

Transportation and Environmental Justice Case Studies

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“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 of the Civil Rights Act of 1964.

“Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” - Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994

Title VI of the Civil Rights Act of 1964 set a standard which authoritatively outlawed discrimination in the conduct of all Federal activities. Although considerable progress toward nondiscrimination has been made during the 1990s, individuals both inside and outside government are troubled by the high and adverse environmental impacts of private or governmental actions that fall disproportionately on populations protected by laws such as the Civil Rights Act.

The term *environmental justice* was created by people concerned that everyone within the United States deserves equal protection under the country’s laws. Executive Order 12898, issued in 1994, responded to this concern by organizing and explaining in detail the Federal government’s commitment to promote environmental justice. Each Federal agency was directed to review its procedures and to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations. The U.S. Department of Transportation (DOT) issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* in 1997. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have been working with their State and local transportation partners to make sure that the principles of environmental justice are integrated into every aspect of their transportation mission.

There are three fundamental principles at the core of environmental justice:

- 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.

Some transportation practitioners are concerned that environmental justice is a new requirement thrust upon State and local agencies. The truth, however, is that the recipients of Federal-aid have long been required to certify, and the U.S. DOT must ensure, nondiscrimination under Title VI of the Civil Rights Act of 1964 as well as under many other laws, regulations, and policies.

Moreover, environmental justice is more than a set of legal and regulatory obligations. FHWA and FTA have embraced the principles of environmental justice as a means toward improving the transportation decision-making process. Today, effective transportation decision making requires understanding and addressing the unique needs of many different socioeconomic groups. Early, inclusive, and meaningful public involvement in transportation decision making is a proven means for designing transportation facilities that fit more harmoniously into communities. The involvement of people potentially affected by transportation projects offers many benefits and does not threaten the accomplishment of other U.S. DOT priorities, such as safety and mobility.

Recently, FHWA and the FTA began developing technical assistance training materials to educate Federal transportation agency staff, State Departments of Transportation (State DOTs), Metropolitan Planning Organizations (MPOs), transit providers and the public about environmental justice. FHWA and FTA have developed a joint web site, created a brochure, and prepared other technical assistance products including this case study booklet to promote a deeper understanding of the responsibilities and obligations as well as the opportunities and benefits created by accomplishing environmental justice.

The case studies included in this booklet are part of FHWA's and FTA's ongoing effort to put environmental justice at the center of transportation decision making. These cases show that, when properly implemented, environmental justice principles can improve all levels of transportation decision making — from the first thought about a transportation plan through project development, right-of-way, construction, and operations and maintenance. The cases also illustrate that the pursuit of environmental justice is not a simple task. It may sometimes test the practitioner as well as stretch the imagination of the transportation agency. Many “success stories” did not start successfully. They began to take shape only after taking a closer look at community needs, different perspectives, and the reasoning behind opposition. Achieving environmental justice as part of the agency's mission may demand humility, reflection, and flexibility in the face of criticism. The practitioner may be called upon to explore new methods and new partnerships. Eliminating discrimination, and the appearance of discrimination, often requires probing analysis of transportation issues, broad-based community outreach, and a particular sensitivity to the needs of local populations including the needs of people who have not traditionally been participants in decision-making processes.

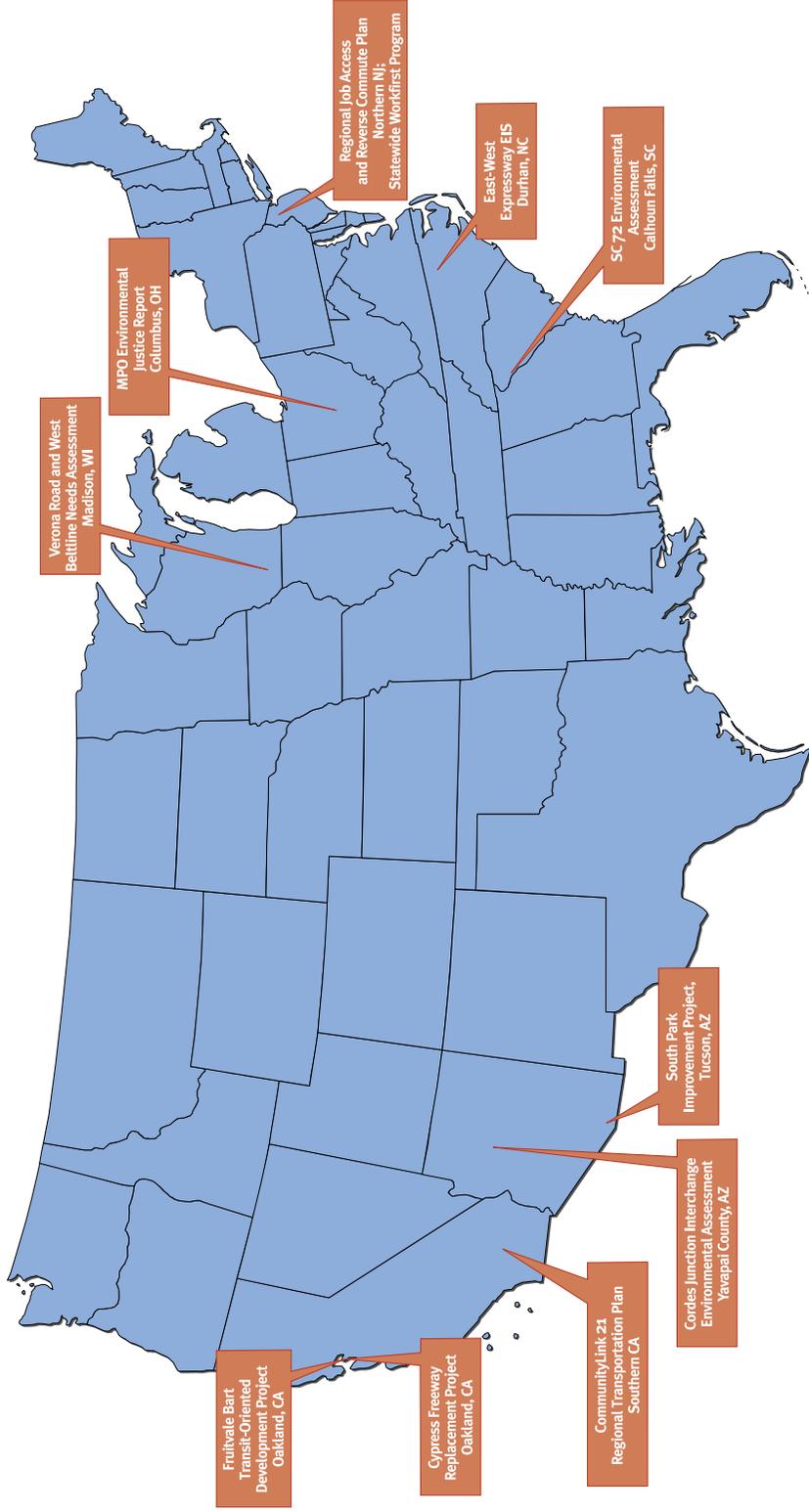
The cases included in this booklet sometimes feature dramatic stories and sometimes highlight commonplace techniques that have been used to promote environmental justice in transportation. As the list below shows, these 10 cases are drawn from all aspects of transportation decision making. The case studies detail both analytical and procedural issues relevant to a diverse community including: FHWA, FTA, State DOTs, MPOs, transit providers, other partnering government agencies, community organizations, environmental interest and environmental justice advocacy groups, businesses, academic institutions and the public. The cases can be read individually, or can be used together or separately as part of a training program for improving environmental justice responsiveness. The summary table highlights several characteristics of the case studies to assist readers in finding examples particularly relevant to their interests or to a specific stage in the transportation decision-making process.

Summary of Case Studies: Study Activities, Topics and Effective Practices, and Other Characteristics

Case Study Name/Geographic Distribution	Type of Activity				Community	Research Topics	Type of Stakeholder		
	Planning	Project Development (NEPA)	Evaluating Right-of-Way	Community Impact Assessment			Public Involvement	Mode	Geography (Urban, Rural)
1. Verona Road and West Beltline Needs Assessment Study (Madison, WI)	X			X	B, A, LI	Early Public Involvement	U	Roadway	Wisconsin DOT
2. Job Access and Reverse Commute Planning (Northern NJ and Statewide)	X				M, LI	Data Sources, GIS Analytical Methods, MPO Regional Coordination	R, U	Transit	NJTPA - MPO, State Health and Human Services
3. East-West Expressway Environmental Impact Statement (Durham, NC)		X	X	X	B, LI	Title VI Complaint, Housing of Last Resort, Mitigation and Enhancements, Collaborative Plans	U	Highway	North Carolina DOT, City of Durham, Crest St. Community
4. Southern California Regional Transportation Plan, (Southern CA)	X				LI	Data Sources, Analytical Techniques, Benefits/Burdens, Alternative Dispute Resolution	U	Roadway, Transit	Southern California Association of Governments - MPO
5. Cypress Freeway Replacement Project (Oakland, CA)		X	X	X	B, LI	Project Development, Right of Way Public Involvement, Mitigation and Enhancements	U	Highway	Caltrans
6. Fruitvale BART Transit-Oriented Development Project (Oakland, CA)				X	H, B, A, LI	Partnerships, Enhancements, Public Involvement	U	Transit	BART, City of Oakland, Unity Council
7. MPO Environmental Justice Report (Columbus, OH)	X			X	H, B, LI	Data Sources, Analytical Techniques,	U	Roadway, Transit	Mid-Ohio Regional Planning Commission - MPO
8. South Park Avenue Improvement Project (Tucson, AZ)				X	H, LI	Partnerships, Enhancements, Context-Sensitive Design, Public Involvement	U	Bike/Ped, Transit	FTA, Tucson DOT, HUD
9. Cordes Junction Interchange Environmental Assessment (Yavapai County, AZ)		X	X	X	N	Tribal Consultation, Cultural Resources Assessment	R	Highway	Arizona DOT
10. South Carolina Route 72 Environmental Assessment, (Calhoun Falls, SC)		X	X	X	B, LI	Community Impact Assessment, Public Involvement	R	Highway	South Carolina DOT

Population
 B = African American; N = Native American; L = Hispanic Origin; A = Asian; M = Minority; LI = Low Income

Case Study Location Map



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