or Council meeting. NYMTC makes every effort to respond to comments received.
- All NYMTC PFAC and Council meetings are open to the public, with meeting dates and other information posted on the website and in the electronic newsletter NYMTC-NOTES. Public comments received are kept on record. Members of the public can request that their names be added to the extensive mailing list that NYMTC maintains.
- Formal comment periods are held for all major transportation planning activities. Comment periods are announced via e-mail, on NYMTC's website and in the electronic bulleting NYMTC-NOTES. Members of the public can provide comments via any of the means stated above. Responses to comments are developed with assistance from NYMTC members, posted on NYMTC's website and included in relevant planning documents as appropriate.

(iii) Strategies for engaging Title VI Populations

NYMTC is aware of the difficulties in reaching large segments of the 12-million population located in its planning area. To this extent the following steps are taken to reach those members of the public that may rarely have an opportunity to participate in its transportation planning process.

- **Limited English Proficiency (LEP)**

In addition to the work that has been done in identifying linguistically isolated households as defined by the U.S. Census Bureau (see Appendix 4 - Environmental Justice & Title VI Assessment of the Planning Process), NYMTC has also developed procedures for addressing the issue of LEP.

These procedures apply to two distinct levels of its activities:

- (i) The general distribution or availability of public information related to federally-mandated regional planning products and analyses that affect the entire NYMTC planning area

- (II) The spatially-specific distribution or availability of public information related the federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC’s planning area.

NYMTC will perform an analysis of Census data, when it becomes available after each decennial Census, to identify the size and proportion of LEP-populations in its planning area. LEP populations are comprised of persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. Thus, people included in LEP populations may have difficulty speaking or reading English and will need translation to and from their primary language.

The United States Department of Transportation has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Table xx below presents the results of NYMTC’s LEP analysis of the 2010 Census to identify persons who need language assistance in the NYMTC planning area.

Under the Safe Harbor Provision, NYMTC is obligated to provide translation of written materials related to the planning products and analyses into languages that meet or exceed the established five percent or 1,000 person threshold. Thirty-four languages meet or exceed this threshold in the NYMTC planning area, while just over 70% of the total LEP population speaks one of three languages: Spanish, Chinese and Russian. For purposes of these operating procedures, these three languages are considered as primary LEP languages in NYMTC’s planning area, while the remaining thirty-one are considered as secondary LEP languages.

Table 1: LEP Populations in the NYMTC Planning Area

Language Spoken	Population	Percentage of Total LEP Population
Spanish	1,135,521	52.0%
Chinese	294,999	13.5%
Russian	118,854	5.4%
Other Indic Languages[1]	63,571	2.9%
Korean	60,628	2.8%
Italian	59,485	2.7%
French Creole	54,787	2.5%
Polish	38,979	1.8%
Yiddish	38,257	1.8%
French	28,556	1.3%
All Other LEP	289,530	13.3%
Total	2,183,167	100.0%
[1] Other Indic Languages include Bengali, Marathi, Punjabi, and Romany		

See Appendix 3 for the complete LEP Procedures.

ii. Planning and Programming

NYMTC is responsible for developing long- and short-range transportation plans to provide efficient transportation services to the NYMTC planning area area. A comprehensive transportation-planning process is used, which entails the monitoring and collecting data related to transportation issues.

a. Key Planning & Programming Activities

As the designated MPO for the downstate New York region, NYMTC receives federal funds to develop regional transportation plans and programs and coordinate technical and policy studies on a wide range of transportation and other programs. The primary products of the transportation planning process include:

- *Plan 2040*, the region’s Regional Transportation Plan (RTP).
- Transportation Improvement Program (TIP).
- Unified Planning Work Program (UPWP).
- Congestion Management Process (CMP).
- Air Quality Transportation Conformity Determination

b. Considerations of Title VI and Needs of Underserved Population

Considerations of Title VI legislation are made throughout NYMTC’s planning and programming activities. The NYMTC planning and programming process insures the identification and evaluation underserved populations’ needs, for example:

- *Data collection:* Part of the agency’s work program involves collecting, analyzing and reporting on data for the NYMTC planning area. This task includes information on population, employment, poverty, income, transportation, traffic and growth.

Additionally, statistical data on race, color, national origin, sex, age and disability of participants in and beneficiaries of NYMTC’s programs, (e.g. affected populations, and participants) will be gathered and analyzed and maintained by NYMTC to determine the transportation investment benefits and burdens to the eligible population, including minority and low-income populations. Data gathering procedures will be established with the assistance from NYMTC members and reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

- Regional Transportation Plan (RTP), Transportation Improvement Program (TIP) & Unified Planning Work Program (UPWP): An Environmental Justice (EJ) analysis of the planning process is done to ensure that the burdens and benefits of planned transportation activities are distributed equitably across racial and socioeconomic groups. Using this analysis staff and member agencies can assess the impacts that plans, programs and projects may have on low-income and minority residents and communities in such areas as transportation investments, project effects on residents’ travel times, and access to transit.

iii. Analytic Requirements

Based on Title VI requirements and DOT’s Order on Environmental Justice, NYMTC maintains an analytic basis for certifying its compliance with Title VI and integrating required policies into its transportation planning activities. NYMTC’s analysis addresses the three Title VI requirements below:

- a. *A demographic profile of the metropolitan area that includes identifying locations of socioeconomic groups including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI.*

NYMTC produced an *Environmental Justice and Title VI Analysis of the Planning Process* which was used in the development of its current Regional Transportation Plan – Plan 2040. This analysis identifies the locations and travel characteristics of low-income and minority populations and limited English proficient residents (communities of concern) in the NYMTC planning area. Tables 2, and 3 below show some of the analysis and the entire document, including relevant maps, could be found in Appendix 4 of this program

Table 2**Communities of Concern by County**

County	Total Number of Census Tracts	Tracts with 56% or More Minority Population	Tracts with 15% or More Population Below Poverty Level	Tracts Defined as Communities of Concern	Percent of Tracts that are Communities of Concern
Bronx	339	295	248	240	71%
Kings (Brooklyn)	761	427	463	312	41%
New York (Manhattan)	288	118	136	103	36%
Queens	669	456	205	177	26%
Richmond (Staten Is.)	111	30	28	23	21%
New York City	2,168	1,326	1,080	855	39%
Putnam	19	0	2	0	0%
Rockland	65	12	17	7	11%
Westchester	223	72	40	40	18%
Lower Hudson Valley	307	84	59	47	15%
Nassau	284	55	16	15	5%
Suffolk	323	40	21	7	2%
Long Island	607	95	37	22	4%
NYMTC Region	3,082	1,505	1,176	924	30%

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

Table 3**Minority Population and Population below Poverty Level by County and Region**

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

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

- b. *A metropolitan transportation planning process that identifies the needs of low-income and minority populations.*

NYMTC considers the needs of environmental justice communities (and those of the transportation disadvantaged) at all levels of the transportation planning process. The environmental justice considerations are integrated facets of the Regional Transportation Plan's development process and are enshrined in the RTP's shared goals and desired outcomes. NYMTC specifically identify the needs of low-income and minority populations within its transportation planning process through the following actions:

- Development of the Environmental Justice & Title VI Analysis of the transportation planning process
- Development of the Coordinated Public Transit-Human Services Transportation Plan
- Utilizing the expertise of existing advisory groups such as the Access-to-Jobs planning group
- Implementation of the Public Involvement Plan
- Working with members and collaborating with various community partners to obtain critical feedback on the needs of low-income and minority populations
- Utilizing the results of members' involvement and interaction with low-income and minority populations

- c. *An analytical process that identifies the benefits and burdens of metropolitan transportation system investments for different socioeconomic groups, including imbalances and responding to the analyses produced.*

NYMTC assesses the impacts of all major transportation projects planned that receive federal funding across the NYMTC planning area. These projects are included in the Transportation Improvement Program (TIP) and the Regional Transportation Plan (RTP). NYMTC analyzes where federal investments are distributed around the planning area. The Council's goal is to have adequate public involvement from minority and low-income populations in the transportation planning process, and to help ensure these populations are receiving a proportionate share of federal transportation investment benefits.

A spatial analysis is created to represent proposed transportation projects in relation to minority populations and low-income households. The spatial analysis displays the geographic distribution of transportation investments through a series of maps to help visualize the analysis.

NYMTC examines projects and transportation investments funded through federal programs. NYMTC calculates investments per capita in terms of the

distribution of funds in identified environmental justice areas vs. non-environmental justice areas

Also as part of the analysis NYMTC looks at investments broken out by mode based on usage, to show how regional investments impact both minority and low-income users compared to their share of the regional population. The usage analysis also examines congestion impacts on EJ and non-EJ populations in the NYMTC planning area.

The maps and analysis results are located in Appendix 5 of this program.

iv. Consultant Contract Activities

NYMTC executes contracts with consultants for specific projects or activities. The standard language incorporated into these contracts requires that the consultants comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work. NYMTC staff works closely with NYSDOT's Contracts Bureau in the execution of all contracts and to ensure that all Title VI nondiscrimination provisions are met. Among the tasks to issue, execute and monitor contracts and as such vendors and or contractors NYMTC will:

- Include Title VI assurance and provision language in all federally-funded consultant contracts, including Appendix A of the USDOT Standard Assurance (USDOT Order 1050.2). – see Appendix 6
- Follow applicable Disadvantaged Business Enterprise (DBE) and Small Business Enterprise goals in designated projects and proactively seek to achieve those goals (23 USC 304 and 49 CFR 26).
- Provide technical assistance and guidance to support voluntary compliance by NYMTC consultants. When a consultant fails or refuses to voluntarily comply with NYMTC's recommendations, NYMTC shall put the recommended remedial actions in a deficiency letter and provide a copy to the consultant.

Consultants placed in a deficiency status will be given a reasonable time, not to exceed 90 days after the receipt of the deficiency letter, to voluntarily correct deficiencies. If a consultant fails or refuses to comply voluntarily with requirements within the allotted time frame, NYMTC will submit to the New York State Department of Transportation and the Federal Highway Administration copies of the case and a recommendation that the consultant be found in noncompliance.

v. Education and Training

Responsibilities

NYMTC's two Title VI Coordinators (one of whom is the Human Resources Officer) are responsible for advising staff about available training in support of Title VI. Lists of training related training such as diversity and EEO/Affirmative Action are circulated through email, flyers and brochure as appropriate. This information is also made available to NYMTC members. Special effort is made to reach out to Directors, Supervisors and individual staff whose functions involve dealing with Title VI. Tracking and management reports as they relate

to types of training provided and number of employees who took the training are maintained by the Human Resources Officer.

Employee Training

All NYMTC employees are required to participate in professional development and training within and outside of NYMTC. All materials received by the agency on training and education opportunities are made available to all employees, which includes NYSDOT training, and federally funded training such as offered by the National Highway Institute (NHI) and National Transit Institute (NTI). Appendix 7 contains a listing of training attended by staff in 2014, so far.

vi. Proposed Strategies for Continuous Improvement with Timeframes

NYMTC will continue to foster the participation of underrepresented groups in the transportation planning process and to ensure that their needs are met as far as possible in all transportation planning and programming activities. The Council will:

- i. Continue to enhance and expand its database of relevant community organizations to facilitate wider dissemination of information. – Year 1
- ii. Continue to consult with underrepresented communities on various aspects of the transportation planning process. This may include convening focus groups as necessary during the development of major products. – Year 1
- iii. Ensure that Title VI language is included in all NYMTC-sponsored studies, informational publications and relevant website postings. – Year 1 and beyond
- iv. Continue to enhance the methodologies used for assessing the impacts of transportation investments on underrepresented groups. Years 1 & 2
- v. Require all NYMTC employees to participate in professional development and training in Title VI and EJ administration. - Immediately
- vi. Develop data collection procedures per section II (b) above – Years 1 & 2

APPENDICES

NYMTC TITLE VI/EJ PROGRAM

Adopted: September 4, 2014

Appendices

Title VI Program

1. Title VI Complaint Form
2. Notice to the Public
3. Limited English Proficiency Procedures
4. Title VI and EJ Assessment of the Planning Process
5. Impact Analysis (including maps and tables)
6. Title VI Assurances
 - a. Appendix A to be attached to all contracts
 - b. Appendix B to be attached to all contracts involving real property
 - c. Appendix C to be attached to all contracts involving deeds, leases, permits, licenses etc.
7. Title VI Training Attended by Staff

APPENDIX 1

TITLE VI COMPLAINT FORM (to be completed by Complainant)

Title VI of the 1964 Civil Rights Act States: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Please provide the following information, necessary in order to process your complaint. Assistance is available upon request.

Complainant's Name (Last, first, middle initial)

Street address City State ZIP Code

Primary phone number

Other phone number

E-mail address

Person discriminated against, if not complainant:

Name (Last, first, middle initial)

Street address City State ZIP Code

Primary phone number

Other phone number

E-mail address

Are you filing this complaint based on race, color, national origin or other?

Race _____ Color _____ National Origin _____ Other _____

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons, if any, were treated differently than you. You may attach any written materials or other information you think relevant.

Date of alleged incident: _____

Are there any witnesses? Yes No

If so, Please provide their contact information:

Witness Name (Last, first, middle initial)

Street address City State ZIP Code

Primary phone number

Other phone number

E-mail address

Witness Name (Last, first, middle initial)

Street address City State ZIP Code

Primary phone number

Other phone number

E-mail address

Did you file this complaint with another federal, state, or local agency; or with a federal or state court?

Yes No

If the answer is yes, check each agency complaint was filed with:

State Court Local Agency Federal Agency Federal Court State Agency Other

Please provide contact person information for the agency you also filed the complaint with:

Agency Contact Name (Last, first, middle initial)

Street address City State ZIP Code

Phone number

E-mail address

Date Filed: _____

Sign the complaint in the space below. Attach any documents you believe support your complaint.

Complainant's Signature: _____

Date: _____

Please mail this form to:

Title VI Coordinator

New York Metropolitan Transportation Council

199 Water Street, 22nd Floor

New York, NY 10038

APPENDIX 2

Title VI Notice to the Public

The New York Metropolitan Transportation Council (NYMTC) hereby gives public notice that it is the policy of the Council to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires, and it is our policy, that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NYMTC receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint. Any such complaint must be filed in writing or in person with NYMTC's Title VI Officer within one hundred eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI discrimination complaint forms may be obtained from the NYMTC website: www.nymtc.org or by calling 212-383-7200. If information is needed in another language, contact 212-383-7200.

NYMTC posts its Title VI Policy Statement on its website and in its written materials. See www.nymtc.org/about-us/public-involvement/title-vi-compliance for full policy statement. NYMTC will translate this statement into Spanish, and Russian and copies will be available on NYMTC's website and in the Office of the ARC Title VI Officer. NYMTC makes this statement available to its sub-recipients, given that they may adopt NYMTC's notice.

Abbreviated Title VI Notice to the Public

Where space and costs are issues NYMTC may use the following shortened version of the above notice:

NYMTC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see www.nymtc.org or call 212-383-7200

Appendix 3

Language Access Operating Procedures



Language Access Operating Procedures

REVISED: June 9, 2014

Table of Contents

Overview	1
Limited English Proficiency Populations in the NYMTC Planning Area	2
Regional Planning Products and Analyses	3
Provision of Language Assistance for Regional Planning Products and Analyses	3
Written Language Assistance	3
Website Language Assistance.....	4
Oral Language Assistance.....	4
Monitoring and Updating.....	4
Public Notice of Availability of Language Assistance	4
Spatially-Specific Projects and Studies	5
Provision of Language Assistance for Spatially-Specific Projects and Studies	5
Public Meetings	6
General Public Meetings Hosted Outside of NYMTC’s Main Office.....	6
Meetings for Spatially-Specific Planning Projects	7

Overview

Under its existing Public Involvement Plan and Operating Procedures for Public Participation, NYMTC distributes a variety of public information on its federally-mandated regional planning products and analyses. Due to the variety of languages spoken in its planning area, NYMTC supplements its plan and procedures with Language Access Operating Procedures to expand inclusiveness in its public involvement activities.

NYMTC's Language Access Operating Procedures apply to two distinct levels of its activities:

1. The general distribution or availability of public information related to federally-mandated regional planning products and analyses that affect the entire NYMTC planning area
2. The spatially-specific distribution or availability of public information related to federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

The Language Access Operating Procedures which follow are organized around these two levels of NYMTC's planning activities.

Limited English Proficiency Populations in the NYMTC Planning Area

NYMTC will perform an analysis of Census data, when it becomes available after each decennial Census, to identify the size and proportion of Limited English Proficiency (LEP) populations in its planning area. LEP populations are comprised of persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. Thus, people included in LEP populations may have difficulty speaking or reading English and will need translation to and from their primary language. The United States Department of Transportation has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.

Table 1 below presents the results of NYMTC’s LEP analysis of the 2010 Census to identify persons who need language assistance in the NYMTC planning area.

Table 1: LEP Populations in the NYMTC Planning Area

Language Spoken	Population	Percentage of Total LEP Population
Spanish	1,135,521	52%
Chinese	294,999	13.5%
Russian	118,854	5.4%
Other Indic Languages ¹	63,571	2.9%
Korean	60,628	2.8%
Italian	59,485	2.7%
French Creole	54,787	2.5%
Polish	38,979	1.8%
Yiddish	38,257	1.8%
French	28,556	1.3%
All Other LEP	289,530	13.3%
Total	2,183,167	100.0%

¹ Other Indic Languages include Bengali, Marathi, Punjabi, and Romany

Table 1 defines a 2010 population of roughly 2.2 million people in the NYMTC planning area. Under the Safe Harbor Provision, NYMTC is obligated to provide translation of written materials related to the planning products and analyses into languages that meet or exceed the established five percent or 1,000 person threshold.

Thirty-four languages meet or exceed this threshold in the NYMTC planning area, while just over 70% of the total LEP population speak one of three languages: Spanish, Chinese and Russian. For purposes of these operating procedures, these three languages are considered as primary LEP languages in NYMTC's planning area, while the remaining thirty-one are considered as secondary LEP languages.

Regional Planning Products and Analyses

The following Language Access Operating Procedures apply to NYMTC's general distribution or availability of public information to its entire planning area for federally-mandated "core" regional planning products and analyses. These core products and analyses include:

- Regional Transportation Plan,
- Transportation Improvement Program and related Annual Listing of Obligated Projects,
- Unified Planning Work Program,
- Congestion Management Process Status Report,
- Transportation Conformity Determination, and
- Public Involvement Plan.

Provision of Language Assistance for Regional Planning Products and Analyses

NYMTC will provide on-going language assistance for the regional planning products and analyses identified above in the following manner:

Written Language Assistance

Executive summaries of the core regional planning products and analyses will be translated to the languages that meet or exceed the established five percent or 1,000 person threshold in the following manner:

- Drafts and final versions of executive summaries that are released publicly will be provided in English and the three primary LEP languages.
- Drafts and final versions of the executive summaries that are released publicly will be translated on demand into the secondary LEP languages using online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

NYMTC will publicly release instructions that will explain its Language Access operating procedures to the LEP populations. The instructions will be considered as a core product and will be translated in total in the same fashion as the core products and analyses identified above.

Other NYMTC documents will be translated on demand for all LEP languages using the online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC. These may include the Annual Report, informational brochures that explain NYMTC and its obligations or elements of its planning process, the Regional Household Travel Survey report, and descriptive materials and application forms for public project solicitations under federal funding programs.

Website Language Assistance

NYMTC will provide online translation services through online open source translation programs for all pages of the NYMTC website, as well as downloadable files and documents. The selected translation program will provide translation for at least the languages identified under the Safe Harbor Provision and as many additional languages as are provided through the translation program. Instructions on the use of the program will also be provided on the website.

Oral Language Assistance

Oral language assistance will be provided to LEP persons as follows:

NYMTC reception staff will guide LEP persons to dial a number, using an in-house telephone that provides oral language assistance in at least the three primary languages. NYMTC will also advertise the availability of the language assistance phone number by telephone.

For meetings at NYMTC's main office location, NYMTC will advertise the availability of translation services in the three primary languages upon request 48 hours prior to the meeting in question. Meeting announcements will include translations of key points into the three primary languages.

Monitoring and Updating

NYMTC will monitor and update the Language Access Operating Procedures through collection of the following information:

1. Language Access assistance provided through website downloads, use of on-line translation programs, requests for translated documents, calls to translation services and meetings at which translation services are provided.
2. Complaints received regarding language acting as a barrier to accessing information and/or services.

Public Notice of Availability of Language Assistance

NYMTC will provide public notice of availability of language assistance on an on-going basis through the following mechanisms:

1. Instructions on the availability of language assistance will be maintained on the NYMTC website, along with instructions on how the assistance may be accessed.
2. Brochures containing language assistance instructions will be made available at each public meeting offered by the organization and will be available in public areas of the NYMTC's main office.

3. Language assistance brochures will also be distributed generally through NYMTC's distribution lists and through the distribution lists of other related organizations.
4. Language assistance notices will be placed with local, non-English language media directed at LEP individuals and their languages.
5. Language assistance information and instructions will be provided through telephonic messages through NYMTC's main phone number.

Spatially-Specific Projects and Studies

Provision of Language Assistance for Spatially-Specific Projects and Studies

For spatially-specific planning projects and studies funded through NYMTC's planning process, the project managers of these projects and studies will provide Language Access assistance consistent with the procedures for the Regional Planning Projects and Analyses, with the following customizations:

- Project managers will perform a Census analysis to identify the LEP populations within the spatially-specific boundaries of the project as well as thresholds for language assistance. Oral, written, and website Language Assistance will be provided for the primary and secondary languages identified.
- Project managers will identify the core documents related to the spatially-specific project or study.
- Project managers of spatially-specific planning projects or studies funded through NYMTC's planning process must provide notice of availability of language assistance services under the Safe Harbor Provision. Methods of notice may include:
 - Brochures or flyers about language assistance services (posted in public areas of the member's office as well as elsewhere in the member's service area).
 - Signs posted about language assistance services (in public areas of the member's office as well as elsewhere in the member's service area).
 - Local, non-English language media directed at LEP individuals and their languages.
 - Providing community outreach informational handouts at public hearings.
 - Posting of notice on the Language Access services, internally and externally on member's website.

For spatially-specific planning projects and studies funded through NYMTC's planning process but managed by a NYMTC member agency, the member agency's Language Access policies will take precedence over NYMTC's Language Access Operating Procedures.

Public Meetings

General Public Meetings Hosted Outside of NYMTC's Main Office

General public meetings hosted by NYMTC or on behalf of NYMTC by one or several of its member agencies, hosted outside of NYMTC's main office, are subject to the following procedures:

1. A pre-meeting Language Access assessment will be prepared, including:
 - a. Using NYMTC's meeting facility database to determine accessible, ADA compliant facilities located within the project study area
 - i. Meeting locations should be selected with respect to the needs of the community surrounding the facility location in addition to the languages identified in the study area boundaries
 - b. Identifying LEP characteristics of the area surrounding the meeting location – the affected area will be defined as all residences within one mile of the location.
 - c. Providing notice for the meeting in languages that meet or exceed the established five percent threshold.
 - d. Providing information relevant to the meeting in languages that meet or exceed the established five percent threshold.
 - e. Posting pre-meeting project information on NYMTC's website – or other relevant websites – in languages that meet or exceed the established five percent threshold.
2. Provide the following language access services during the meeting:
 - a. With advance request 72 hours prior to a meeting, written translations of the meeting agenda, presentation, and background information in languages that meet or exceed the five percent threshold.
 - b. IF REQUESTER IS ATTENDING IN PERSON, requests for oral translation of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold.
3. Prepare a post-meeting information package, including:
 - a. IF REQUESTER IS ATTENDING REMOTELY BY WEBINAR OR WEBCAST, requests for oral translation of a recording of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold. A written or recorded translation of the recording will then be made available within ten business days.
 - b. Written translations of the meeting synopsis and materials used during the meeting, including presentation materials, in languages that meet or exceed the established five percent threshold.
 - c. Update of NYMTC's website – and other relevant websites -- with meeting information in languages that meet or exceed the established five percent threshold.

Meetings for Spatially-Specific Planning Projects

The procedures for general public meetings will be followed for public meetings related to spatially-specific planning projects and studies funded through NYMTC's planning process with the following exception:

- a. The language(s) identified for the spatially-specific planning project or study will take precedence over the language characteristics of the area surrounding the meeting location

A photograph of the interior of Grand Central Terminal in New York City. The image shows the iconic vaulted ceiling with three large arched windows at the top, each with a decorative metal grille. Below the ceiling is a row of small, glowing lights. The main floor is filled with people walking. In the center, there is a large, ornate chandelier. To the right, another chandelier is visible. In the background, there are signs for '42nd STREET' and '42nd STREET' above an entrance. The overall atmosphere is bright and busy.

APPENDIX 4

*ENVIRONMENTAL JUSTICE
AND TITLE VI*



PLAN 2040

Appendix 4: Environmental Justice and Title VI

1. Introduction	4-3
Federal Guidance on Environmental Justice and Title VI	
NYMTC and Environmental Justice and Title VI	
2. Communities of Concern	4-5
Long Island	
Lower Hudson Valley	
New York City	
Travel Characteristics	
Means of Transportation to Work	
Travel Time to Work	
Linguistically Isolated Households	
3. Public Participation	4-29
4. Appendices	4-31
Appendix A: NYMTC Member Agency Statements	
Appendix B: Federal Executive Order 12898	
Appendix C: USDOT Order 5610.2	
Appendix D: Federal Highway Administration Order 6640.23	
Appendix E: Definitions	

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-

deavors, 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).

Table A4.1
Population Density by County and Region

County	Total Population	Area (Square Miles)	Population Density* (Persons / Sq. Mile)
Bronx	1,385,108	42.31	32,737
Kings (Brooklyn)	2,504,700	70.54	35,508
New York (Manhattan)	1,585,873	23.65	67,056
Queens	2,230,722	109.03	20,460
Richmond (Staten Is.)	468,730	58.13	8,063
New York City	8,175,133	303.66	26,922
Putnam	99,710	245.99	405
Rockland	311,687	199.28	1,564
Westchester	949,113	473.19	2,006
Lower Hudson Valley	1,360,510	918.46	1481
Nassau	1,339,532	287.61	4,657
Suffolk	1,493,350	919.87	1,623
Long Island	2,832,882	1,207.48	2,346
NYMTC Region	12,368,525	2,429.60	5,091
New York State	19,378,102	47,126.40	411

Data Source: 2010 U.S. Census Bureau

*Population Density is rounded to the nearest whole number

Out of the area's overall population used to determine the region's poverty status,³ 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.

Table A4.2
Communities of Concern by County

County	Total Number of Census Tracts	Tracts with 56% or More Minority Population	Tracts with 15% or More Population Below Poverty Level	Tracts Defined as Communities of Concern	Percent of Tracts that are Communities of Concern
Bronx	339	295	248	240	71%
Kings (Brooklyn)	761	427	463	312	41%
New York (Manhattan)	288	118	136	103	36%
Queens	669	456	205	177	26%
Richmond (Staten Is.)	111	30	28	23	21%
New York City	2,168	1,326	1,080	855	39%
Putnam	19	0	2	0	0%
Rockland	65	12	17	7	11%
Westchester	223	72	40	40	18%
Lower Hudson Valley	307	84	59	47	15%
Nassau	284	55	16	15	5%
Suffolk	323	40	21	7	2%
Long Island	607	95	37	22	4%
NYMTC Region	3,082	1,505	1,176	924	30%

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

2. COMMUNITIES OF CONCERN

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 population⁴ (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 community⁵

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 desig-

nated 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).

LONG ISLAND

On Long Island, Communities of Concern made up only four percent of the total number of census tracts. Commu-

nities 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.

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-

Table A4.3**Minority Population and Population below Poverty Level by County and Region**

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

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

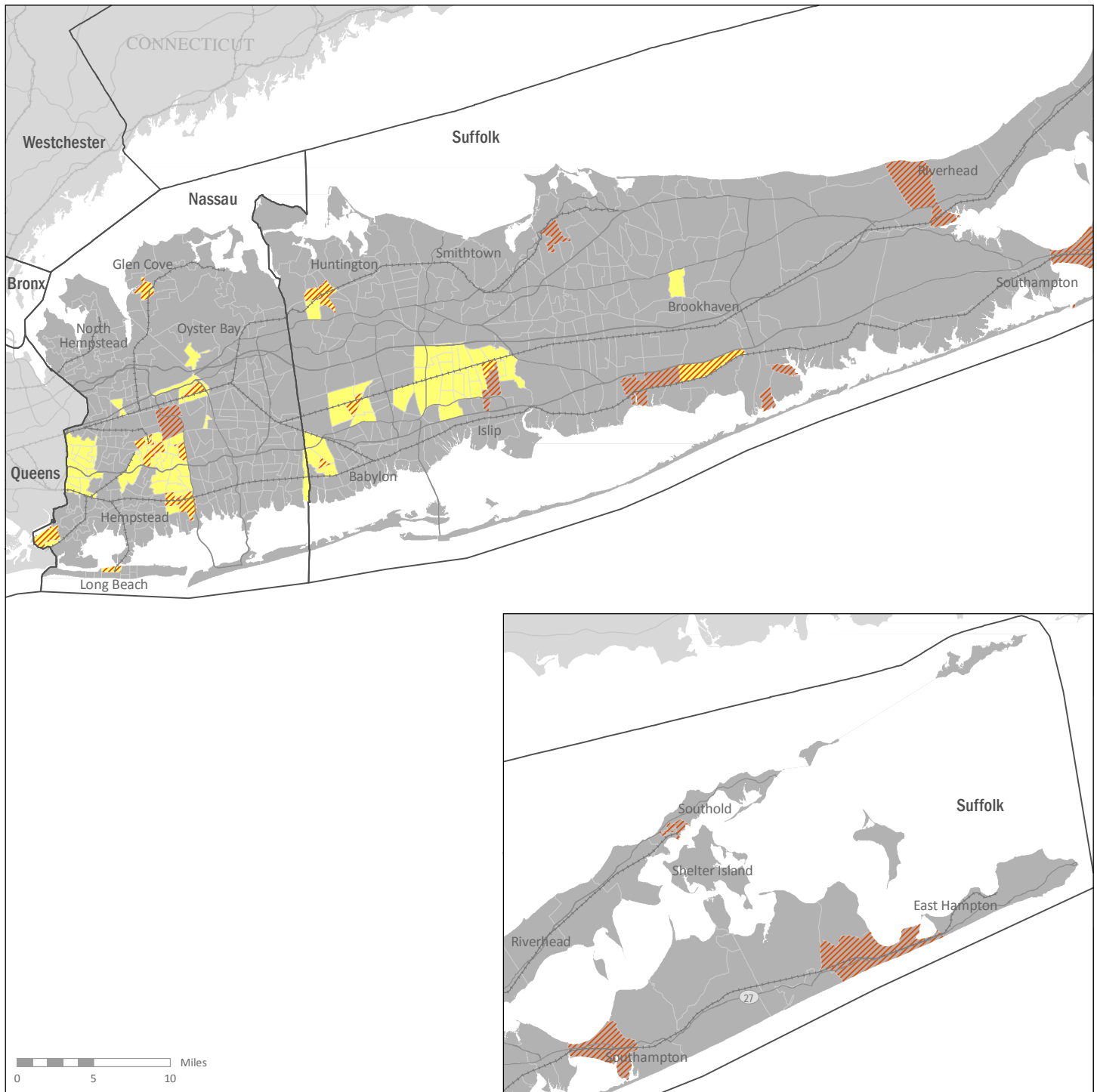
land County. These Communities of Concern make up 15 percent of the total number of census tracts in the region. While Putnam County did not have any Communities of Concern, there are areas Putnam County's town of Patterson and in southern Phillipstown that have a significant percent of their population 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 northernmost 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.

Low-Income and Minority Communities by Census Tract, Long Island



 **Low-Income Community**

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

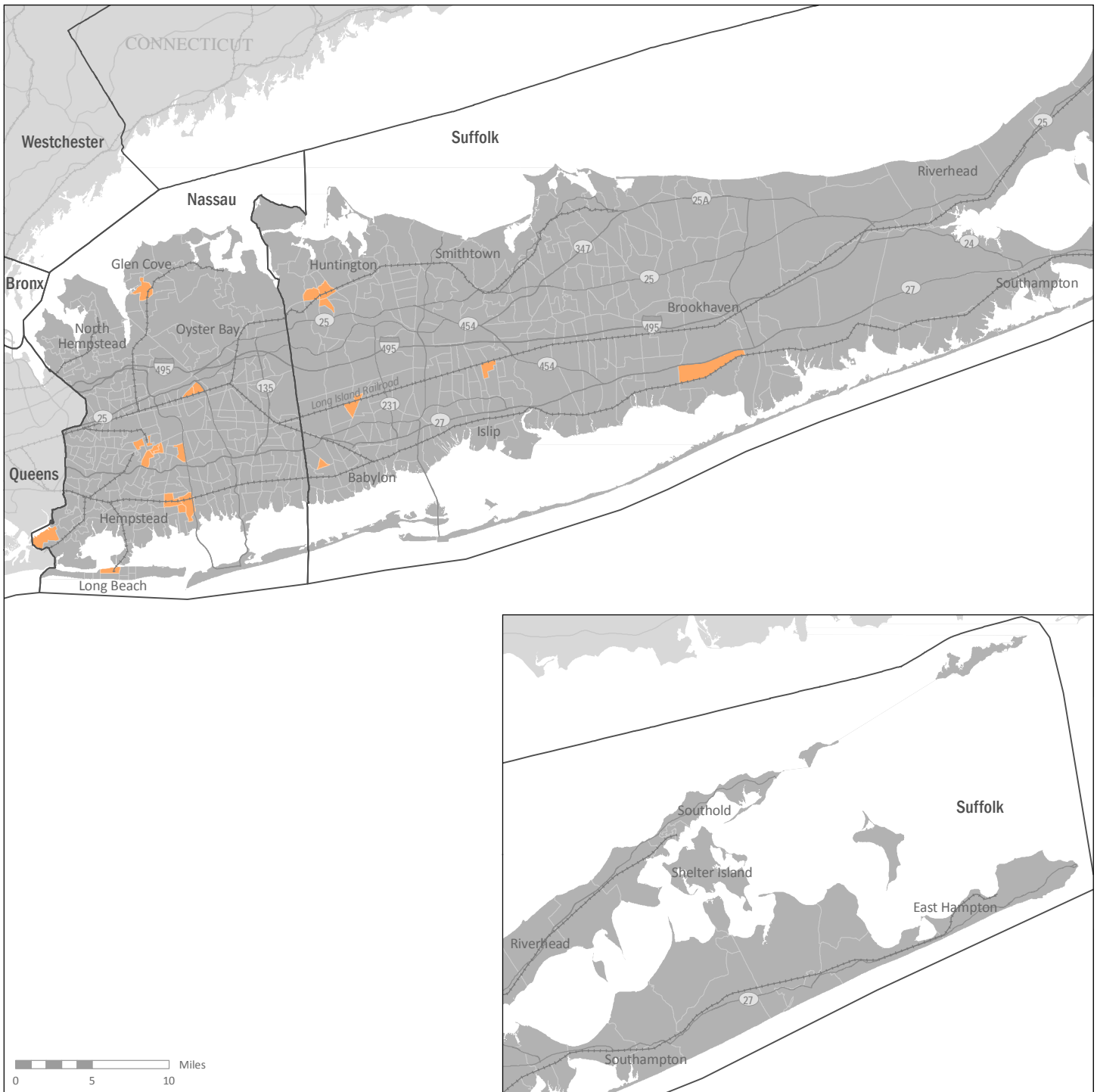
Data from the 2010 ACS, 5-year estimates.

 **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, Long Island



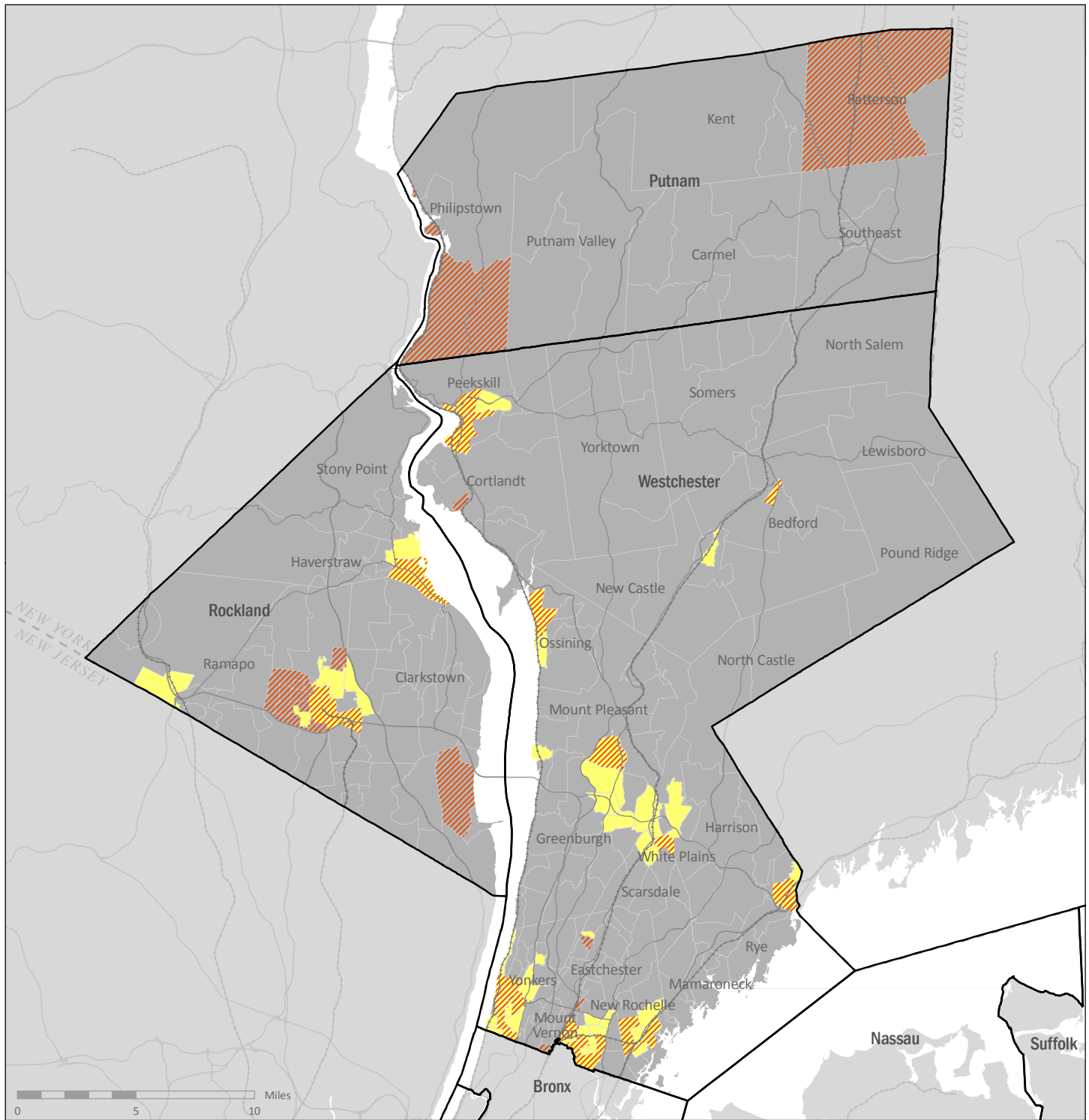
Community of Concern

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



 **Low-Income Community**

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

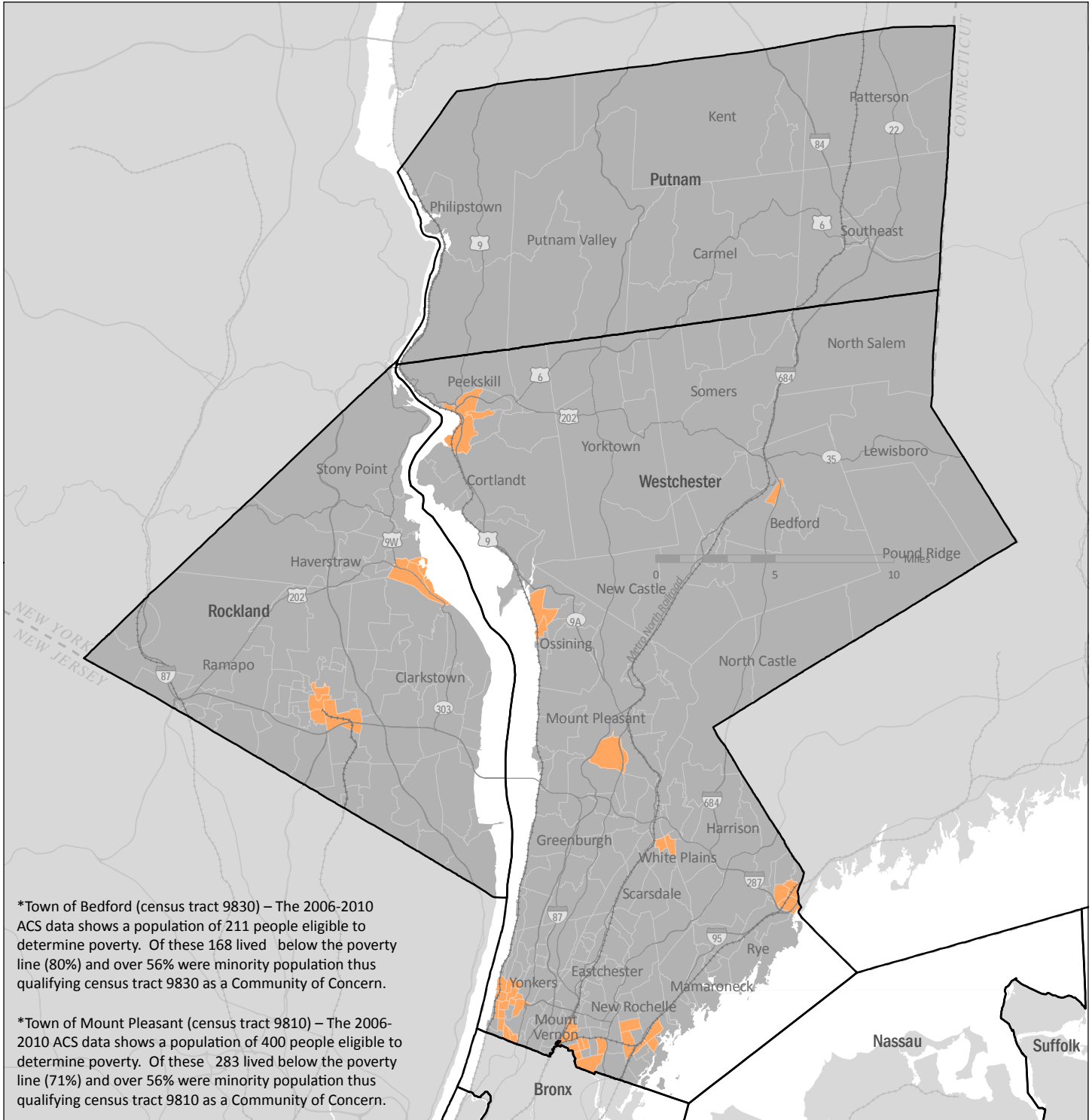
Data from the 2010 ACS, 5-year estimates.

 **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, Lower Hudson Valley



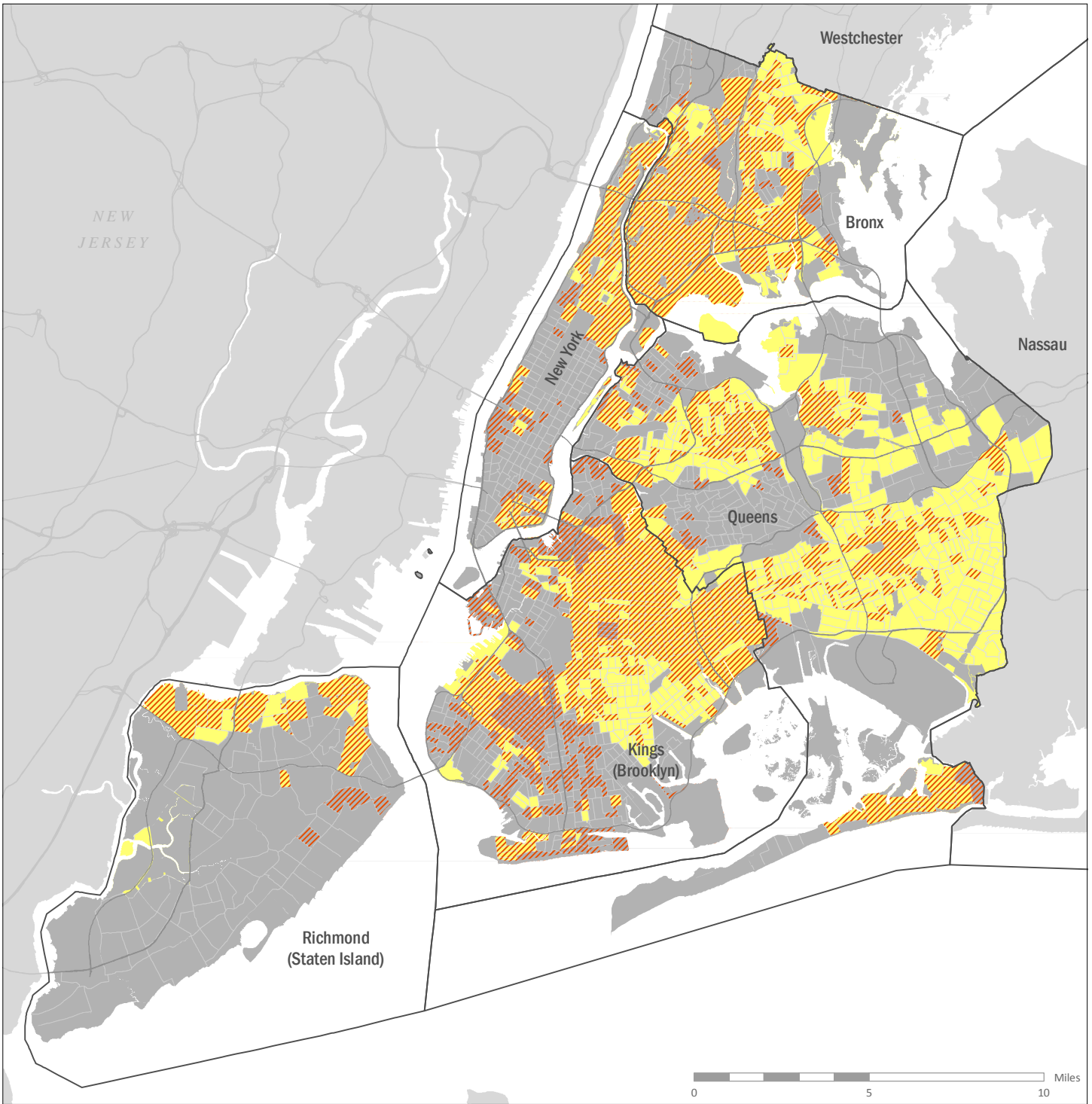
Community of Concern

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

Minority Community: The minority population of a census tract in 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.

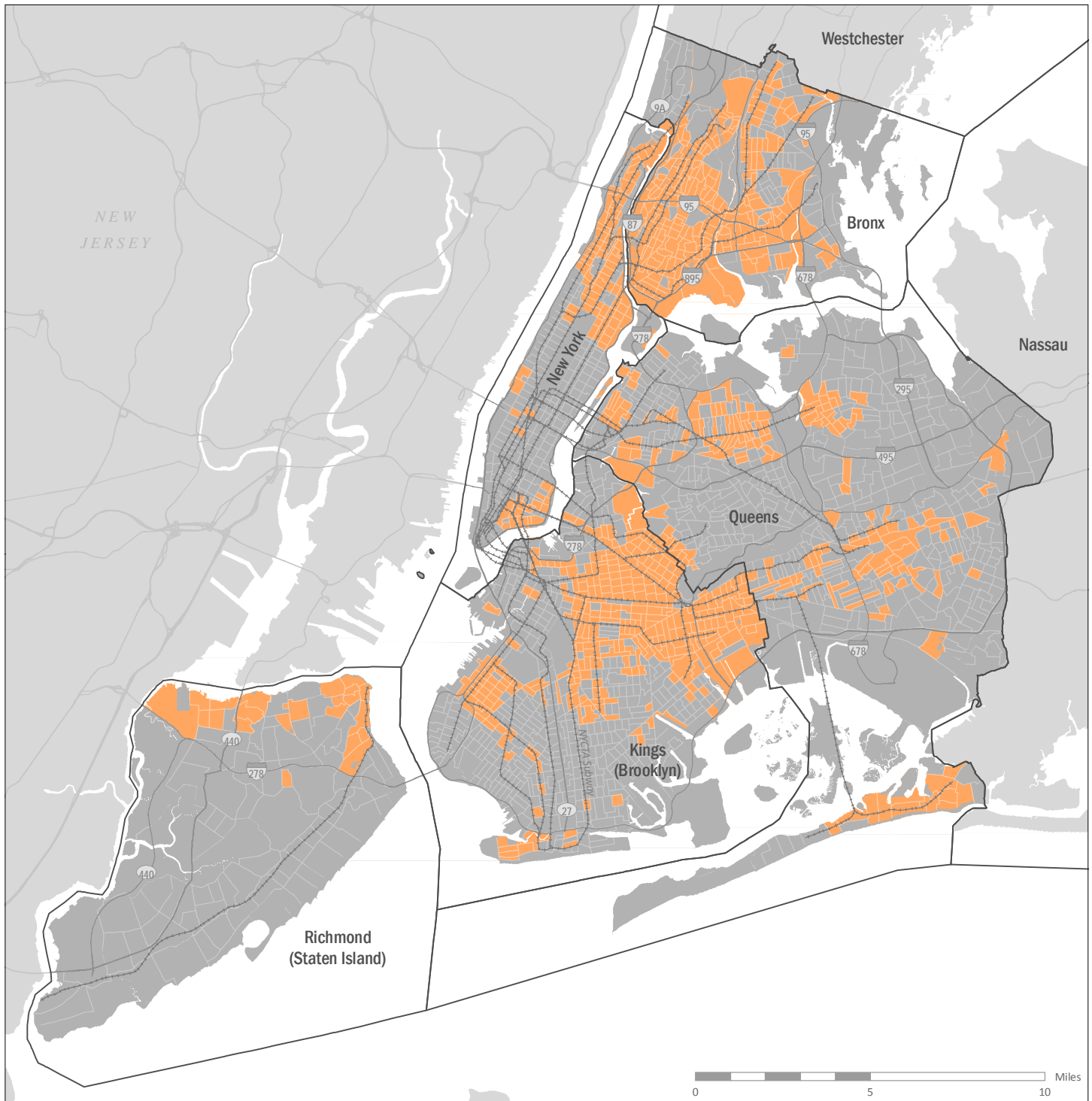
Data from the 2010 ACS, 5-year estimates.

 **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



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.



TRAVEL CHARACTERISTICS

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**

Communities of Concern Within Each County	Total Number of Workers	Car, Truck, or Van		Public Transit (Excluding Taxi)		Bicycle		Walked		Taxi, Motorcycle or Other Means		Work at Home	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	365,299	88,077	24%	227,907	62%	1,051	0%	29,770	8%	6,865	2%	11,629	3%
Kings (Brooklyn)	473,131	97,126	21%	314,793	67%	4,636	1%	37,919	8%	4,601	1%	14,056	3%
New York (Manhattan)	260,513	30,890	12%	172,830	66%	2,743	1%	37,812	15%	4,621	2%	11,617	4%
Queens	303,834	89,138	29%	179,697	59%	1,644	1%	23,194	8%	2,762	1%	7,432	2%
Richmond (Staten Island)	33,524	15,462	46%	15,177	45%	122	0%	1,239	4%	551	2%	973	3%
New York City	1,436,301	320,693	22%	910,404	63%	10,196	1%	129,934	9%	19,400	1%	45,707	3%
Putnam	-	-	-	-	-	-	-	-	-	-	-	-	-
Rockland	16,320	11,502	70%	3,167	19%	83	1%	527	3%	775	5%	266	2%
Westchester	72,811	41,258	57%	18,278	25%	126	0%	8,074	11%	3,052	4%	2,023	3%
Lower Hudson Valley	89,131	52,760	59%	21,445	24%	209	0%	8,601	10%	3,827	4%	2,289	3%
Nassau	34,396	24,246	70%	6,230	18%	187	1%	2,432	7%	572	2%	729	2%
Suffolk	13,361	11,220	84%	1,434	11%	98	1%	262	2%	165	1%	182	1%
Long Island	47,757	35,466	74%	7,664	16%	285	1%	2,694	6%	737	2%	911	2%
NYMTC Region	1,573,189	408,919	26%	939,513	60%	10,690	1%	141,229	9%	23,964	2%	48,907	3%

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


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

Communities of Concern Within Each County	Total Number of Workers	Car, Truck, or Van		Public Transit (Excluding Taxi)		Bicycle		Walked		Taxi, Motorcycle or Other Means		Work at Home	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	153,640	70,326	46%	69,722	45%	315	0%	8,228	5%	1,378	1%	3,724	2%
Kings (Brooklyn)	586,049	167,167	29%	325,807	56%	5,528	1%	54,751	9%	6,014	1%	26,712	5%
New York (Manhattan)	566,484	44,168	8%	307,585	54%	5,589	1%	138,757	24%	29,441	5%	40,204	7%
Queens	727,253	317,894	44%	346,343	48%	2,278	0%	34,910	5%	7,111	1%	19,539	3%
Richmond (Staten Island)	170,550	113,229	66%	48,370	28%	92	0%	3,825	2%	1,292	1%	3,835	2%
New York City	2,203,976	712,784	32%	1,097,827	50%	13,802	1%	240,471	11%	45,236	2%	94,014	4%
Putnam	47,539	40,846	86%	3,381	7%	24	0%	652	1%	452	1%	2,184	5%
Rockland	121,408	100,945	83%	8,931	7%	116	0%	4,564	4%	1,254	1%	5,623	5%
Westchester	367,120	255,608	70%	72,455	20%	518	0%	14,031	4%	5,027	1%	19,481	5%
Lower Hudson Valley	536,067	397,399	74%	84,767	16%	658	0%	19,247	4%	6,733	1%	27,288	5%
Nassau	599,554	462,252	77%	95,463	16%	1,823	0%	14,671	2%	4,497	1%	20,848	3%
Suffolk	695,485	612,324	88%	40,800	6%	1,578	0%	9,745	1%	6,392	1%	24,646	4%
Long Island	1,295,039	1,074,576	83%	136,263	11%	3,401	0%	24,416	2%	10,889	1%	45,494	4%
NYMTC Region	4,035,082	2,184,759	54%	1,318,857	33%	17,861	0%	284,134	7%	62,858	2%	166,796	4%

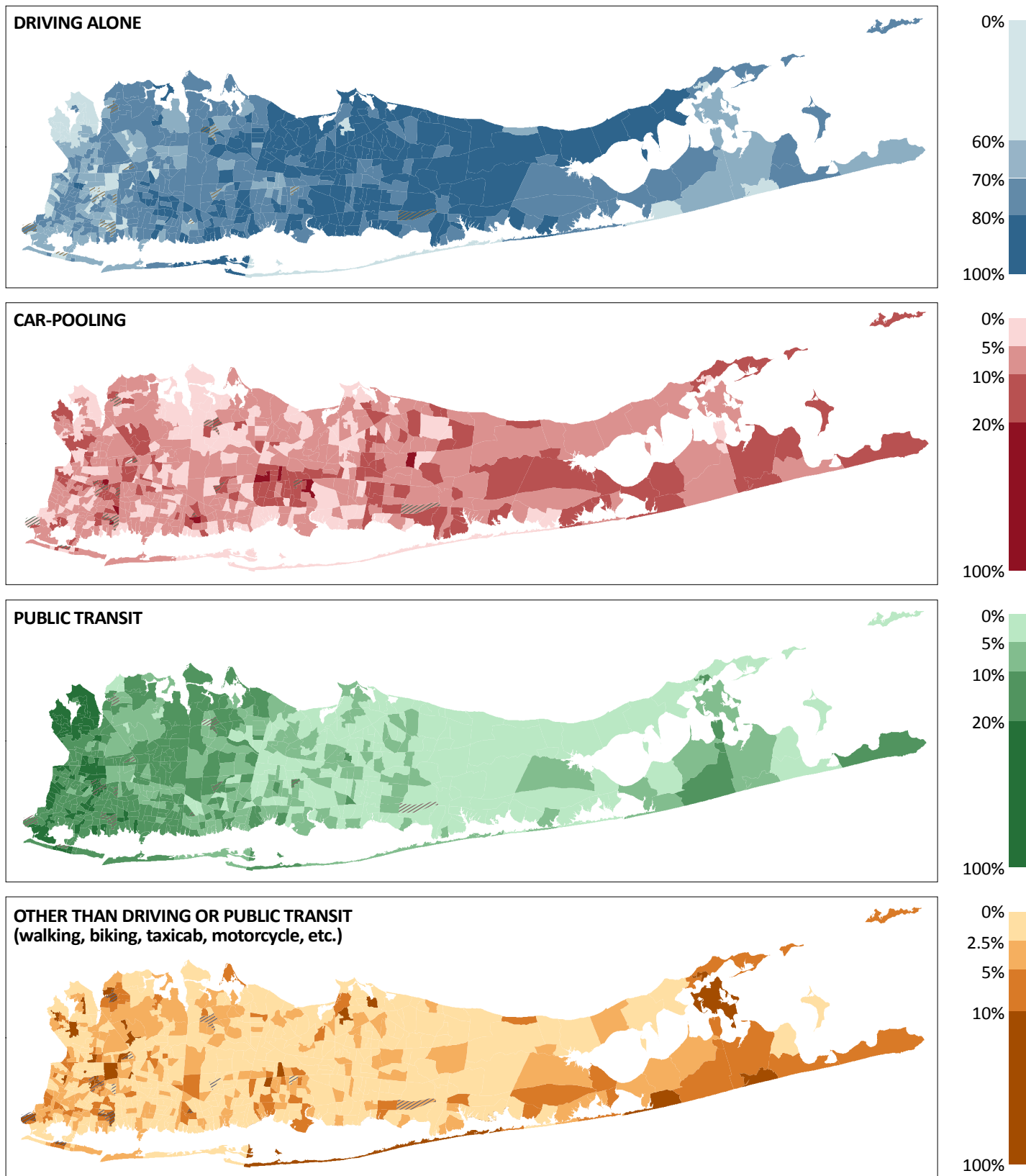
Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey

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

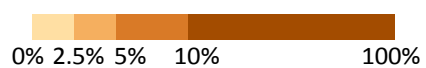
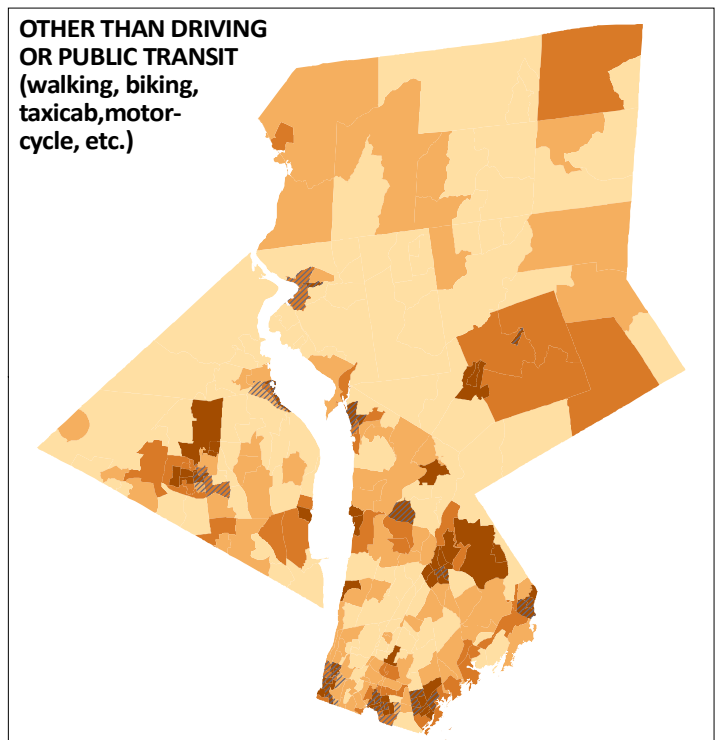
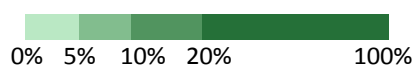
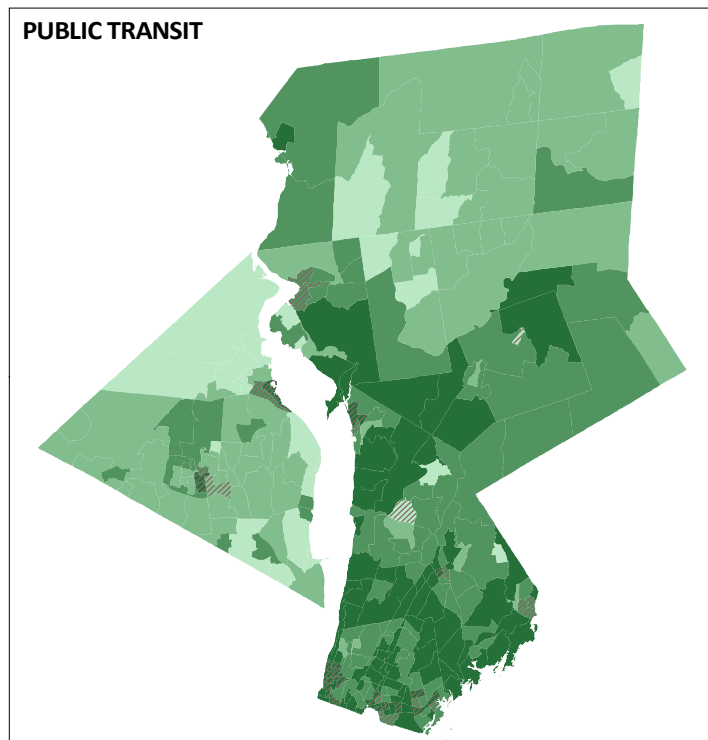
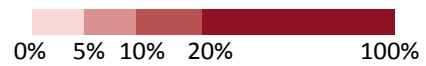
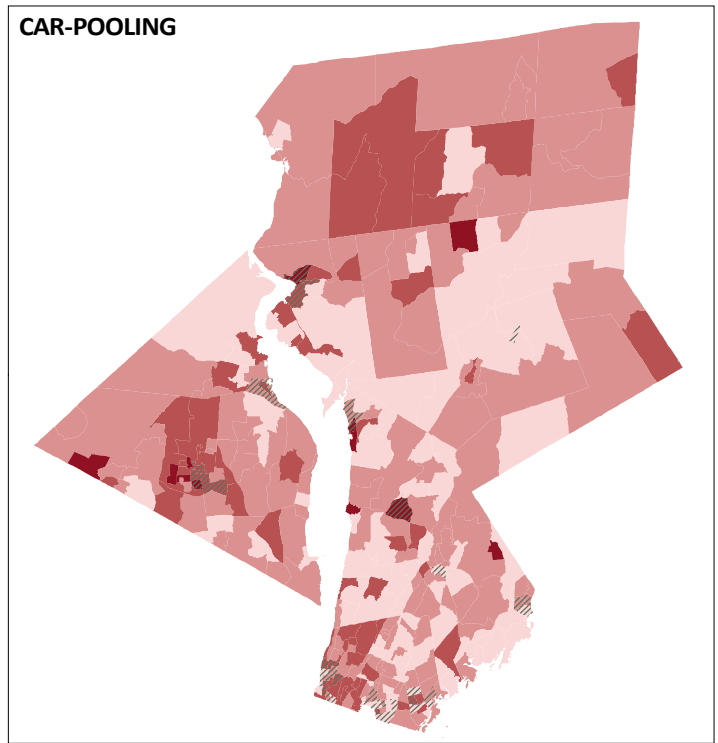
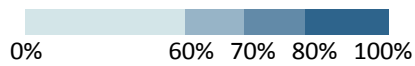
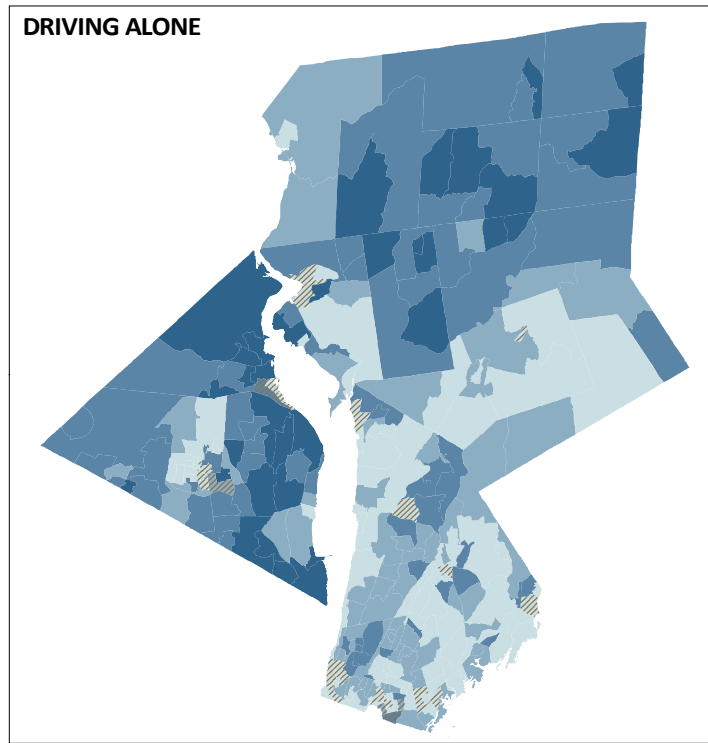


Means of Transportation to Work, Lower Hudson Valley

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


 Communities of Concern

Source: 2010 American Community Survey, 5-year estimates

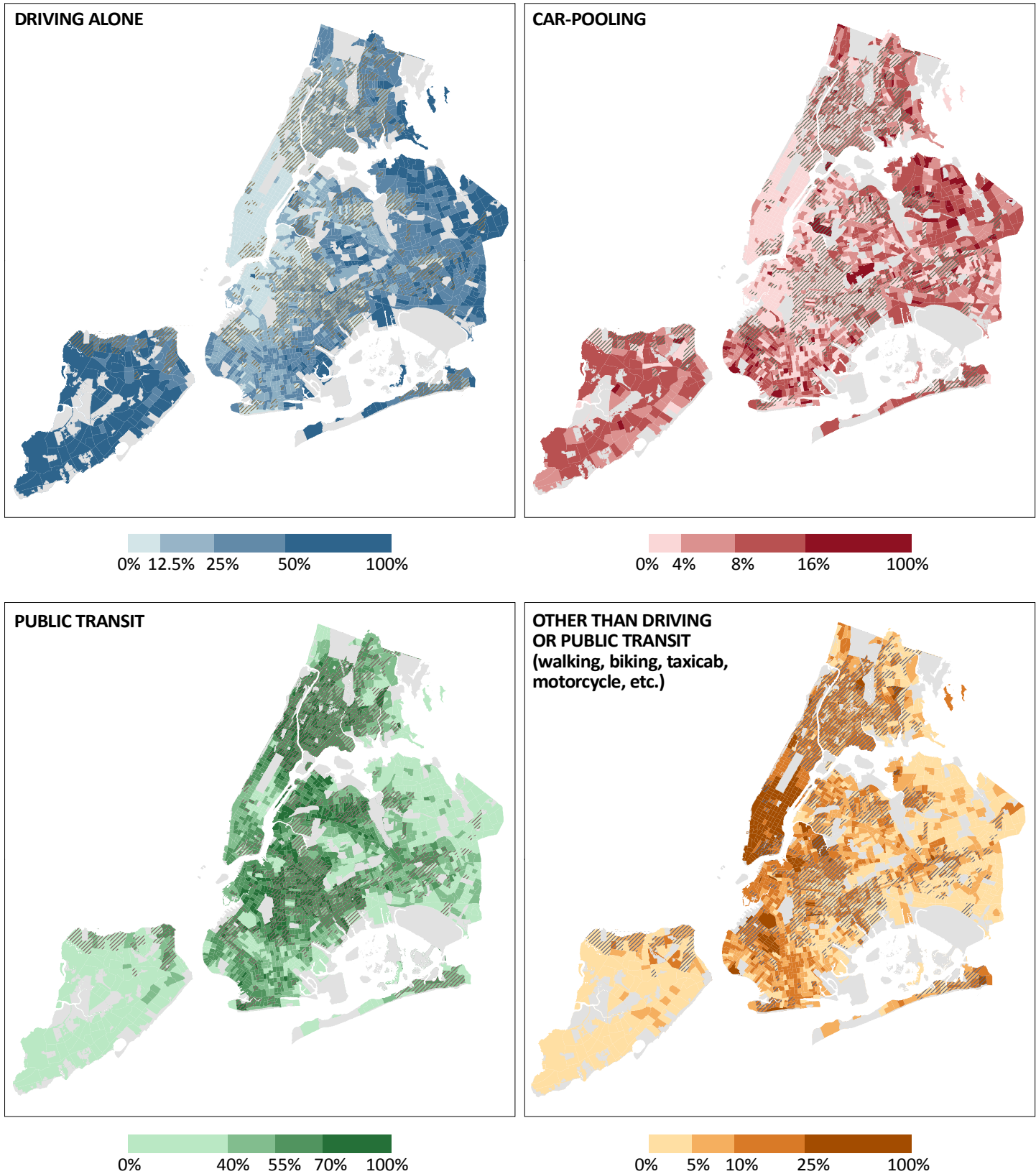


Means of Transportation to Work, New York City

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

 Communities of Concern

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**

Communities of Concern Within Each County	Total Number of Workers	Less than 15 Min.		15 to 29 Min.		30 to 44 Min.		45 to 59 Min.		60 or More Min.	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	390,748	37,078	9%	64,088	16%	82,942	21%	57,230	15%	112,332	29%
Kings (Brooklyn)	459,075	35,930	8%	73,389	16%	122,600	27%	89,817	20%	137,339	30%
New York (Manhattan)	248,896	27,610	11%	60,688	24%	81,382	33%	38,994	16%	40,222	16%
Queens	296,402	27,446	9%	50,737	17%	74,493	25%	48,290	16%	95,436	32%
Richmond (Staten Is.)	32,551	4,887	15%	6,614	20%	6,421	20%	3,844	12%	10,785	33%
New York City	1,427,672	132,951	9%	255,516	18%	367,838	26%	238,175	17%	396,114	28%
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%

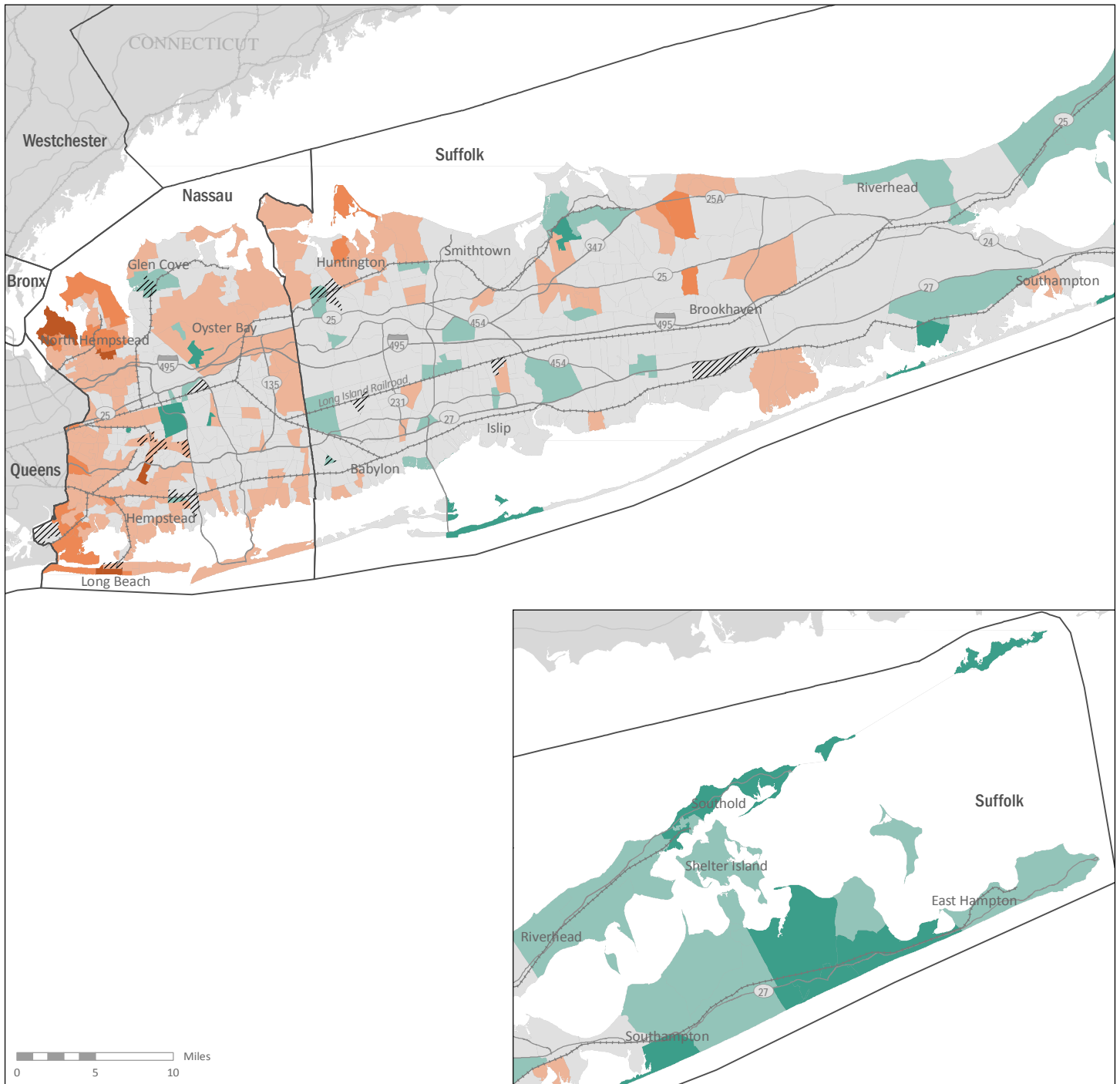
Data Source: 2010 U.S. Census Bureau & 2006-2010 American Community Survey

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

Communities of Concern Within Each County	Total Number of Workers	Less than 15 Min.		15 to 29 Min.		30 to 44 Min.		45 to 59 Min.		60 or More Min.	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	168,477	18,558	11%	32,780	19%	31,220	19%	20,065	12%	47,296	28%
Kings (Brooklyn)	559,109	61,608	11%	111,708	20%	147,907	26%	96,123	17%	141,763	25%
New York (Manhattan)	252,820	87,007	34%	198,061	78%	161,109	64%	45,216	18%	34,427	14%
Queens	708,318	69,487	10%	143,861	20%	181,840	26%	111,329	16%	201,801	28%
Richmond (Staten Is.)	166,747	24,041	14%	38,853	23%	32,216	19%	17,807	11%	53,830	32%
New York City	1,855,471	260,701	14%	525,263	28%	554,292	30%	290,540	16%	479,117	26%
Putnam	45,355	9,243	20%	11,082	24%	8,900	20%	6,639	15%	9,491	21%
Rockland	115,785	32,713	28%	34,033	29%	18,823	16%	11,369	10%	18,847	16%
Westchester	347,639	76,741	22%	101,702	29%	70,776	20%	34,611	10%	63,809	18%
Lower Hudson Valley	508,779	118,697	23%	146,817	29%	98,499	19%	52,619	10%	92,147	18%
Nassau	578,706	124,046	21%	167,852	29%	117,142	20%	50,429	9%	119,237	21%
Suffolk	670,839	172,704	26%	220,844	33%	128,671	19%	50,866	8%	97,754	15%
Long Island	1,249,545	296,750	24%	388,696	31%	245,813	20%	101,295	8%	216,991	17%
NYMTC Region	3,613,795	676,148	19%	1,060,776	29%	898,604	25%	444,454	12%	788,255	22%

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

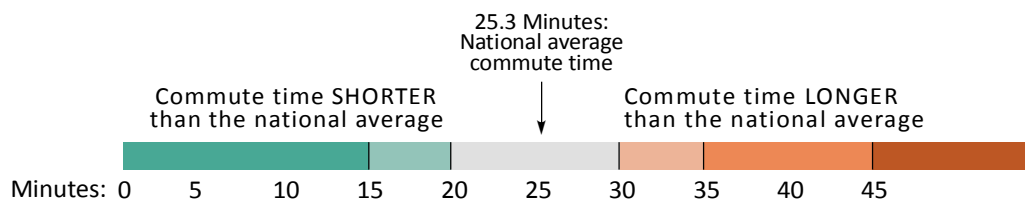
Travel Time to Work, Long Island



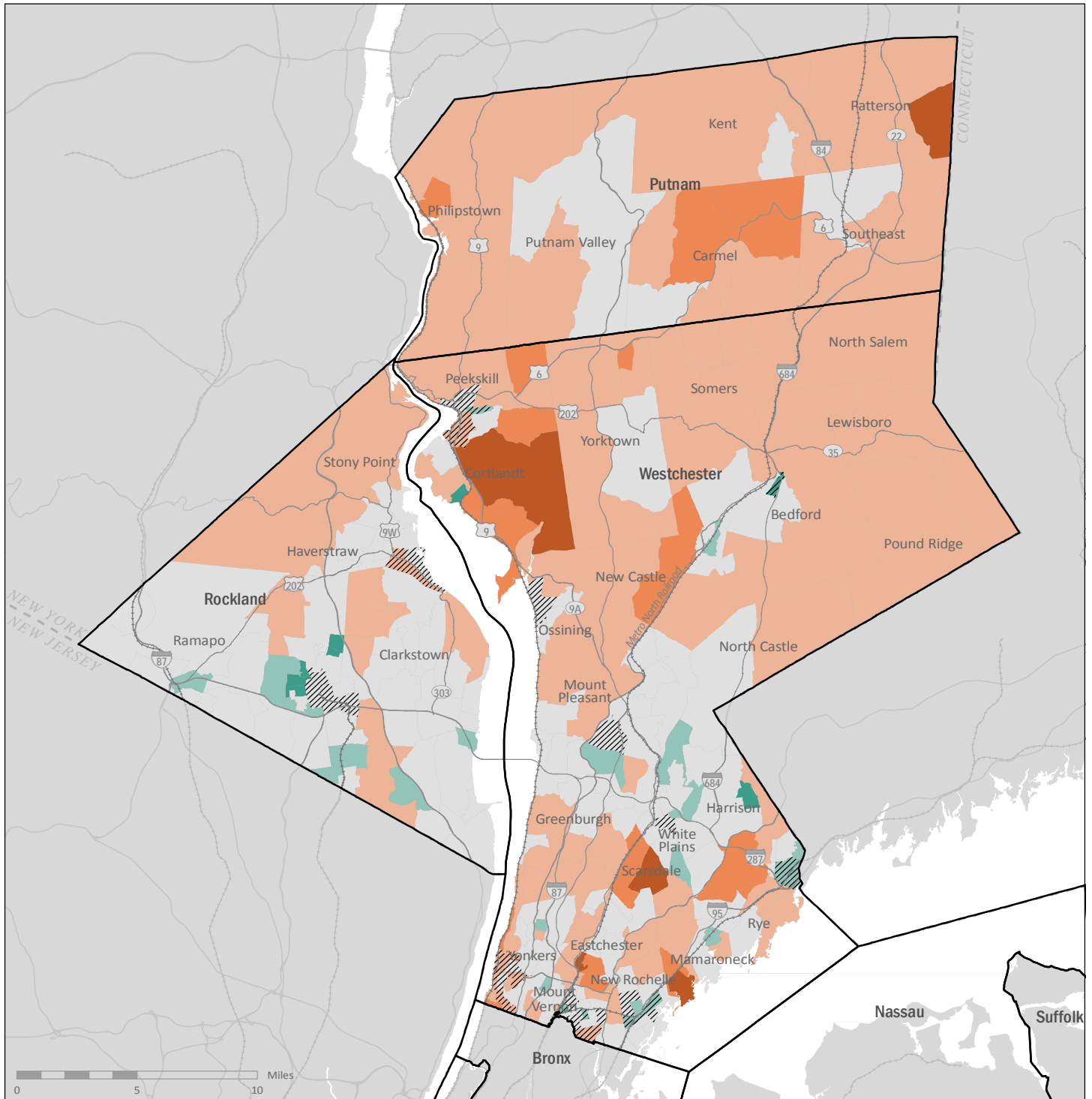
Source: 2010 American Community Survey, 5-year estimates

 **Communities of Concern**

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



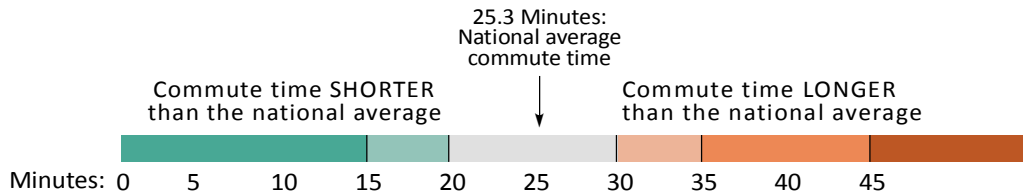
Travel Time to Work, Lower Hudson Valley



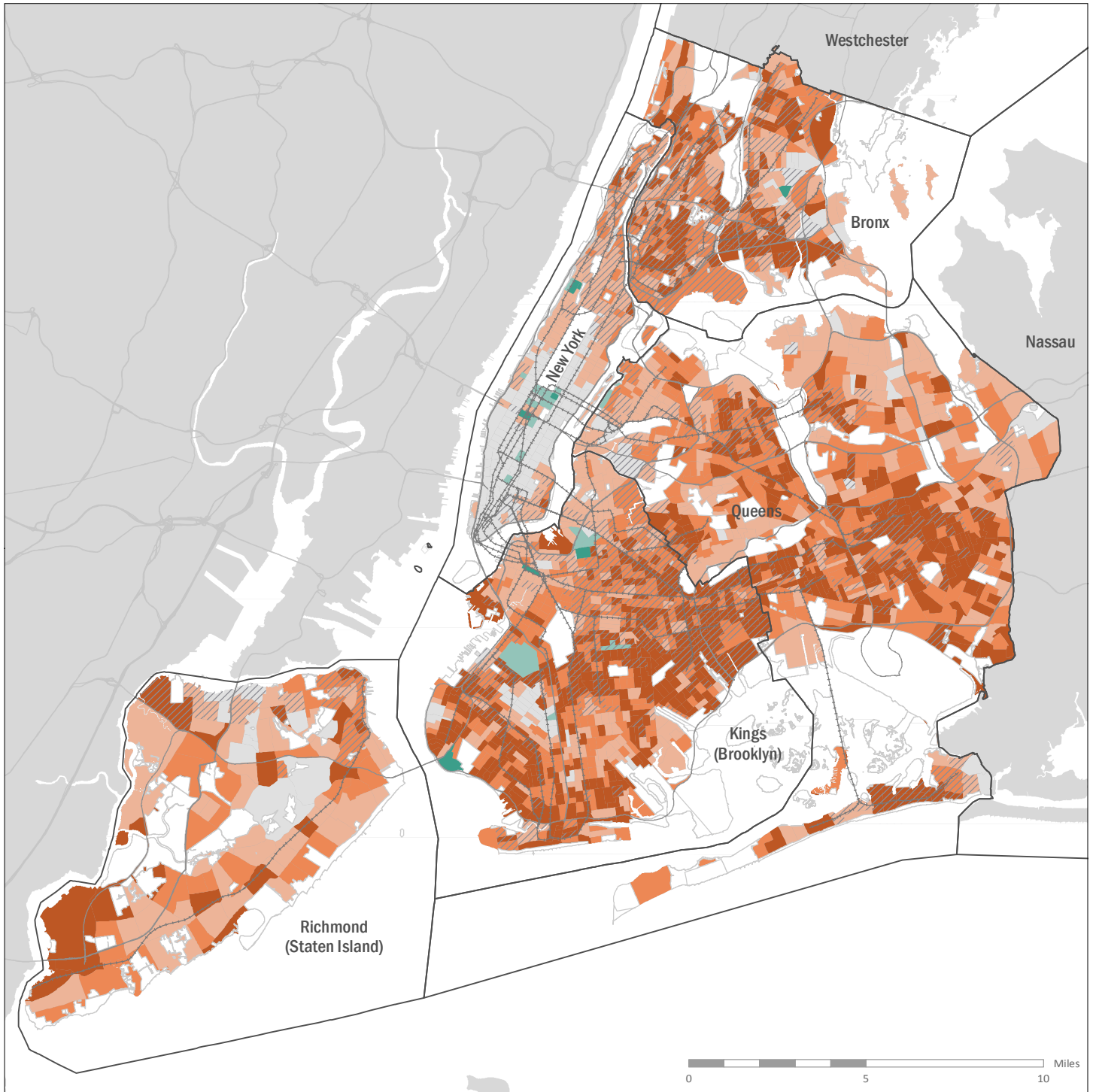
Source: 2010 American Community Survey, 5-year estimates

Communities of Concern

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



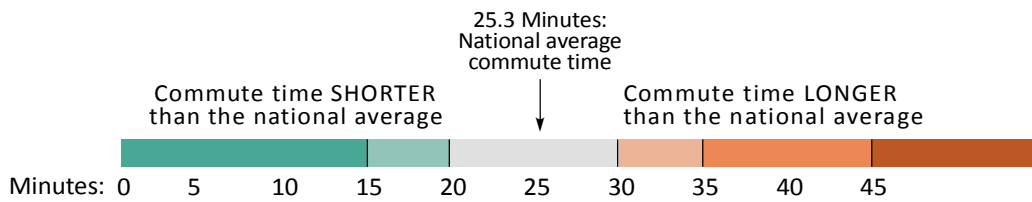
Travel Time to Work, New York City



Source: 2010 American Community Survey, 5-year estimates

 **Communities of Concern**

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



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

Household Language by Linguistic Isolation: Communities of Concern Population

Communities of Concern Within Each County	Total Households	Linguistically Isolated Households (<i>No one age 14 or over speaks English only or speaks English “very well”</i>)									
		Spanish Language		Other Indo-European Languages		Asian & Pacific Island Languages		All Other Languages		Total Linguistically Isolated Households in County	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	344,533	67,256	19.5%	4,909	1.4%	1,579	0.5%	3,230	0.9%	76,974	22%
Kings (Brooklyn)	418,658	40,015	9.6%	15,076	3.6%	12,640	3.0%	1,772	0.4%	69,503	17%
New York (Manhattan)	235,863	35,807	15.2%	2,763	1.2%	12,968	5.5%	691	0.3%	52,229	22%
Queens	221,320	32,530	14.7%	9,932	4.5%	19,489	8.8%	639	0.3%	62,590	28%
Richmond (Staten Island)	29,961	1,916	6.4%	367	1.2%	699	2.3%	190	0.6%	3,172	11%
New York City	1,250,335	177,524	14.2%	33,047	2.6%	47,375	3.8%	6,522	0.5%	264,468	21%
Putnam	-	-	-	-	-	-	-	-	-	-	-
Rockland	10,457	1,802	17.2%	710	6.8%	99	0.9%	27	0.3%	2,638	25%
Westchester	59,186	8,277	14.0%	1,534	2.6%	403	0.7%	266	0.4%	10,480	18%
Lower Hudson Valley	69,643	10,079	14.5%	2,244	3.2%	502	0.7%	293	0.4%	13,118	19%
Nassau	23,366	3,439	14.7%	439	1.9%	89	0.4%	49	0.2%	4,016	17%
Suffolk	8,686	1,011	11.6%	70	0.8%	-	0.0%	-	0.0%	1,081	12%
Long Island	32,052	4,450	13.9%	509	1.6%	89	0.3%	49	0.2%	5,097	16%
NYMTC Region	1,352,030	192,053	14.2%	35,800	2.6%	47,966	3.5%	6,864	0.5%	282,683	21%

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

Table A4.9

Household Language by Linguistic Isolation: Remainder Population

Communities of Concern Within Each County	Total Households	Linguistically Isolated Households (<i>No one age 14 or over speaks English only or speaks English "very well"</i>)									
		Spanish Language		Other Indo-European Languages		Asian & Pacific Island Languages		All Other Languages		Total Linguistically Isolated Households in County	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Bronx	127,931	4,767	3.7%	2,743	2.1%	868	0.7%	548	0.4%	8,926	7%
Kings (Brooklyn)	484,527	14,068	2.9%	53,726	11.1%	14,177	2.9%	4,501	0.9%	86,472	18%
New York (Manhattan)	496,341	8,307	1.7%	6,024	1.2%	8,924	1.8%	727	0.1%	23,982	5%
Queens	552,991	24,985	4.5%	27,985	5.1%	26,996	4.9%	2,415	0.4%	82,381	15%
Richmond (Staten Island)	134,318	1,849	1.4%	3,631	2.7%	1,600	1.2%	313	0.2%	7,393	6%
New York City	1,796,108	53,976	3.0%	94,109	5.2%	52,565	2.9%	8,504	0.5%	209,154	12%
Putnam	34,907	411	1.2%	348	1.0%	69	0.2%	13	0.0%	841	2%
Rockland	87,100	1,450	1.7%	2,533	2.9%	697	0.8%	151	0.2%	4,831	6%
Westchester	286,609	8,315	2.9%	3,993	1.4%	1,652	0.6%	303	0.1%	14,263	5%
Lower Hudson Valley	408,616	10,176	2.5%	6,874	1.7%	2,418	0.6%	467	0.1%	19,935	5%
Nassau	419,467	7,878	1.9%	6,229	1.5%	3,780	0.9%	523	0.1%	18,410	4%
Suffolk	486,603	12,053	2.5%	4,979	1.0%	2,126	0.4%	129	0.0%	19,287	4%
Long Island	906,070	19,931	2.2%	11,208	1.2%	5,906	0.7%	652	0.1%	37,697	4%
NYMTC Region	3,110,794	84,083	2.7%	112,191	3.6%	60,889	2.0%	9,623	0.3%	266,786	9%

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."

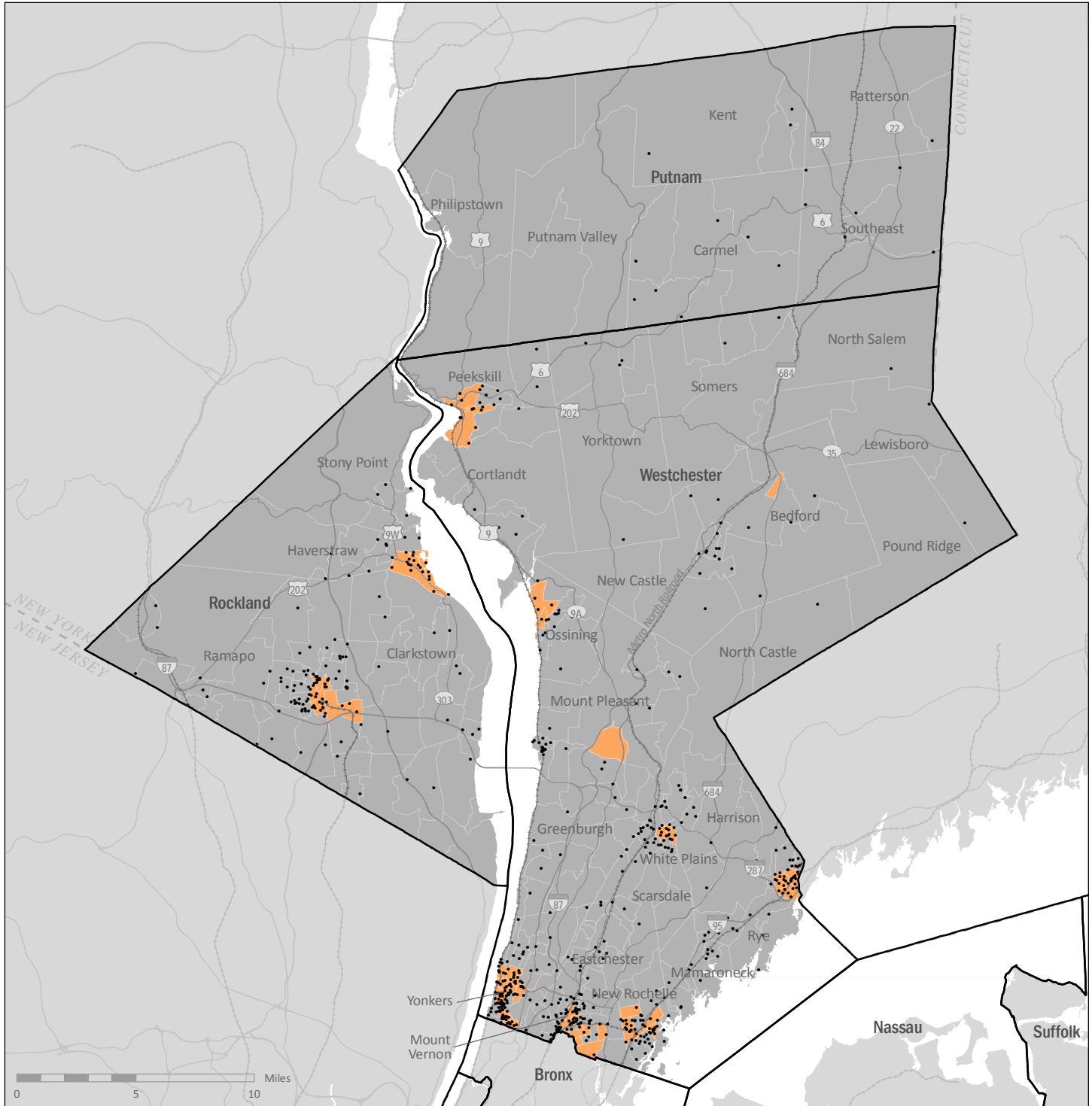
Community of Concern

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."

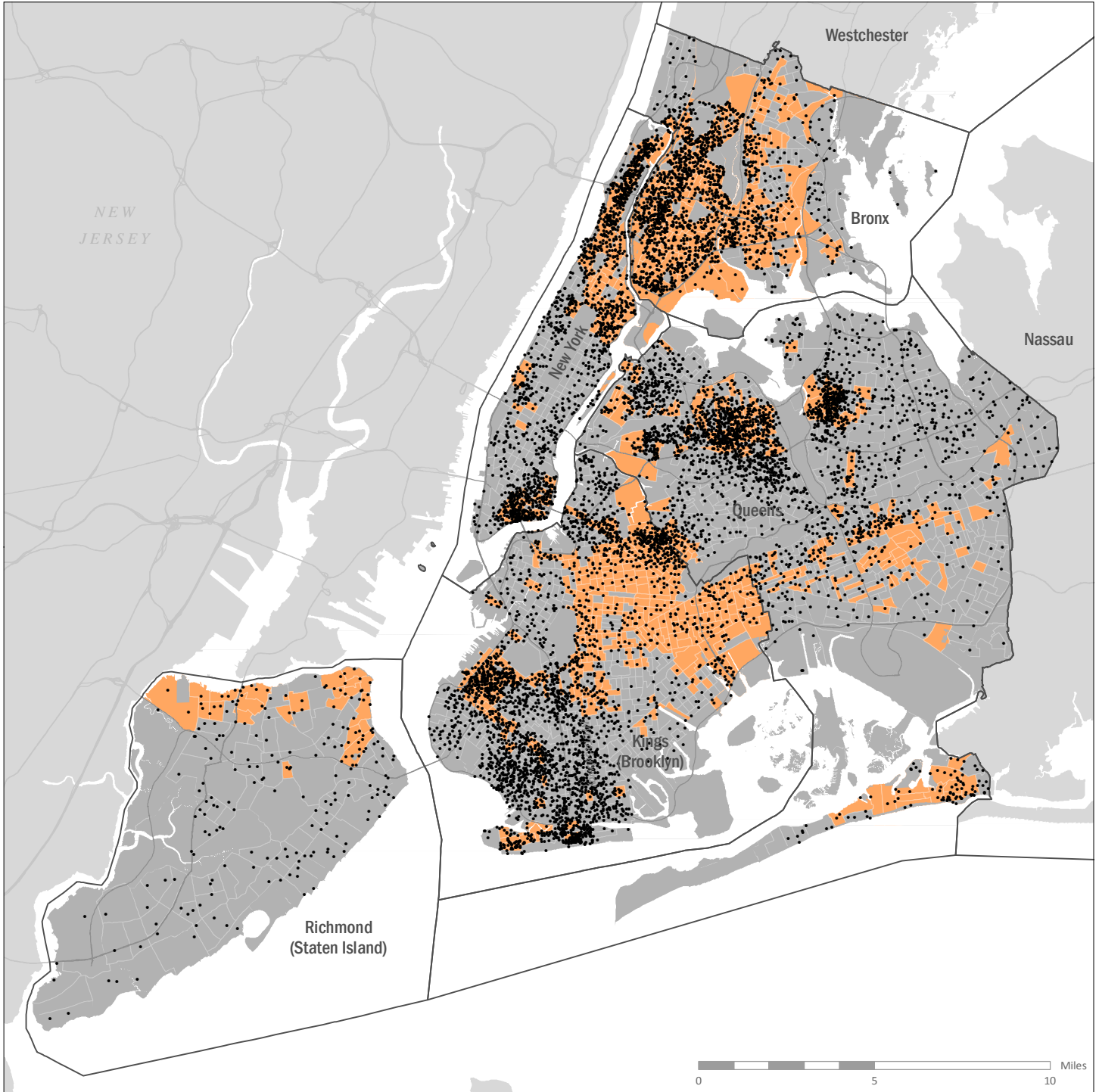
Community of Concern

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 time-frame; 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 pub-

lic 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

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 bi-monthly 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 transportation 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 plan⁶ 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-bureau/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 insure 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 on-board its buses to make service and other announcements, often in Spanish and English. (Most of the non-native Eng-

lish 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 Trans-

portation 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 Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

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

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

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

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

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

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

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

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

(1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

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

gy, and shall inform the Working Group of the process.

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

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

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

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

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

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

Sec. 2-2. Federal Agency 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

THE WHITE HOUSE, February 11, 1994.

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 man-

agement 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

potential effects, alternatives, and mitigation measures).

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

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

d. The formulation of future DOT policy statements and proposals for legislation 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 [[Page 18380]] activity of DOT because of race, color, or national origin.

b. It is DOT policy to actively administer and monitor its operations and decision 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 dispro-

portionately 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

APPENDIX D: FEDERAL HIGHWAY ADMINISTRATION ORDER 6640.23

Federal Highway Administration - Order 6640.23

FHWA ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

6640.23

December 2, 1998

Par.

1. Purpose And Authority
2. Definitions
3. Policy
4. Integrating Environmental Justice Principles With Existing Operations
5. Preventing Disproportionately High and Adverse Effects
6. Actions to Address Disproportionately High and Adverse Effects

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 meanings¹:

- 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

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 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 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.¹¹

Means of Transportation to Work:

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

Minority:

- Black (a person having origins in any of the black racial groups of Africa);
- Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
- American Indian and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).¹³

Minority Population:

Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity. Minority includes persons who are American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and other Pacific Islander.¹⁴

Travel Time to Work:

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

ENDNOTES

- 1 <http://www.epa.gov/environmentaljustice/>
- 2 http://www.fhwa.dot.gov/legsregs/directives/orders/6640_23.htm
- 3 Definition found in Appendix E
- 4 Definition found in Appendix E
- 5 Definition found in Appendix E
- 6 *Strategies for a New Age: New York State's Transportation Master Plan for 2030*, <https://www.dot.ny.gov/main/transportation-plan/transportation-plan>.
- 7 United States Department of Transportation – Order 5610.2, http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/dot56102a.pdf
- 8 U. S. Census Bureau, American Community Survey/Puerto Rico Community Survey, 2010 Subject Definitions, http://www.census.gov/acs/www/Downloads/data_documentation/SubjectDefinitions/2010_ACS-SubjectDefinitions.pdf
- 9 U.S. Census Bureau, Census 2000, Definition of Subject Characteristics, <http://www.census.gov/population/cen2000/phc-2-a-B.pdf>
- 10 United States Department of Transportation – Order 5610.2, http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/dot56102a.pdf
- 11 United States Department of Transportation – Order 5610.2, http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/dot56102a.pdf
- 12 U. S. Census Bureau, American Community Survey/Puerto Rico Community Survey, 2010 Subject Definitions, http://www.census.gov/acs/www/Downloads/data_documentation/SubjectDefinitions/2010_ACS-SubjectDefinitions.pdf
- 13 United States Department of Transportation – Order 5610.2, http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/dot56102a.pdf
- 14 United States Department of Transportation – Order 5610.2, http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/dot56102a.pdf
- 15 U. S. Census Bureau, American Community Survey/Puerto Rico Community Survey, 2010 Subject Definitions, http://www.census.gov/acs/www/Downloads/data_documentation/SubjectDefinitions/2010_ACS-SubjectDefinitions.pdf

APPENDIX 5

Appendix 5

Transportation Investment Analysis

There are no specific federal standards for conducting an EJ assessment. At this point in time NYMTC uses the analyses outlined below to determine the impacts of Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) projects on minority populations and low-income households. The Council will continue to refine the methodologies over time, with input from member agencies, other stakeholders, and the general public.

Spatial Analysis

For both the Regional Transportation Plan and the Transportation Improvement Program, NYMTC conducts a spatial analysis to represent proposed transportation projects (and in the case of the RTP also proposals and studies) in relation to minority populations and low-income households. The spatial analysis displays the geographic location of these projects, proposals and studies through a series of maps to help visualize their distribution; these maps are located in Appendix 5. The foundation maps for low-income and minority populations are derived from the EJ Analysis of the Planning Process conducted separately and found in Appendix 4. Lists of projects in the RTP and TIP could be found at: www.nymtc.org

Programmatic Analysis

In addition to the spatial analysis done as described above, RTP and TIP fiscally-constrained projects were analyzed in relation to locations of minority and low-income populations. The analyses focus on those projects that can be mapped. As expected there are area-wide and other types of projects that cannot be mapped and have associated difficulties in determining specific community benefits. However, where possible some of these projects were attributed to minority and low-income areas based on local knowledge. Many of these “un-mappable” projects may benefit both the EJ populations and non-EJ populations and as such they are identified as “Both Areas” in the analyses below.

In trying to determine the impacts and benefits of the fiscally-constrained projects transportation investments were examined on the basis of (a) per capita funding and (b) system-usage and population.

Regional Transportation Plan (RTP)

While the maps in Appendix 5 show both constrained and unconstrained projects, the analysis in Table 1 below only includes constrained projects as those are the ones that have costs attributable to them. Also the RTP’s financial analysis contains a huge block of system preservation projects/costs that are not included in this analyses, but which obviously benefit both EJ and non-EJ populations.

The analysis in Table 1 below shows that transportation investment dollars per capita are just about the same for EJ and non-EJ populations. There does not appear to be disproportionate (adverse) impacts to the protected populations from transportation investment per capita.

Table 1 – RTP Investments per Capita

RTP EJ COST ASSESSMENT FOR THE NYMTC PLANNING AREA					
		EJ Areas	Non EJ Areas	Both Areas	Total
Population		6,795,333	5,573,192		12368525
	%of total population	55%	45%		100%
Project Cost	(\$ millions)	\$8,047,036,000	\$6,738,426,000	\$174,990,000	\$14,960,452,000
	% of total RTP funds	54%	45%	1%	100%
Per capita funding		\$1,184.20	\$1,209.08		\$1,209.56

Transportation Improvement Program (TIP)

The TIP represents the first five years of the RTP and as a short-term enabling document containing more specifics on projects and cost. As such, a more detailed analysis is done on its impact to EJ and non-EJ populations.

(i) Total Funding Allocation

As indicated in Table 2 below, the analysis of transportation investment in the 2014-2018 TIP would indicate that the low-income and minority populations are receiving more benefits from transportation investment dollars per capita than non-EJ populations (again understanding that 15% of the funds was allotted to both populations). There does not appear to be disproportionate adverse impacts to protected populations from transportation investment per capita.

Table 2 – TIP 2014-2018 Investment per Capita

TIP COST ASSESSMENT NYMTC PLANNING AREA					
		EJ Areas	Non EJ Areas	Both Areas	Total
Population		6,795,333	5,573,192		12,368,525
	%of total population	55%	45%		100%
Project Cost		\$22,205,051,700	\$4,784,085,000	\$4,702,539,000	\$31,691,675,700
	% of total TIP funds	70%	15%	15%	100%
Per capita funding		\$3,267.69	\$858.41		\$2,562.28

(ii) Population, System-Usage & Investments

Table 3 below shows the total average daily trips made by EJ and non-EJ populations using transit and a grouping of highway and other modes. This table indicates that EJ populations are more likely represented among transit ridership and perhaps less likely to be contributing to roadway usage.

Table 3 – System Usage & Population

	Average Daily Trips				Total Average Daily Trips *		Population	
	Transit		Highway/Others		No.	%	No.	%
	No.	%	No.	%				
EJ Populations	939,513	42%	633,376	19%	1,572,889	28%	6,795,333	55%
Non-EJ Population	1,318,857	58%	2,716,225	81%	4,035,082	72%	5,573,192	45%
Totals	2,258,370	100%	3,349,601	100%	5,607,971	100%	12,368,525	100%

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

Using the information from Table 3, Table 4 compares the distribution of investments in the TIP to the usage of the regional transportation system by EJ and non-EJ populations and their overall proportion of the total population. In this case the EJ population which represents a greater percentage of the total population is receiving a greater share of transportation investments, although making fewer trips than the non-EJ population. This factor may be influenced by the fact that a larger share of TIP investments is transit-based, and the major transit system lies with larger concentrations of minority and low income populations. There appears to be no disproportionate impacts to the protected populations from TIP investments based on system-usage and population size.

Table 4 – Investments, System-Usage & Population

	TIP Funding		% Average Daily Trips *	% of Total Regional Population
	(\$ million YOY)	%		
EJ Areas/Populations	\$22,205.05	70%	28%	55%
Non-EJ Areas/Populations	\$4,784.09	15%	72%	45%
Sub-Total	\$26,989.14		100%	100%
Non-Codable Projects/Both Areas	\$4,702.70	15%		
Total	\$31,691.84			

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

Congestion

One of the performance measures analyzed in NYMTC’s Congestion Management Process (CMP) is Vehicle Miles of Travel (VMT). Using this measure, an analysis was done across the regional highway network for the morning (AM) peak period, to look at congestion impacts in the NYMTC planning area and to determine if EJ areas bear a greater burden compared to the rest of the planning area. Table 5 below shows the results of this analysis.

The per capita VMT in EJ areas is less than that of the non-EJ areas and may indicate that there is no undue congestion burden in these areas. However, this assessment is somewhat coarse, and among other factors has to be considered with the limitations of the travel demand

model used to generate the VMT information i.e. the composition of the base highway network assessed by the model. Maps of the congested roadway network overlaid over the EJ and non-EJ (mapped) areas are located in Appendix 5.

Table 5: Vehicle Miles of Travel (VMT) Assessment for NYMTC Planning Area

		EJ Areas	Non EJ Areas	Total
Population		6,795,333	5,573,192	12368525
	% of total population	55%	45%	100%
VMT		17,639,268.70	23,599,157.74	41,238,426.44
	% of total AM VMT	43%	57%	100%
Per capita		2.60	4.23	3.33

APPENDIX 5

MAPS

**RTP SPATIAL ANALYSIS
OF PROJECTS, PROPOSALS & STUDIES**



RTP Projects Bronx County

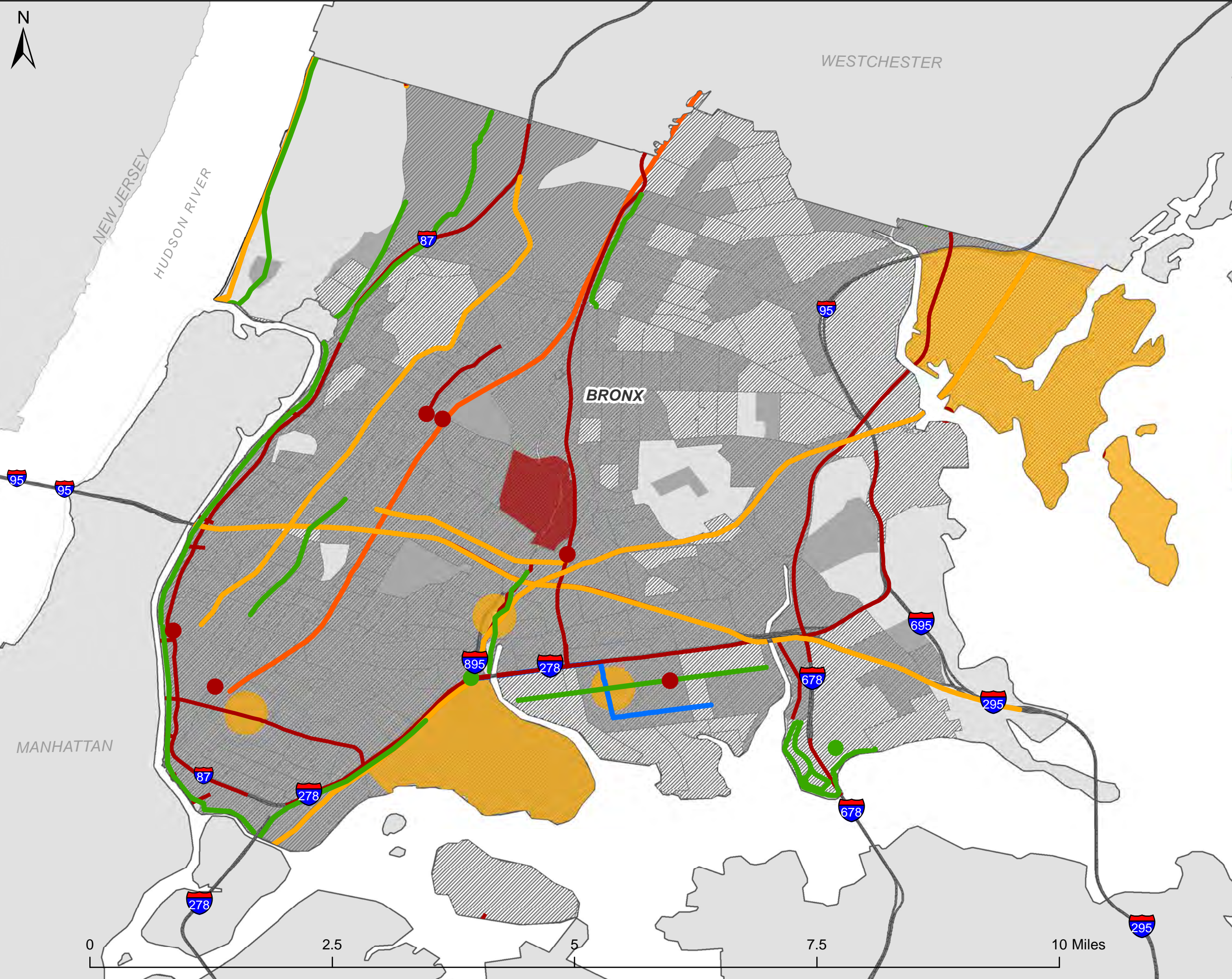
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Kings County

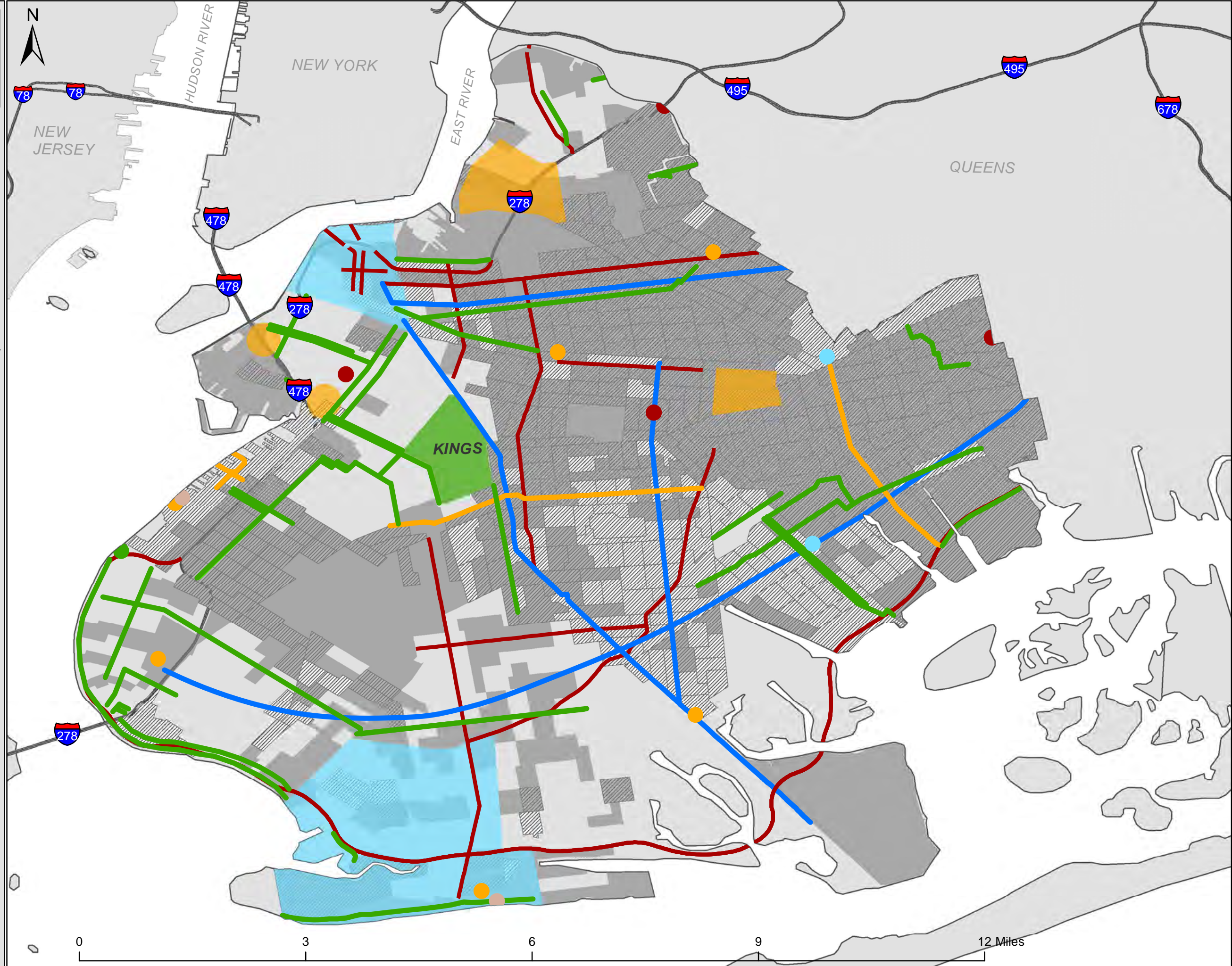
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects New York County

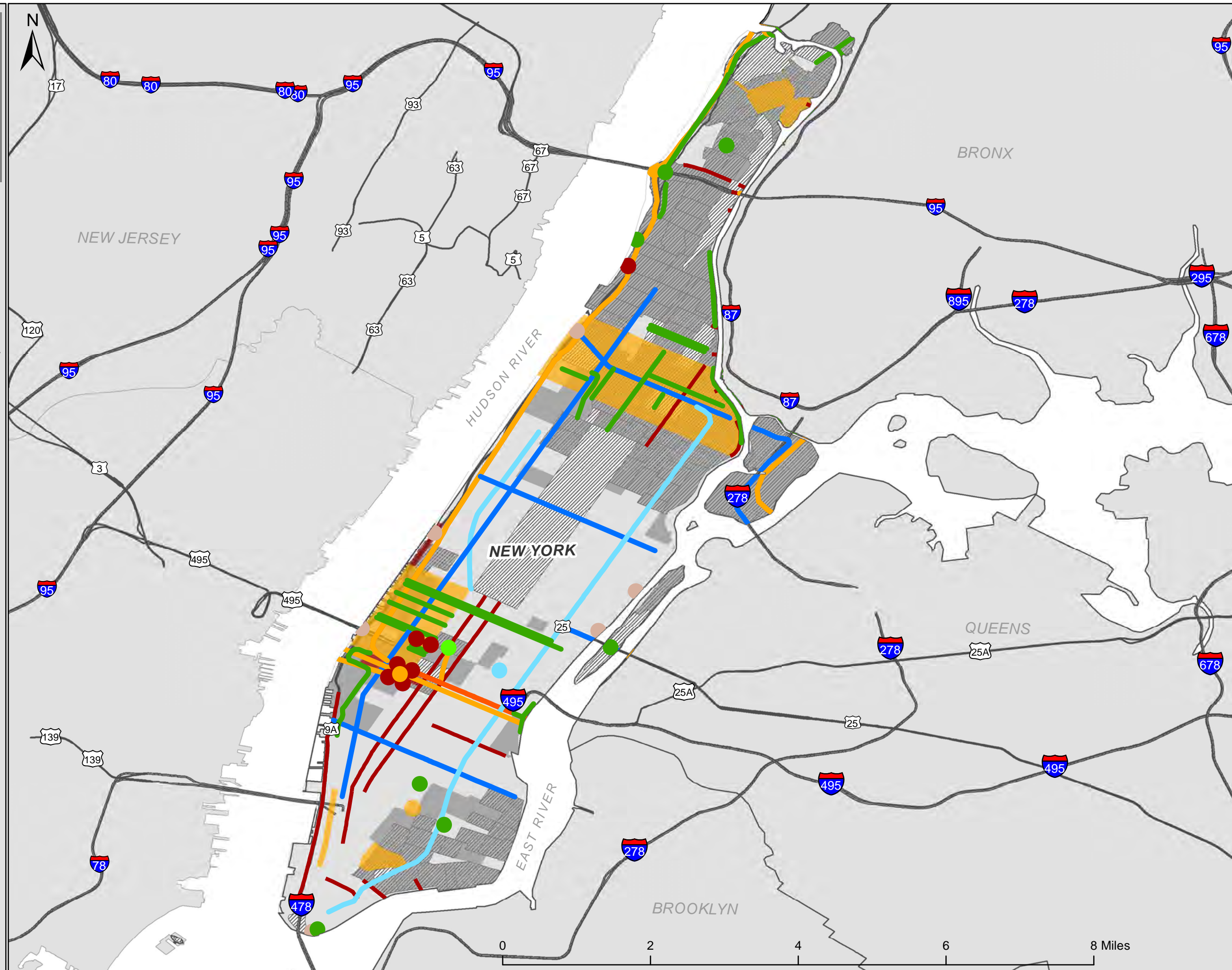
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Queens County

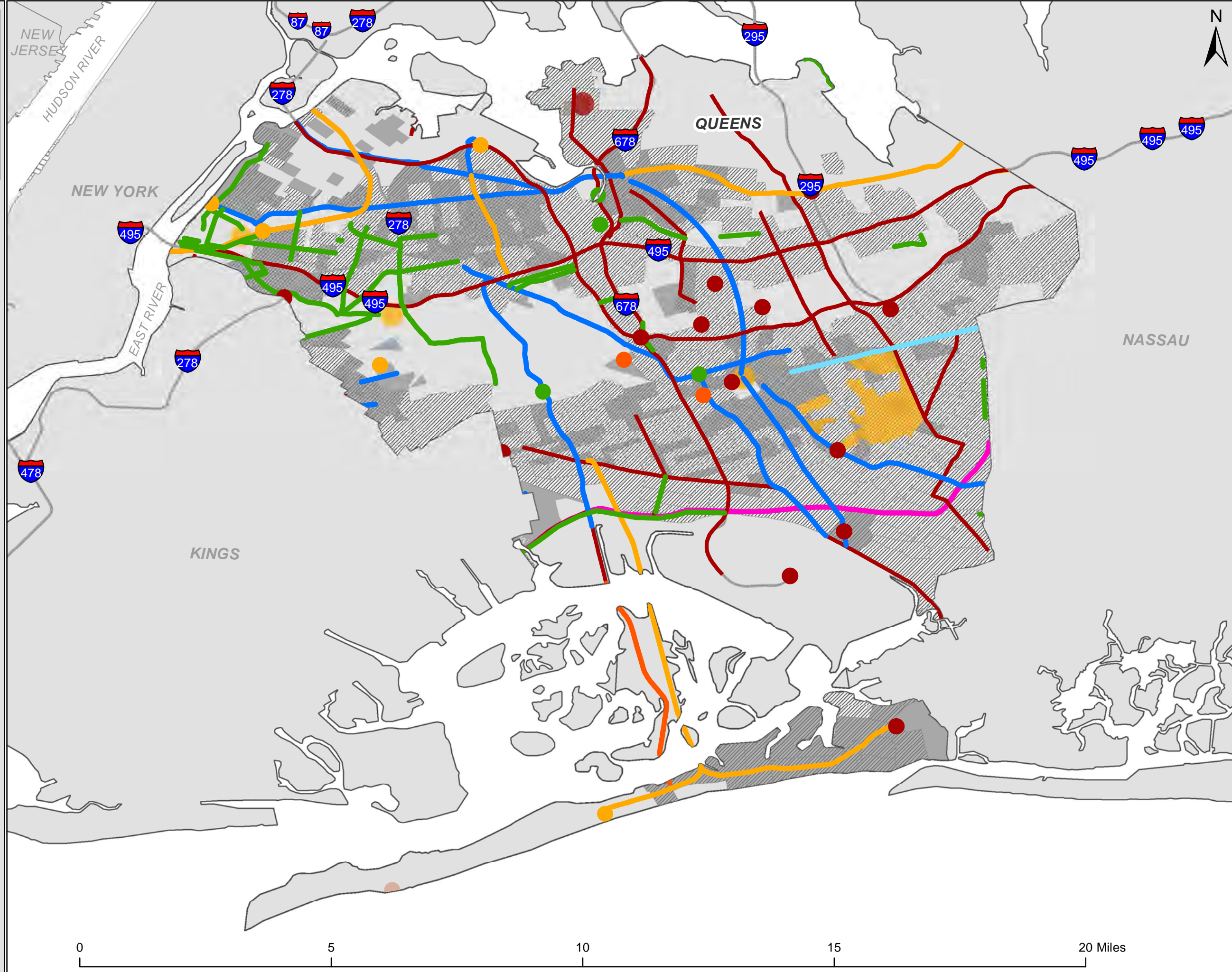
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Richmond County

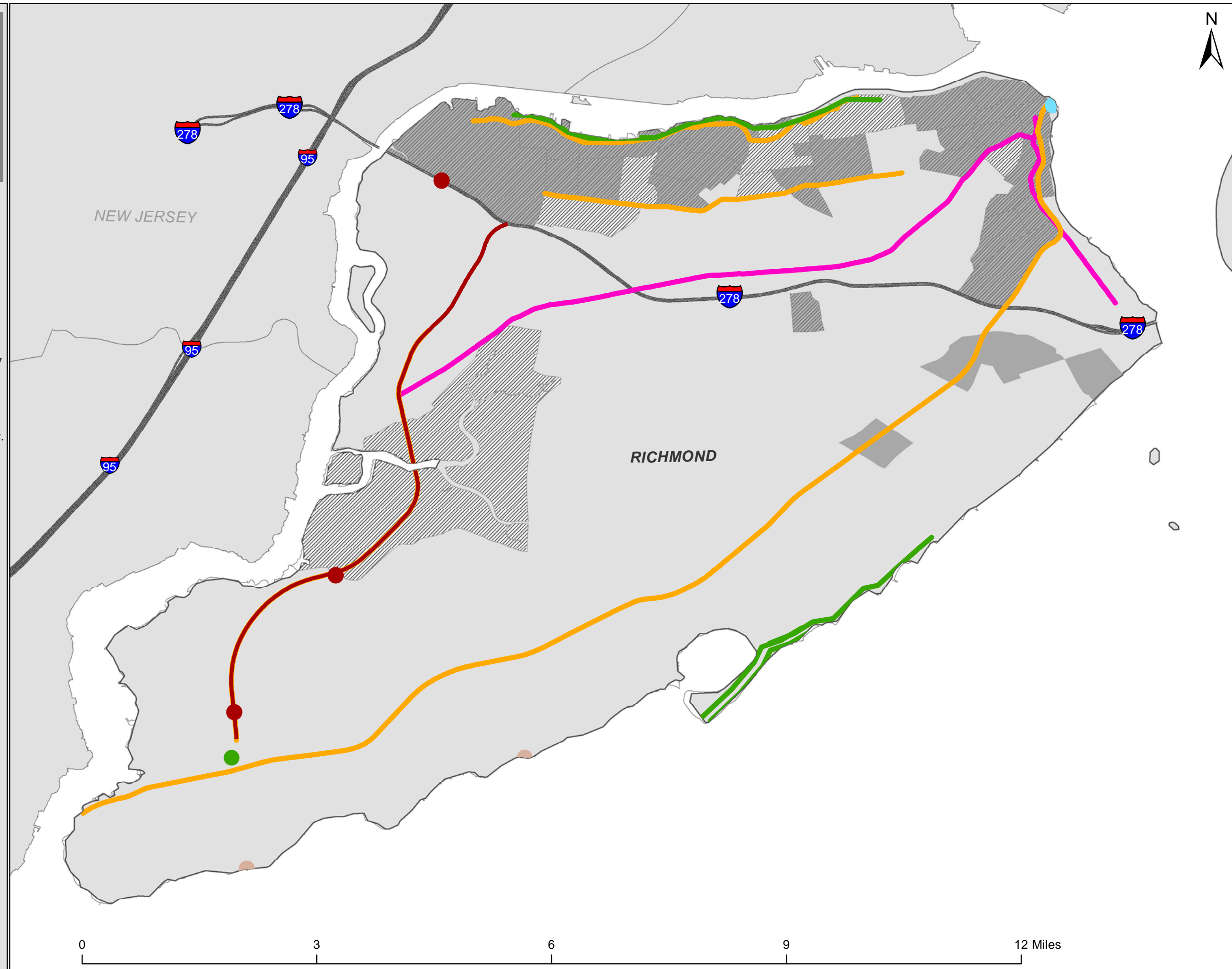
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Nassau County

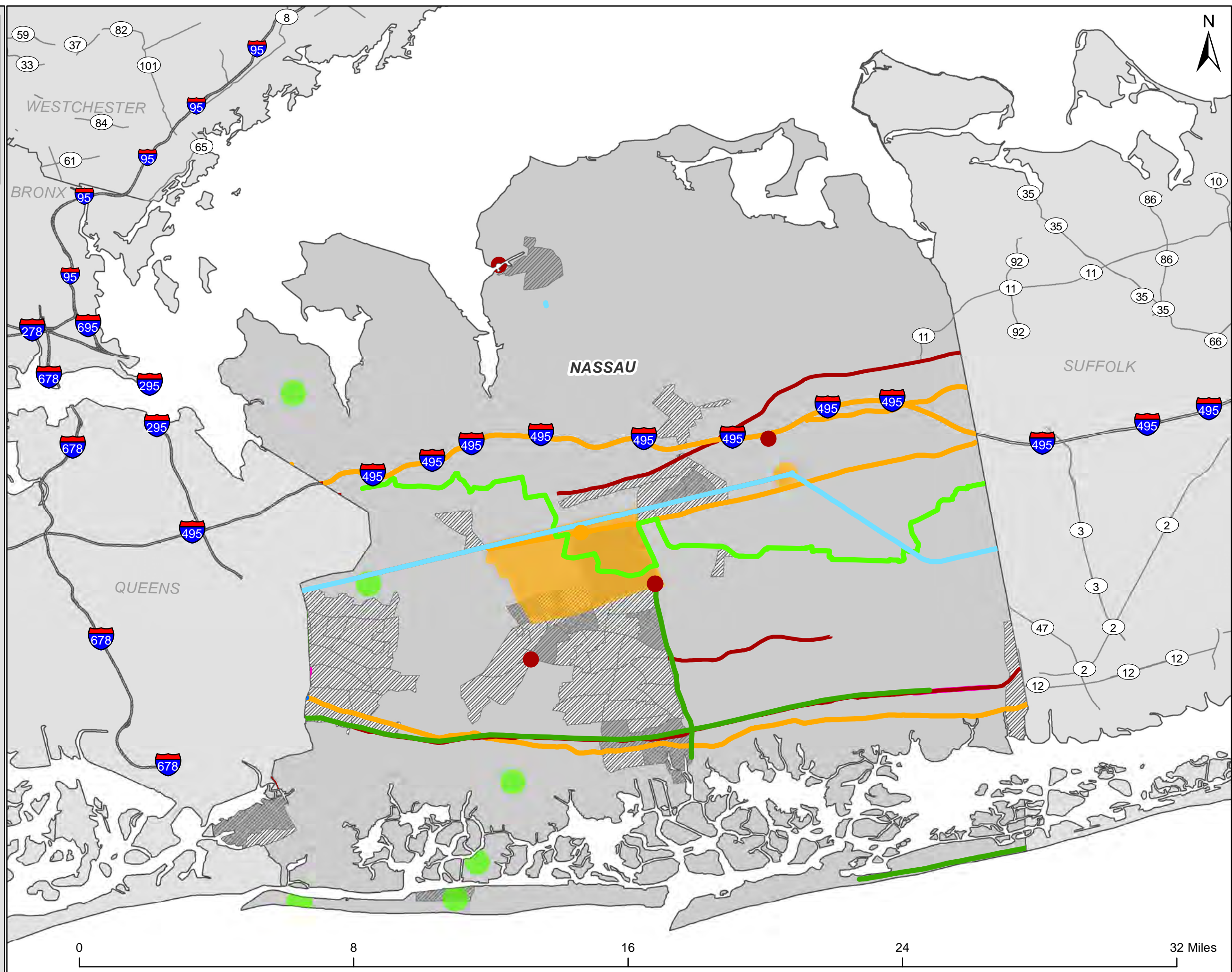
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Suffolk County

LEGEND

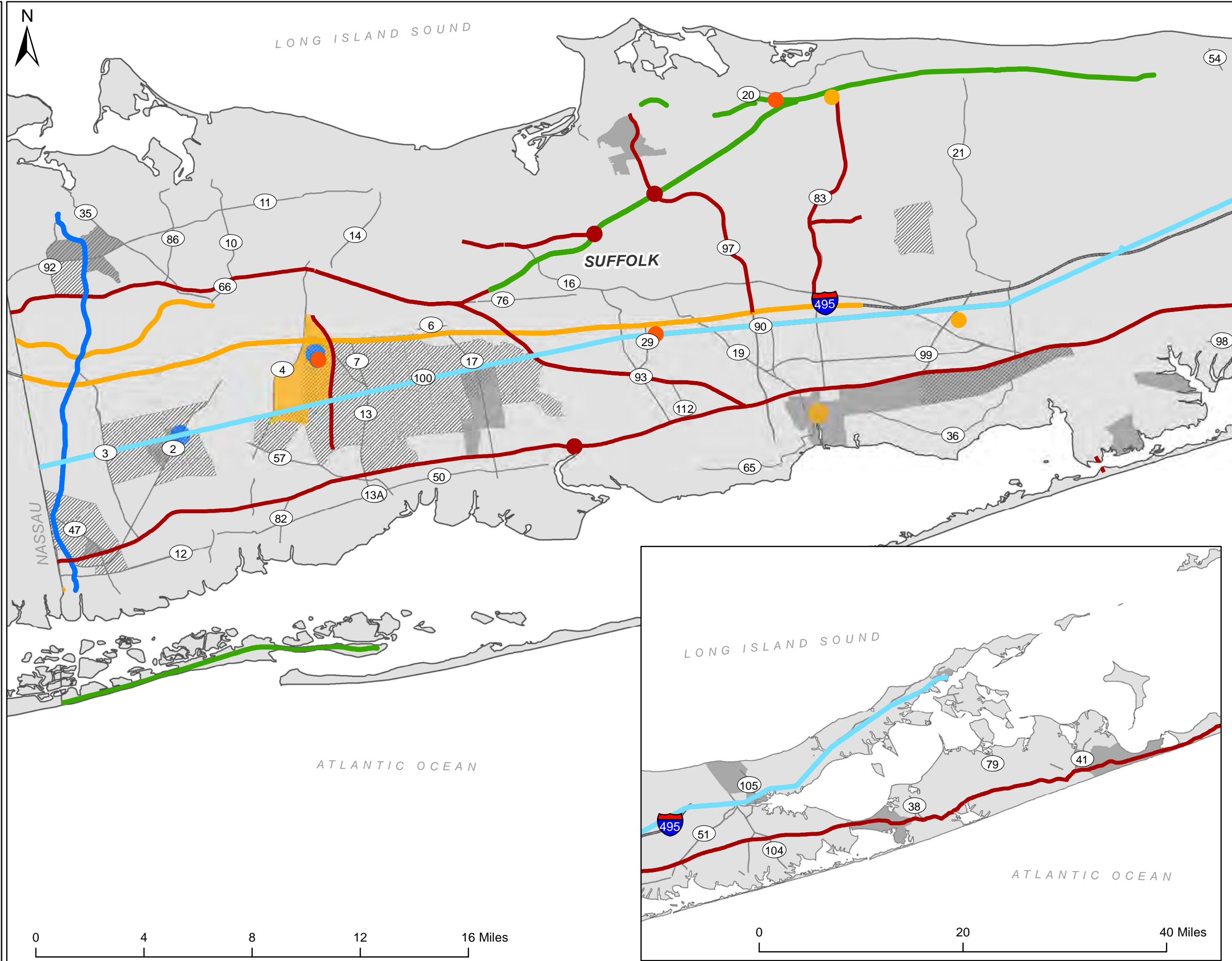
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Putnam County

LEGEND

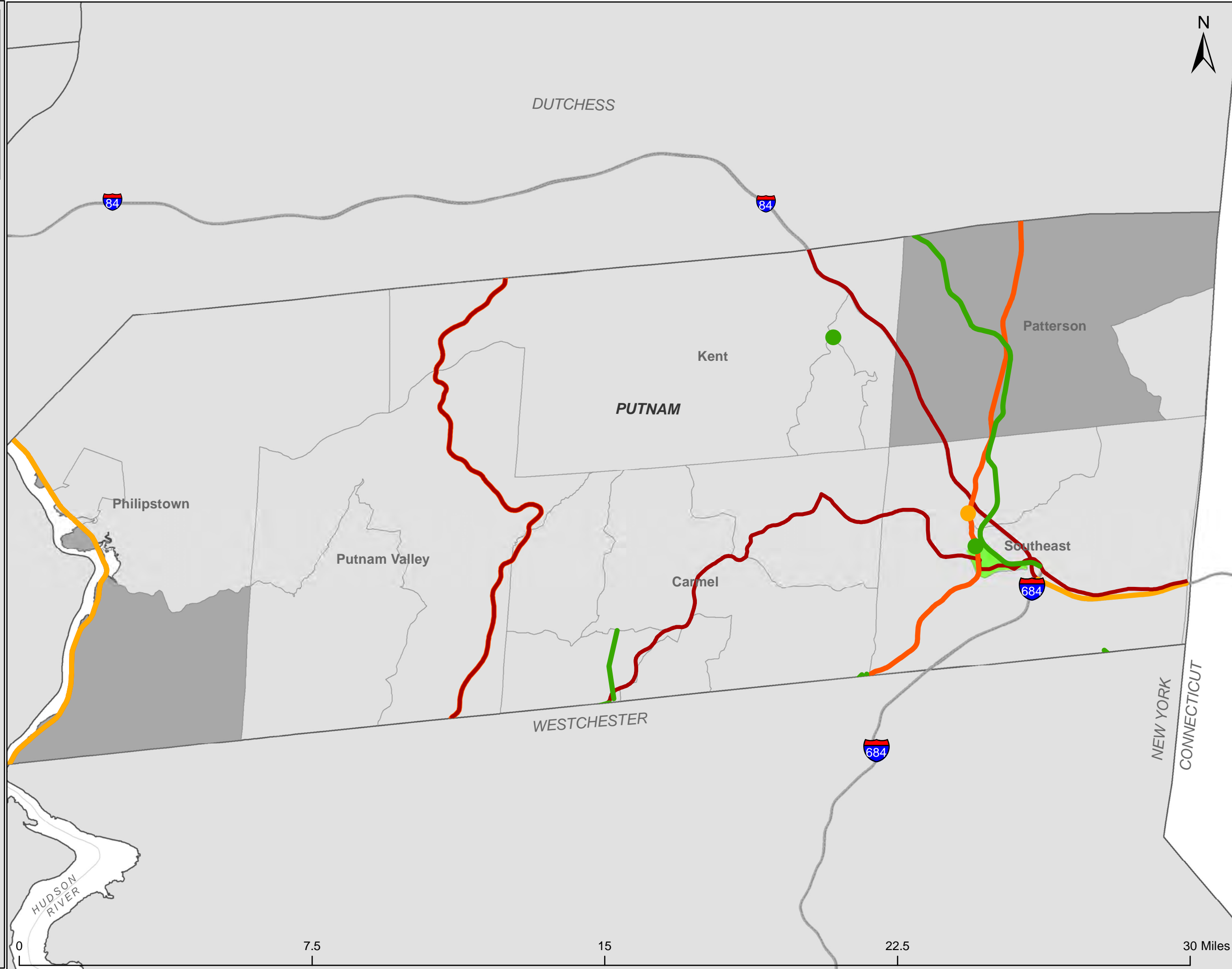
 Minority Community

 Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK





RTP Projects Rockland County

LEGEND

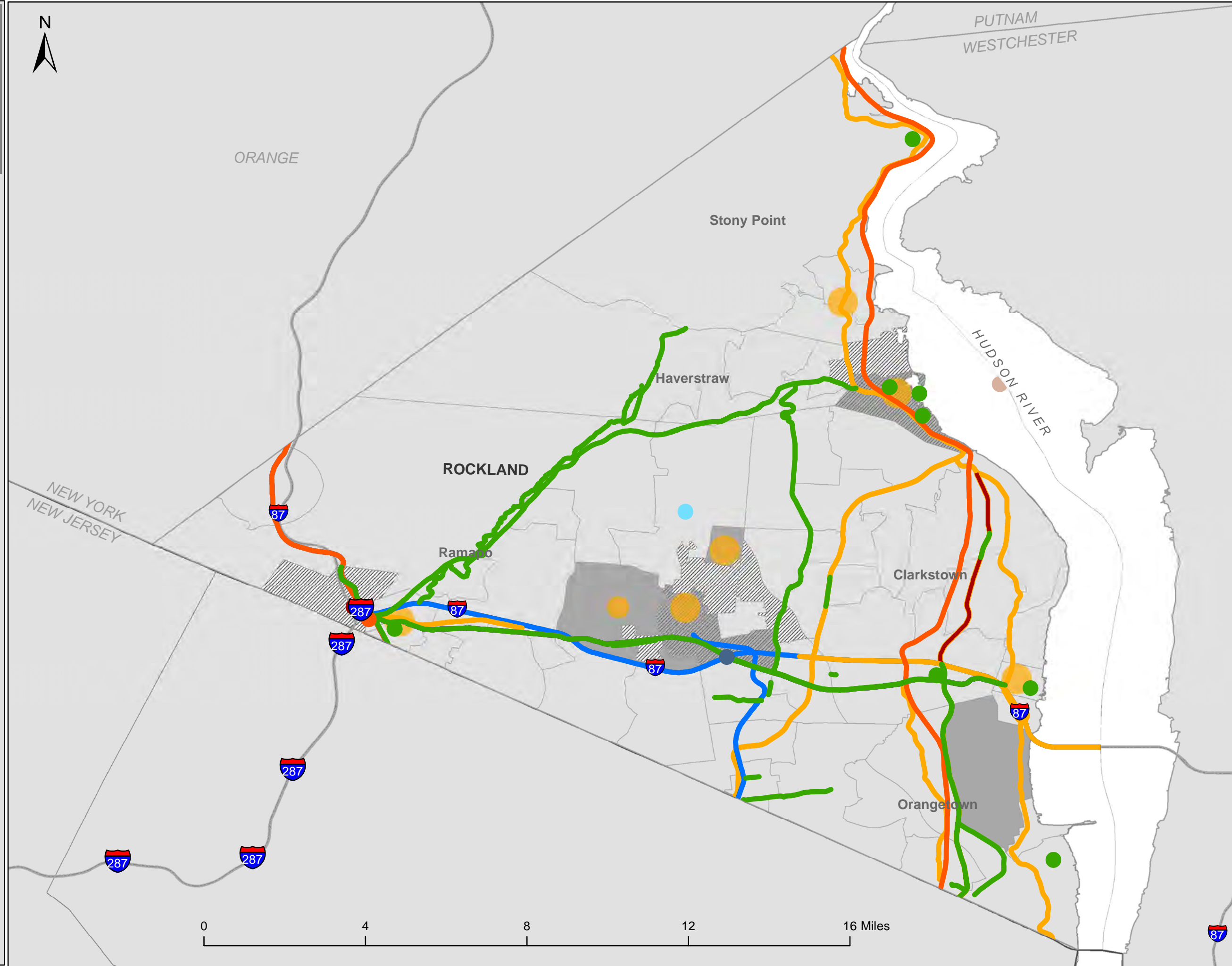
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Westchester County

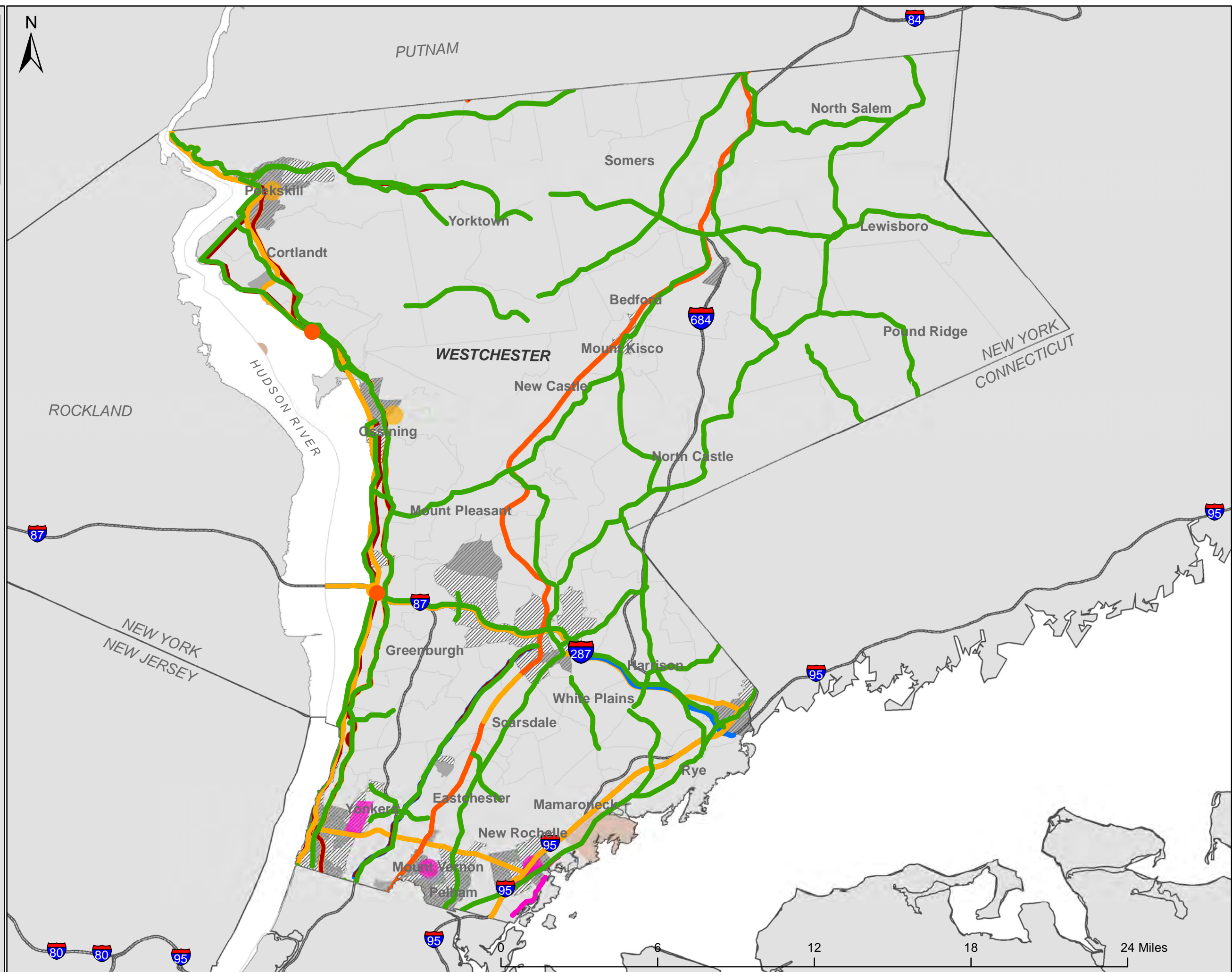
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



TIP SPATIAL ANALYSIS OF PROJECTS



TIP Projects Bronx County

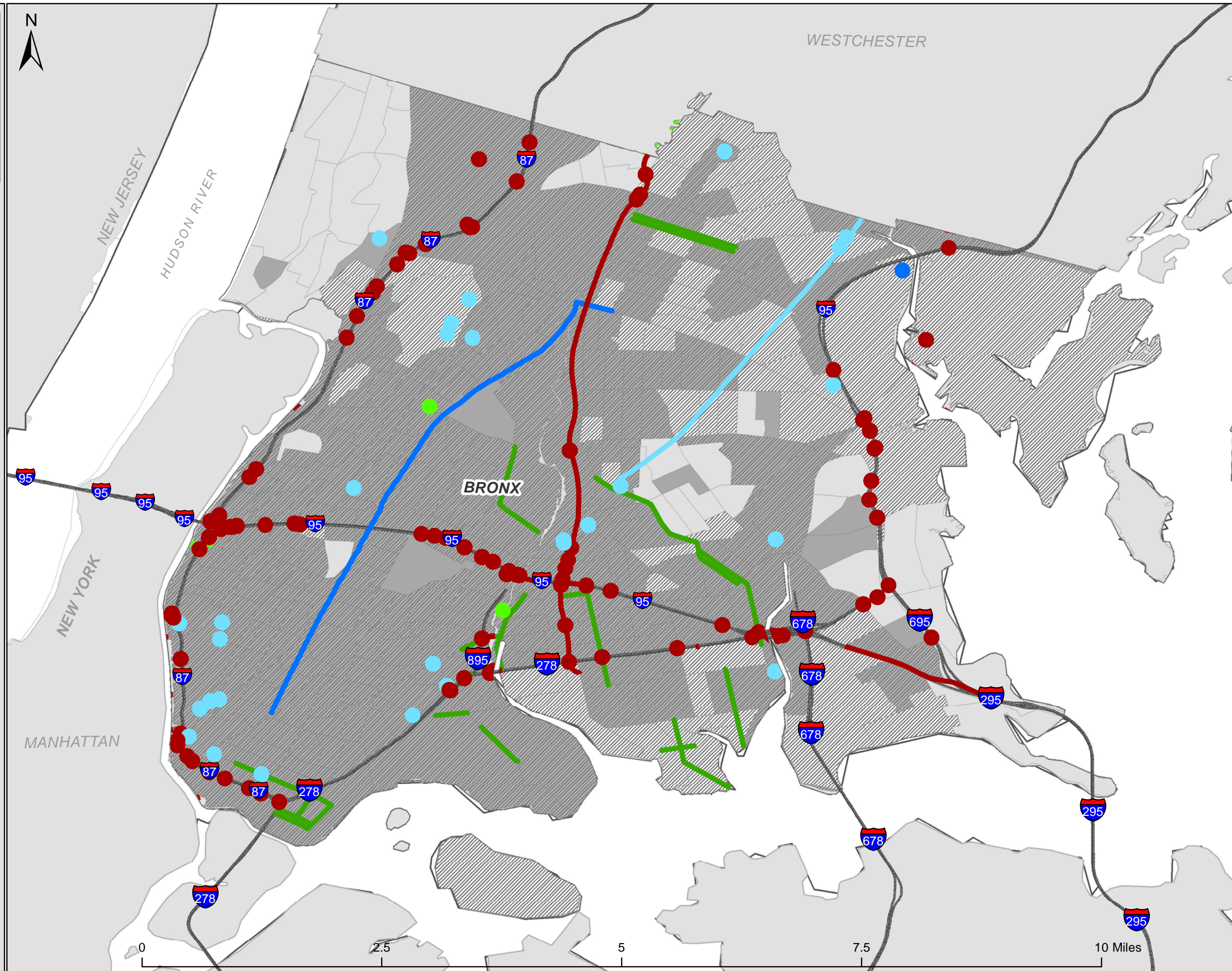
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects Kings County

LEGEND

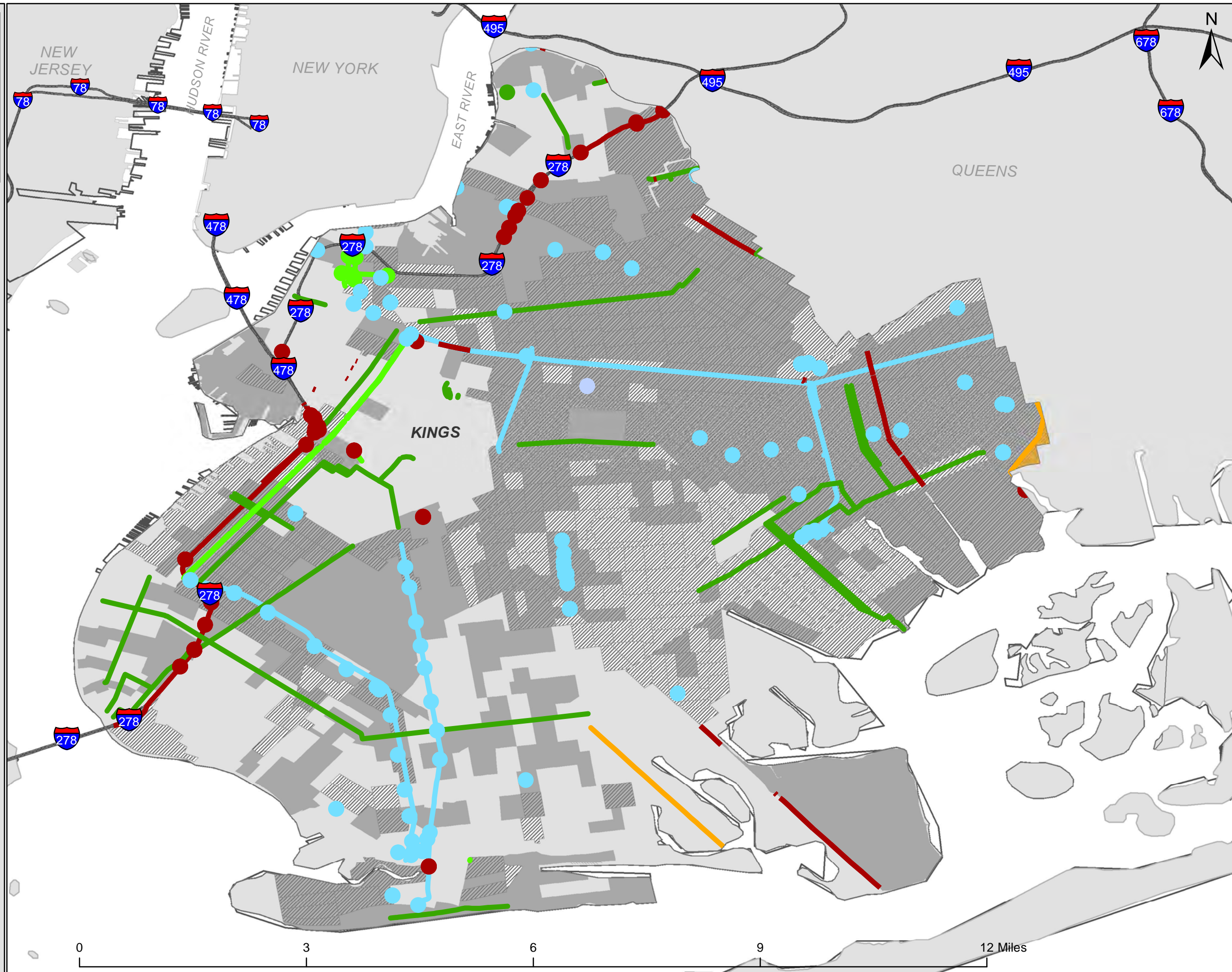
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects New York County

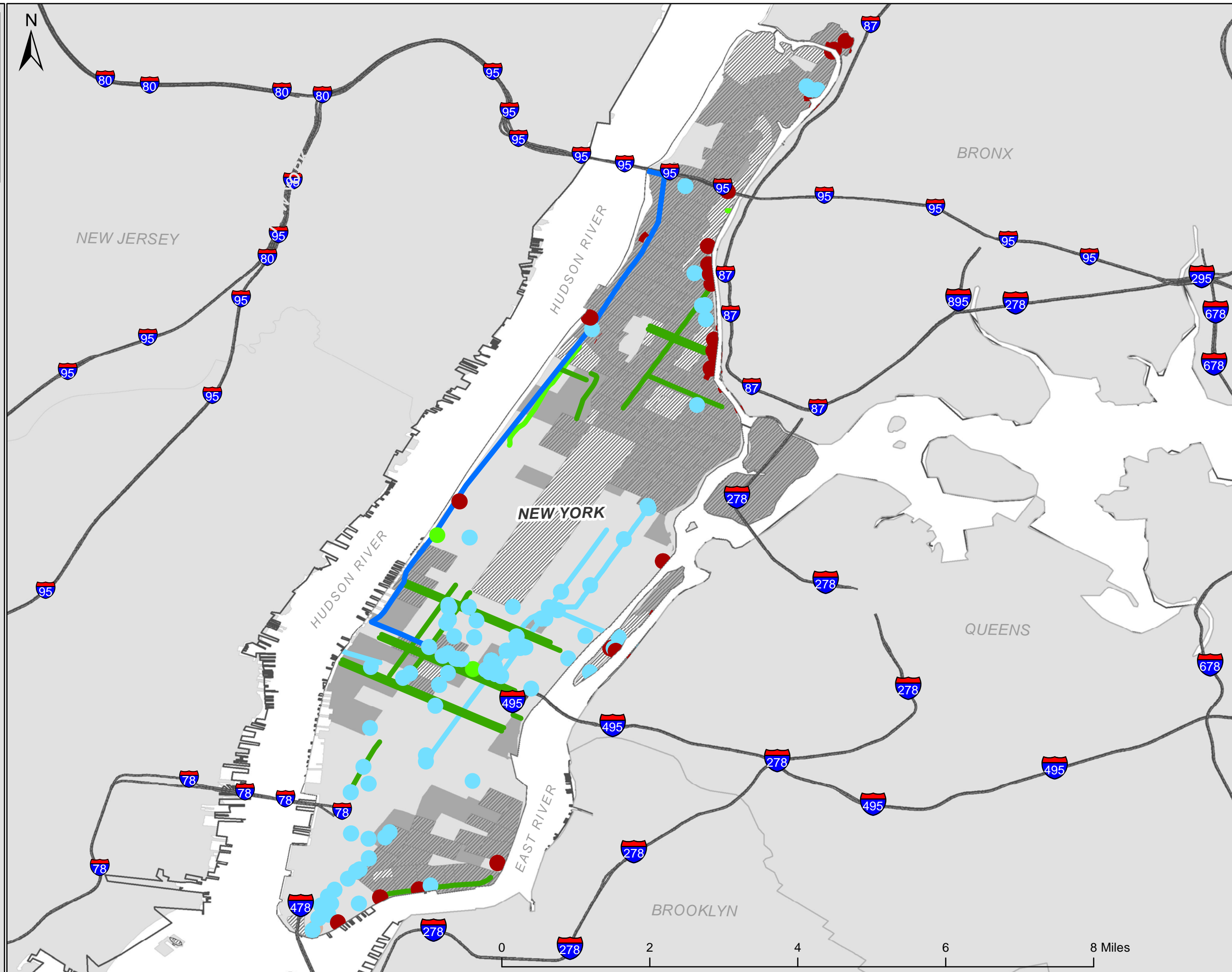
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK






TIP Projects Queens County

LEGEND

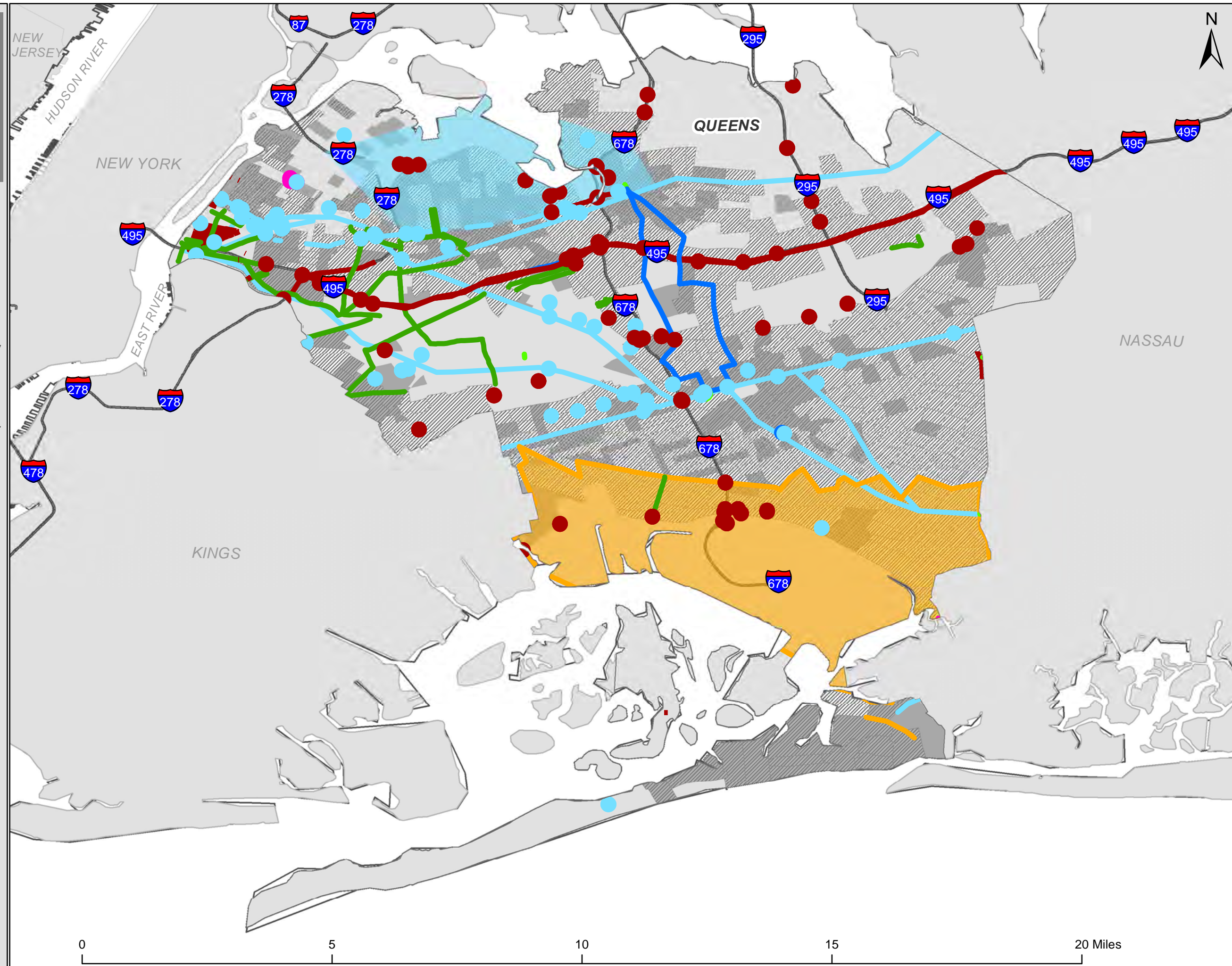
 Minority Community

 Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK





TIP Projects Richmond County

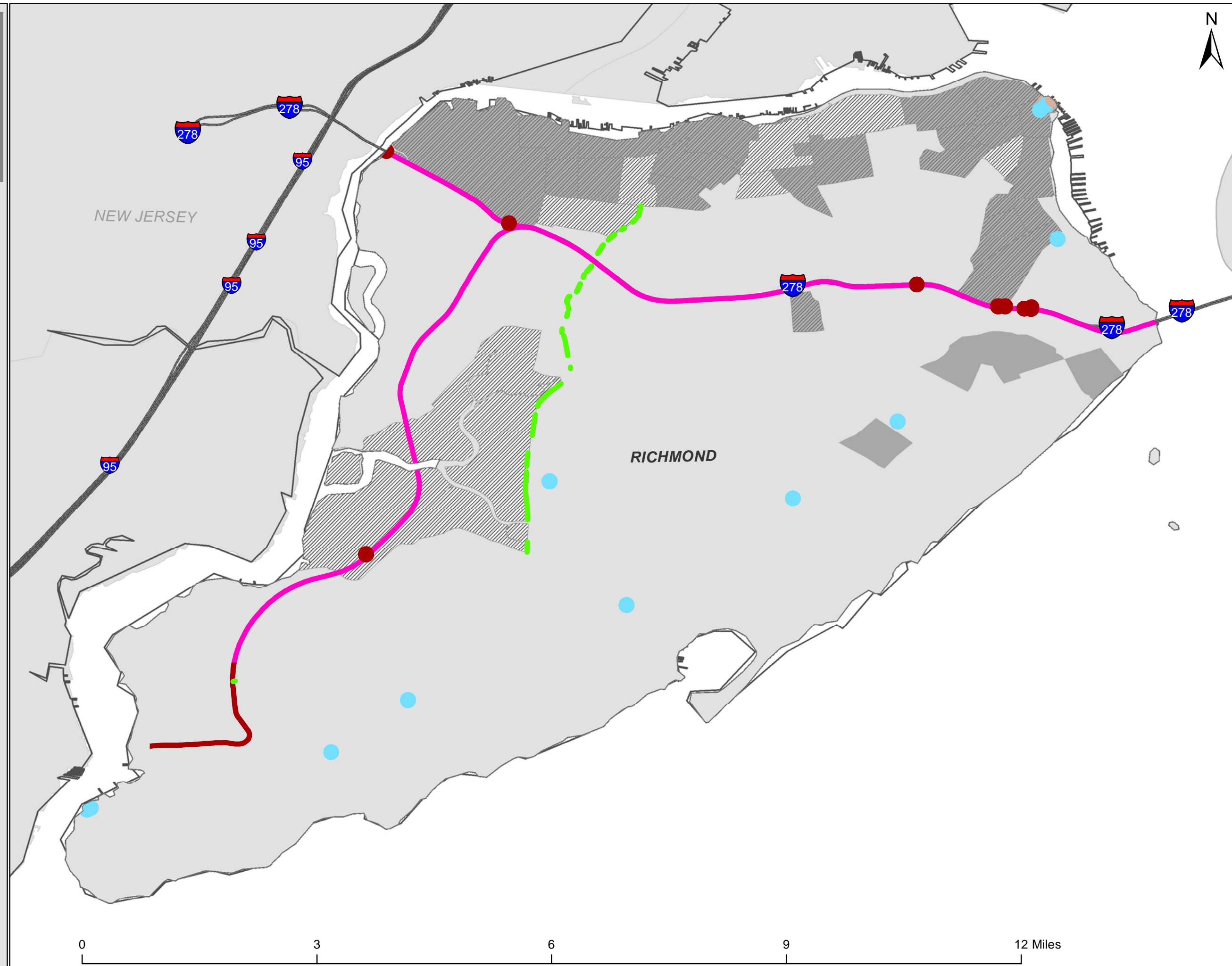
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects Nassau County

LEGEND

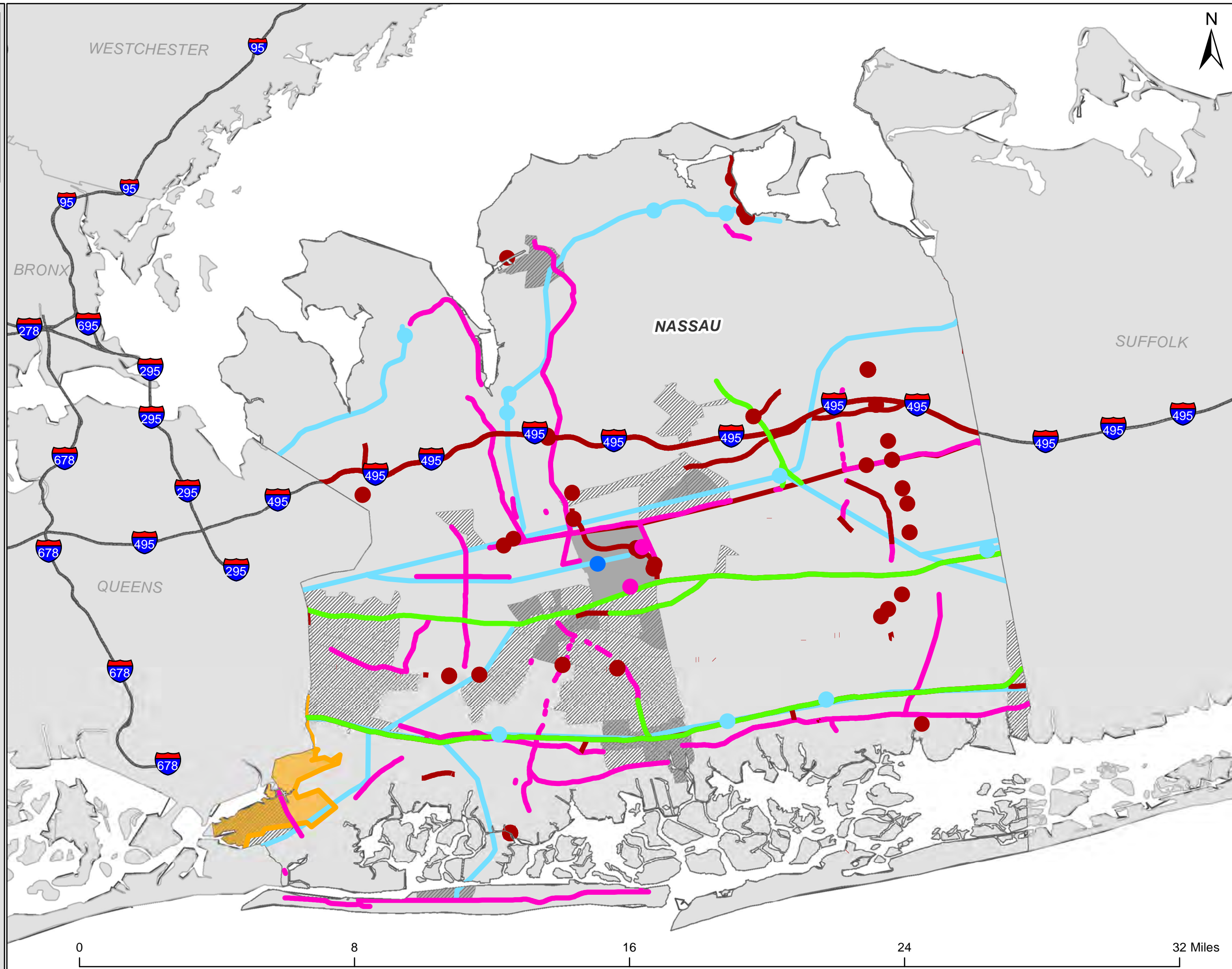
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects Suffolk County

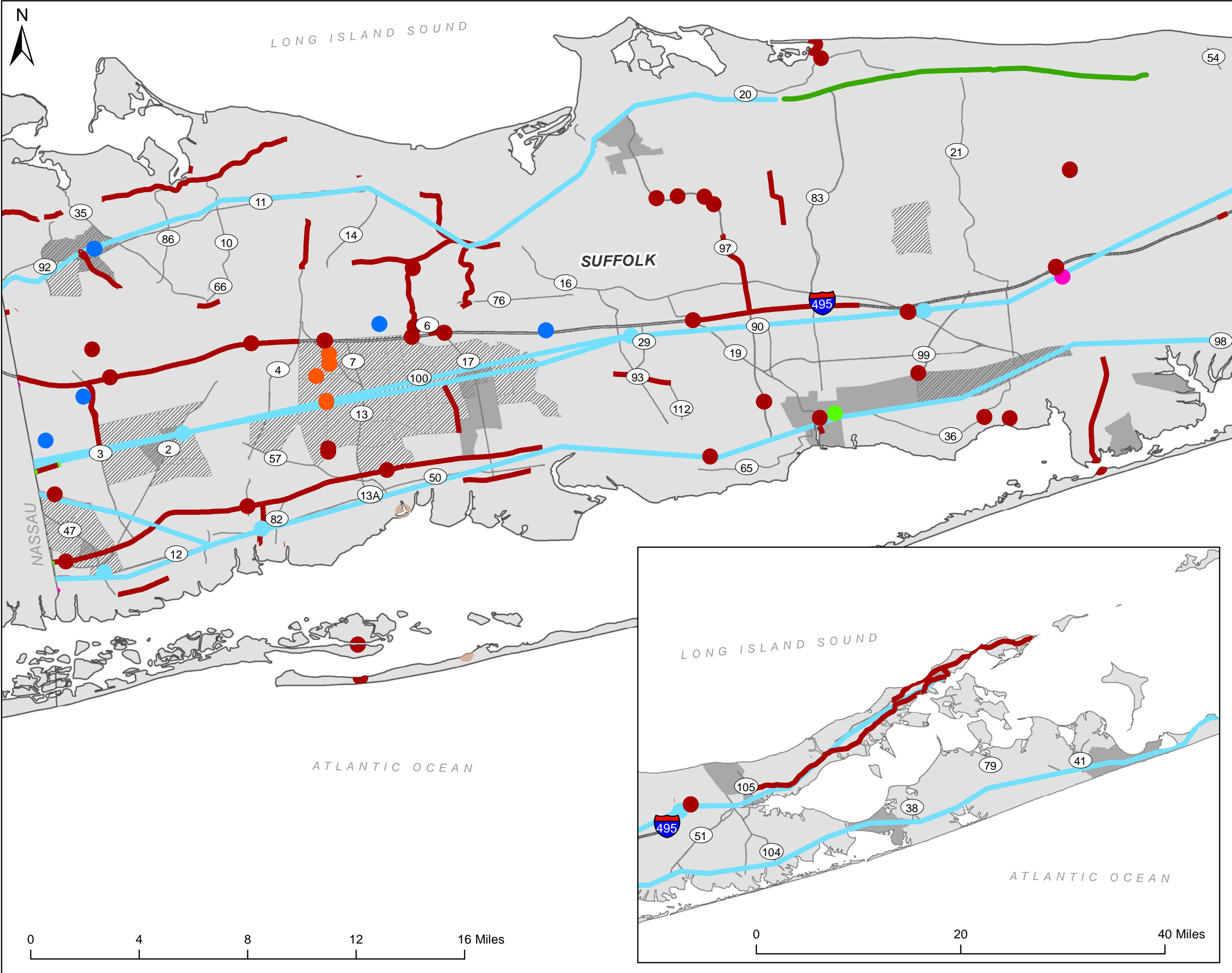
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





RTP Projects Putnam County

LEGEND

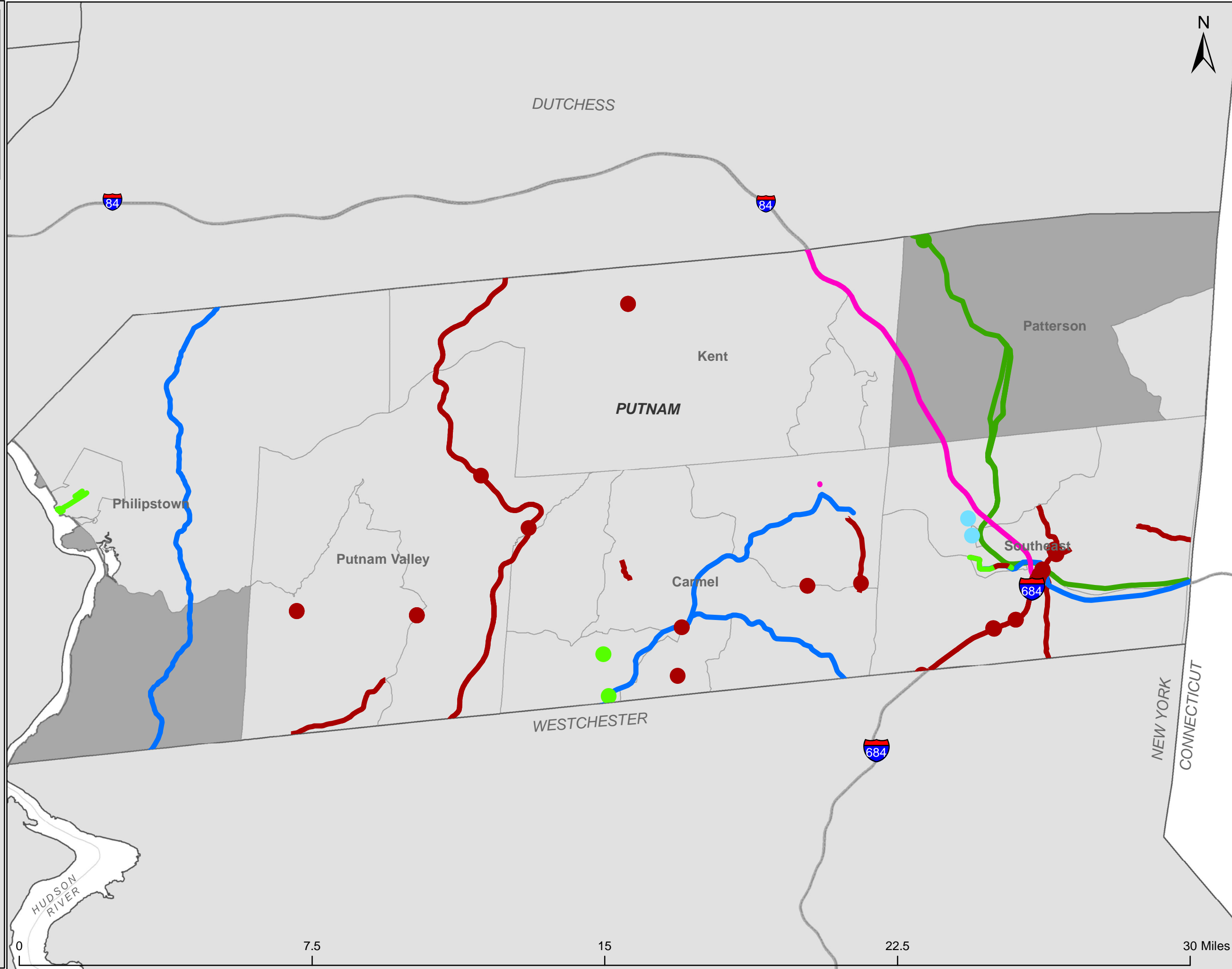
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects Rockland County

LEGEND

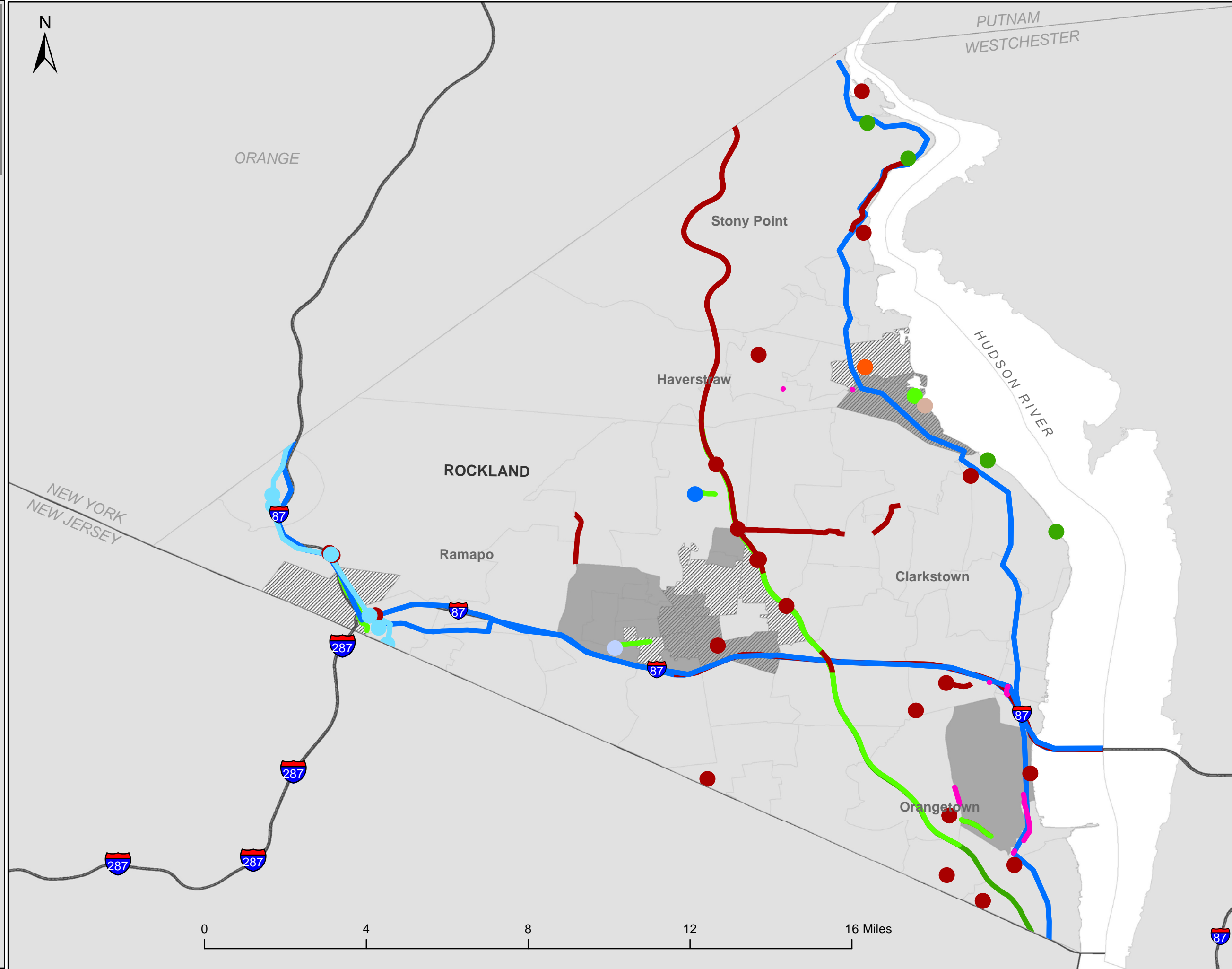
Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





TIP Projects Westchester County

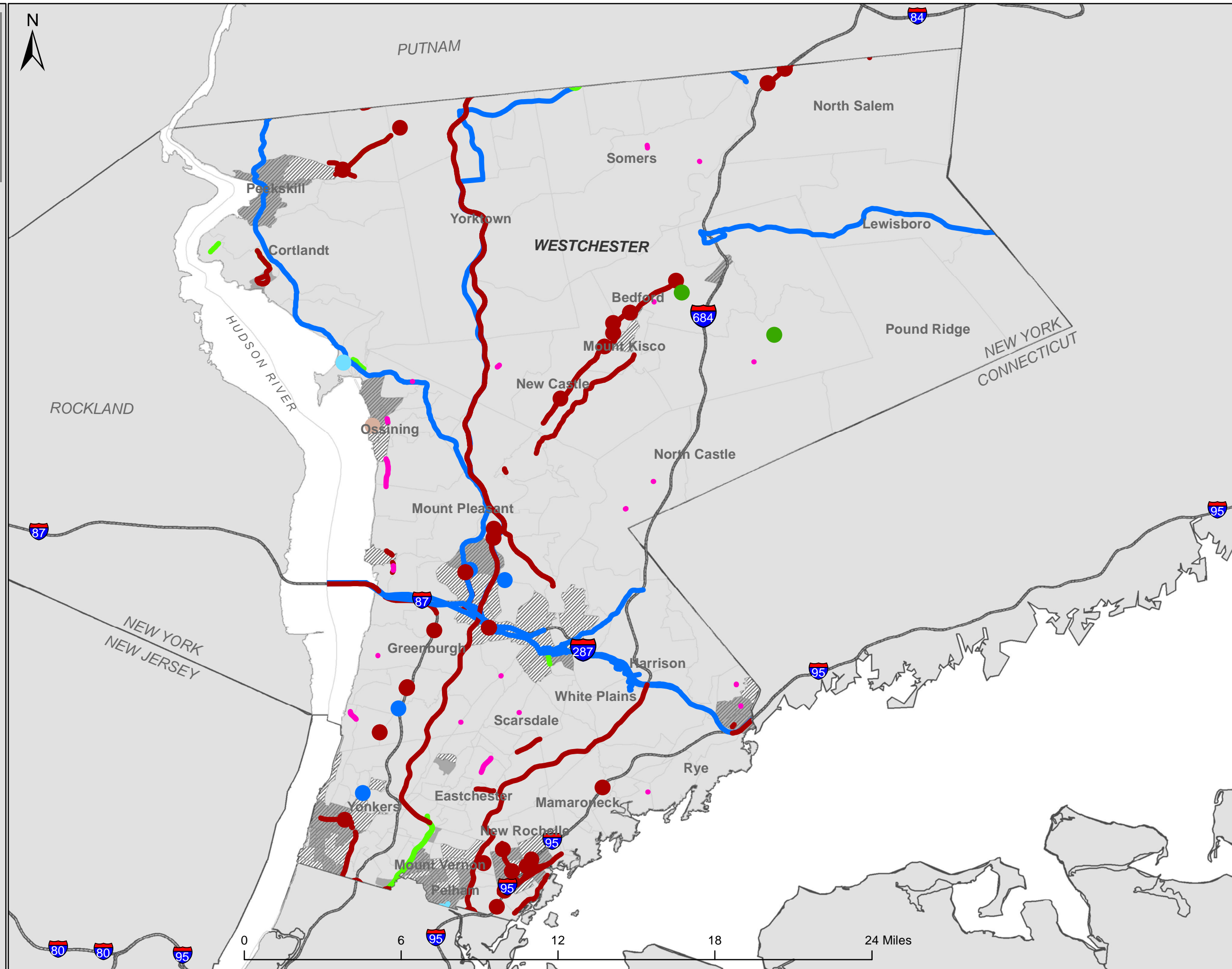
LEGEND

- Minority Community
- Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

Project Category

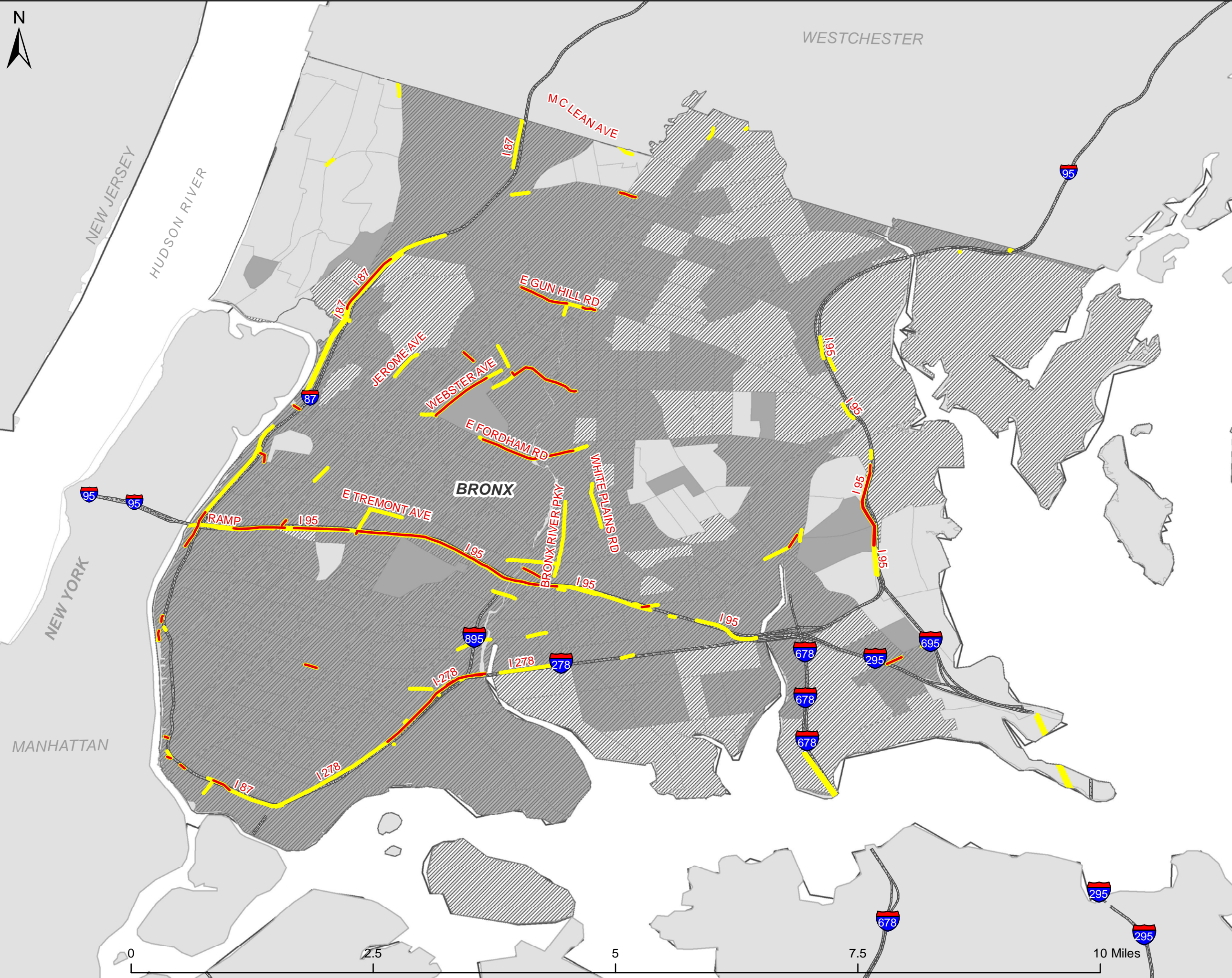
- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**AM PEAK PERIOD
CONGESTED CORRIDORS OVERLAYS**



Bronx AM Peak Period Congested Links



LEGEND

Minority Community

Low Income Community

** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC > 1)

Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*



Kings AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

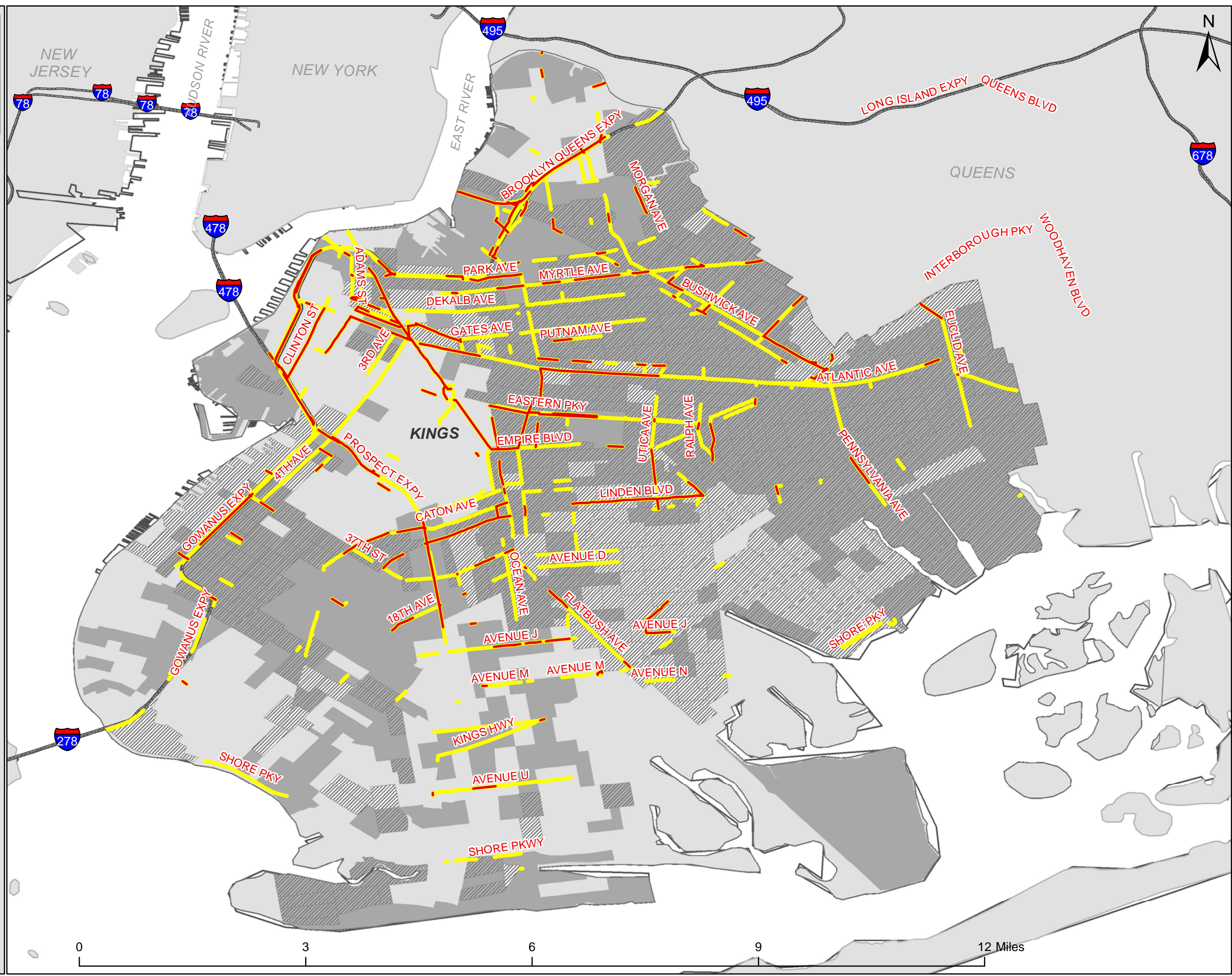
* Low Income and Minority Community boundaries are delineated by Census tracts.

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC >1)

Congested Highway Links (DC = 0.8 - 1)

* DC : Demand to Capacity Ratio





New York AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

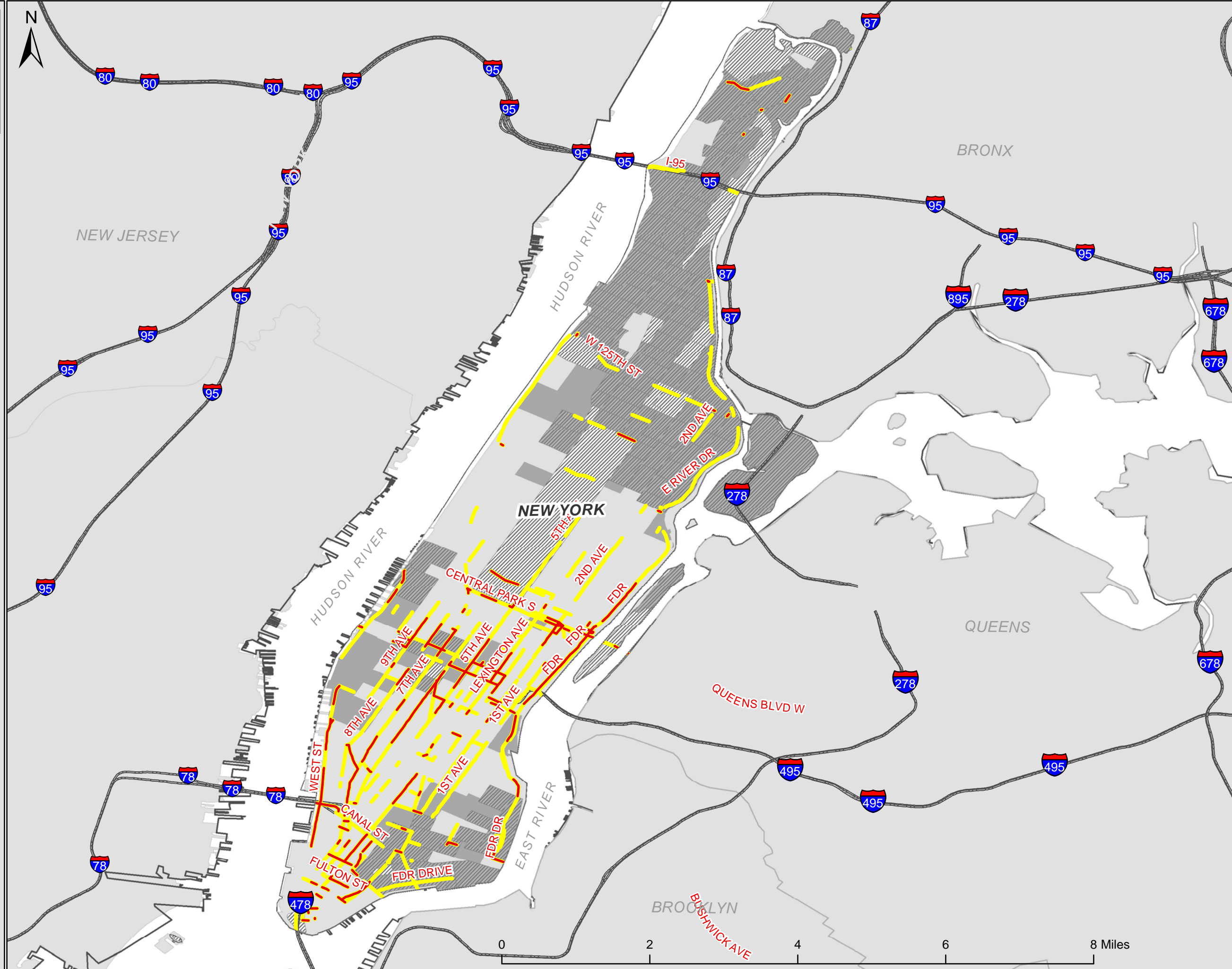
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC >1)

Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Queens AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

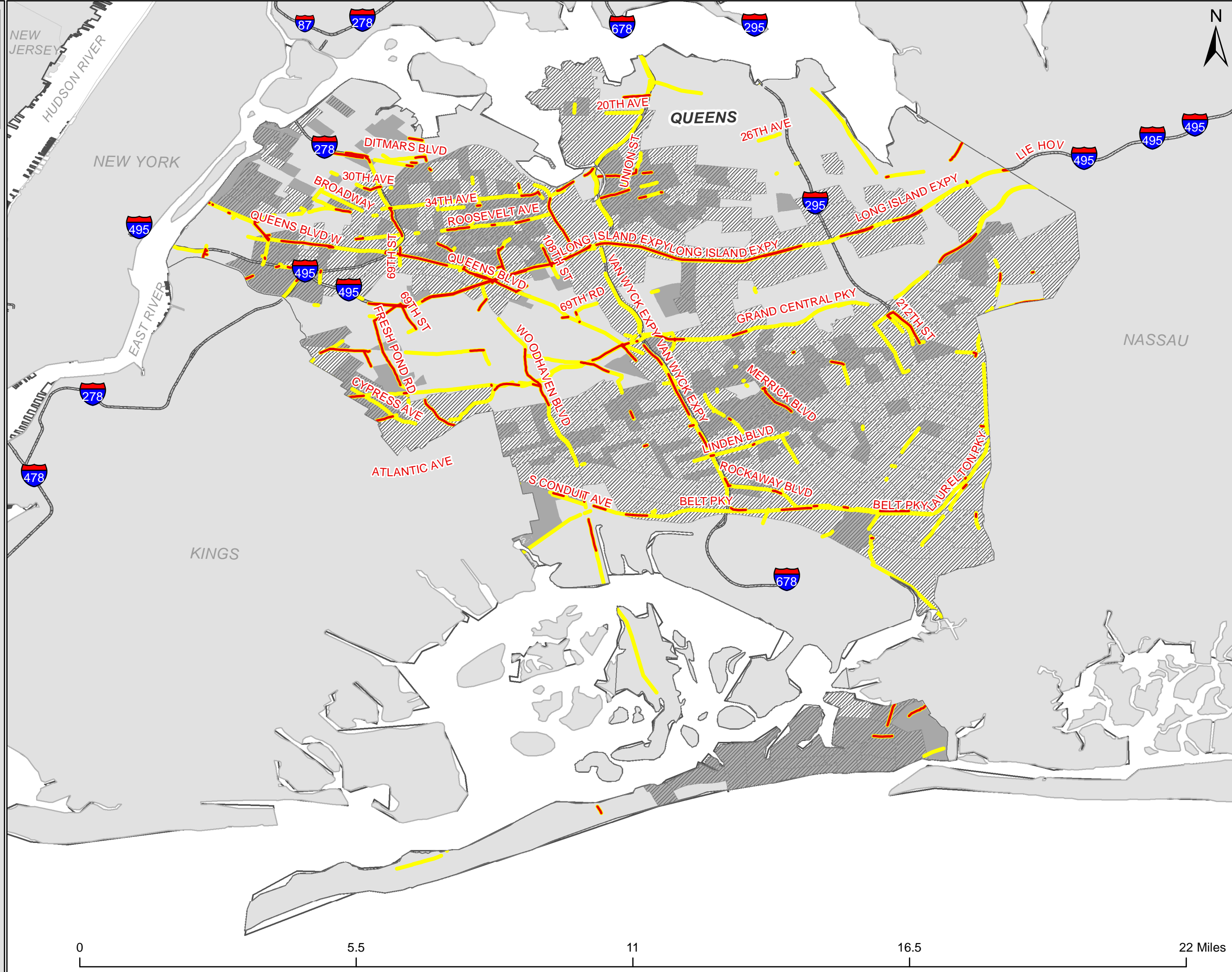
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC >1)

Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Richmond AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

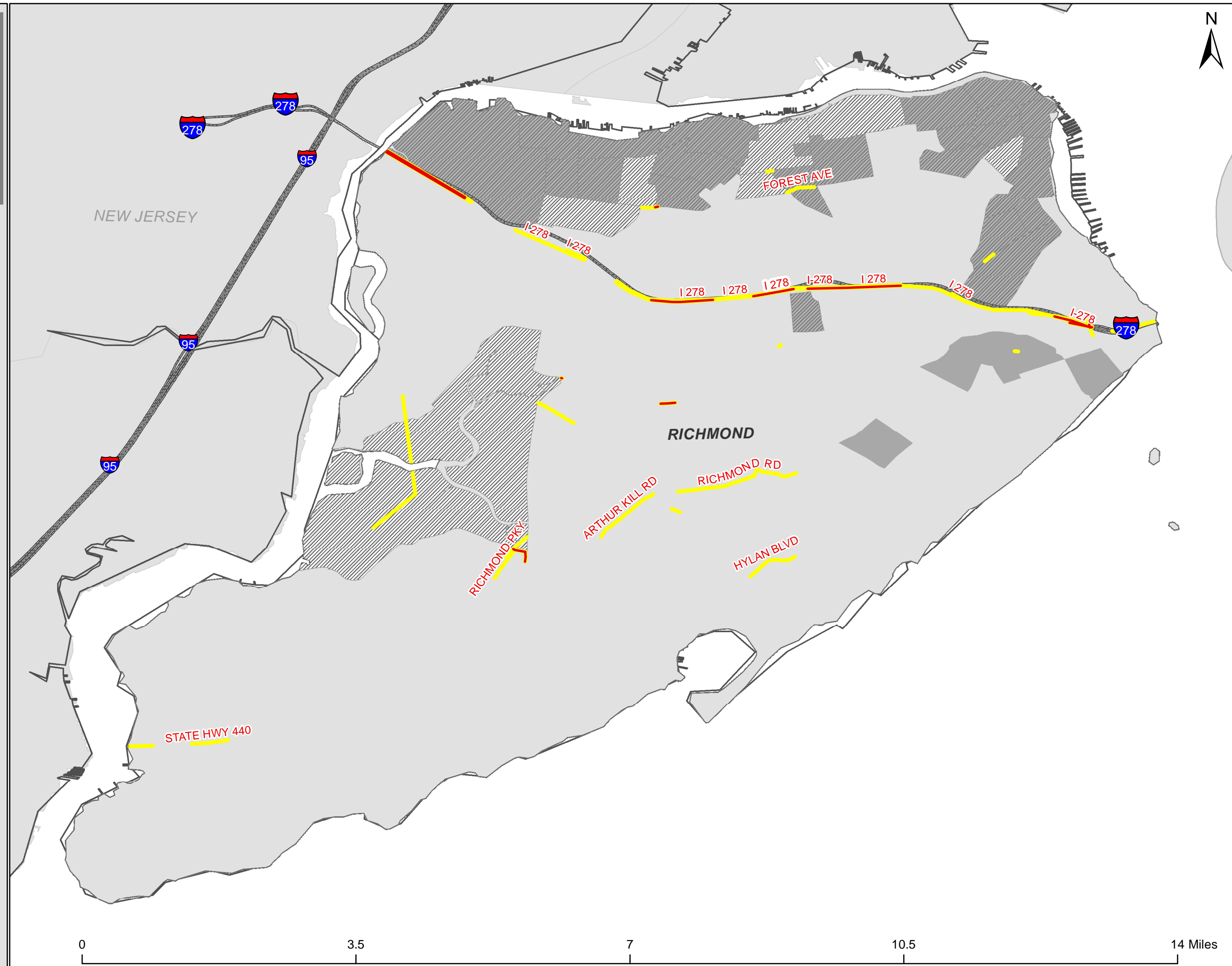
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested
Highway Links (DC >1)

Congested Highway
Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Nassau AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

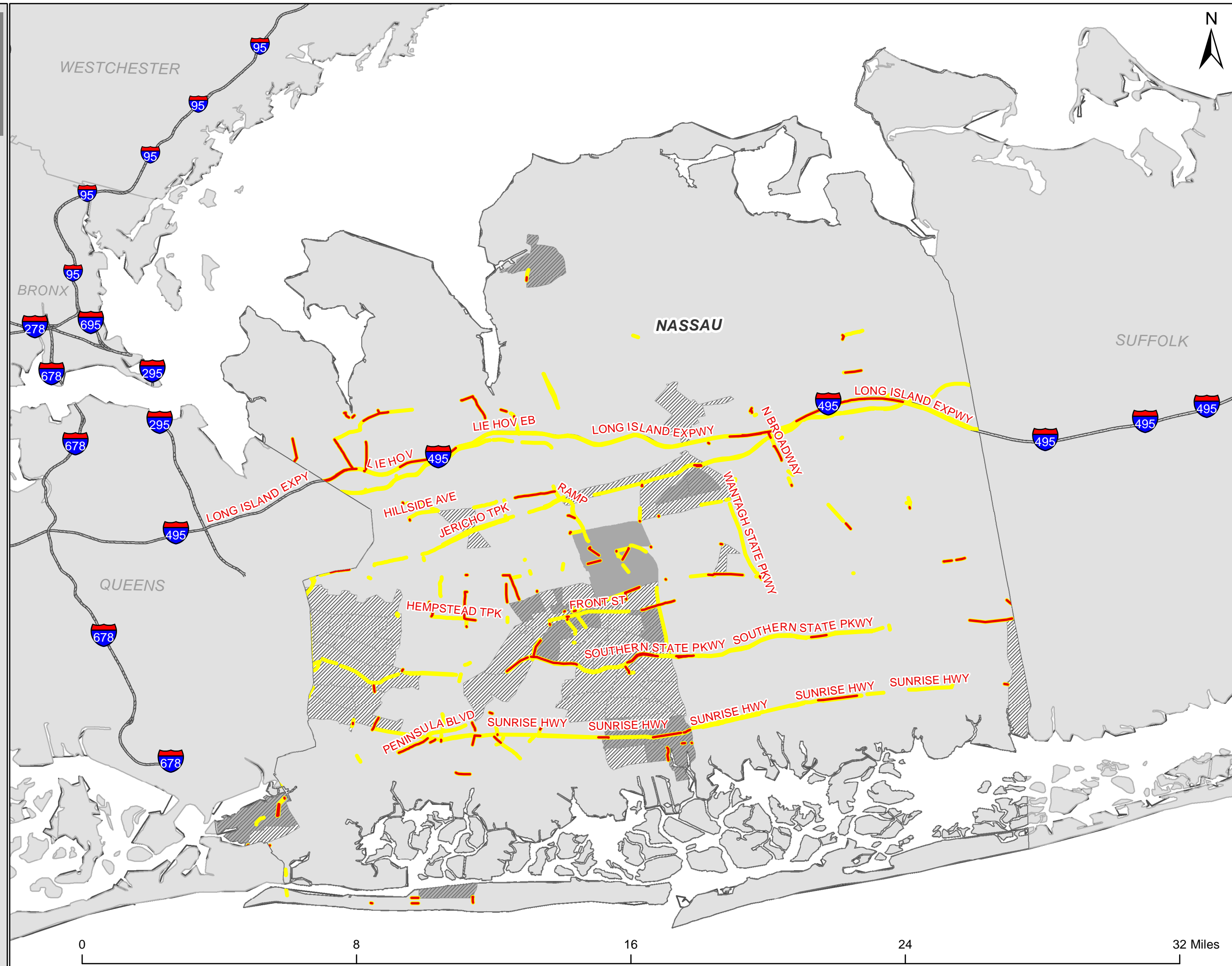
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC > 1)

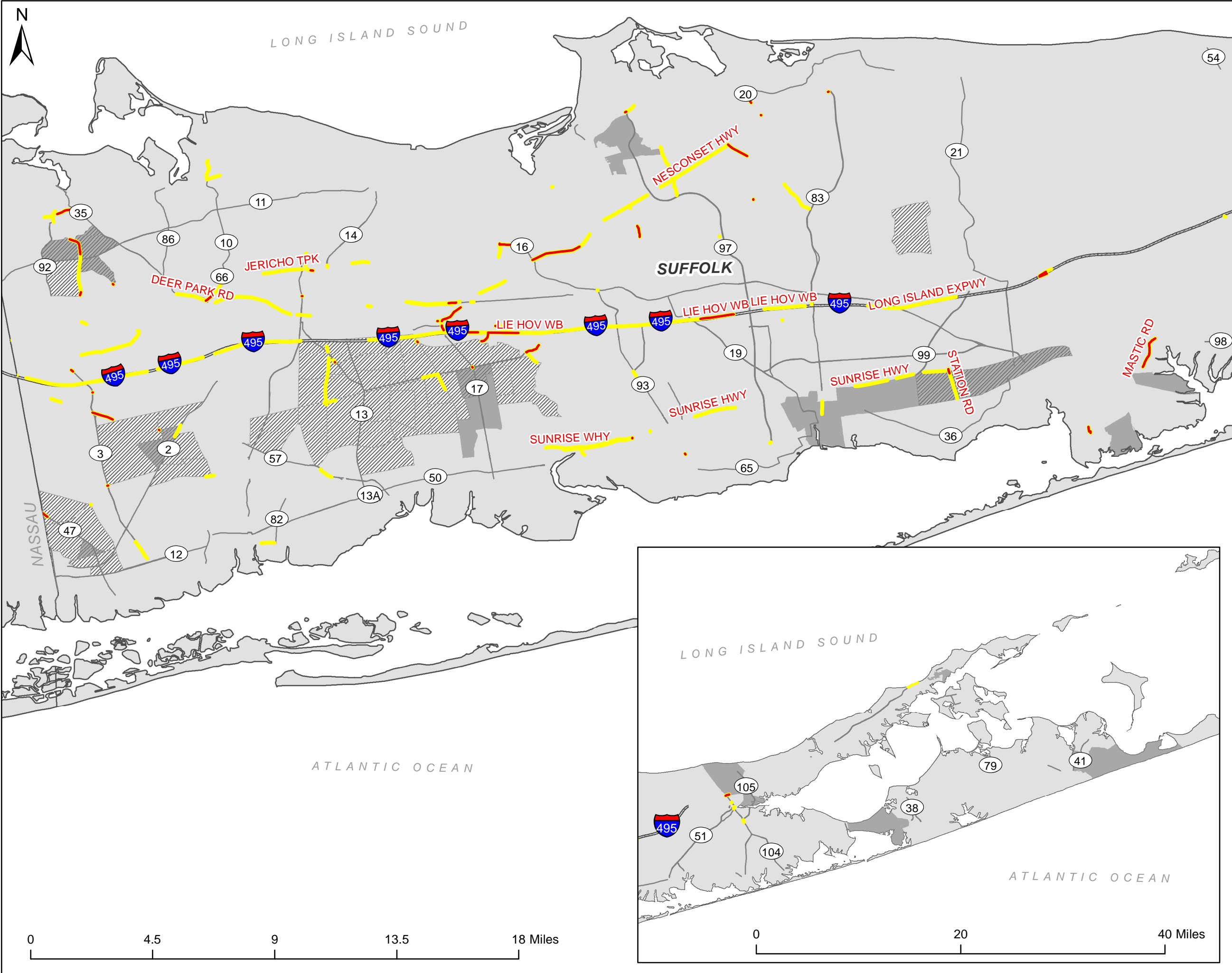
Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Suffolk AM Peak Period Congested Links



LEGEND

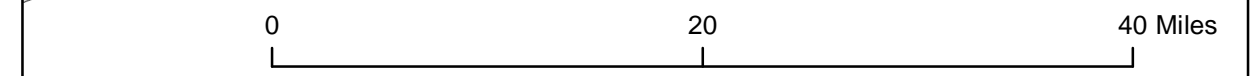
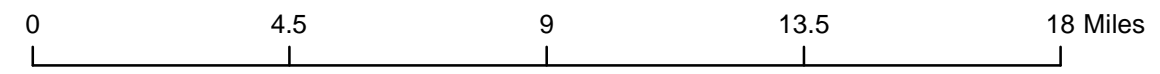
- Minority Community
- Low Income Community

* Low Income and Minority Community boundaries are delineated by Census tracts.

4 Hour AM Peak Period between 6 - 10 AM

- Extremely Congested Highway Links (DC > 1)
- Congested Highway Links (DC = 0.8 - 1)

* DC : Demand to Capacity Ratio





Putnam AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

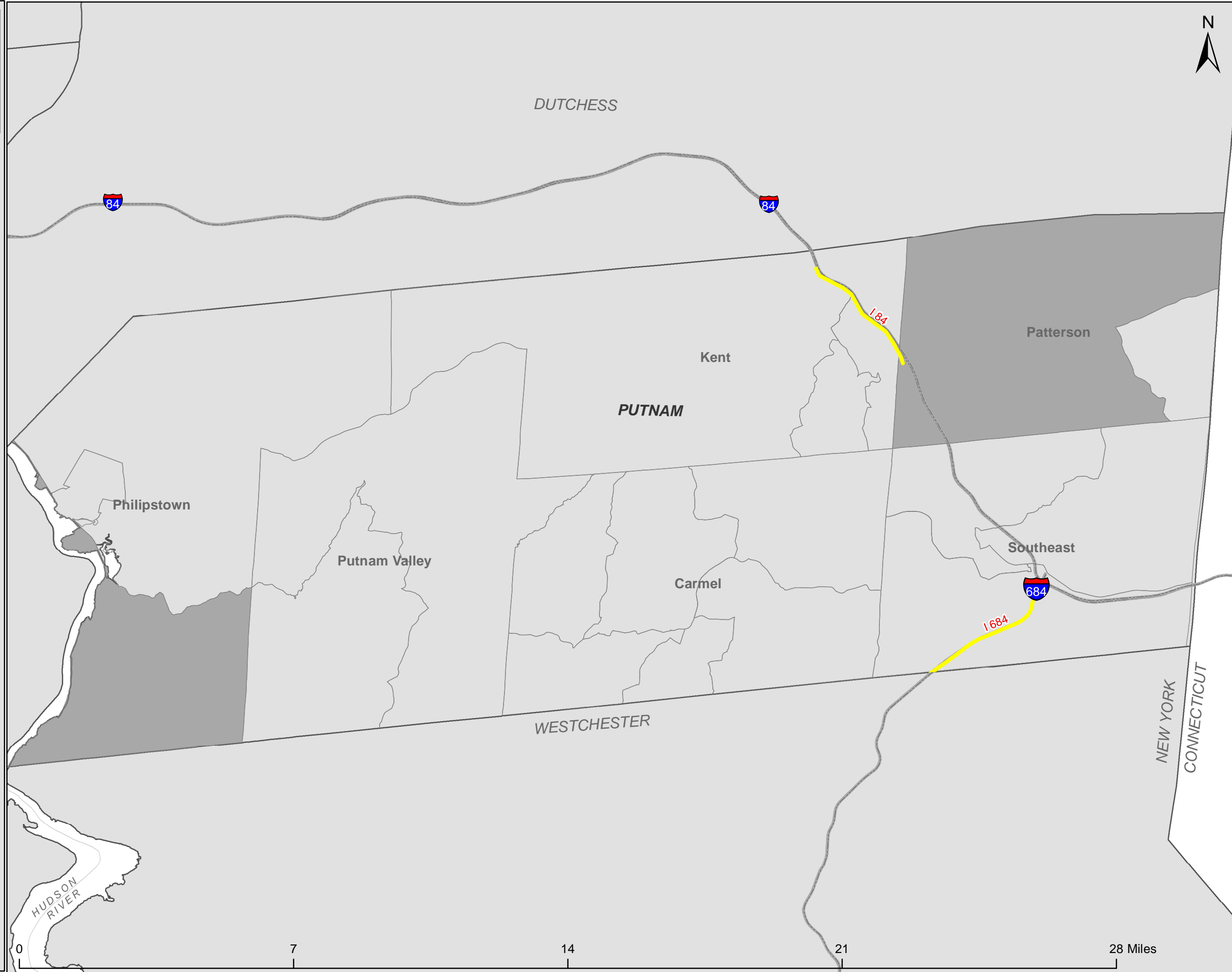
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC >1)

Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Rockland AM Peak Period Congested Links

LEGEND

Minority Community

Low Income Community

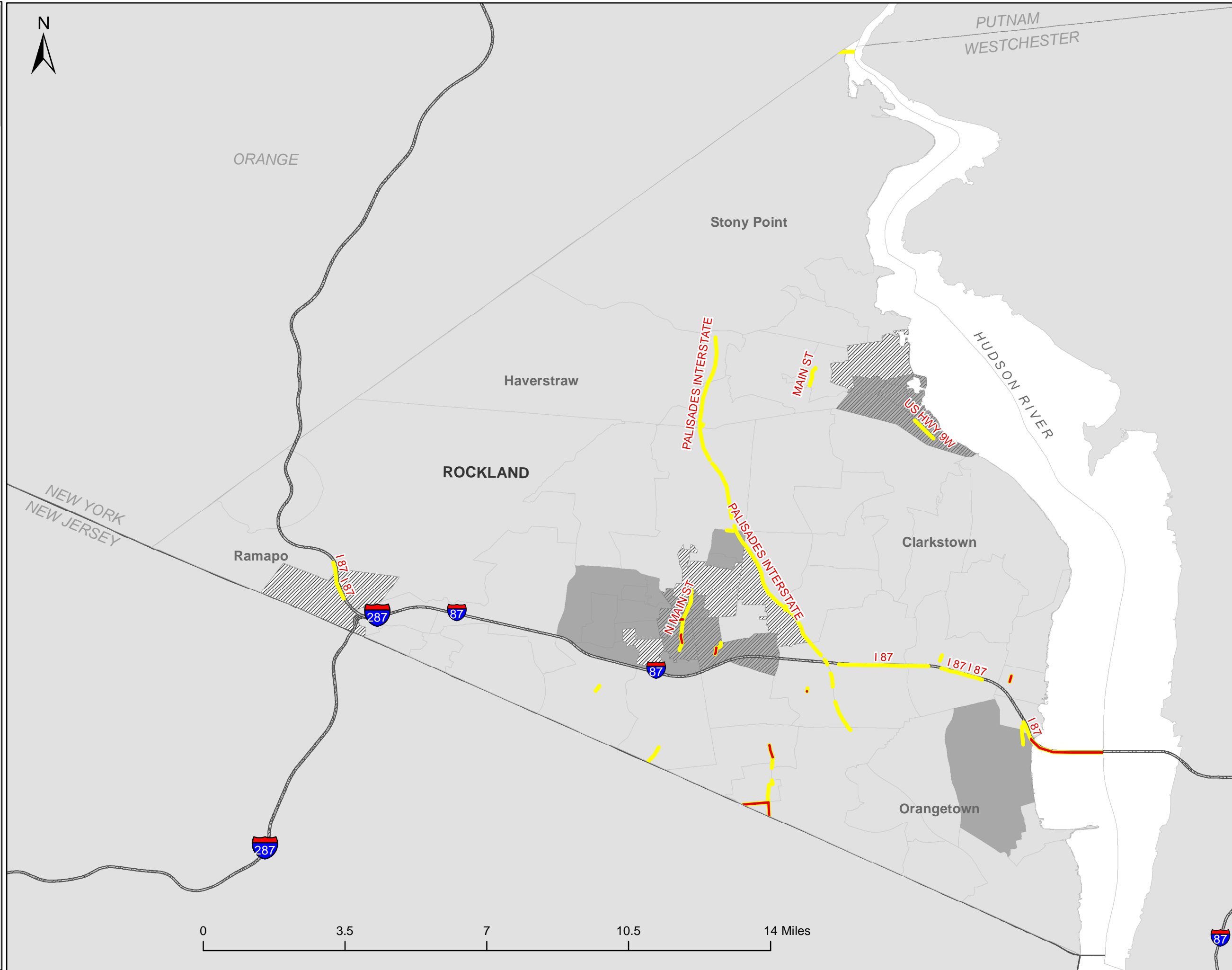
** Low Income and Minority Community boundaries are delineated by Census tracts.*

4 Hour AM Peak Period between 6 - 10 AM

Extremely Congested Highway Links (DC >1)

Congested Highway Links (DC = 0.8 - 1)

** DC : Demand to Capacity Ratio*





Westchester AM Peak Period Congested Links

LEGEND

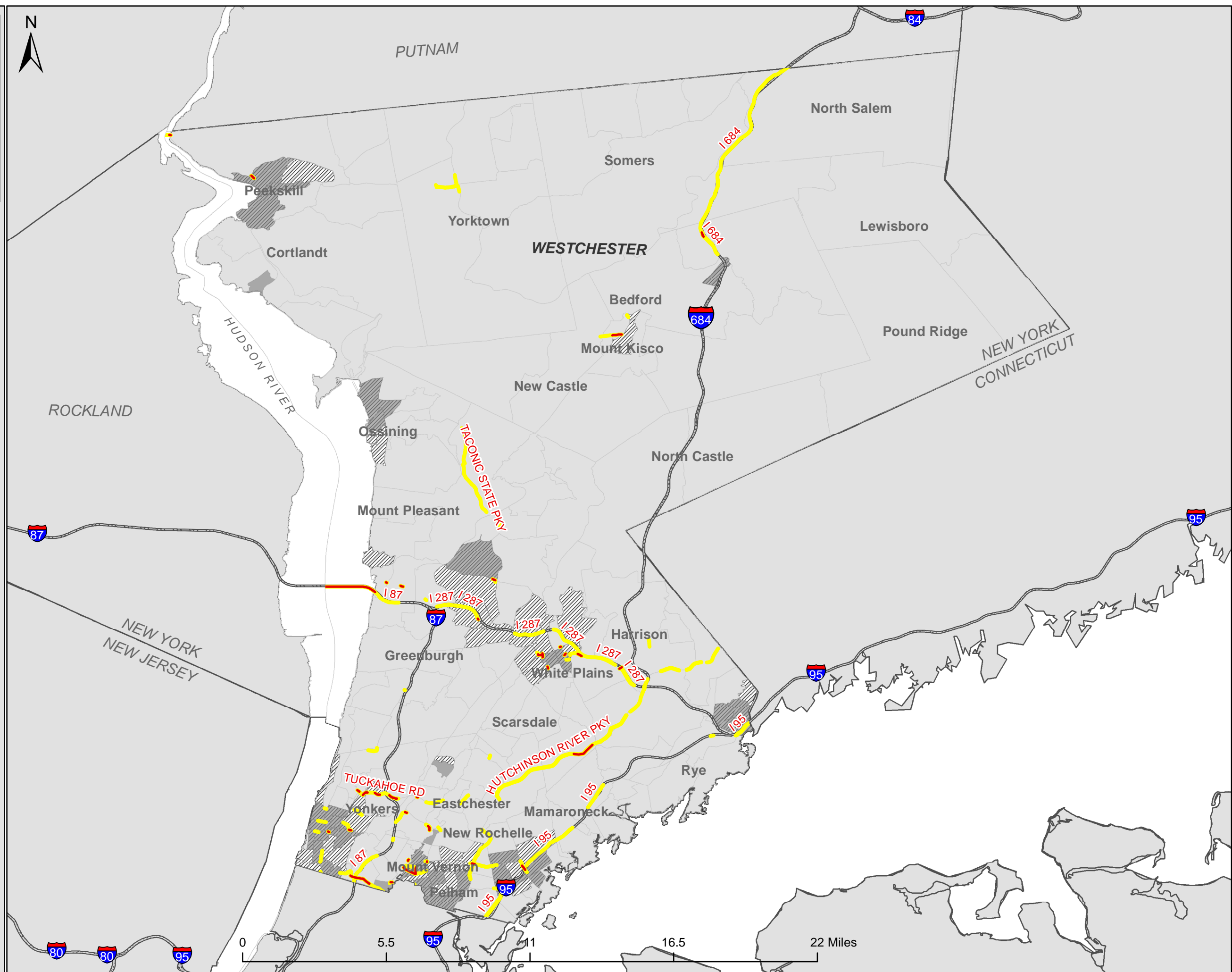
- Minority Community
- Low Income Community

* Low Income and Minority Community boundaries are delineated by Census tracts.

4 Hour AM Peak Period between 6 - 10 AM

- Extremely Congested Highway Links (DC >1)
- Congested Highway Links (DC = 0.8 - 1)

* DC : Demand to Capacity Ratio



Appendix 6

New York Metropolitan Transportation Council Standard Title VI Assurance

The New York Metropolitan Transportation Council HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (“the Act”) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the New York Metropolitan Transportation Council receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration and the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the New York Metropolitan Transportation Council hereby gives the following specific assurances with respect to its programs and activities receiving Federal financial assistance:

1. That each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the New York Metropolitan Transportation Council shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

The New York Metropolitan Transportation Council, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.

3. That the New York Metropolitan Transportation Council shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the New York Metropolitan Transportation Council shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the New York Metropolitan Transportation Council receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the New York Metropolitan Transportation Council receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

7. That where the New York Metropolitan Transportation Council shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the New York Metropolitan Transportation Council with other parties: (a) for the subsequent transfer of real property acquired or improved; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved.

8. That this assurance obligates the New York Metropolitan Transportation Council for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the New York Metropolitan Transportation Council or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the New York Metropolitan Transportation Council retains ownership or possession of the property.

9. The New York Metropolitan Transportation Council shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom (s)he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

10. That the New York Metropolitan Transportation Council agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the New York Metropolitan Transportation Council and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the New York Metropolitan Transportation Council.

Dated: _____

Appendices to Standard Title VI Assurance

Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter “DOT” Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitation for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New York Metropolitan Transportation Council or the (Name of the Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the New York Metropolitan Transportation Council shall impose such contract sanctions as it or the (Name of the Appropriate Administration) may determine to be appropriate, including but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as

New York Metropolitan Transportation Council or the (Name of the Appropriate Administration) may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such directions, the contractor may request New York Metropolitan Transportation Council to enter into such litigation to protect New York Metropolitan Transportation Council, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the New York Metropolitan Transportation Council will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of the Appropriate Legislative Authority), the Regulations for the Administration of (Name of the Appropriate Program) and the policies and procedures prescribed by the (Name of the Appropriate Administration) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the New York Metropolitan Transportation Council all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABEDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the New York Metropolitan Transportation Council, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the New York Metropolitan Transportation Council, its successors and assigns.

The New York Metropolitan Transportation Council, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the New York Metropolitan Transportation Council shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department

of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to the deed.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the New York Metropolitan Transportation Council, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the New York Metropolitan Transportation Council and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the New York Metropolitan Transportation Council, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration

hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the New York Metropolitan Transportation Council and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX 7

LAST NAME	FIRST NAME	TRAINING	DATE
GARCIA	MARIA	Title VI (NYSDOT/FHWA)	December 2, 2010
GARCIA	MARIA	Title VI - Understanding and Abiding by Title VI of the Civil Rights Act of 1964 (USDOT) - webinar	February 4, 2014
GARCIA	MARIA	Title VI -Environmental Justice - Equitable, Sustainable and Accessible Development (USDOT) - webinar	February 4, 2014
GARCIA	MARIA	Title VI - Accessibility in Transportation: Updates to the ADA (USDOT) - webinar	February 5, 2014
GARCIA	MARIA	Title VI - Ensuring Equity and Nondiscrimination in Regional Planning (USDOT) - webinar	February 6, 2014
GARCIA	MARIA	Title VI - Introduction to the American Community Survey Language Map (USDOT) - webinar	February 6, 2014
KHAN	JAN	Title VI - Understanding and Abiding by Title VI of the Civil Rights Act of 1964 (USDOT) - webinar	February 4, 2014
KHAN	JAN	Title VI - Accessibility in Transportation: Updates to the ADA (USDOT) - webinar	February 5, 2014
KHAN	JAN	Title VI - Ensuring Equity and Nondiscrimination in Regional Planning (USDOT) - webinar	February 6, 2014
KHAN	JAN	Title VI - Introduction to the American Community Survey Language Map (USDOT) - webinar	February 6, 2014
RODRIGUES-MOORE	CHRIS	Title VI (NYSDOT/FHWA)	December 2, 2010
RODRIGUES-MOORE	CHRIS	Title VI - Understanding and Abiding by Title VI of the Civil Rights Act of 1964 (USDOT) - webinar	February 4, 2014
RODRIGUES-MOORE	CHRIS	Title VI - Ensuring Equity and Nondiscrimination in Regional Planning (USDOT) - webinar	February 6, 2014