

CHAPTER 11—ENVIRONMENTAL JUSTICE

Introduction

Title VI of the Civil Rights Act of 1964 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." The concept of "environmental justice," derived from Title VI of the Civil Rights Act of 1964 and other civil rights statutes, was emphasized as a national policy goal by presidential Executive Order 12898, issued in 1994. The 1994 Presidential Executive Order directed every federal agency 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."

There are three fundamental environmental justice principles:

- 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.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

The U.S. Department of Transportation (USDOT) requires that environmental justice be integrated into every transportation decision—from the initial concepts about a transportation plan to post-construction operations and maintenance, policies, programs and other activities that are undertaken, funded or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or other USDOT components. Environmental justice requirements are applicable to all of the following:

- Policy Decisions
- Systems Planning
- Metropolitan and Statewide Planning
- Project Development and Environmental Review under National Environmental Policy Act (NEPA)
- Preliminary Design
- Final Design Engineering
- Right-of-Way
- Construction
- Operations and Maintenance

Benefits of Environmental Justice

Environmental justice is more than a set of legal and regulatory obligations. Properly implemented, environmental justice principles and procedures improve all levels of transportation decision making. This approach will:

- Make better transportation decisions that meet the needs of all people
- Design transportation facilities that fit more harmoniously into communities
- Enhance the public-involvement process, strengthen community-based partnerships and provide minority and low-income populations with opportunities to learn about and improve the quality and usefulness of transportation in their lives
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations
- Partner with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities
- Avoid disproportionately high and adverse impacts on minority and low-income populations
- Minimize and/ or mitigate unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods

Groups Addressed by Title VI and Environmental Justice

Environmental justice addresses a large number of groups including Black, Hispanic, Asian, American Indian/Alaskan Native, Low-income and Native Hawaiian or Other Pacific Islander.

Compliance with Environmental Justice

The Regional Transportation Commission of Washoe County (RTC) analyzes and considers the environmental justice of its overall program of projects and services, and its decision making processes. This analysis is to insure that disadvantaged groups receive a reasonable amount of the benefit from the overall program of projects and services while not suffering disproportionate negative impacts. The development of the RTP was led by a steering committee including neighborhood representatives, representatives of the three local planning commissions and representatives from transportation, education, environmental/open space, bicycle, pedestrian, business and development. The committee met twice monthly and held two open house meetings to educate people and answer their questions or concerns. Full coverage of the meeting material including agendas, agenda materials, Power Points and meeting minutes was posted on the RTC's website. It was possible for anyone to submit comments to the committee through the website. There was also an extensive stakeholders' group receiving all the meeting materials.

As part of the planning process for all applicable tasks, socioeconomic and environmental data are analyzed. Environmental justice applies to all transportation services and is part of the overall RTC's planning process. As the Metropolitan Planning Organization (MPO), the RTC complies with Title VI and addresses environmental justice by:

- Enhancing the analytical capabilities to ensure that the RTP and the RTIP comply with Title VI
- Identifying 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 investment can be fairly distributed
- Evaluating and, where necessary, improving the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making

The Regional Transportation Plan (RTP) is a needs-driven plan based on land-use. There is no bias towards low or high income areas or towards minority or non-minority areas.

- The RTP is an open, transparent process. The RTC has made great effort to reach all populations and gone beyond any minimums established.
- As the plan is needs-driven, the improvements (regardless of mode) are put in place as quickly as financially possible.
- The RTC identifies the low-income and minority areas in the region using the updated information obtained from the US Census Bureau and works closely with the stakeholders and the public to evaluate and analyze how transportation benefits and burdens generated by the RTP, Regional Transportation Improvement Program (RTIP) and the Unified Planning Work Program (UPWP) are distributed relative to the disadvantaged groups identified under the environmental justice requirements.

The following maps show the locations of the low-income and minority populations in relation to the following:

- RTC RIDE service routes (**Figure 11-1**)
- Capacity projects from the last 10 years (**Figure 11-2**)
- 2030 street and highway congested segments/new roads (**Figure 11-3**)
- Primary Transit Network (**Figure 11-4**)

Figures 11-1 and 11-2 establish a clear pattern that, in the past implementation of the RTC's overall program of projects and activities, disadvantaged groups have received reasonably proportional benefits and borne reasonably proportional burdens. Figures 11-3 and Figure 11-4 indicate that planned future activities will continue to treat disadvantaged groups fairly.

Figure 11-1
**RTC RIDE ROUTES/
 LOW-INCOME AND MINORITY POPULATIONS**

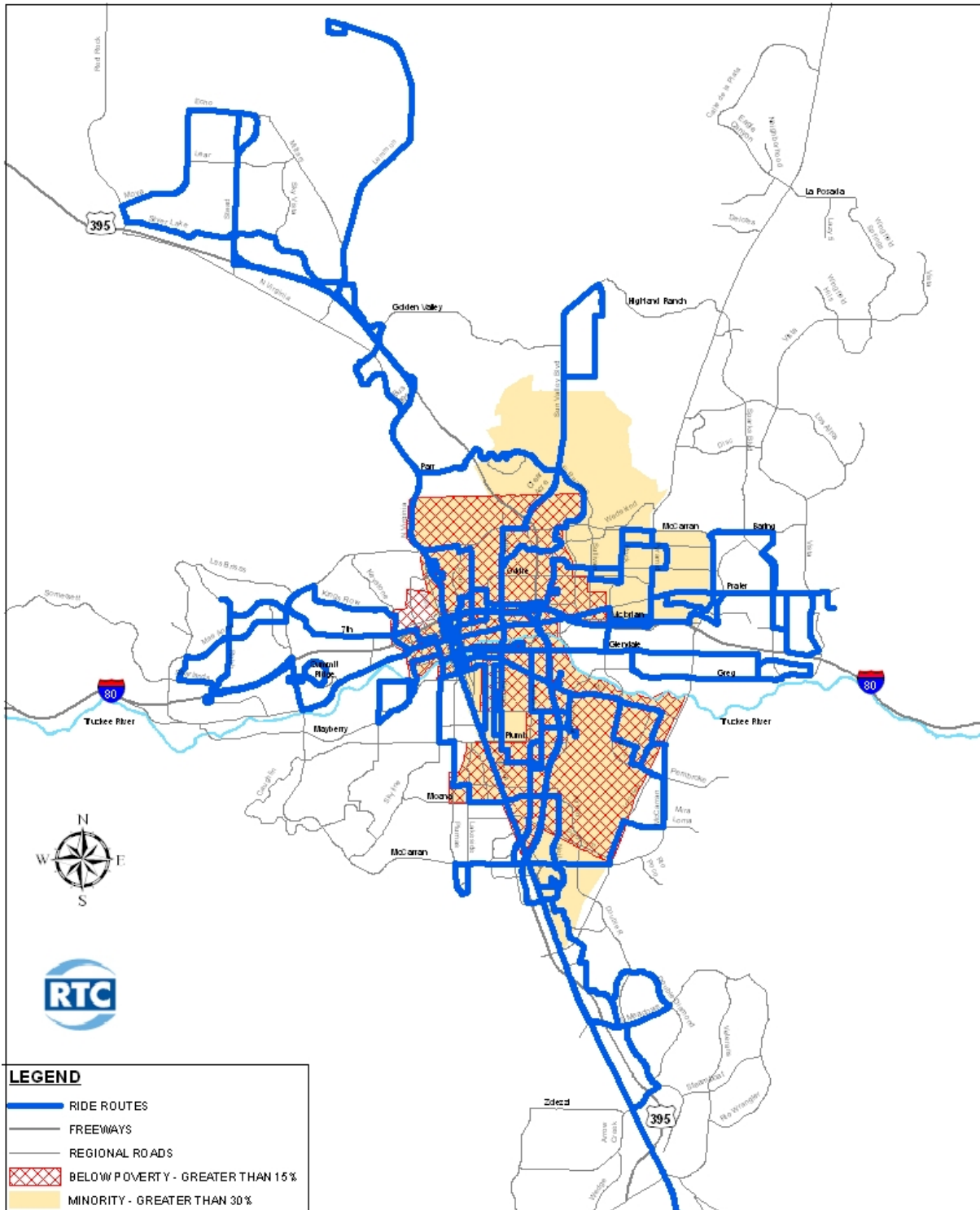


Figure 11-2

RTC CAPACITY PROJECTS OVER THE LAST 10 YEARS/
LOW-INCOME AND MINORITY POPULATIONS

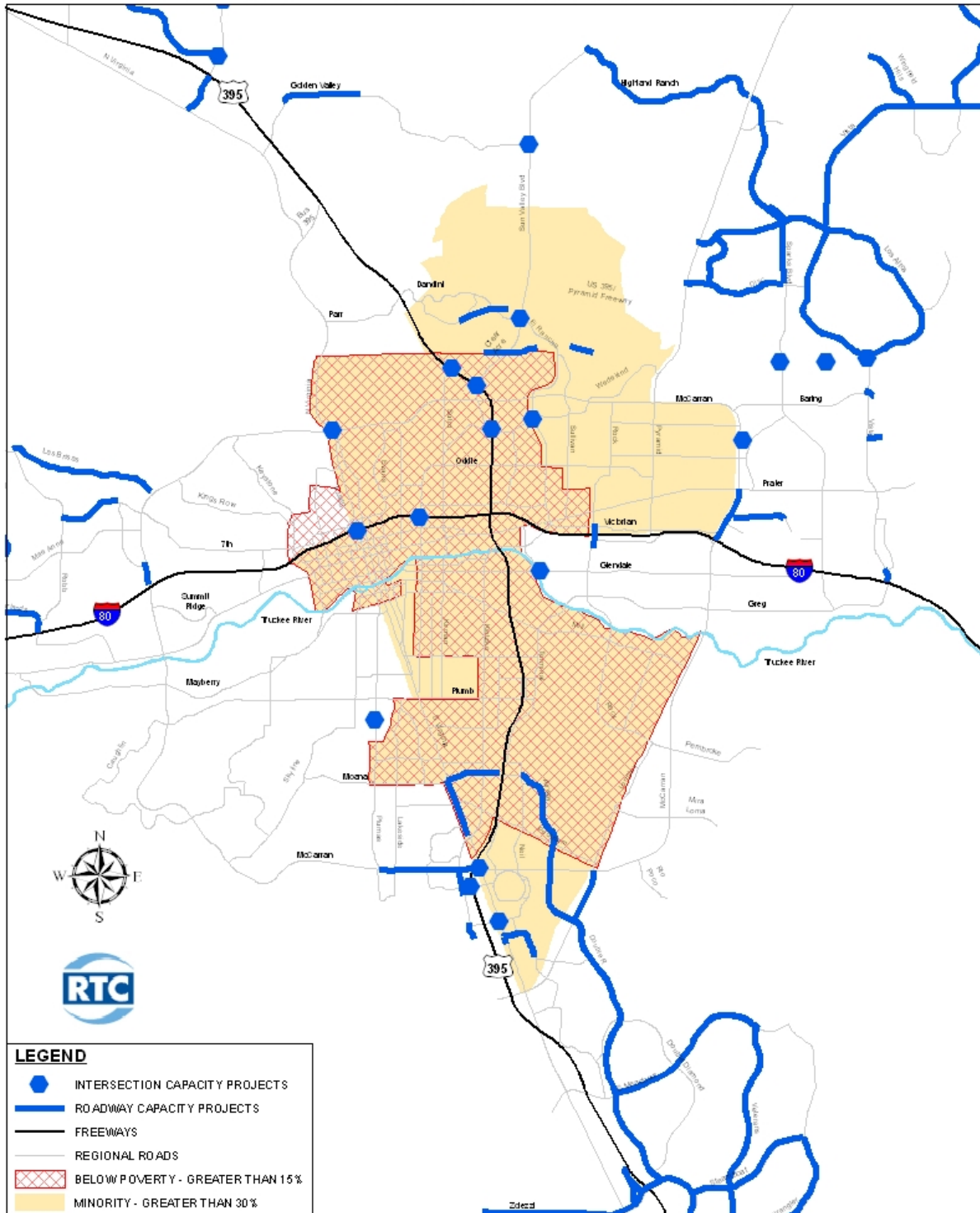
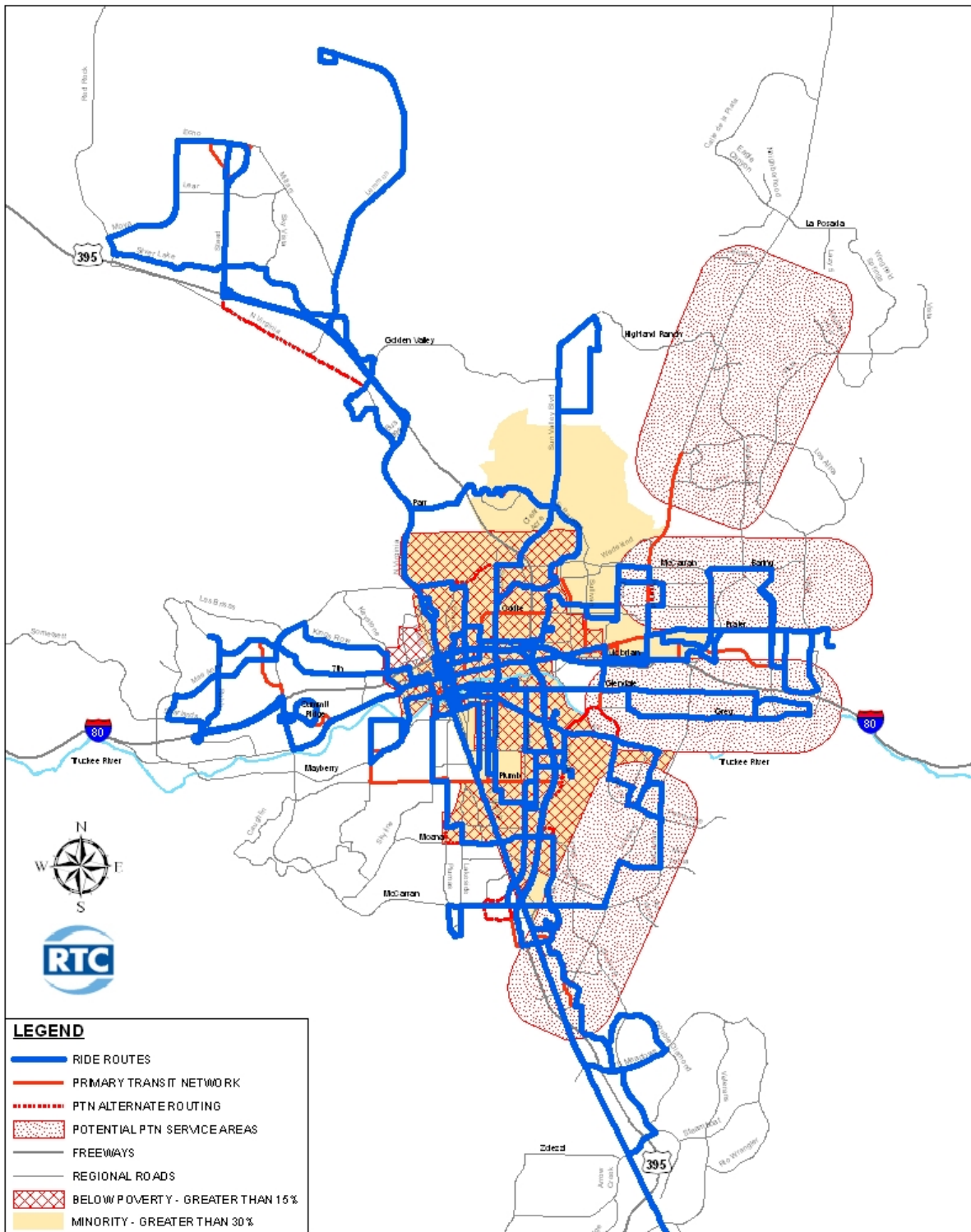


Figure 11-4

**PROPOSED PRIMARY TRANSIT NETWORK/
LOW-INCOME AND MINORITY POPULATIONS**



Federal Poverty Guidelines

To determine the low-income population for the environmental justice maps shown earlier in this chapter, the RTC used the following federal guidelines in conjunction with the data obtained from the U.S. Census Bureau. To determine the minority population, the RTC used the 2000 U.S. Census data available for Washoe County and included census tracts where the minority population was greater than 30% of the total population in the census tract.

**Table 11-1
Federal Low-Income Levels**

Persons in Family or Household	48 Contiguous States and DC	Alaska	Hawaii
1	\$ 10,400	\$ 13,000	\$ 11,960
2	\$ 14,000	\$ 17,500	\$ 16,100
3	\$ 17,600	\$ 22,000	\$ 20,240
4	\$ 21,200	\$ 26,500	\$ 24,380
5	\$ 24,800	\$ 31,000	\$ 28,520
6	\$ 28,400	\$ 35,500	\$ 32,660
7	\$ 32,000	\$ 40,000	\$ 36,800
8	\$ 35,600	\$ 44,500	\$ 40,940
For each additional person	\$ 3,600	\$ 4,500	\$ 4,140

Environmental Justice Policies

The Regional Transportation Commission has established the following policies to help achieve the environmental justice goals and objectives as outlined by the federal regulations.

1. Ensure a fair participation early in the planning process by all potentially affected communities, including the low-income and minority populations, in all transportation decision-making process.
2. Ensure that transportation programs and policies do not have disproportionately adverse effects on minority and low income populations in the region.
3. Ensure that transportation programs and policies do not prevent or reduce benefits and cause significant delays in the receipt of transportation benefits by minority and low income populations in the region.