ENVIRONMENTAL JUSTICE PROGRAM MANUAL

Grand Forks - East Grand Forks
METROPOLITAN
PLANNING ORGANIZATION

PREPARED FOR:
Grand Forks/East Grand Forks
Metropolitan Planning Organization (MPO)

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The preparation of this Report was financed, in part, through the U.S. Department of Transportation's Federal Highway Administration, and through local contributions from the Governments of Grand Forks, North Dakota, and East Grand Forks, Minnesota.

2019

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SUMMARY

The elaboration of this Procedural Manual is an attempt to articulate the Environmental Justice laws, regulations and policies established by a number of transportation-related federal agencies to ascertain that low income and minority populations within our planning area are subject to "fair treatment and meaningful involvement of people from all races, cultures, abilities and incomes during the development of projects, laws, regulations, and policies."

This report describes the requirements of the Federal Highway Act, 1972 that requires our Grand Forks-East Grand Forks MPO to advance a 3C's "continuing, comprehensive and cooperative" planning process. The Forks MPO is also responsible for ensuring that transportation programs in this region address the effects of all plans, programs, and policies on "disadvantaged populations" through a more comprehensive and inclusive approach during the transportation planning process. In this effect, "environmental justice" is advocated based on Title VI of the 1964 Civil Rights Act.

This Procedural Manual is designed to provide guidance to staff in meeting Environmental Justice (EJ) mandates and structuring a public participation plan at the project or study level. It describes the methodologies and procedures to implement the three basic principles of the Environmental Justice legislation.

The methods and analytical framework discussed in this Procedural Manual constitute a work in progress. As staff familiarize themselves with the work of comparable mpos, enhance analytical skills, and describe the monitoring tools used thus far to comply with our Environmental Justice program, this report will demonstrate our understanding and progress to date. It lays out our path forward in the process of complying with EJ responsibilities.

This report is divided in ten sections. Section One briefly describes the legislative mandate of the Forks MPO. Section Two discusses the importance of transportation, including its positive benefits and burdens. Section Three provides an overview of the concept of EJ. It addresses three fundamental questions as they relate to the work and mandate of the Forks MPO. Section Four provides a brief introduction to the major pieces of legislation underpinning the EJ movement for the last 60 years. Section Five discusses our "thresholds" methodology and procedures implemented to demographically identify and geographically locate low income and minority populations. Section Six provides our understanding of key parts of the legislation provided to advance the assessment of the concerns supported by the legislation. Section Seven describes how the principles of the EJ agenda are implemented. This section describes methods, techniques, data collection and analysis tools implemented to comply with mandate requirements. Section Eight provides our MPO's coordination with regional transit provider and its approach to future actions. Section Nine provides a brief list of abbreviations and glossary to help with the interpretation of the spirit of the report. Section Ten gratefully acknowledges the work of colleagues in other jurisdictions. Their dedicated work has clearly influenced the structure of this report.

This Procedural Manual is designed to provide guidance to staff in meeting EJ principles. Our objective is to always provide fair treatment and a meaningful participation to those involved in transportation decision-making activities.

1. INTRODUCTION

The Grand Forks-East Grand Forks Metropolitan Planning Organization (Forks MPO) was established in 1982. The Forks MPO is a United States federally mandated and funded agency. It is dedicated to assure that transportation investments are made in a manner that reflects the needs and aspirations of the region. Planning processes advanced by the agency strive to assure that funds and resources are allocated appropriately.

Located in northeast North Dakota and northwest Minnesota, the planning area encompasses the cities of Grand Forks, ND and East Grand Forks, MN. It also includes the urbanized areas and areas anticipated to be urbanized it the next 20-years in Grand Forks County, ND and Polk County, MN. MPOs are designated for each metropolitan area with a population exceeding 50,000. According to the U.S Census (2010), the populations for the cities of Grand Forks and East Grand Forks were 52,838 and 8,602, respectively.

The Forks MPO's current governance structure comprises an Executive Board and a Technical Advisory Committee. Both include local elected or appointed official (s); representatives from Minnesota and North Dakota's state agency officials; all are supported by representatives from different modes of transportation; and non-voting members. Part of the Forks MPO's function is to provide technical assistance and expertise to complete studies and identify solutions to metropolitan transportation-related problems.

The primary responsibility of the Forks MPO is to fulfill the requirements of the Federal Highway Act of 1972. This requires those urban areas with a population of 50 000 or more to advance a 3Cs, "continuing, comprehensive and cooperative" planning process. As a result, the agency manages and provides an impartial and effective regional forum for decision-making concerning transportation matters. The agency contributes to a realistic visioning, assessment, monitoring and evaluation of proposed transportation plans, studies, and projects in accordance to the scale and complexity of the region. Most recently, under guidance received from Fixing America's Surface Transportation Act (FAST), the process has been enhanced to incorporate a performance-based approach to transportation decision making and development of transportation plans. Accordingly, the current metropolitan planning process should advance a transportation planning process that considers planning products and services that –among others –support regional economic vitality, increase safety and security, promote accessibility and mobility of people and freight; promote energy conservation, enhance integration and connectivity and promote the efficiency and preservation of existing transportation system.

MPOs are legally required to produce multimodal plans and programs that support regional community development, improve quality of life and foster community's social goals. Among others, MPOs establish and manage a fair and impartial setting for effective regional decision making in the metropolitan area; identify and evaluate alternative transportation improvement options, using data and planning methods to generate and evaluate alternatives.

However, the major work activities advanced by the MPO to meet specific federal requirements include:

a) Developing, updating fiscally constrained 20 years horizon metropolitan transportation plans (MTP). The purpose is to consider projects and strategies that will strive to meet the eight planning factors outlined by FAST.

b) Developing a unified planning work program (UPWP). This document outlines the transportation planning activities and resulting products to be developed by the Metropolitan Planning

Organization and other transportation planning agencies for the current and next fiscal year. It summarizes into one document all federally assisted, state, regional, and local transportation planning activities proposed to be undertaken in our region, including transportation studies and tasks to be performed by the Forks MPO staff or consultant. UPWP must be in place before funding assistance is requested from Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

c) Developing a short-range (four-year) program of transportation improvements (TIP) in cooperation with state Department of Transportation (DOT) and transit agencies. Updated annually, the TIP is required to list all short - term transportation projects in the region using federal funds and/or regionally significant transportation projects. Thus, it includes a prioritized list of projects and a financial plan consistent with anticipated funding, and

d) Developing a Public Participation Plan outlining how the MPO will engage the public; describing activities to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households; as well as a process for periodically reviewing the effectiveness of the plan to ensure a full and open participation process.

While advancing the tasks outlined, and fostering the core values previously described, the agency facilitates inter-governmental cooperation; and the active participation of interested parties, concerned citizens and residents in the planning process. The MPO prepares special studies and other planning documents such as transit, and bicycle and pedestrian plans.

Primarily, the Forks MPO makes every effort to involve the public, including selected demographic groups and geographic communities deemed to have historically been disproportionally impacted by the outcomes of the proposed transportation projects. As a result, the Forks MPO relies on a number of public involvement techniques to get feedback from participants; elucidate community's points of view and opinions; and techniques to enhance public involvement to facilitate transportation decision-making. These techniques are outlined in our current Public Participation Plan (PPP) which defines principles and strategies for public involvement throughout the transportation planning process.

2. TRANSPORTATION PLANNING

Transportation is one of the most important human activities. Transportation provides access to land and influences the location of jobs, industrial, educational, economic and social activities. The transportation-land use relationship determines the prevailing mode of transport that makes access possible and promotes mobility. As a result, access facilitates commerce, and greatly contributes to the realization of our regional comparative economic advantages and to our regional prosperity.

Investments in transportation bring important direct and indirect economic development benefits. These may include increased access to employment opportunities and income growth; improvements on basic mobility and accessibility; improved household wealth accumulation and housing affordability; as well as, ready access to available schooling, health, recreational and commercial activities and facilities. Other positive benefits include increased property values and tax revenues. Investments in transportation greatly contribute to energy conservation, reduce traffic congestion, reduce travel time, improve capacity and improve levels of service for users, and better air quality. Transportation positively impacts our communities; it also strengthens local, state and federal economies.

Without transportation, many activities taken for granted could have a detrimental impact in our communities if we were to do without them. Unfortunately, transportation also negatively influences the infrastructure, vehicles and operations key elements of the transportation system. Some negative impacts of transportation include air, ground and water pollution; excessive use of fossil fuels and corresponding emissions. At the community level, basic mobility and accessibility factors may be compromised. It is possible that changes brought about by the transportation system could make it more difficult for transit-dependent, motorist, pedestrian or bicyclist users to travel through or around certain communities.

Similarly, some social impacts result from the provision of transportation infrastructure and/or services; or from the user's experience with the transportation system. Some impacts include community severance and cohesion, accidents, noise nuisance, temporal construction barriers, displacement of families or businesses, lower property values, slow sales of real estate properties, all these factors have significant public implications. Transportation projects –among others- have the potential to impact communities at the social, economic and environmental level. These impacts and their effects at the geographic level have been viewed by some as deserving further attention. Historically, both the geographic distribution and adverse effects on minority and low income populations have captured the attention of federal and state law. The law requires an assessment of these impacts, particularly, because members of these groups have been under-represented in the public decision-making process

Historically, and unintentionally, some public agencies have been deemed to have discriminated against certain demographic groups, particularly, disadvantaged ones. To prevent these practices from becoming recurrent a number of pieces of legislation has been enacted. These laws are concerned with the unintended consequences of the impacts of transportation projects –particularly- negatives on low income and minority populations. The next section will discuss the key statutory and regulatory requirements which provide foundation to develop, implement and evaluate Environmental Justice programs integrating Environmental Justice into our transportation planning activities.

3. ENVIRONMENTAL JUSTICE

3.1 What Is Environmental Justice?

Environmental Justice refers to the "**fair treatment and meaningful involvement of people from all races, cultures, abilities and incomes** during the development of projects, laws, regulations, and policies."[1] The concept of "environmental justice" has been entrenched in public affairs, community and environmental activism for the last four decades. The movement sparked from the confluence of environmentalism and Civil Rights movements that flourished in the 1960's and 1970's in the United States. Advocates demanded the right to participate as equal partners at every level of decision-making.

The Environmental Justice movement has been heavily encouraged by concerned citizens who lived, worked and played on, adjacent or in proximity to the most polluted environments: hazardous waste landfills, decommissioned industrial plants, and gas and oil depots. Unfortunately, these areas tended to historically house a disproportionate number of health threatening facilities. Most likely these are the areas where communities of color and low income residents are the common denominator.

Most often, members of these communities lack organized community groups or are deficient in terms of local civic representation. Members of minority and low income communities are unable to actively participate in the policy-making process and to gainfully utilize resources available to guarantee safe, healthy and sustainable communities for all members.

There are three fundamental environmental justice principles:

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

- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

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

Environmental Justice requires consideration in all phases of planning. However, environmental justice concerns are more frequently raised during project development. Environmental justice concerns should be recognised during project development and subsequent phases. Environmental justice focuses on enhanced public involvement and on the analysis of the distribution of benefits and impacts.

Environmental justice concerns arise when certain communities receive the benefits of improved accessibility and faster trips while others experience fewer benefits. Issues with taxation related to transportation, higher transit fares, route changes, lacking or poor restrictive representation in policy making bodies or poor air quality contribute to raise awareness on Environmental Justice concerns.

[1] Environmental Justice Key Terms, Last modified November 17, 2014 http:/www.epa.gov/region7/ej/definitions.htm

3.2 Why does Forks MPO Need to Address Environmental Justice?

The Forks MPO serves as the primary forum where State DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address the metropolitan area's needs. We need to address Environmental Justice to ensure non-discrimination concerning enacted transportation-related laws, regulations, and policies.

To certify compliance with, and to address environmental justice, the Forks MPO needs to:

- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with the tenets of Environmental Justice.

- Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low income populations in transportation decision making.[2]

3.3 How does Environmental Justice Improve Decision Making?

The concept of Environmental Justice is based on the affirmation that all people- regardless of their race, color, national origin or income –are able to enjoy equally high levels of environmental protection. A concept that originated in the environmental movement has grown up to encompass other areas of community concerns, including transportation.

In the legal and regulatory framework of Environmental Justice, when properly implemented, the key environmental justice's principles and procedures improve all levels of transportation decision making. For instance, their implementation help to make transportation decisions that meet the needs of all people. As a result, the design of transportation facilities is more attuned to the community's character. Public involvement greatly strengthens community-based partnerships and affords opportunities for low income and minority groups to enhance the quality and usefulness of transportation in their daily activities. Other benefits derived from the implementation of the three basic principles include improved data collection and analytical tools to evaluate the potential impacts of proposed works on protected populations.

Below is a summary list of the most important statutory and regulatory requirements supporting "environmental justice" laws, regulations, and policies.

[2] FHWA Publication No. FHWA EP-00-013, An Overview of Transportation and Environmental Justice

4. STATUTORY & REGULATORY REQUIREMENTS

4.1 1964 Civil Rights Act, Title VI

Title VI states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin.

Title VI of the 1964 Civil Rights Act is the most seminal civil rights and environmental justice legislation. Title VI was reinforced by the 1969 National Environmental Policy Act (NEPA), which required assessment of major federal actions affecting the human environment. Later, in 1987, the Civil Rights Restoration Act of 1987 clarified that it was the intent of Congress to include all *programs and activities* of federal aid recipients, sub recipients, and contractors that directly benefited from Federal assistance. The MPO is responsible for evaluating its plans and programs for EJ sensitivity. It is also responsible for conducting and for developing outreach efforts to low-income, minority, and other traditionally underserved populations, as part of the United States Department of Transportation's certification requirements

4.2 Executive Order 12898

As the environmental movement continued its awareness-raising activities; the movement has increasingly devoted its attention to the possibility of finding disparate environmental impacts in areas inhabited by low income and minority populations. The Executive Order 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations," was issued by President Clinton in February 1994. The Order directs federal departments and agencies to identify and address disproportionately high and adverse human health or environmental effects of their policies, programs, and activities on minority and/or low-income populations. Although this executive order targeted the plans and actions of federal agencies, the effects of the order have poured to state and local governments.

For instance, regarding populations protected by Title VI, a project that has a disproportionately high and adverse impact may be carried out only if (1) there is a substantial need for the project, and (2) alternatives to it would have other adverse impacts or would involve costs of extraordinary magnitude.

Regarding populations protected by Executive Order 12898 but not by Title VI, a project that has a disproportionately high and adverse impact may be carried out only if alternatives or further mitigation measures are not practicable. Social, economic, and environmental considerations are to be taken into account in determining what is practicable.

Author Mary English indicates that "Executive Order 12898 goes beyond Title VI by addressing low income as well as minority populations and by making it clear that unintentional as well as intentional disproportionately high and adverse impacts are to be avoided. In her opinion, Executive Order 12898 is more limited than Title VI in one respect, however. While Executive Order 12898 focuses on the discriminatory distribution of burdens from a federal action, Title VI also considers the discriminatory distribution of benefits from the action.[3]

[3] English, Mary R et al. (2007) Environmental Justice in Transportation Planning and Projects: A Desk Guide for Tennessee

4.3 DOT Order 5610.2

The Order support important strategies emanating from the U.S Department of Transportation (DOT) to advance the principles of environmental justice in all Departmental programs, policies, and activities. In particular, the tenets of the Order are expected to be integrated into planning and programming, rulemaking, and policy formulation.

DOT Order 5610.2 was issued in April 1997 by the U.S. Department of Transportation in response to Executive Order 12898. The Order emphasizes the importance of addressing environmental justice concerns early in the development of a program, policy, or activity. The order requires that –where relevant, appropriate, and practical- information be obtained on the population served and/or affected on race, color, or national origin and income level. The Order proposed steps to guard minority populations and low-income populations against disproportionately high and adverse impacts. It elicits public involvement opportunities and considers the results, and solicits input from affected minority and low-income populations in considering alternatives.

Among others, the Order provides guidance on how to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations. It also offers direction on how to make determinations regarding disproportionately high and adverse effects on minority and low-income populations. It requires accounting for all mitigation and enhancements measures that will be implemented.

According to DOT's 1997 order, environmental justice principles are to be incorporated into all DOT programs, policies, and activities. By extension, this applies to all state activities, including those that do not involve federal aid funds. Statewide and metropolitan transportation planning is subject to environmental justice requirements. In addition, state and metropolitan transportation projects and programs must consider environmental justice requirements. Many of the projects with the potentially most significant impacts are undertaken at the state level. The Order was updated in 2012 and enacted under Order 56102a.

4.4 FHWA Order 6640.23

Order 6640.23, issued in December 1998, is the Federal Highway Administration's response to DOT Order 5610.2. It echoes much of Order 5610.2, and it requires that findings identified during implementation of the order be included in planning or NEPA documentation. FHWA outlines that "at the start of the planning process, planners must determine whether Environmental Justice issues exist …"

However, FHWA also notes that "communities are constantly changing, so evaluation of human impacts must be given attention throughout planning, project development, implementation, operation, and maintenance" (www.fhwa.dot.gov/environment/ejustice/facts). A formal environmental justice assessment at the beginning of a plan, program, or project is essential, but it may not be sufficient. Subsequent assessments may be needed.

4.5 FHWA and FTA Memorandum, October 7, 1999

This is a memorandum issued by the Federal Highway Administration and the Federal Transit Administration. This rulemaking was issued as "Implementing Title VI Requirements in Metropolitan and Statewide Planning on October 7, 1999." The Memorandum makes clear that Title VI and environmental justice must be taken into account, not only during project development, but also during planning processes. It also emphasizes that it applies equally to the projects and products of planning.

The appropriate time to verify the implementation of those provisions is during the planning self-certification reviews conducted for the MPO and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP).

4.6 FTA Circular 4703.1

In August, 2012, the Federal Transit Administration (FTA) issued the Environmental Justice Circular 4703.1 which provided updated and clarified guidance on how to incorporate principles of environmental justice into the metropolitan transportation decision making process. Current Federal guidance directs MPOs to seek and consider the needs/interests of individuals, groups and communities that are traditionally underserved by the transportation system (highway & transit), policies and financial investments.

In response to these federal statutes, the Forks MPO incorporates Environmental Justice into all relevant aspects of the mandated transportation planning process according to supporting principles. In addition, the Forks MPO through its Public Participation Plan addresses the needs and concerns expressed by residents in Limited English Proficiency (LEP).

The Forks MPO carries out a number of activities to ensure disadvantaged persons, as they are defined in federal statutes, and regulations, do not suffer discrimination in the transportation planning and implementation phases. Among others, these activities include incorporating techniques and advance methodologies in public participation and outreach, and plan analysis.

5. EVALUATION PROCESS

The Forks MPO gives consideration to: a) Participation; b) Plans and Services; and c) Alternatives and Projects while implementing the advancement of the 3-Principles of Environmental Justice quoted earlier. These principles were defined by the United States Department of Transportation (DOT) for the Federal Highway Administration (FWHA) and the Federal Transit Administration (FTA).

5.1 Participation

- **Environmental Justice Principle:**

  To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

The outreach activities promoted by the Forks MPO bring to the community sound opportunities to offer input concerning the planning of transportation initiatives. In addition, these public participation events also offer interactive conditions to assist residents and others in voicing their concerns and to participate in decision-making. Although applicable to some planning phases, most of these activities are advanced at the study-level.

The foundation of the products and transportation projects and initiatives considered at the Forks MPO is open to community participation.

✓ **Grand Forks-East Grand Forks MPO:**

a) The Forks MPO provides ample opportunity through effective public notices and outreach activities to engage low income and minority populations in our diverse transportation planning initiatives.

b) It utilizes the interested person's lists to identify all concerned groups with the intent to foster relationships with relevant agencies and to establish direct contact for feedback on federally funded transportation plans and programs from these agencies.

c) It has identified concentrations of low income and/or minority populations by geographically mapping demographic data to reflect environmental justice populations for use in the metropolitan transportation planning process.

d) Places legal notices in local community newspapers, Forks MPO's website, targeted mailings to neighborhood and advocacy groups, issues press releases and periodically prints newsletters.

e) The Forks MPO issues Public Notices for public comment period; it also issues notices for hearings for comments, reviews, and adoption of Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and Unified Planning Work Plan (UPWP).

f) Targets letters and/or postcards announcing updates to the Metropolitan Transportation Plan and the Transportation Improvement Program may be sent to targeted audiences encouraging them to comment on the plan and/or program.

g) Makes every effort to increase and enhance the current use of any or a combination of available public involvement materials: Flyers, Brochures, Visualizations, Maps, Drawings, Renderings, Photographs, Presentations, Fact sheets, Charts and Graphs, Newsletters, and Web Sites.

h) Enhances the use of any or a combination of available visualization techniques including: Maps, Charts, Graphs, Web content, Slide Shows, Artist's renderings, and Animation Videos.

i) Surveys basic demographic information of those participating at public meetings.

j) Uses plain language and offer translation services when necessary

5.2 Plans and Services

- **Environmental Justice Principle**

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

Valuable demographic, economic and social information to support the goals, objectives and policies adhered to by the Forks MPO's plans and initiatives is gathered –among others- to assure prompt, ample and unencumbered participation. This is level of involvement is afforded not only to those interested, but also to those prospectively impacted by the project.

- ✓ **Grand Forks-East Grand Forks MPO:**

a) Identifies highlights, analyzes and addresses issues with projects within these areas for possible alternatives and/or mitigation recommendations in the MTP, TIP or Unified Planning Work Plan.

b) The requirements of the Forks MPO's plans and programs include an environmental justice analysis. This policy will ensure that the burdens and benefits of planned transportation activities are equitably distributed across racial and socio-economic groups.

c) Provides timely information about transportation issues and decision making processes in a simple, efficient and concise manner.

d) In addition to current efforts, Forks MPO' staff (or designated consultants) evaluate the prospective impacts that planned programs and projects would have on low-income and minority residents in such areas as transportation investments, mobility, walkability, and mode choice, effect of projects on travel times of area residents, and access to transit.

e) In addition to current efforts, Forks MPO' staff (or designated consultants), investigate the impacts of the transportation plan or program on these populations and work with interest groups and/or neighborhood organizations to explore alternatives.

5.3 Alternatives and Projects

- **Environmental Justice Principle**

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

A State, MPO, or public transportation operator may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide and metropolitan transportation planning process. The results or decisions of this study may be used as part of the overall project development process consistent with FHWA regulations.

Environmental justice determinations are made based on reasonably foreseeable adverse social, economic, and environmental effects, not population size. It is important to consider the comparative impact of an action among different population groups.

The expectation is that early consultation will help agencies identify key environmental factors and resources that will lead to more informed decision-making. Corridor and subarea studies can also help State and local planners understand the magnitude and scope of projects, and allow planners to learn more about a particular corridor or subarea before moving forward with project development.[4]

- ✓ **Grand Forks-East Grand Forks MPO:**

a) Seeks help from possibly affected groups to develop possible alternatives as early as possible; discusses with them any perceived disproportionate effects the community is anticipating.

b) Through analysis determines possible effects/impacts; and anticipate disproportionate effects. In addition to current efforts, Forks MPO's staff (or designated consultants) will discuss disproportionate effects –if any is anticipated; and will develop mitigation and remedial strategies – as appropriate- Strive for selecting alternatives that closely reflect needs and preferences of affected groups.

c) Ensures that recommendations made in the project or study do not adversely impact EJ communities and/or ensure that the benefits and burdens of a specific recommendation are equitably distributed. In some instances, an EJ issue may be evident in a study area, but not be directly related to the residential population of a study area. For instance, there may be an issue that affects workers or other users of places or services within a study area.

d) Utilizes geographical information systems (GIS) during the updates of the TIP and the MTP.

e) Maps all federally funded candidate projects –at the study level- in relation to low-income and/or minority areas.

f) Forks MPO staff, in addition to current efforts, is aware that a neutral policy or practice may have a disparate impact on protected groups. Thus, it will promote recommendations that would positively impact the EJ population groups identified.

[4] http://environment.fhwa.dot.gov/integ/corridor_nepa_guidance.asp#toc111

6. IDENTIFYING ENVIRONMENTAL JUSTICE POPULATIONS

- **Introduction**

Two key reasons for understanding the demographic characteristics of an affected area are:

- To identify population groups who may need to be targeted for special outreach and consultation efforts, and

- To determine whether groups should be considered protected under the environmental justice standards specified in Executive Order 12898.

Both reasons are important. First, the main objective is to identify the populations protected by Executive Order 12898. Second, that the demographic analysis methods also are a prelude to determining appropriate outreach and consultation efforts, needed to advance a regional transportation vision. Other populations such as the disabled, elderly or those with a Limited English Proficiency, are protected by other federal statutes and regulations. The Forks MPO has currently a Limited English Proficiency Plan in place.

- **Demographics**

In order to determine whether a group qualifies as a "protected population" under Executive Order 12898, at least the following issues arise:

- How to define protected populations (Low Income & Minority)
- Study area boundaries, and
- Population thresholds.

The Forks MPO serves two geographic areas that by virtue of their original settlement patterns and cultural backgrounds were originally populated by a variety of immigrant groups. Many settled in proximities to next of kin, country-people or fellow worshipers. For instance, in North Dakota, except for the original settlers, the American Indian (5.4%), the number of those belonging to "minority" groups (8.5%) is rather small. Nevertheless, they also enjoy the protection and benefits derived from enacted civil rights laws, policies and regulations.

In both North Dakota and Minnesota, newcomers came from many ethnic, religious and cultural Eastern European backgrounds: Belgians, Czechs, Icelanders, Hungarians, Norwegians, Ukrainians and Syrians. As a result, the number of those belonging to the remaining "minority" groups is rather small. Most recently, people from diverse ethnic backgrounds have moved to the Forks MPO's planning area attracted to emergent economic opportunities realized in the past few years from the oil exploration, and related supporting industries in North Dakota, which makes the largest geographic region within the planning area.

- **Department of Transportation**

DOT and FHWA do not specify thresholds for determining whether a target population qualifies as "minority" and/or "low income." In fact, FHWA policy states that even if the minority or low-income population in a project, study, or planning area is very small, that does not eliminate the possibility of a disproportionately high and adverse effect on this population. (http://www.fhwa.dot.gov/environment/ejustice/facts/#QA).

The Forks MPO adheres to the concept of "meaningfully greater" areas in its determination of the thresholds of populations of interest. A population is of a "meaningfully greater" interest, if it is two times

the total percent population within the metropolitan boundary or if the geographic unit exceeds 50% of the minority population. These areas with "meaningfully greater" interest are identified as areas of high concentration. Meaningfully greater is a detailed screening "threshold level" analysis technique used to support transportation long range, improvement, and state strategic improvement plans. The "threshold level" analysis does require a robust knowledge of Geographic Information System; coupled with a sound understanding of Census data. It does not require an intense data collection.

Data from the American Community Survey (ACS) at the Block group level (2013-2017) was used for the creation of the high concentration Minority map and the high concentration Low-income map. All data from the ACS is estimated; thus, there are margins of error that were not taken into consideration. The U.S Census Block Group is an appropriate geographic unit level of analysis to address MPO's requirements.

6.1 Method to Find Minority Population(s)

- **Definition**

Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following groups:

- **Black** - a person having origins in any of the black racial groups of Africa.
- **Hispanic** - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- **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.
- **Native Hawaiian and Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

- **Department of Transportation**

The definition of "minority" according to the Appendix to DOT Order 5610.2 was augmented through a March 2000 bulletin from the Office of Management and Budget 52(OMB Bulletin No. 0002, "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement").

- **Details**

For the purpose of this study, minority was defined as being of any race and/or nationality except white. The American Community Survey (ACS) block group data was available for 2013-2017 in geodatabases. This format allowed for the joining of the various tables of information to the geographic block group unit in ESRI shape file format. Using this data the total population for all the block groups that make up the MPO area was added to find the total population for the MPO area. For the calculation of the MPO area's percent of the minority groups, MPO's staff calculated the minority population for each block group. Because of the size of the groups, it was easier to find the white population total for the block group and then subtract it from the total block group population. Once that was done, the total non-white population was found by adding up each block group's non-white population. Dividing the non-white population by the total MPO area population, then multiplying that by 100 the percent non-white population was found.

Using that method the percent of non-white population in the MPO area then multiplying that percentage by two (2) equals a threshold to be considered having a higher proportion of minority populations. Table 1 shows the numbers for the MPO area.

Table 1. MPO Area Minority Population Census Data

MPO Area ACS* Data 2013- 2017			
	All Populations	White Only Populations	Minority Populations
MPO Total	70,389	61,979	8,410
MPO Percent		88%	12%
2X Percent			24%

The information has been analyzed at the Census Block Group (BG) Level. A census block is the smallest geographic unit used by the United States Census Bureau for tabulation of 100-percent data (data collected from all houses, rather than a sample of houses). Typically, Block Groups have a population of 600 to 3,000 people. Usually, a BG usually covers contiguous area.

After the percentage of minorities were found for each block group it was found that very few block groups had 24% or more minority population. In order to have a better representation of the populations in the MPO area it was decided to separately calculate the data between the North Dakota side and the Minnesota side of the MPO area. The percentages displayed in Map 1 are separated into two categories: 1) Block groups in North Dakota above 25%, and 2) Block groups in Minnesota above 17%. No block group within the MPO area has a minority population of 50% or greater, because of this the 2 times the percent of minority in each state was used. There were at least one block group in each state that were two times the state percent in the MPO area. This data is displayed in Table 2 below.

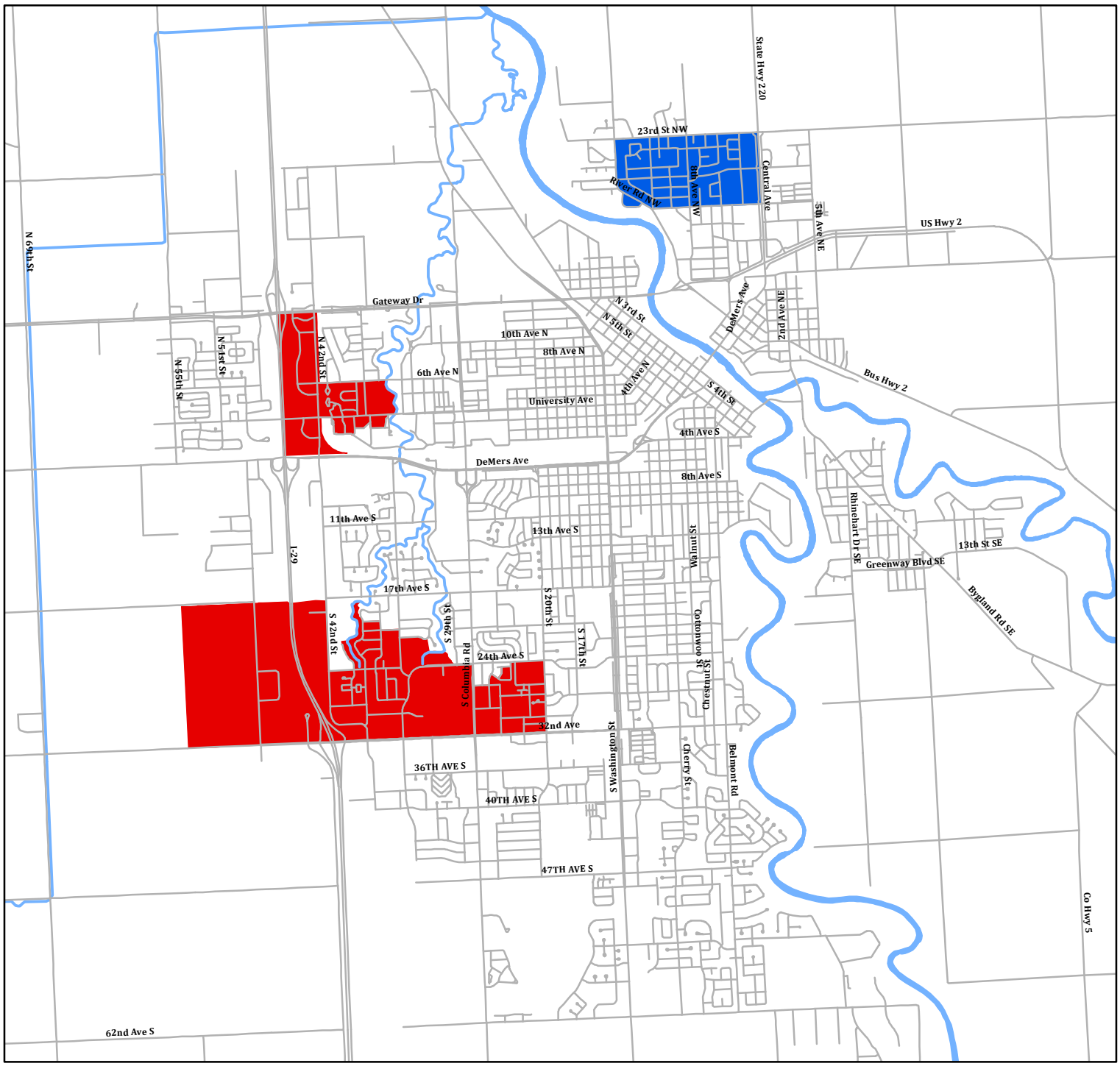
Table 2. Minority Population in each State in the MPO Area

MPO Area ACS* Data 2013-2017		
	Grand Forks	**East Grand Forks**
Total Populations	60,430	9,959
White Only Populations	52,865	9,114
Minority Populations	7,565	845
Percent Minority	13%	8%
2X Percent	25%	17%

*American Comumity Survey

Map 1 was prepared by the GF-EGF MPO to highlight corresponding area of high concentration of the Minority Population(s), and to facilitate the analysis and visualization process.

High Concentration of Minority Population



Minority

- EGF: 17% or Higher
- GF: 25% or Higher

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Overcoming Barriers Strengthening Connections

Grand Forks - East Grand Forks Metropolitan Planning Organization

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"A community that provides a variety of complementary transportation choices, that are fiscally constrained, for people and goods."

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6.2 Method to Find Low-Income Population(s)

- **Definition**

"Low-income" is defined in the Appendix to DOT Order 5610.2 as: a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. However, FHWA guidance allows states or localities to use higher (that is, more inclusive) thresholds as long as they are not selectively implemented. Author Mary R. English, quoting "In Use Definitions of Environmental Justice Terminology in Long Range Transportation Plans, (Paul R. Lederer, Teak Kim, and Louis F. Cohn, University of Louisville, July 30, 2004). " indicated that according to that study of the environmental justice practices of MPOs across the United States, 78 percent of MPOs use the HHS guidelines, while others use a higher threshold to adjust for higher cost of living than the national average.

DOT, FHWA, and FTA environmental justice orders define low-income as "a person whose household income is at or below the Department of Health and Human Services (HHS) poverty guidelines." In addition, a State or locality may adopt a higher threshold for low-income as long as the higher threshold is not selectively implemented and is inclusive of all persons at or below the HHS poverty guideline. It is under this understanding that the Forks MPO is using the data available from the ACS 2013-2017 dataset. Further, the ACS Poverty data includes selected characteristics such age, race, living arrangements and education to establish a determination.

- **Department of Transportation**

However, according to updated Order 56102a (2012), the definition of Low-Income Population is enhanced to "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." Although there is a number of demographic Poverty Guidelines to support our analysis; please notice that the threshold analysis presented in this report is based on data from the American Community Survey (ACS) block group (2013-2017) available in a geodatabase format.

- **Community Thresholds**

The 2013-2017 ACS gathers this information and uses it to come up with a ratio of income to the Census poverty threshold that is used for every member of the family to produce a total of individuals that are at a certain ratio. The Census poverty threshold is similar to the HHS. Census has developed a number of experimental measures to determine poverty. In addition to accounting for household size, Census includes gender, age, race, living arrangements, and education level in their definition of poverty. The Census poverty thresholds are a little higher than the HHS thresholds. It includes people who would be considered in poverty under the HHS poverty guidelines.

At the national level, there is a distinction between poverty thresholds and poverty guidelines. Poverty thresholds figures vary by household size and number of dependents, whereas the poverty guidelines vary by household size only. Human Services Poverty Guidelines are used by some agencies for administrative purposes, such as determining eligibility for federal and other programs such as poverty-reduction, revitalization of low-income communities and the empowerment of low income families and individuals in both urban and rural areas to become self-sufficient.

- **Details**

The Census Bureau uses a set of income thresholds that varies by family size and composition to determine who is in poverty. If the family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. When the family's total income is divided by the family's threshold the ratio of income to poverty number is established for everyone in the family.

The Census data gives a range of ratio numbers that individuals fall between in the table. Anyone with a ratio number of less than 1.00 is considered in poverty. Anyone 2.00 and over (or 2 times the income threshold) is considered to have a healthy income. Although many individuals with a ratio number between 1.00 and 2.00 qualify for some assistance programs, they are considered working poor. In the MPO planning area, anyone with a ratio of 1.84 or less is considered low-income.

To obtain the total low-income population, the analysts added the low income population for each block group. Once these numbers were figured then they were divided by each other and then multiplied by 100. Using this method it was found that the low-income population in the MPO area by multiplying that percentage by two (2) equals a threshold of 59% to be considered having a higher proportion of low-income populations. Table 3 shows the numbers for the MPO area.

Table 3. Low-Income Population for MPO Area

MPO Area ACS* Data 2013- 2017		
	All Populations	Low Income
MPO Total	70,389	20,617
MPO Percent		29%
2X Percent		59%

*American Community Survey

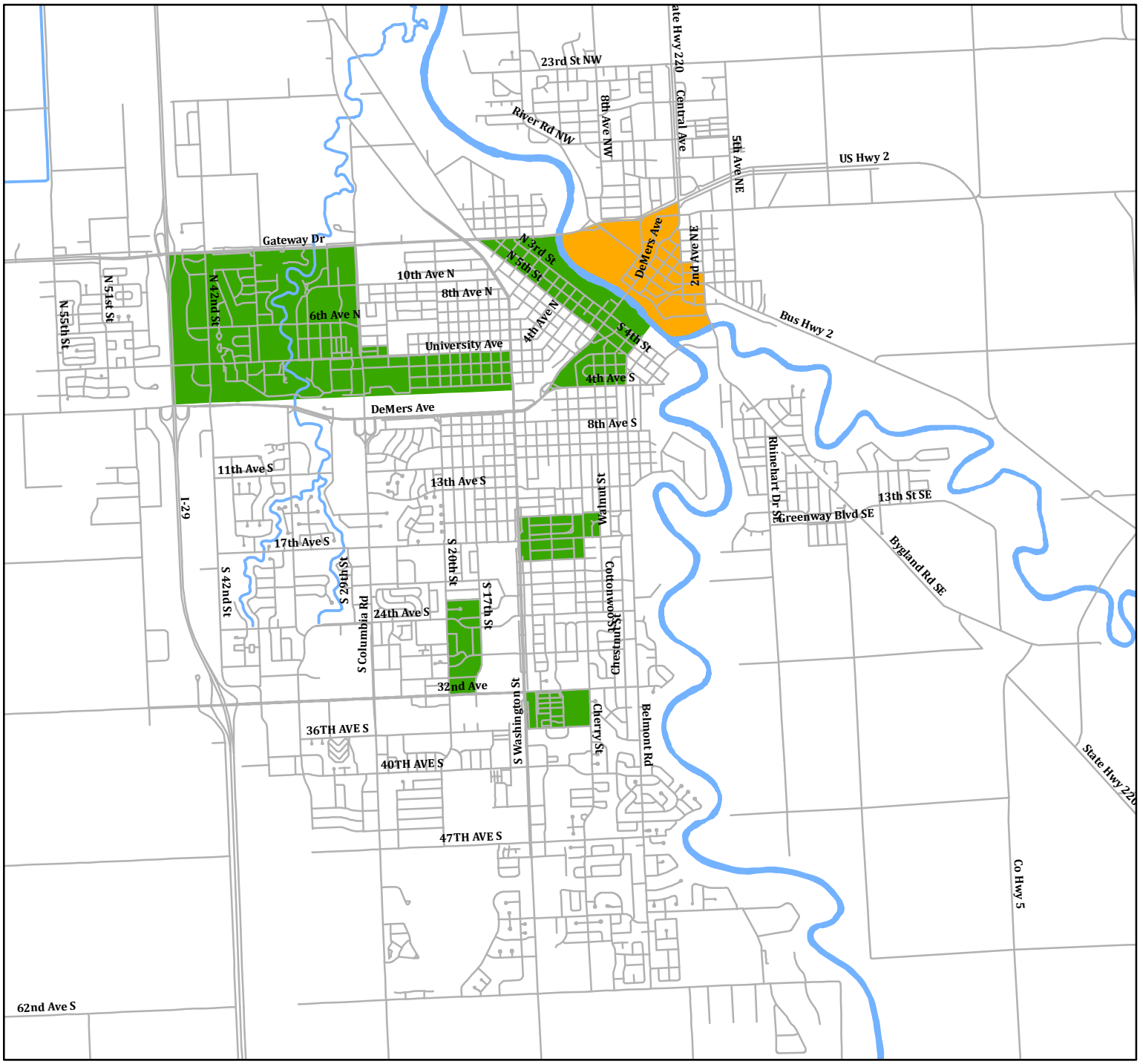
Our analysis indicates that only block groups within the MPO area that has a low-income population of 59% or greater are in North Dakota. In order to have a better representation of the populations in the MPO area it was decided to separately calculate the data between the North Dakota side and the Minnesota side of the MPO area. Our "meaningful greater" is either 2 time the average or 50% and greater within any block group. The percentages displayed in Map 2 are separated into two categories: 1) Block groups in North Dakota above 50%, and 2) Block groups in Minnesota above 2 times (47%). This data is displayed in **Table 4** below.

Table 4. Low-Income Population by State in the MPO Area

MPO Area ACS* Data 2013-2017		
	Grand Forks	**East Grand Forks**
Total Populations	60,430	9,959
Low Income Populations	18,297	2,320
Percent Low Income	30%	23%
2X Percent	61%	47%

*American Community Survey

High Concentration of Low Income Populations



Low Income

- EGF: 47% or Higher
- GF: 50% or Higher

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*American Comumity Survey		

7. ANALYTICAL FRAMEWORK

The Statutory and Regulatory laws, Executive Orders or programs guiding the environmental justice process are complex. For instance, the law calls for the assessment of disproportionally high and adverse impacts on protected populations. The law is also concerned with the nature and scope of social impacts, and their distributional effects across various segments of society. The questions below are posed to assess key tenets of the legislation: the disproportionally and adverse impacts on the protected populations.

7.1 Adverse impacts and what does "significant" mean?

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.

7.2 What does "disproportionate" mean?

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.

7.3 Secondary and Cumulative Impacts

DOT Order 5610.2 states that:

Adverse effects mean the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects… (Emphasis added) Similarly, CEQ's environmental justice guidance for NEPA (1997) directs agencies to consider, among other things, whether adverse effects will occur in a minority or low-income population that is already affected by cumulative or multiple exposures to environmental hazards.

8. FUTURE ACTIONS

The elaboration of this Procedural Manual is an attempt to articulate the Environmental Justice laws, regulations and policies established by a number of transportation relate federal agencies to ascertain that low income and minority populations within our planning area are subject to "fair treatment and meaningful involvement of people from all races, cultures, abilities and incomes during the development of projects, laws, regulations, and policies."

The order also requires that –where relevant, appropriate, and practical- information be obtained on the population served and/or affected on race, color, or national origin and income level. In this regard, this report presented the foundations of an initial "threshold" methodology devised by the Forks MPO's staff to identify the numbers, locations and settlement patterns of low income and minority populations. The purpose of this data gathering and analysis endeavor is to proceed with an evaluation of prospective disproportionately high and adverse effects resulting from the planning and construction of transportation related facilities.

8.1 Primary Assessment

Striving to include all stakeholders in the transportation decision-making process, the methodology in place has assisted Forks MPO staff in the process of planning and advancing engaging public involvement activities for the benefits of those residing at or in proximity to the locations where MPO projects are being considered. This review has also facilitated the analytical evaluation of current plans and programs to see if any of them led to adverse impacts on these populations.

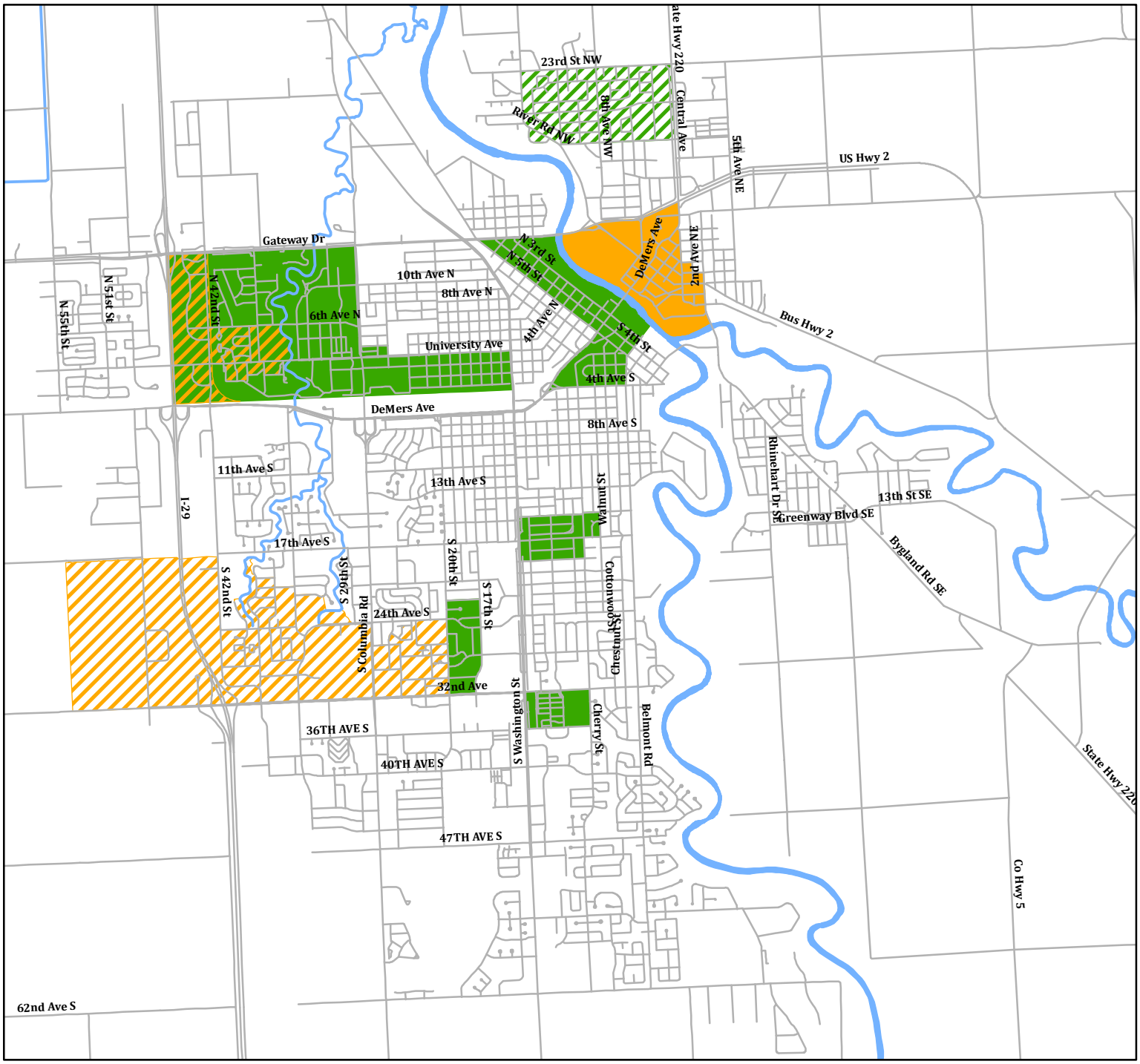
In this first phase of our Environmental Justice program, Forks MPO staff developed the data collection, analysis and the methodology necessary to identify the low income and minority populations in our region. We have evaluated –using available tools- long range and improvement plans and programs to see if any of them led to adverse impacts on these populations. In addition, we continued our proactive public outreach program. The aim is to include all citizens in the decision making process.

The results indicated that neither low-income, nor minority populations are "disproportionally" or adversely bearing the brunt of the transportation projects, initiatives or plans produced by the Forks MPO. That means that transportation planning activities performed by the Forks MPO are not –to the best of our understanding- known to have been disproportionately distributed regarding the designated target populations.

The exercise has been useful in helping Forks MPO staff to identify the demographic and socio-economic characteristics of a portion of the transient student population residing nearby the University of North Dakota's Campus. Although a large portion of this population is geographically found within the Census Block corresponding to low income residents, it is key to notice that some transportation related projects actually improve access, connectivity and mobility for many of them. Moreover, access and mobility programs tend to improve their transportation choices and to reduce their expenses.

Another interesting finding is the geographic location of a segment of the minority population. Although very reduced in numbers, it appears many minorities by virtue of their location, overlap with low income residents. However, a closer look at their realities presents a quite different view. Many residents on those census blocks enjoy transit access, bicycle and pedestrian accommodations, signalized intersections and other conveniences that increase their mobility, safety and facilitate their participation in economic activities.

Combined Environmental Justice Areas



Low Income

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- GF: 50% or Higher

Minority

- EGF: 17% or Higher
- GF: 25% or Higher

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8.2 Transit Coordination

Grand Forks, ND and East Grand Forks, MN are direct recipients of Federal Transit Administration funds. The City of East Grand Forks contracts its public transportation services from Grand Forks. The city of Grand Forks' Public Transportation Department, also known as Cities Area Transit (CAT), is the public transportation provider. The agency operates thirteen routes Monday through Saturday. CAT provides area's residents with quality, affordable transportation. The objective is to improve their quality of life and increase region's economic vitality.

A primary Environmental Justice concern for service providers is the heavy reliance of disadvantaged populations on public transportation. These populations are constrained by little or no access to private motor vehicle transportation. They rely on transit to increase their mobility. Cities Area Transit (CAT) is a recipient of Federal Transit Administration financial assistance. Whether this aid is federal, or not, the CAT is mandated to incorporate Environmental Justice (EJ) into its plans, projects and activities.

The Forks MPO is responsible for implementing and conforming to federal environmental justice regulations. Cities Area Transit is represented at the Forks MPO Technical Advisory Committee. As a member, it assists in the review of Forks MPO's projects and initiatives. For instance, the Forks MPO has produced and reviewed, in coordination with CAT the following Environmental Justice elements:

- Determined whether minority populations, low-income populations are present within the planning area
- Identified and addressed the needs of minority and low-income populations in making transportation decisions, particularly, concerning services provided
- Cooperated through the process of identifying and addressing transit-related needs of Limited English Populations (LEP)

Cities Area Transit –through its active participation at the Forks MPO TAC, has:

- Assisted in drafting the Public Participation Plan (PPP) which guides public participation process, and techniques
- Drawn from the full array of formal techniques for citizen participation, including, technical committees, advisory bodies, meetings and conferences, focus groups, surveys, worked through neighborhood groups

When required, Cities Area Transit (CAT), in coordination with the Forks MPO, will:

- Assess whether there may be disproportionately high and adverse human health or environmental effects as a result of providing its services

CAT follows the tenets of the Public Participation Plan (PPP) developed by the Forks MPO. The agency makes efforts to coordinate with the MPO the advancement of initiatives involving minority and low-income populations in its programs and activities.

Cities Area Transit (CAT) and Forks MPO, with stakeholders through the upcoming update of the Transit Plan, will study whether any of the characteristics associated with operation and provision of services could potentially hinder or make transit services more accessible to low-income, minority or vulnerable disabled populations.

Such a process requires performing assessment techniques for the determination of potential adverse health, safety, community and environmental impact on the on the relevant demographic and geographic groups. The quantitative analysis could also facilitate the selection of alternatives and mitigation approaches to avoid, and/or minimize their impacts.

8.3 Next Steps

Environmental Justice is an analysis performed at the Forks MPO level as part of our long range planning process. This analysis also performed as a component of the planning phase of specific projects. For specific projects, the emphasis is not just to consider potential impacts of project alternatives on the affected community, but also whether the community participated in project inputs and project meetings.[5]

At the Forks MPO, appropriate public involvement activities are developed early in the planning process or when projects are under programming. The next-steps described below are meant to complement efforts already in place. In making efforts to articulate our Environmental Justice procedures, Forks MPO staff has come to a number of findings that, if considered and later implemented, have the potential to strengthen the current Public Participation Plan, methods and techniques.

Preliminary results indicate:

a) As the number of minorities and low income people is almost nil in some planning areas; a consideration of the need to extend outreach efforts to include Limited English Population, age-groups, and members of Zero-vehicle households in our Environmental Justice Analysis. The purpose is to strengthen the population and to pinpoint the location of these "communities of concern." For instance, DVRPC has recently implemented the method known as the *Indicators of Potential Disadvantage* (IPD), is their Environmental Justice program analysis.

b) The Forks MPO implements a people (demographic) and place (geographic)-based approach directed to locate minority and low income populations in the area. However, the current analysis, suggest an expansion of the population groups to include additional groups that may be experiencing specific transportation planning related challenges. This policy is reflected on the Environmental Justice approach outlined by Minnesota DOT in the Minnesota Go Statewide Multimodal Transportation Plan.

c) Staff should strive to develop performance measures to succeed in meeting Environmental Justice requirements and goals. Continue to apply existing methodology and available geographic information, census analysis while developing new methods to identify and to understand Environmental Justice issues in relation to the functioning of these populations and their transportation needs.

d) The Forks MPO could enhance its current efforts by enlisting representatives of minority / low income groups to ensure that its efforts reflect the diversity of our current population. It could work to inform minority and low-income communities about specific plans or projects being developed in their area by generating additional materials to educate these communities about the transportation planning process and about options and services they may not be aware of, such as transit training or transportation enhancements for their communities.

[5] Durham-Chapel Hill-Carboro (DCHC) Metropolitan Planning Organization. (2014) Environmental Justice Report.

e) Provide Forks MPO's materials to government agencies, community organizations, homeowners associations and civic groups to educate their memberships and to fill an educational goal in their communities. The objective is to assist them in reaching more informed transportation-related decisions.

9. GLOSSARY AND ABREVIATIONS[6]

9.1 Glossary

Adverse Effects – The totality of significant individual or cumulative human health or environmental impacts. Includes social and economic impacts, which may include, but are not limited to the following:

- bodily impairment, infirmity, illness, or death;
- air, noise, and water pollution and soil contamination;
- destruction or disruption of:
- human-made or natural resources,
- aesthetic values,
- community cohesion or a community's economic vitality, and
- the availability of public and private facilities and services;
- vibration;
- adverse employment impacts;
- 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 denial of, reduction in, or significant delay in the receipt of, benefits of transportation programs, policies, or activities.

American Community Survey (ACS)- This is an ongoing survey that provides vital information on a yearly basis about our nation and its people. The ACS creates period estimates, which means they represent the characteristics of the population and housing over a specific data collection period. These are the 1-year and 5-year estimates. Only the 5-year estimates provide data for geography at the census block group level.

Beneficial Effects- These are positive or "good" effects on the community.

Block Group - A subdivision of a census tract, a block group is the smallest geographic unit for which the U.S. Census Bureau tabulates sample data. Block groups average about 1,500 inhabitants.

Community Cohesion- The ability of people to communicate and interact with each other in ways that lead to a sense of community, as reflected in the neighborhood's ability to function and be recognized as a singular unit. Physical attributes of a community, resident demographic characteristics, social values, and shared community activities and daily interaction of residents, business owners, and employees define the strength of the community's cohesion.

Disproportionately High and Adverse Impact on Minority and Low-Income Populations – This is a type of adverse impact defined by the populations it affects. To qualify as this type of impact, the adverse impacts of a proposed project must be:

- Predominately borne by a minority population and/or a low-income population or suffered by the minority population and/or low-income population at an appreciably more severe or greater magnitude than the adverse impacts suffered by the nonminority population and/or non-low income population.

[6] Various Sources: Texas Department of Transportation Handbook: Community Imparct, Limited English Proficiency and Tittle VI.

Environmental Justice (EJ) – With respect to the development, implementation, and enforcement of environmental laws, regulations, and policies regarding TxDOT projects, EJ is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.

GF-EGF MPO - adheres to the concept of "meaningfully greater" areas in determination of population of interest if it is two times the total percent population within the metropolitan boundary or if the geographic unit exceeds 50% of the minority population.

Limited English Proficiency (LEP) – This term applies to people 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. A person with LEP may have difficulty speaking or reading English.

Low-Income – A person whose median household income is at or below the Department of Health and Human Services poverty guidelines for a family of four for the current year.

Low-Income Population – This term is used to describe any readily identifiable group of low-income persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons, such as migrant workers or Native Americans.

Minority - (as defined by EO 12898) – A person meeting any of the following criteria is considered a minority.

- Black: a person having origins in any of the black racial groups of Africa
- Hispanic or Latino: 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, or the Indian subcontinent
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America, and Central America, who maintains cultural identification through tribal affiliation or community recognition
- Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

Minority Population – Minority populations can include any readily identifiable groups of minority persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons, such as migrant workers or Native Americans, similarly affected by a proposed transportation project.

Significant or Significantly – As used in NEPA, a determination of significance requires considerations of both context and intensity.

- **Context** – Context is the concept that the significance of an action must be analyzed in several contexts, such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the proposed project setting, and both short and long-term impacts are relevant.

- **Intensity** – Intensity is a concept for measuring the severity of an impact. There are ten factors to determining the intensity of an impact, and these are outlined in 40 CFR 1508.27.

Title VI – Title VI of the Civil Rights Act is a substantive law, codified in 42 USC 2000d(1-7), and this law requires any recipient of federal funding, to ensure non-discrimination for all persons under Title VI. It states that agency actions are subject to judicial review of compliance with Title VI, which specifically mentions race, color, and national origin as protected classes.

Title VI Program – This FHWA program requires the consideration of age, gender, and disability in addition to race, color, and national origin classes listed in the Title VI of the Civil Rights Act. As a recipient of federal funding.

9.2 Abbreviations

ACS	American Community Survey
ADA	Americans with Disabilities Act
CEQ	Council on Environmental Quality
CAT	Cities Area Transit
DOT	Department of Transportation
EA	Environmental Assessment
EJ	Environmental Justice
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
LEP	Limited English Proficiency
NEPA	National Environmental Policy Act
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
PPP	Public Participation Plan
TIP	Transportation Improvement Program
USDOT	United States Department of Transportation

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http://www.fhwa.dot.gov/environment/ejgrphs/ejmain.gif

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http://www.fhwa.dot.gov/environment/ej2.htm

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http://www.fhwa.dot.gov/environment/e\2000.htm

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procedural manual review body epb approved july 15 2015