

Equity for Equity's Sake: Advancing Transportation Projects with the End-User in Mind

Cathy LaFata, AICP CTP, Transportation Equity Director

Guest Speaker: Pam Yonkin, Sustainability and Resiliency Director

FDR



1 The Language of Equity



Coming Together and Speaking the Same Language

Same as what we call "fairness" or "horizontal equity":

✓ Equal distribution of impacts and benefits between individuals and groups

Grounded in the Civil Rights Act of 1964:

- ✓ prohibits discrimination on the basis of race, color, religion, sex, or national origin
- protections for sexual orientation or gender identity added in June 2020



What Is Equity?



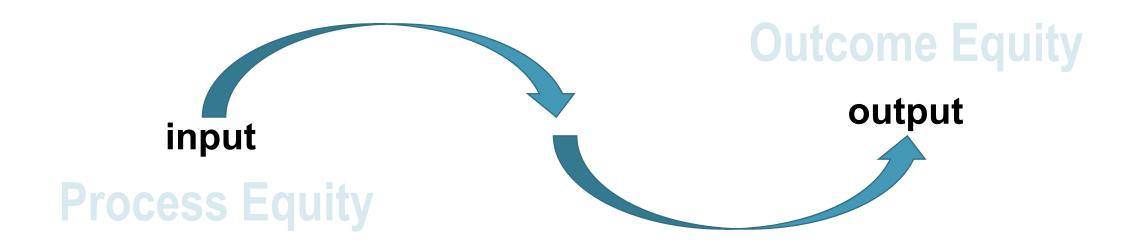
Equity is based on communities' perspectives of their needs and what they think can benefit them

In the context of our work, it is often the same as what we call "vertical equity":

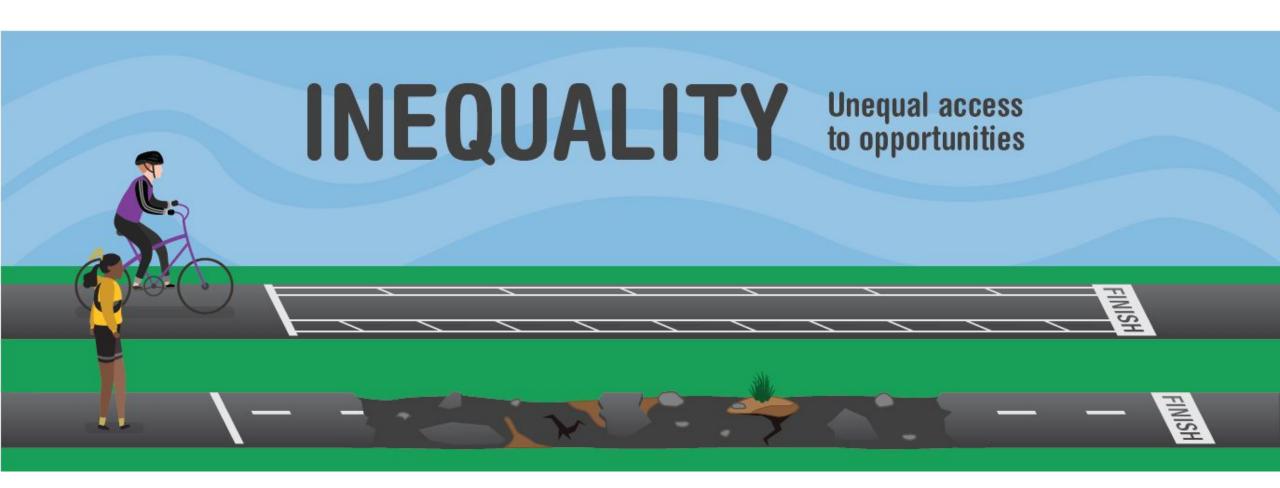
- ✓ Equity considers the distribution of effects between individuals and groups that differ by income, social class, or even mobility needs
- ✔ Policies are equitable if they address the specific needs of economically and socially disadvantaged groups
- ✓ Equity is outcome-based: we strive
 to provide opportunity for everyone
 to achieve the same outcome

Process versus Outcome Equity

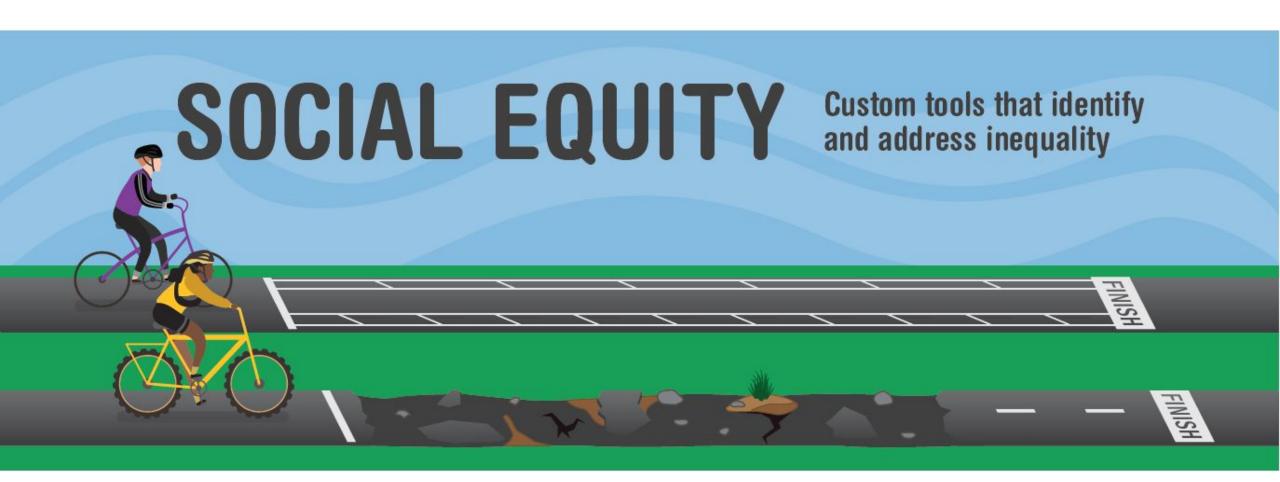
Many agencies and projects have embraced the two complementary sides of equity – *process and outcome*



Equitable decision-making









02 The Drivers of Equity



Responding to the Needs of Our Communities

The Equity Landscape



January 2021 to present:

- EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- EO 14008, Tackling the Climate Crisis at Home and Abroad
- EO 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
- Interim Implementation Guidance for the Justice40 Initiative
- USDOT Equity Action Plan
- EO14091, Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government
- EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All



As per EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government ...

Equity is defined as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as:

- ✔ People of Color (Black, Latino, Indigenous, Native American, Asian Americans, Pacific Islanders, others)
- members of religious minorities
- ✓ LGBTQ+ persons
- persons with disabilities
- persons who live in rural areas
- ✓ persons otherwise adversely affected by persistent poverty or inequality

Justice 40 Initiative

- Included in EO 14008, Tackling the Climate Crisis at Home and Abroad
- Ensures that Federal agencies deliver the promise of at least 40% of the overall benefits to disadvantaged communities from Federal investments in clean energy, energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water infrastructure

Affirms a mandate to **measure** equity benefits – not just report on potential effects of federal actions

USDOT Equity Action Plan



Wealth Creation

Technical assistance to small disadvantaged businesses, enabling them to more effectively compete for USDOT contracting opportunities and build wealth



Interventions

Provide direct, hands-on technical support with local impact – providing targeted assistance in areas of planning, project development, grant applications and project delivery



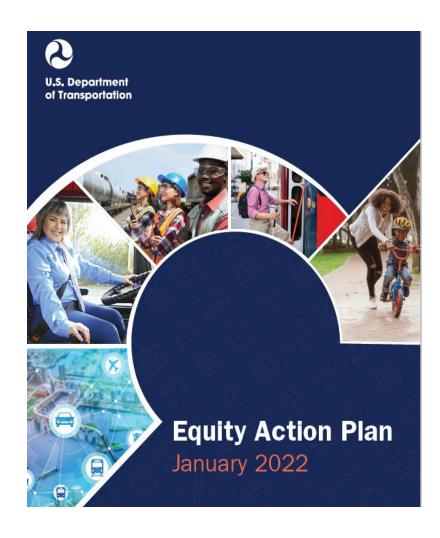
Power of Community

Re-emphasizing agency reviews to prevent disparate impacts on protected classes and empower communities in transportation decision-making



Expanding Access

Address barriers to accessing affordable transportation options and help bring measurable transportation options and help bring measurable transportation benefits to disadvantaged communities per Justice40



What is Environmental Justice?

1994 – 2023, in a nutshell (per EPA):

the **fair treatment** and **meaningful involvement** of all people regardless of **race**, **color**, **national origin**, or **income**

2023 forward (per EO 14096):

The just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities, that affect human health and the environment so that people:

- ✓ Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structure or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship and engage in cultural and subsistence practices.



Environmental Justice since 1994

- ✓ 1994: EO 12898, Federal Actions to Address Environmental Justice in Minority Populations
- ✓ 1997: USDOT Order 5610.2, Order on Environmental Justice
- **2012:** FTA Circular 4703.1, Environmental Justice Policy Guidance for FTA Recipients
- ✓ 2012: USDOT Order 5610.2A, Order on Environmental Justice
- ✓ 2016: USDOT Environmental Justice Strategy, revised
- **✓ 2021:** USDOT Order 5610.2C
- **✓ 2022:** EPA Legal Tools to Advance Environmental Justice
- ✓ 2023: EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All
- **2023:** NPRM: NEPA Implementing Regulations Phase 2

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508

[CEQ-2023-0003]

RIN 0331-AA07

National Environmental Policy Act Implementing Regulations Revisions Phase 2

AGENCY: Council on Environmental Quality.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is proposing this "Bipartisan Permitting Reform Implementation Rule" to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including to implement the Fiscal Responsibility Act's amendments to NEPA. CEQ proposes the revisions to provide for an effective environmental review process that promotes better decision making; ensure full and fair public involvement; provide for an efficient process and regulatory certainty; and provide for sound decision making grounded in science, including consideration of relevant environmental, climate change, and environmental justice effects. CEQ proposes these changes to better align the provisions with CEQ's extensive experience implementing NEPA; CEQ's perspective on how NEPA can best inform agency decision making;

Environmental Justice per EO 14096



Redefines EJ Communities to be more inclusive:

- Focuses on income, race, color, national origin, Tribal affiliation, or disability
- Goes beyond low-income and minority populations to capture "communities with environmental justice concerns"
- Includes communities who are otherwise "adversely affected by persistent poverty or inequality"
- Encourages a more comprehensive look at communities to identify concealed environmental and human health injustices

Environmental Justice per EO 14096



Requires consideration of:

- Any "legacy of racism" or other structure or systemic barriers
- Any cumulative impacts of environmental and other burdens
- Effects of climate change

ALL INFORMED BY MEANINGFUL INVOLVEMENT



More and More Focus on Inclusive, Intentional, and Meaningful Involvement

Public Information
Meetings with
One-way
Communication

Workshops and Open Houses with Two-way Communication

Focused
Engagement with
Affected
Communities

Project
Co-creation and
Having a "Seat at the Table"

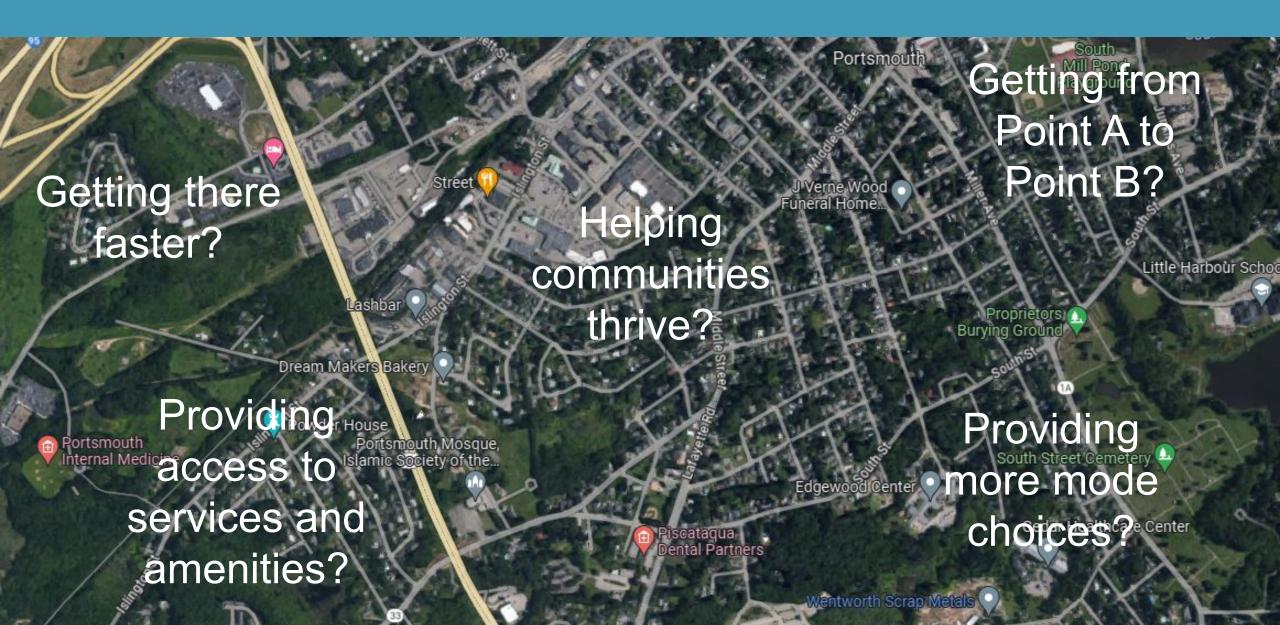
Per USDOT Order 5610.2C; Equity Action Plans, EO 14096

03 Implementing Equity in Our Work



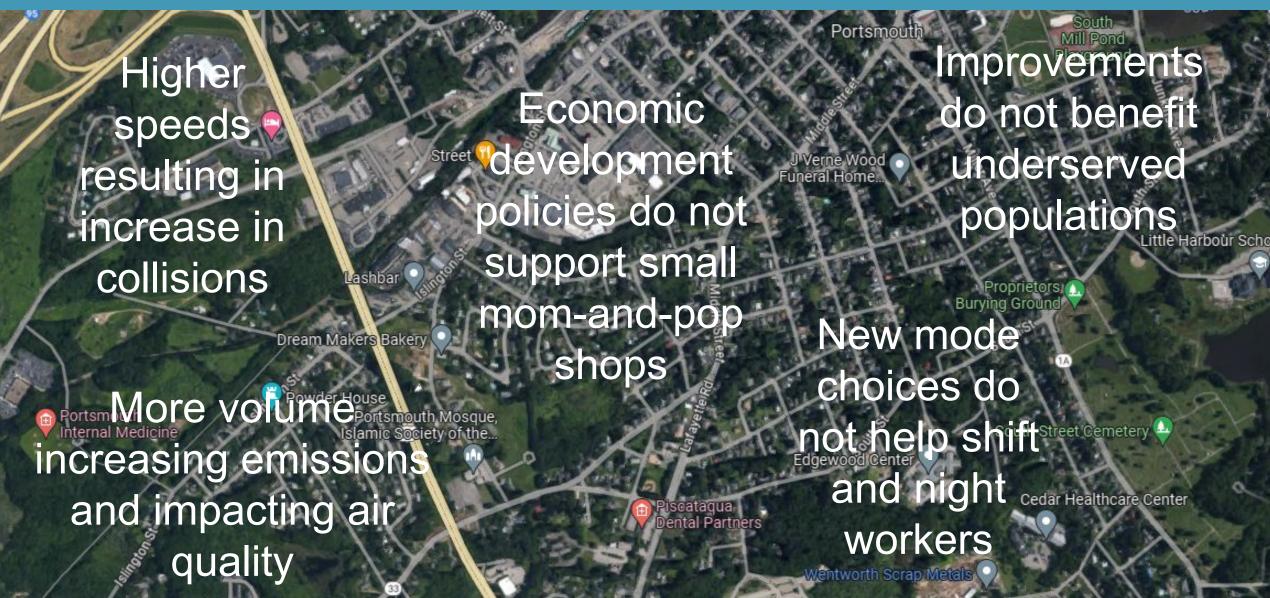
Considering the end user

What do transportation planners hope to achieve?





How do we sometimes fall short due to unintended consequences?



Understanding the Consequences of our Actions

- Who are we serving? Who are the end users?
 - How will the end users benefit

Are the benefits and burdens different for different types of people?

from this investment?

How have other projects / improvements fallen short for the end users?

New Bike Lanes

Express Lane / HOT Lane Project

Freeway Interchange Replacement

Commuter
Rail Service
Change

04 Implementing Equity in Our Work



Respecting the Past, Understanding the Present, and Preparing for the Future

Respecting the Past



Equity acknowledges not all people or communities are starting from the same place due to historic and current systems of oppression

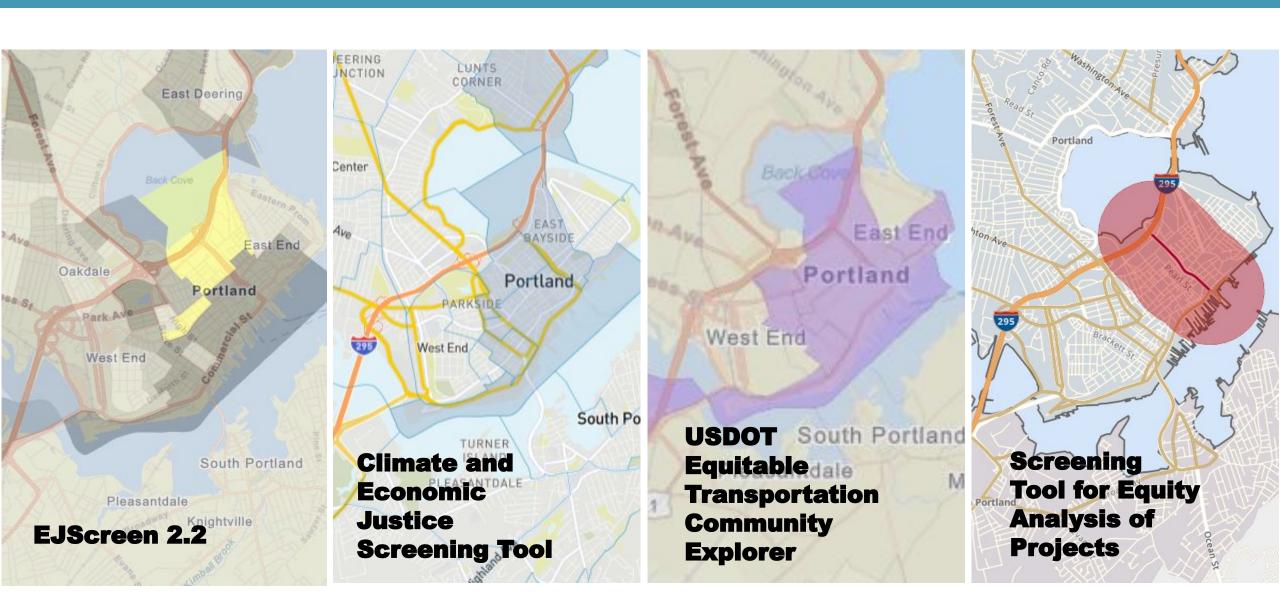
- Do your homework
 - Know that no two projects and no communities are the same
 - Be prepared when you engage the community
- Speak to the community
 - Be intentional in how you engage communities
 - Listen to their stories

Respecting the Past

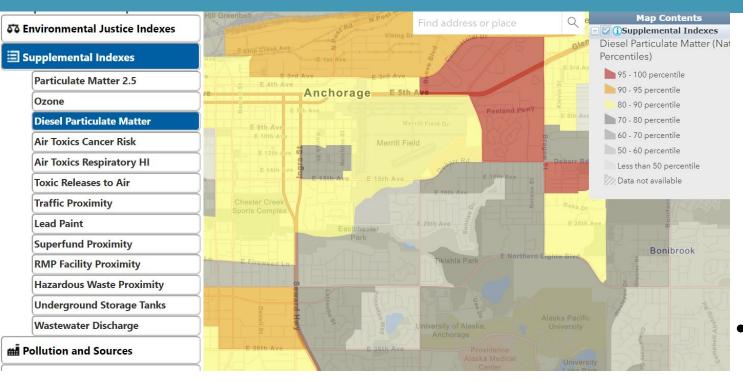


- Ask questions of the community, your team, and yourself:
 - Have there been unintended negative impacts of past projects?
 - Have past actions divided the community?
 - Did land use patterns affect development?
 - Are there long-standing transportation gaps that have affected access to opportunities?

Understanding the Present: Using the Right Tools



Tools Developed for Our Use: USEPA's EJScreen 2.2



- Provides data at the census tract block group level – a more granular geography for analysis
- Compares selected locations to the rest of the state or the US



- Identifies disadvantaged communities as:
 - any census block group at or above the 90th percentile for any of the **Supplemental Indexes**, compared to the nation or state, or
 - any geographic area within Tribal lands and indigenous areas

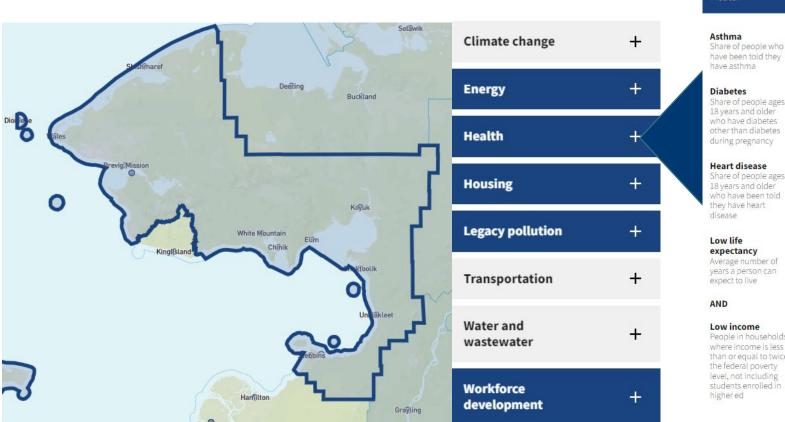
Tools Developed for Our Use: CEQ's Climate & Economic Justice Screening Tool

Identifies burdens at the census tract level

 Identifies burdens across eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and

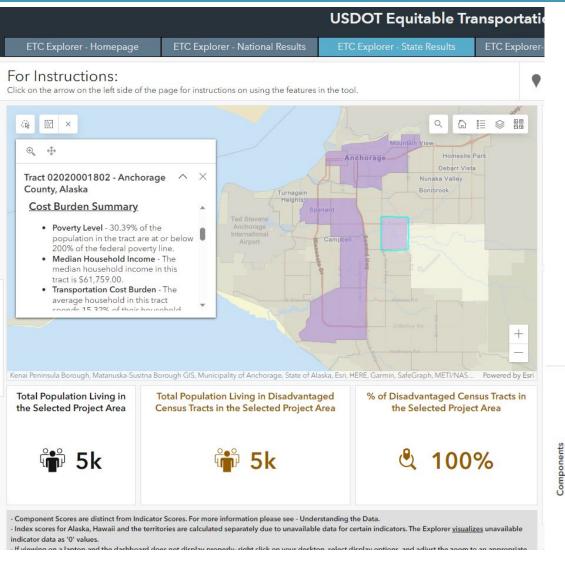
Diabetes

workforce development

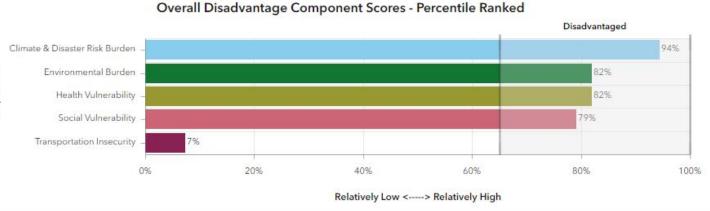


- Communities are considered disadvantaged if:
 - they are in census tracts that meet the thresholds for at least category, or
 - they are on land within the boundaries of Federally **Recognized Tribes**

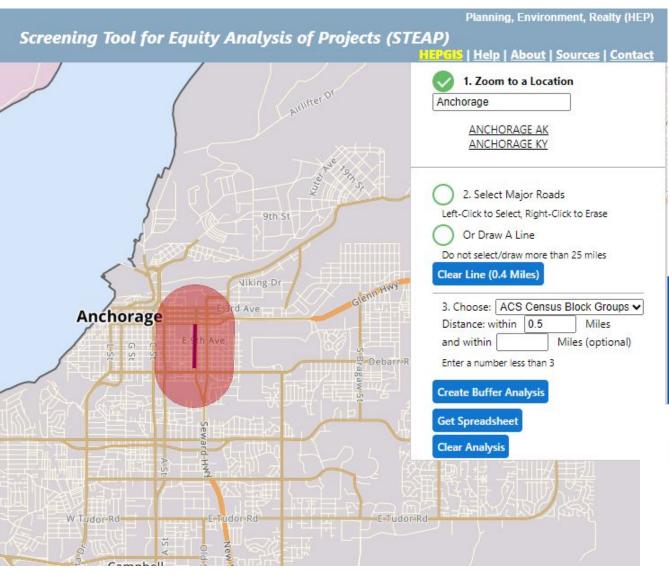
Tools Developed for Our Use: US DOT Equitable Transportation Community (ETC) Explorer



- Designed to complement CEQ's Climate & Economic Justice Screening Tool
- Provides users a deeper understanding into how a community is experiencing transportation disadvantage to help ensure that the benefits of investments are addressing the transportation related causes of disadvantage.



Tools Developed for Our Use: Screening Tool for Equity Analysis of Projects (STEAP)



- Enables rapid screening of project locations anywhere in the U.S. to support Title VI, environment justice (EJ) & other socioeconomic data analyses
- Provides a report for download that summarizes available data:

Screening Tool for Equity Analysis of Projects (STEAP)
Project Buffer Analysis Profile Report

Data Source: American Community Survey 2016-2020 Prepared by FHWA Office of Planning

	Buffer Estimates Percent	City/Town Anchorage AK		State Alaska
General Buffer Area Statistics				
Land Area (in square miles)	1	1,707	1,707	571,022
Population	6,189	292,090	292,090	736,990
Housing Units	3,518	118,293	118,293	318,370
Households	2,768	106,970	106,970	255,173
Families	1,140	69,571	69,571	167,815

Don't forget about meaningful engagement!

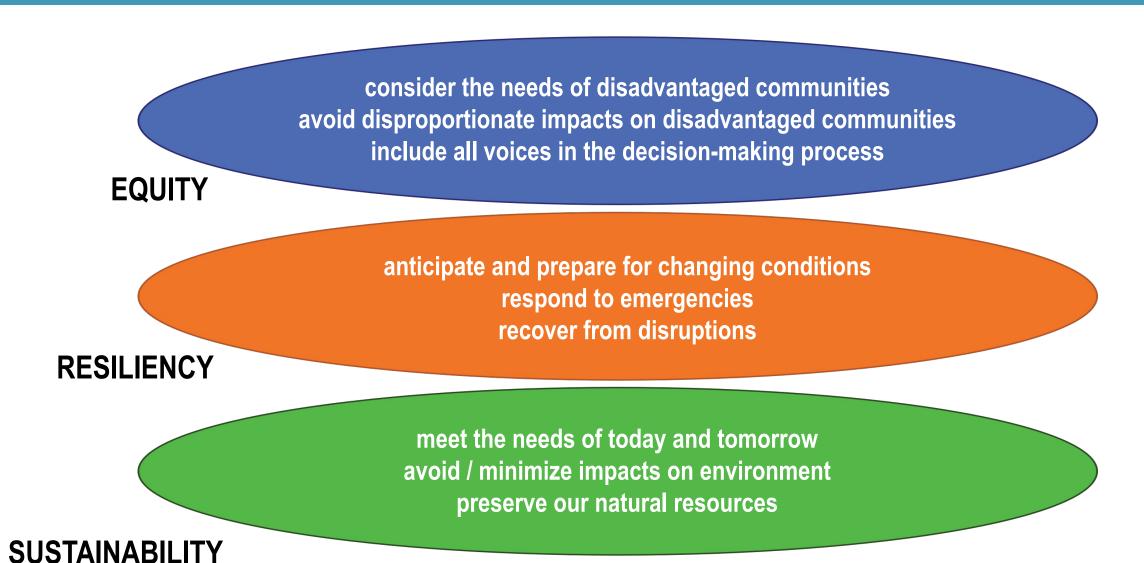
- ✓ Seek out and encourage the involvement of persons and communities potentially affected by potential / proposed actions
 - ✔ Bring project information and opportunities for engagement to affected communities – don't wait for them to come to you
 - ✔ Partner with community-based organizations. non-governmental organizations, and small DBE firms to build trust with affected communities
 - ✔ Provide accessible opportunities for participation
- ✓ Fully consider public input provided as part of decision-making processes





Prepare for the Future

Smart, People-Centric, Future-Focused Planning



Definitions



SUSTAINABILITY

The act of balancing the environmental, social and economic needs of the built and natural environments for present and future generations.

RESILIENCY

The capacity for people, communities, buildings and infrastructure to endure, rapidly respond to and prosper despite impacts from shocks and stress.

Climate Economic Impact (2023)

Weather and climate disasters sustained in U.S. since 1980

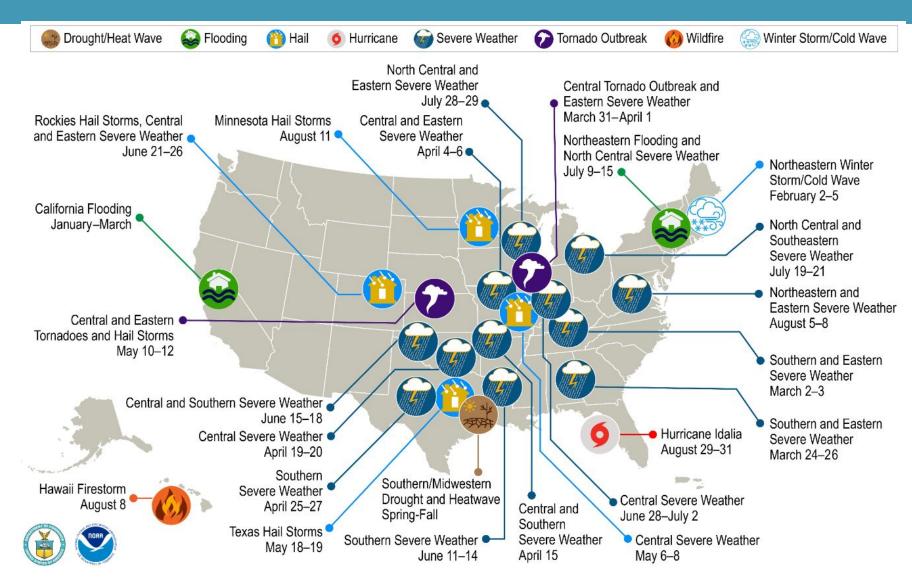
TOTAL COST EXCEEDS

\$2.475 trillion

In 2021, President Biden signed a

\$1 trillion bipartisan infrastructure bill

for historic funding to protect the U.S. against the detrimental affects of human-caused climate change.



Climate Economic Impact (2023)

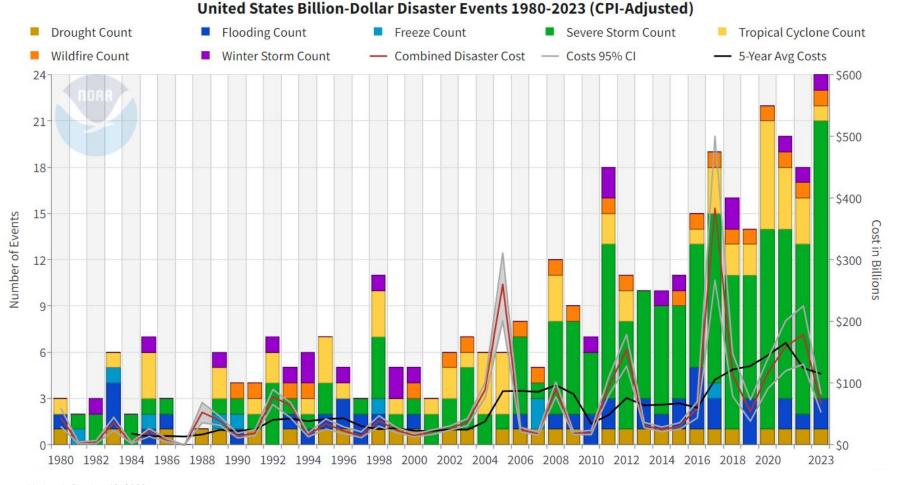
weather and climate disaster events in 2023

LOSSES IN U.S. EXCEEDING

\$1 billion

More than 3 million adults forced to evacuate homes

in the past year (2022) because of a natural disaster, according to a new Census Bureau tally.



Updated: October 10, 2023 Source: NOAA

Sustainability, Resiliency & Equity



- Environmental sustainability
 - Electrification & EV access
- Social sustainability
 - Transportation access
 - Quality of life
- Climate Gentrification
 - Insurance premium increases leading to high housing costs
 - Repeat natural disasters requiring repair and associated costs
 - Sea level rise pushing coastal residents inland to higher ground
 - Most vulnerable communities may be most historically-disadvantaged

04

Project Examples



Bringing the Pieces Together



METRO Blue Line Extension

Metropolitan Council and Hennepin County

Minneapolis, MN

- Currently in NEPA phase:
 Development of a Supplemental EIS
- Advancing a project that extends the METRO
 Blue Line from the existing Blue Line light rail
 transit from Target Field Station in Minneapolis to
 Crystal, Robbinsdale, and Brooklyn Park

BLUE LINE

 Project sponsor and partners seized the opportunity to develop a community-supported route based on extensive public and stakeholder engagement



Co-creating Project Solutions with Communities

ROUTE PRINCIPLES

- Meet Federal Transit
 Administration (FTA) New
 Starts criteria
- Maintain existing alignment (route) as much as possible
- Mitigate negative impacts

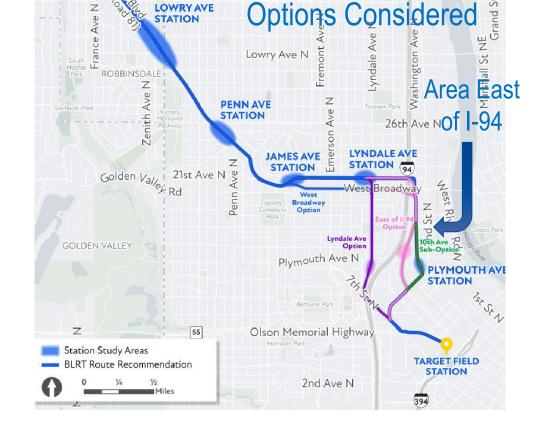
Project Principles

ENGAGEMENT PRINCIPLES

- Meaningful engagement of stakeholders
- Engage, inform, and consult diverse communities to co-create project solutions that reduce disparities

Meaningful Engagement Leading to Project Changes

- Developed several options from 2020 to 2022 in collaboration with communities
- Responded to community input about an option east of I-94
 - Avoids community impacts on west side
 - Provides access to industrial job opportunities
 - Serves affordable housing
 - Opportunity to invest in an underserved community
- Engaged communities through several in-person meetings, door-knocking, virtual events, and on-line survey



- Benefits of the Blue Line Extension Community-Supported Route:
- Best meets the Project goals
- Grounded in community feedback through collaboration with stakeholders
- Supported by project corridor communities and decision-makers

Community-Developed Anti-Displacement Policies

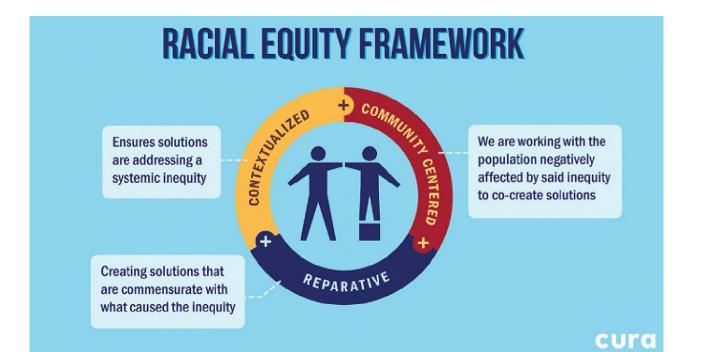
- Hennepin County developed an Anti-Displacement
 Working Group in response to community concerns about housing affordability, business support, and displacement
- Partnered with the University of Minnesota's Center for Urban and Regional Affairs (CURA) to lead this effort

 Worked with community, local governments, and other stakeholders to evaluate the potential for current and future displacement related to the project



Environmental Justice in NEPA: Including Anti-Displacement Policies

- Applied a Reparative Justice Framework and Organizing Philosophy that sought to:
 - Contextualize displacement in the Twin Cities through research
 - Center community by creating a workgroup that elevated community agency and capacity
 - Recommend anti-displacement strategies and policies that would lead to important community-defined outcomes



- Developed **17 recommended policies**, including:
 - Tenant Opportunity to Purchase
 - ✓ Rent Control / Stabilization
 - ✓ Zero- to Low-Interest Loans
 - Small Business Grants / Small Business Support
 - ✓ Workforce Programs
 - Naturally Occurring Affordable Housing Preservation
 - ✓ Limiting Investor Purchasing and Corporate Ownership
- Community added: community development that increases safety, walkability, and urban amenities in the corridor



New York Central Business District Tolling Program

New York Central Business District Tolling Program

New York, NY



- Also known as the Congestion Pricing program
- Will improve quality of life by reducing traffic in Manhattan's most congested areas
- Asserts that fewer cars means cleaner air, safer streets, and better transit throughout New York City



Addressing Inequities in NEPA: Low-Income Users

Inequities: Toll Prices - Access to E-ZPass - Transit Alternatives - Pollution

- Final Environmental Assessment published in April 2023
- FONSI issues in June 2023
- EA determined there is disproportionate and adverse effect on low-income



- Low-Income Discount
- E-ZPass Tag \$10Deposit Waived
- Cash Reload at Retail
- Pay per Trip



Education and
 Outreach on
 Existing
 Low-Income
 Transit Assistance



- \$15B in Transit Capital Improvement
- Improved Bus Service to Low-Income and Minority Households and Neighborhoods

populations

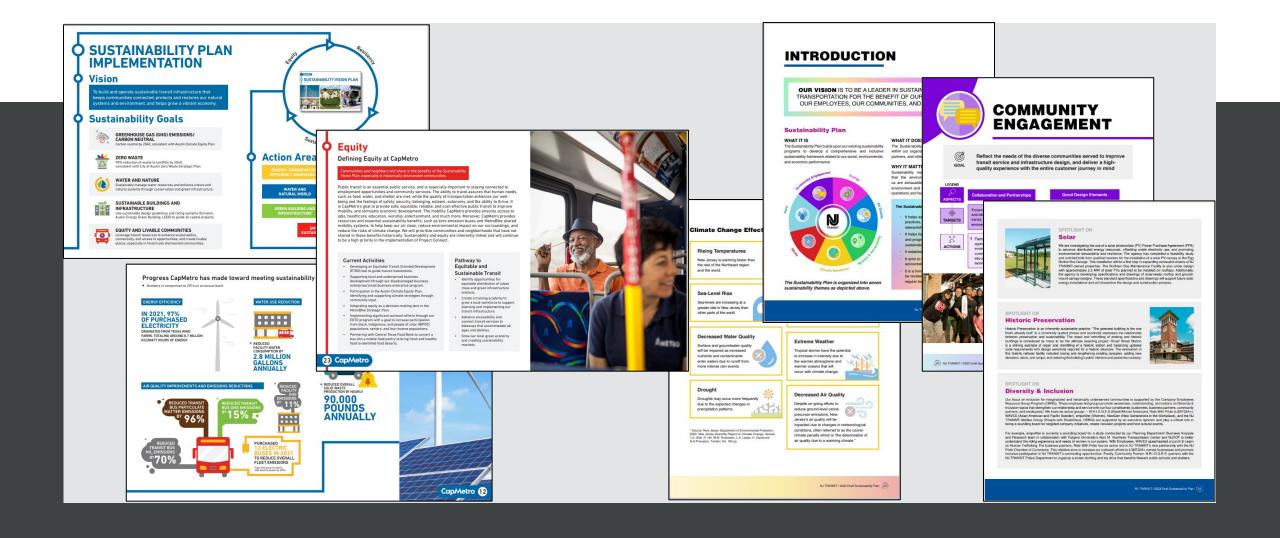
Addressing Inequities in NEPA: Air Quality

Inequities: Toll Prices - Access to E-ZPass - Transit Alternatives - Pollution

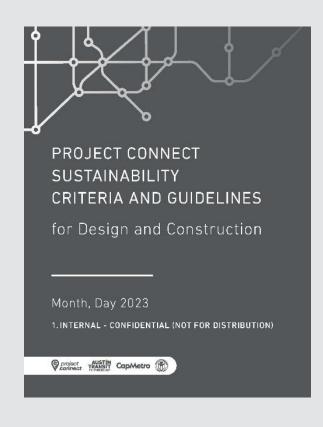


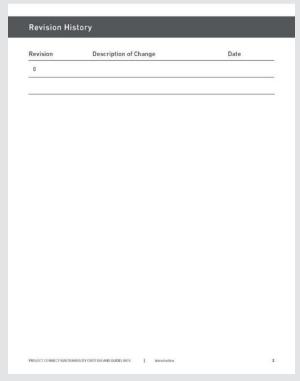
- Expanding the NYC Clean Trucks Program
- •Replacing Hunts Point Refrigeration Diesel to Electric Conversion
- Upgrading School Air Filtration
- Electric Truck Charging Infrastructure
- Installing Vegetation
- Renovating Parks and Green Space
- Establishing Asthma Case Management Program

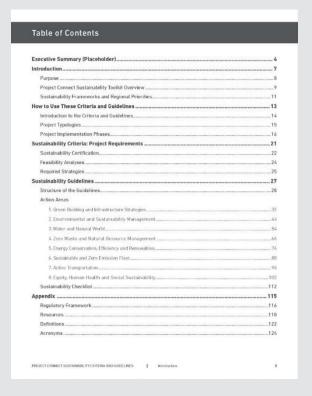
Sustainability Planning



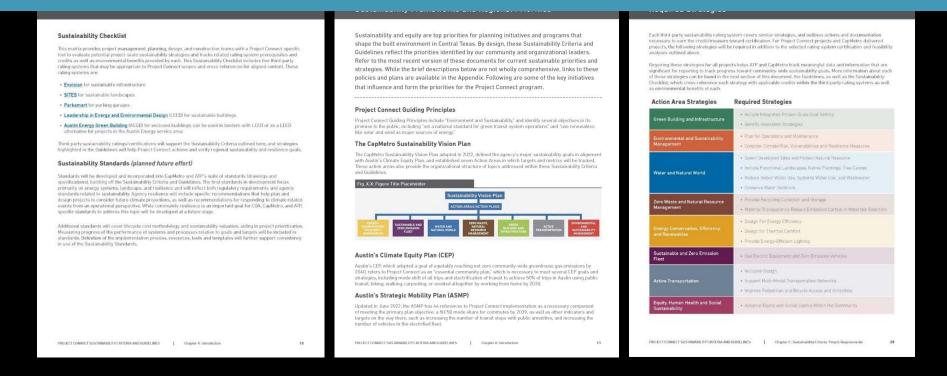
Sustainability Planning Guidelines & Standards







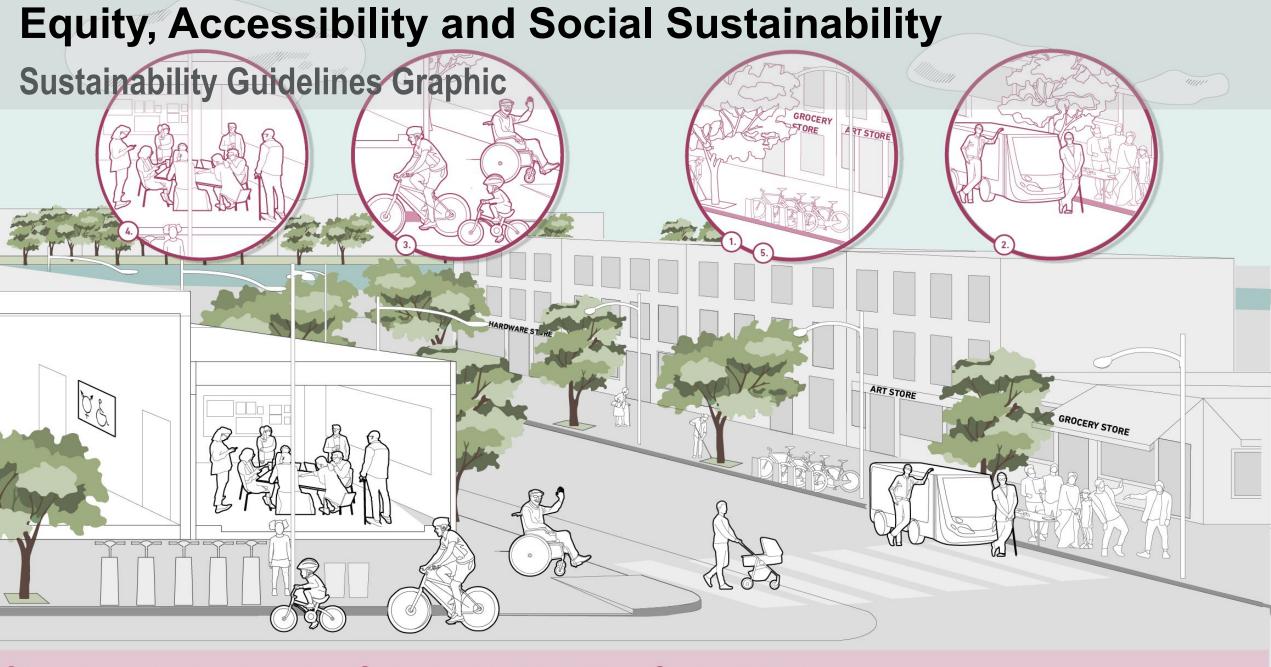
Sustainability Planning



The Guidelines booklet follows a Sustainability Checklist to guide designers and PMs to achieve ATP sustainability goals in alignment with the following third rating system:

- Envision for sustainable infrastructure
- SITES for sustainable landscapes
- Parksmart for parking and garages
- Leadership and Energy and Environmental Design (LEED) for sustainable buildings
- Austin Energy Green Building for enclosed buildings





¹ Incorporate Community Benefits and Other Infrastructure Improvements

^{3.} Advance Equity and Social Justice within the Community

^{5.} Social Equity within the Supply Chain

² Promote Sustainability Awareness and Education

Social Equity within the Project Team

Monroe County Risk & Vulnerability Analysis

- Criticality, vulnerability, risk of SLR and other climate events
- Analysis of hundreds of roads in Florida Keys
- Project prioritization
- Significant stakeholder engagement

 Right Of Way
- Transparent GIS dashboard
- Identification of roadway projects to prioritize



Stinger RoadLowest existing roadway elevation 0.9 FT (NAVD88)

05 Summary



Leaning into some best practices

Thinking and Planning Ahead: Best Practices in Equity Going Forward



- Expand data collection, using a variety of sources, but acknowledge that qualitative data are as valuable as quantitative data
- Develop a *relationship-building* mentality and seek to co-create with communities
- Seek to shift power to historically disadvantaged or underserved groups
- Conduct outreach where people are physically located, and in their understanding
- Listen first
- Start engagement early!

? Questions?

For more information, please reach out to:

Cathy LaFata, AICP CTP
HDR Transportation Equity Director
cathy.lafata@hdrinc.com
510.368.9517