



## Peer Exchanges

Planning for a Better Tomorrow

FHWA/FTA  
Transportation Planning Capacity Building

# Transportation Planning Capacity Building Program

– Peer Roundtable Report –

## Western States Environmental Justice and Title VI

**Location:** Sacramento, CA

**Date:** September 27-29, 2005

**Exchange Host Agency(s):** Jon Dunham, Alaska Department of Transportation

**Exchange Participants:** Alaska Department of Transportation (DOT)  
Arizona DOT  
California DOT (Caltrans)  
Colorado DOT  
Federal Highway Administration (FHWA)-California Division  
Fresno Council of Governments — Fresno, California  
Hawaii DOT  
Idaho DOT  
Metropolitan Transportation Commission — Bay Area, California  
Montana DOT  
North Dakota DOT  
Nevada DOT  
Oregon DOT  
U.S. DOT Volpe Center  
Washington State DOT

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### I. Summary

The following report summarizes the results of a Peer Roundtable held through the Transportation Planning Capacity Building (TPCB) Program, which is jointly sponsored by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The Roundtable was hosted by the Alaska Department of Transportation and Public Facilities, and was held in Sacramento, California on

September 27-29, 2005. Several state departments of transportation (DOTs) and metropolitan planning organizations (MPOs) from the western section of the United States were invited to attend. The Roundtable was designed to identify best practices used by western states for the implementation of Title VI of the *Civil Rights Act of 1964* and Environmental Justice Programs <sup>1</sup> in order to develop uniform, effective, and equitable approaches to public outreach and community involvement. These practices can lead to improved planning for local, regional, and state transportation projects and regional transportation plans.

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## II. Background

The western states that participated share many of the same demographic characteristics, which allow them to easily discuss practices used to implement and monitor Title VI and Environmental Justice requirements. The states participating in the roundtable have: large expanses of federal lands; developed urban centers surrounded by small suburban and rural communities; aging infrastructure and urban decay; large Native American populations; growing and increasingly diverse populations; and urban sprawl that is significantly affecting transportation, energy consumption, air quality, and land use. However, the states each implement and monitor Title VI and Environmental Justice requirements in different ways, which can lead to confusion and inconsistency in: methods of outreach and community involvement, funding allowances, degree of effort, information sources identifying populations to consider, and overall standards to evaluate compliance.

As the western states continue to experience significant population growth and increased diversity, state transportation practitioners will be responsible for putting forth an increased effort to determine where these populations reside, how they commute, and which modes they choose. State and local officials must also ensure how best to engage these growing and diverse communities to identify needs, issues and concerns.

The need for a roundtable on these topics stems partially from the limited pool of knowledge and expertise states have available to implement transportation planning under Title VI and Environmental Justice provisions. In addition, the participants believe that there is a need for federal assistance to address a lack of uniform approaches, standards, as well as adequate resources, to ensure proper compliance with Title VI and Environmental Justice in transportation planning and project development. The roundtable participants recognize that both federal guidance and funding should be available to ensure effective implementation of the Title VI and Environmental Justice requirements, especially as state DOTs and MPOs continue to address the growing and increasingly diverse populations in planning the transportation system that they will be using.

The roundtable participants recognize the importance of developing a systematic and consistent approach to implementing Title VI and Environmental Justice requirements so that minority, low-income, and tribal communities throughout the West can expect fair, efficient, and equitable treatment when transportation facilities are planned in or near their community. These participants sincerely believe that a uniform system of Title VI and Environmental Justice applicability standards will be beneficial to state DOTs and a broad range of federal-aid recipients who are mandated to include public participation in the planning of transportation systems and community development. While there are no doubt some opinions that consider such federal intervention as unnecessary or duplicative of existing procedures, there is universal agreement that population growth and cultural diversity are real issues. Congestion and strains on the current transportation system — in the face of rising costs for transportation improvements — make it imperative to maximize the opportunities for public engagement to address the critical issues of funding, planning, design, construction and operation of the transportation system.

Without this public engagement, particularly as it concerns Environmental Justice, there is the greater likelihood of tension, confrontation, or litigation between affected communities and the

agencies responsible for planning that will cloud the dialogue on transportation and ultimately add to the cost of transportation improvements that seek to improve mobility, access, and safety. When there is federal assistance to develop standards, approaches, and resources, there can be a recognition and incorporation of innovative approaches being used by some states to further enrich and sensitize the processes for transportation planning. The objective of the Roundtable was to create a uniform policy on Title VI and Environmental Justice implementation to serve as a reliable template for transportation planners and civil rights officers to use to implement these programs. Having a uniform policy can help support state and local officials in developing and implementing effective practices for Title VI and Environmental Justice.

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### III. Creating Standards for Title VI and Environmental Justice Implementation

The participating western states and MPOs met to discuss what practices are being used by their agencies to implement Title VI and Environmental Justice requirements. The participants agreed to discuss and develop standards that can be used in their agencies to help create a more uniform and consistent process for community involvement and outreach. These standards can also serve as a step-by-step list of necessary activities to help both new and experienced staff and to share with management and other internal divisions who may need to increase their understanding of the existing requirements.

The participants' expectations of the event were communicated at the onset and included:

- Develop a list of Title VI guidelines for review
- Create a program structure in response to varying organizational structures
- Address how Title VI functions internally and how to pass on requirements to sub-recipients (MPOs, Councils of Government, contractors, etc.)
- Discuss data collection and reporting methods
- Develop standard approaches for implementing and monitoring Environmental Justice
- Disseminate best practices
- Determine how to conduct and analyze data collection and minimize barriers to public participation
- Discuss how to evaluate the effectiveness of Title VI programs
- Share state and local agency Title VI initiatives, activities, and groups with colleagues
- Develop a system to measure the effectiveness of Title VI implementation
- Discuss FTA and minority contracting opportunities in order to provide helpful guidance and information and effective practices
- Determine how to address data collection within

***Overview of Title VI and  
Environmental Justice Standards,  
Lance Yokota, FHWA California  
Division***

*Federal requirements for meeting Title VI and Environmental Justice standards obligate recipients of federal funds to collect data about beneficiaries, to analyze that data, eliminate discrimination when it is found, and to take affirmative measures to ensure nondiscrimination (see 49 CFR 21.5(b)(7), 21.9(b) and 23 CFR 200.9(b)(4) and 200.9(b)(14)). Limited English Proficiency (LEP) requirements also mandate that recipients provide "meaningful access" to the population relative to what is provided to proficient populations.*

*Other general recommendations include:*

- *Use broad indicators to better measure regional performance, e.g., accessibility gains, highway noise increases of greater than 3 decibels, time savings, etc.*

specific DOT program areas

- Assign time for an interdisciplinary team on Title VI
- Design a method for scheduling reviews
- Discuss the timing and role of Title VI reviews of environmental documents

The Roundtable was designed as a series of breakout sessions, dividing participants into four groups to discuss: (1) Data Collection, (2) Limited English Proficiency Practices, (3) Title VI and Environmental Justice Assessment of DOT/MPO Practices, and (4) Public Engagement and Participation Plans. These breakout groups first met to discuss current practices, and then created criteria and standards to better address these areas in the future. Three best practices were also presented by selected participants to feature their agency's own successful programs (see side boxes for information on featured practices from the FHWA California Division, Arizona DOT, MTC, and Caltrans).

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- *Analyze how different projects added on and taken off the list of priorities will affect Title VI communities*
- *Use an interdisciplinary team with Title VI staff to determine where to address Title VI applications and what services to provide*
- *Large state agencies should share responsibilities among staff to reduce the workload on one individual*
- *Geographically large states may want to delegate reporting responsibilities to their districts for more specific reporting (E.g., Caltrans Headquarters staffs and each District submit report Title VI accomplishments and future plans that are consolidated into an annual Title VI report to FHWA).*

## IV. Lessons Learned

The list of final standards agreed upon by participants can be found in [Appendix C](#). Below is an overview of the standards created by the breakout groups.

### A. Data Collection

Many agencies grapple with having adequate and accurate data sources. Census data, which is a common starting point, can become outdated quickly as populations rapidly grow and change. State data are often not as accurate as local or regional data but are at times more readily available. To address these challenges, data on emerging and diverse populations need to be collected from other sources, such as community members, to gain a better sense of the demographics and local priorities, and assess what form of outreach and involvement will be the most effective. Public health workers, community and religious leaders, and school administrators can be good sources of information and will most likely have data to share. These community members can also be used to validate existing data to determine if the data reflect the reality in their communities. These data collection efforts should be used to identify the protected populations as defined by federal regulations and Executive Orders for both Title VI and Environmental Justice.

Gathering tribal data is also important, as these data may not be accurately reported in the Census. Timely

#### *Arizona DOT's Guidance on Title VI and Environmental Justice, Lisa Wormington*

*The Arizona DOT (ADOT)'s guidance for implementing Title VI and Environmental Justice requirements is used to determine:*

- *If adverse effects exist*
- *If there is a protected population*
- *If there is a disproportionate impact*
- *Benefits versus burdens*
- *Activities to avoid, minimize, or mitigate the impact, and*
- *Effectiveness of public involvement.*

*The guidance is used when creating Design Concept Reports, Environmental Assessments, and Environmental Impact Statements. These documents are reviewed by ADOT's Environmental*

coordination and government-to-government consultation with tribal leaders and councils can aid in the research for tribal data and even gaining community support for public meetings. Community planners or state DOT staff should be able to identify the percentage of limited-English proficiency on reservations to determine translation needs <sup>2</sup>. The respective tribal governments should also be contacted to see if they would like to share their own data to ensure accurate records.

*Justice Coordinator who checks that accurate data were used and described, all impacts have been addressed, and public involvement been appropriate and referenced. Revisions are made as needed and resubmitted to the author. After document is reviewed again for Title VI and Environmental Justice activities, and public involvement, then sent to the Civil Rights Office approval before being submitted FHWA.*

*See ADOT's [Environmental Justice flowchart](#), which explains the decision making process for determining impacts as seen in the environmental documents.*

## B. Limited English Proficiency (LEP) Practices

As states become more diverse due to immigration and the global economy, there is a greater need to inform and engage communities in a culturally and linguistically appropriate manner. While such approaches often require the translation of planning and project documents into primary languages or the use of interpreters, they have the long-term benefit of establishing relationships and trust with the affected communities. The additional cost of these features must be considered in light of having a broader and better-informed population to conduct planning. Leaders in low-income, minority, and tribal communities; social services and health care workers who are multi-lingual; and staff from faith-based organizations can also help state and local transportation agencies to communicate with these populations. They can help determine the most effective forms of media and can also help to gain the trust between the community and transportation agency. In some cases, specific efforts may need to focus on gaining the trust of some LEP populations who have historically had poor relationships with state or local agencies. This can be done either directly or through community leaders that are already trusted by the neighborhoods. Other LEP considerations in planning include:

- Specify dialects when materials are being created
- Keep materials simple-for English and other languages
- Use pictographs as a transportation glossary to help communication
- Use qualified and experienced translators to avoid having erroneous or false information communicated.
- Create a list of translators using:
  - Agency or policy directives
  - Translator lists from the court system or schools
  - Recommendations from community leaders
  - State translators

## C. Title VI and Environmental Justice Assessment of DOT/MPO Practices

Many factors need to be assessed to determine if the implementation of Title VI and Environmental Justice requirements is fully effective. These include assessing public outreach activities, environmental impacts, business and economic impacts, travel impacts, and overall monitoring of the project. Items to consider within each of these factors include:

- Public Outreach — Who was contacted? Why and how? What was provided to LEP populations? How were activities documented?
- Environmental Impacts — What are they? Are

**MTC's Transportation 2030 Equity Analysis Report**

they in, around, or through communities? How were these impacts determined? How can they be mitigated?

- **Business/Economic Impacts** — How will small businesses be affected? How will goods be moved? How will customers be affected? What are the internal and external transportation impacts to the area?
- **Travel Impacts** — What considerations are included in the *National Environmental Policy Act* document? What mobility issues exist to get in and out of the community? What accessibility issues exist related to cultural and social activities?
- **Monitoring** — What development and planning considerations were addressed? Have they changed? What actual construction practices and future maintenance activities were considered? Have they changed?

#### D. Public Engagement and Participation Plans

This breakout group shared their own practices with the participants before creating a list of guiding standards:

In order to meet with ranchers in Montana's remote areas, the Montana DOT worked with the ranchers to identify what the best time of day was to hold meetings. As a result, the DOT provided two meetings — one during lunchtime and the other in the evening. The meeting location was in their area at a facility that met ADA requirements.

In Oregon, an Interstate project that had historically affected an African-American population resulted in a lack of trust by the community due to adverse impacts. In order to gain trust for future projects and improvements, the Oregon DOT held a day fair with booths set up around the room to explain different components of the project. Food was provided and bilingual fliers were dispersed to communicate to other minorities in the area. However, the event had low attendance and instead triggered the Oregon DOT to create financial incentives to promote participation. Incentives can encourage individuals and community-based groups to participate by providing raffles, coupons, or project funding or support in exchange for participation. The Alaska DOT also provided incentives to participants by raffling off 55 gallons of gas to those who attended a meeting.

California has a statewide "Environmental Justice: Context- Sensitive Planning for Communities" grant program that can be used for city, county, rural and tribal areas (See side box below). Eighty planning grants have been issued through 2005 and provide funding for a variety of projects in low income, minority and tribal communities across California.

Through its "Community-based Transportation Planning Program," the Metropolitan Transportation Commission (the San Francisco Bay Area's MPO) has encouraged partnerships with community leadership by including community-based organizations as paid members of planning teams hired to conduct transportation planning in low-income communities throughout the region.

All of these examples are aimed to educate the community on the planning process. Once the community receives comments, it is equally important to address these comments so that the communities know they are being heard. This usually results in having a more positive working relationship with the communities and helps to gain their trust through dialogue. The breakout group also noted that if a DOT or MPO chooses to use a consultant on a project because that individual knows the process very well, it is still beneficial to have

*The [Equity Analysis Report](#) is one many MTC activities designed to address environmental justice. It is the environmental justice assessment required as part of the long-range transportation planning process. The purpose of this report is to measure both the benefits and burdens associated with the investment alternatives proposed in the plan and to make sure that minority and low-income populations share equitably in the benefits without bearing a disproportionate share of the burden. The Equity Analysis Report results illustrated that, overall, low-income and minority communities do not share equitably in the benefits from the proposed investments without bearing a disproportionate share of the burden.*

**Caltrans' Environmental Justice Grant Program,  
Norman Dong**  
*Caltrans awards \$1.5 million annually in grants to low-income, minority, and tribal communities whose planning activities are designed to improve mobility, access, equity, safety and economic opportunity. The maximum*

a community liaison participate to help see that the community is included in an effective way.

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## V. Recommendations in Implementing the Standards

The creation of the standards (see [Appendix C](#)) for implementing Title VI and Environmental Justice requirements is only the first step in creating uniformity among states. Of equal importance is sharing these standards and explaining the integral role they can play in doing business. While these standards are the result of the participants only and have not been adopted by FHWA or FTA, the western states believe that these standards have the potential to be universally adopted by state DOTs and MPOs to enhance their approaches to identifying and involving diverse communities in transportation planning and community development. Agencies can also use these standards as a template and alter them to meet their own needs.

Participants identified the following activities to help share and promote the standards:

- Look into applying for the 2006 FHWA/FTA [Transportation Planning Excellence Awards](#).
- Transportation Research Board/National Cooperative Highway Research Program — Discuss having a research project programmed in for a specific area
- Western Association of State Highway Transportation Officials/American Association of State Highway Transportation Officials — Present results at the WASHTO Annual Meeting and Civil Rights Sub-committee Meeting, and Sub-committee on Planning
- Post Standards on FHWA's [Re:NEPA Community of Practice](#) website for dissemination and discussion:
- Determine when to request the standards be featured in [FHWA's Successes in Stewardship Newsletter](#).

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## VI. For More Information:

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award is \$250,000 per communi  
Grants help communities to build  
partnerships with local agencies ;  
emphasize community involve  
their planning. Past recipients inc

- Oakland's Chinatown Commur  
to address pedestrian safety &  
traffic congestion
- Bay Area Rapid Transit — to c  
targeted outreach & studies a  
BART stations (Embarcadero,  
Richmond, and Lake Merritt)
- West Fresno — for traffic calm  
and urban revitalization, inclu  
transportation and safety plan  
targeted area
- National Indian Justice Center  
produce an educational video  
Native Americans about the  
importance of planning
- City of Los Angeles — to work  
the County and Environment I  
develop a computer-based me  
identifying and estimating in-  
potential in Los Angeles

Visit [Caltrans' website](#) for more  
information on Caltrans' grant pr

## VI. Attachments

[Appendix A – Participants List](#)

[Appendix B – Agenda](#)

[Appendix C – Standards](#)

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### Appendix A – Participants List

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## Appendix B — Agenda

### Agenda Peer Roundtable on Title VI & EJ Holiday Inn Capitol Plaza- Sacramento (Fresno Room)

#### Day 1 — September 27, 2005 — Current Practices in Transportation Planning for Title VI and Environmental Justice

8 AM to 12 noon (Break 10:00 AM - 10:15 AM)

- Introductions of participants and other meeting information
- Collect Roundtable Expectations
- Best Practice Presentation by Lisa Wormington with AzDOT
- Discussion of Current Practices for Title VI & Environmental Justice (4 Break out groups {recorder and speaker to identified} to brainstorm the following)
  - Group 1 — Data Collection (data is defined as ... identifying and documenting diverse communities, methods of data collection, use of census files, other, non-census sources

of data?)

- Current Standards- what is the range of practice for your DOT/MPO
- How it is used and implemented
- How to measure effectiveness
- Group 2 — Engaging Limited English Proficient Populations
  - Current Standards — what is the range of practice for your DOT/MPO
  - How it is used and implemented
  - How to measure effectiveness
- Group 3 — Process for Title VI and Environmental Justice Assessment of DOT/MPO (different points of analysis: For example in equity analysis, comparing commute times, access, levels of transit services, levels of transportation investments between communities, benefits & burdens) in the Regional Transportation Plan
  - Current Standards — what is the range of practice for your DOT/MPO
  - How it is used and implemented
  - How to measure effectiveness
- Group 4 — Public Engagement & Participation Plans
  - Current Practices to identify, engage and involve diverse communities — what has worked and what has not worked
  - How it is used and implemented
  - How to measure effectiveness

12 - 1:15PM Lunch On Your Own

1:15 PM to 4 PM (Break 2:30 PM - 2:45 PM)

- Group Presentations of brainstorming efforts (30 minutes each)
- Roundtable additions made to the lists developed by the break out groups (rest of the afternoon)

**Goal for Day 1 — Develop lists of current practices for Title VI Data Collection, Decision Making Process for Project Funding and Planning, Public Participation, and Evaluation of Overall Effectiveness of Implementing Title VI & EJ in Transportation Planning.**

**Day 2 — September 28, 2005 — Development of Improved Standards for Title VI and Environmental Justice**

8AM to 12 noon (Break 10:00 AM-10:15 AM)

- Best Practice Presentation by Norman Dong with Caltrans
- Roundtable Discussion and Refinement of lists from Day 1

12 - 1:15PM Lunch On Your Own

1:15 PM to 4PM (Break 2:30 PM - 2:45 PM)

(4 Breakout groups-recorder and speaker to be identified)

- Criteria for developing Uniform Standards
- Development of standards for Title VI and EJ that are quantifiable, measurable and reasonable (FHWA Perspective — Lance Yokota)

**Goals for Day 2 —**

- **Discuss and Refine lists of current practices for Title VI Data Collection, Decision Making Process for Project Funding and Planning, Public Participation, and Evaluation of Overall Effectiveness of Implementing Title VI & EJ in Transportation Planning; and**
- **Begin work on developing uniform Title VI and EJ Standards for Transportation Planning.**

**Day 3- September 29, 2005- Presentation and Discussion of Title VI and Environmental Justice Standards**

8 AM to 12 noon

- Best Practice Presentation -----
- 8:30 AM to 10:00 AM Break out session development of standards for Title VI and EJ that are quantifiable, measurable and reasonable
- (Break 10:00 AM-10:15 AM) Presentation of Standards for Title VI and EJ that are quantifiable, measurable and reasonable

12 - 1:15PM Lunch On Your Own

1:15 PM to 4PM (Break 2:30 PM - 2:45 PM)

- Review Meeting Expectations and Results
- Discuss next steps for sharing or adopting the standards

**Goal for Day 3 —**

- **Develop and finalize uniform Title VI and EJ Standards for Transportation Planning.**

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"No person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity".

According to Executive Order 12898, the intent of **Environmental Justice** is to

- Avoid, minimize, or mitigate disproportionately high and adverse effects on minority and low-income populations, and
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

This guidance was developed for the purpose of providing a uniform approach to implementing Title VI and Environmental Justice, with respect to Transportation Planning, from one on state to the next. The idea was these standards/best practices would serve as tools for implementing Title VI and Environmental Justice. It also acknowledges the fact that each locality and state has different populations with regard to ethnicity and income levels, so these standards/best practice are intended apply according to local conditions and in accordance with local demographic data. With this direction in mind, the attendees of the peer exchange developed the following standards/best practices for

use in transportation planning.

## I. CREATION OF UNIFORM DATA COLLECTION STANDARDS

1. **Define what constitutes a community of concern (COC) —** A COC is either a minority population or low-income population within the conceivable boundary of a transportation project or service.

- **Determine threshold criteria for a 'minority population' and poverty level —** To be consistent and fair to others involved in the transportation planning process, criteria must be established to guide the designation of COCs. This criteria needs to address at what level, or percentage of population, a minority community or a low-income community becomes a COC for consideration by transportation planners working on a project or transportation service. For example, a minority community or low-income population may be designated if the local population has a higher percentage of minority residents or low-income residents than the entire community as a whole. This may be done at a city, county or even statewide level (using the statewide standard is only recommended if the minority population or low income population distribution is somewhat homogeneous).

Generally, low-income populations have been those communities where people are living at or below the poverty level. It was noted that this is not always an accurate barometer for those areas where the average income is higher than the national average. In these cases, the transportation planner needs to make an adjustment to the income level criteria to account for this higher than average income.

2. **Regionalize or localize your criteria to reflect underlying community fundamentals**
  - Cost of living adjustments (COLA)
  - For modeling purposes, define what constitutes a minority enclave or minority community and a low-income community (in other words a COC).
  - Look at what other 'means-based' organizations within your area are using to define their eligibility thresholds, as long as it is 'as inclusive' or more inclusive than Health and Human Services (HHS) data.
    - HHS should be used as a 'minimum threshold' to define low-income.
3. **Census Data —** go down to block group level — need other sources of data to verify community composition/enclaves and behavior patterns to effectively evaluate the effects of a transportation project.
4. **GIS Info —** including mapping (overlays-minority, low-income, LEP populations locations in relation to transportation project) — visual information is a very effective way to evaluate the impact of transportation planning efforts on communities of concentrations within the project area.
  - If possible, map out 'communities of concern' with essential destinations and the road and transit networks.
5. **Sources of data to collect:**
  - Identify minority community leaders and centers of influence to use as resources for information.
  - Software that collects data from other agencies
  - Ground surveys to locate minority enclaves and communities of concern (How will conducting surveys locate these enclaves?)
  - HHS data

- School district data
- Public Health community workers/agencies
- Citizen advisory groups/community leaders and activists
- Community based organizations.
- Faith-based organizations
- Immigrant aid organizations
- State refugee coordinator
- Foreign language media outlets
- Ridership data from transit operator

#### 6. Additional data collection issues to consider

- Rural vs. urban populations — determine what qualifies as urban and rural.
- If applicable, break down by density thresholds by people per square mile.
- Define threshold criteria for determining communities of concern (minority, low-income, LEP) to focus Title VI & EJ efforts.
- Determine composition of community to ensure that your efforts are gauged to the appropriate populations.
- Need to re-evaluate the thresholds and Title VI data periodically (every 2 years) to verify that it is still valid.

#### Methodology:

- Distribute voluntary, self-identification cards at public meetings — to collect voluntary race and gender data of attendees. The concern here is this information is confidential and not always appropriate to display on a public sign in sheet, which is used by some DOTs.
- Court reporter collecting public comments, gender and ethnicity at public meetings on projects — this is essential because it allows for information to be collected almost immediately and also allows people with written language challenges to communicate their concerns about transportation project impacts.
- Internet blog — see public participation
- Surveys — brief comments submitted anonymously at public meeting that would also collect gender and ethnicity, but ensure the use numbered survey or comment forms to avoid duplicate counts and comments.

#### Implementation:

- Operational manual — memorialize the methodology for collecting data and keep it simple by providing a step-by-step guide.
- Make a formal policy — it is vital to have the organization's leadership support the effort to collect data.
- Create a part of position within an agency to be responsible for collecting, tabulating and updating population data.

## II. CRITERIA FOR DETERMINING WHAT REASONABLE STEPS TO TAKE TO PROVIDE LEP INDIVIDUALS WITH MEANINGFUL ACCESS TO ITS PROGRAMS, ACTIVITIES AND SERVICES

Need to identify populations with limited English proficiency using identified data sources. Ensure most recent data used is no more than two years old.

## 1. Meaningful Access

- 5% (or 1000 people) of the relevant community for vital documents (Measurement based on Census Block Level). The US Department of Justice uses the 5% threshold as guidance for the Safe Harbor Standard. Either use project level or county data for impacted area - and use it consistently through your state or MPO area.
- If the above threshold is not met then these other factors would come into play
  - Number or proportion of people that would be excluded absent efforts to remove the language barriers
  - Consider frequency of contact with LEP individuals
  - Consider available resources to LEP individuals
  - Costs of resources available to LEP individuals
  - Importance of the contact/program, i.e., safety, potential of relocations, size of community impacted, transit vs. auto mode
  - Level of controversy associated to planning effort

## 2. Vital Documents — Basic criteria for documents: Does it contain information that would affect a person or family's ability to make decisions or participate in a program?

This would depend on the importance, purpose and scope of the program and what the consequence would be to the Limited English Proficient person or family if the information is not provided.

For transportation planning, public notices, postings for meetings, and all planning and project documents are considered critical. There is a need to test whether any public documents are understandable and resonate with community members.

- Determine the average literacy levels within a community through census data on percent of high school or college graduates, average income, or even typical professions for employment base.
- Determine the types of primary languages (if any) spoken in a community and whether there are particular dialects
- Documents include, but are not limited to:
  - Statewide Transportation Improvement, Regional Transportation Improvement Plans, Overall Work Program, etc.
  - Consent and complaint forms
  - Intake forms with the potential for important consequences
  - Notice advising LEP persons of free language assistance
  - Public participation minutes
  - Written notices of denials, losses or decreases in benefits (i.e., right of way relocations)
  - Community outreach notices
  - Applications to participate programs, benefits and services

## 3. Consider other forms of communication such as pictographs, scribes and translators that facilitate participation when needed/appropriate.

- Non-English ADA relay telephone service for translation services available over the telephone.

4. Outreach — contacting LEP populations to engage them in the planning process is critical. Media directed to those populations include, but are not limited to:

- Radio (need to determine whether Spanish, Chinese, Korean, Vietnamese, Native American or other language format is appropriate)
- Television (as above, consider language and ethnic media)
- Publications directed to particular nationality such as newspaper
- Websites
- Tribal publications

Organizations within communities are channels for communication:

- Faith-based organizations
- Healthcare providers/public health agencies
- Schools
- Immigrant aid organizations
- State public assistance/social service agencies
- State refugee coordinators
- Tribal governments
- CBOs
- Local advisory groups to elected officials
- Labor unions, industry groups, business associations

5. Other considerations:

- Multi-lingual project and program websites
- Maintain and keep updated a list of qualified translators, again consider dialect used (based on agency and policy directives). Schools and state agencies may be good sources. Also consider using community representatives and state DOT employees.
- Provide translators and scribes to assist community members with comment cards, surveys, etc.
- Hold meetings at neighborhood facilities instead of government buildings because governmental buildings can be threatening to foreign-born citizens
- Provide Title VI & Your Rights information in other languages & disseminate where the public is likely to have access
- Personal contacts, door-to-door, with community members. Make sure the outreach team is trained to provide a consistent and informative message.
- Remember ADA requirements, i.e., sign language is considered another language
- Using pictographs to communicate when interpreter not readily available such as flash cards ("I speak ..." cards), Manual of Uniform Traffic Control Devices guidance. LEP.gov is a good source of this type of information.

Measuring Effectiveness:

- Assess levels of participation in the process — determine whether the attendance at a hearing or meeting is representative of groups within a community. Also look at part participation to see if attendance improved under

the new process.

- Use feedback opportunities, surveys, feedback cards, complaints and resolutions, questionnaires throughout the process
- Collect voluntary data on race, ethnicity, and gender on participants in the process at any public meetings or hearings.
- Use experienced and qualified translators/interpreters (need to develop standard for qualified translators) work with other state agencies
- Ensure an agency's database on population composition is updated as needed, such as special census and projections. At least every two years this database needs to be reviewed.
- Continued involvement of community advisory committees/groups, elected officials, etc., when working with LEP populations.
- Document everything you do to report Title VI accomplishments to FHWA and FTA, in compliance with federal assurances.
- Disseminate reporting requirements through annual training sessions with DOT/MPO staff.

### **III. TITLE VI & EJ EQUITY ANALYSIS — TYPE OF TRANSPORTATION PLANNING ORGANIZATION — MPO/LOCAL GOVERNMENTS**

1. Determine what types of transportation projects are being planned. Determine their proximity to affected populations, schools, and residential areas. Consider any past studies or analysis of similar projects to help shape your initial approach to planning and public participation. Make an initial estimate of potential benefits and burdens for the planned transportation project. Develop a public participation plan to inform and involve communities at the earliest stages of planning. Consider the following:
  - Highways, roads — transport of hazardous materials, expansion of right-of-ways, safety and maintenance issues that impacts COCs
  - Port facilities — enhancement or enlargement, as well as freight route to and from the port through COCs
  - Transit systems — changes to schedules and route, commute times that impact COCs
  - Aviation — expansion and modifications to airports, as well as noise and approach changes that impact minority communities and low income communities
  - Rail — development of new rail corridors, transport of hazardous that impact COCs
2. Population of COCs — The proximity and composition of the population, especially low-income, minority and tribal communities must be considered. Consider the following:
  - composition by protected classes and income status
  - thresholds for environmental justice consideration — percentage of minority and low-income populations relative to overall area composition of households
  - (visual representation of) geographic distribution of protected classes and low income households (GIS mapping, for example)
3. Consider how the beneficiaries will benefit from plan in terms of:
  - Safety

- Travel times — auto, transit, etc.
- Accessibility
- Expenditures
- Mobility

4. Analyze burdens: (need to identify sources of data)

- Air quality — use established standards/limits such as PM-10 and CO that are clearly defined by localized impact vs other types of air pollutions that have wide spread impact
- Noise — use established standards/limits such as dBs. — increase highway noise by 3 dB
  - Airport noise standard is 65 CNEL; anything greater is inhabitable for residential use, maybe acceptable for industrial use.
- Water quality —
- Community health quality —
- Traffic safety (vehicular and pedestrian) —

Generally, compare % benefit or burden to % population by race and income.

For example:

– Air Emissions (PM-10)

- % pop. by race and income with greater PM-10 over baseline vs. % total pop by race and income.
- % pop. by race and income in top 10 worse-off travel analysis zone (TAZ) for PM-10 vs. % total pop. by race and income.

The evaluation should consider impact over time — 25-year plan impacts. (Cumulative effects of a whole set of projects, not just one project.)

#### IV. UNIFORM STANDARDS FOR PUBLIC ENGAGEMENT AND PARTICIPATION PLANS

1. Identify Purpose/Issue for outreach

- Project/Scope (i.e., planning, EIS, construction)
- Fact Sheets/Materials (maps and drawings)

2. Community Outreach (prior to the public meeting)

- Identify Coordinator
- Planning Committee
  - Roles/Responsibilities
    1. Agenda
    2. Scribe
    3. Action Items
    4. Meeting Minutes
    5. Data Collection (identify the target audience)
  - Research on Cultural history/awareness/sensitivity
  - How many workshops
    1. Done in segments/be careful of overloading the community
  - Appropriate time & day

- Logistics
  1. Facility, Audio and Visual Coordinator
    - Facility should be easily accessible via transit systems, pedestrian, bicycle, free parking
  2. Refreshments
  3. Child Care if needed
  4. ADA compliant facility (wheelchair accessible ...)
- Speaker Coordinator
- Meeting Facilitator
- Community Leader/Facilitator to Assist
- Reserve Facility within the community
  - NOT a Governmental Office (if possible)
- Schedule Presentation/Speakers
  - PowerPoint
  - Handouts
  - Be aware of the literacy level (simple language)
  - Use simple graphics to illustrate projects
- Post Presentation Networking
  - Immediate — Onsite — Same Day
  - Continue to meet with the community
- Displays — Visual Project Information
  - At Beginning and Post
- Welcoming Committee/Registration
  - Sign in sheets to include (voluntary) demographic data
- 3. Agenda/Program Guide
  - Be flexible enough to meet the needs of the community and the overall goal of the meeting purpose
  - Allow for some community brainstorming — within limits related to the project (contact Community Advisory Committee (CAC), Faith-based organizations ...)
    - Ask the CAC how to better present the project to the community
    - Ask the CAC how to structure public meetings and hearings
- 4. Invitations/Notifications
  - Groups to contact based on demographic information
  - LEP Requirements
    - ADA
    - Language
    - Interpreters, etc. (as appropriate)
  - Advertisement
    - Types
      1. Ethnic media should always be considered for LEP and immigrant

populations, when possible

2. Flyers to local schools for students to take to parents

3. Inclusion of notice in local utility bills

- What to include

4. Advance requests for ADA accommodations

5. Free food (purchased from the communities and make it part of project development cost)

6. Free childcare available

7. Sponsorship from the contractor/community organization

8. Hold meetings in local facilities to ease access to meetings

5. Tracking Outreach Participation

- Gather Voluntary Attendee Data (sign in sheets)

- Verify the initial process of gathering data worked — did you really reach the groups that you originally identified

- Keep a database of attendees

- Comment Cards with places to indicate voluntary information on ethnicity, income level (provided in ranges) automobile ownership, use of transit, etc.

- Web blog for the public to post comments about projects

- Survey the attendees at public meetings and hearings. Pre-test the survey questions or items to ensure they are understandable and are relevant to the community.

- Hire community members to conduct surveys (possibly youth within the community)

- Process Data (tabulate and summarize data on composition of attendees, common issues, needs and/or concerns)

- Evaluate the success of the meeting

6. Follow Up

- Respond to comments/feedback

- Letters of appreciation/Thank you notes

- Maintain community contact throughout the project and after

7. Reporting Completed Workshops/Outreach

- Create Report

- Attachments

- Send report to Community and Civil Rights

8. Other strategies for public engagement/participation —

- Project staff can attend existing community meetings to present project information and receive feedback

- Administer surveys at locations within the community (i.e. at bus stops, laundromats, grocery stores, etc) (youth could be hired for survey administration),

- Conduct community focus groups with various segments in the community (elderly, parents, etc),

- Host a table at community fairs or events distributing project information and collecting feedback
- Post project information or surveys on websites or web blogs
- Set up a project hotline for community residents to phone in feedback on projects.
- Go door-to-door to solicit feedback from community residents.

Other information can be found in the Project Specific Outreach Guide from CalTrans.

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## Footnotes

<sup>1</sup> Visit <http://www.fhwa.dot.gov/environment/ej2000.htm> and [http://www.fta.dot.gov/16241\\_ENG\\_HTML.htm](http://www.fta.dot.gov/16241_ENG_HTML.htm) for information on Title VI and Environmental Justice. ([back](#))

<sup>2</sup> The US Department of Justice's Safe Harbor Standard is if 5% or more of the community population, or 1,000 people, (whichever is less) is not English proficient, then translation service is warranted. ([back](#))

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