

**Environmental
Justice/Title VI Summit
Draft Summary**

**July 16–18, 2000
Arlington, Virginia**

U.S. Department of Transportation

Monday, July 17, 2000**Opening Plenary Session**

Moderator: Kojo Nnamdi, Washington, DC, Radio Talk Show Host

Nnamdi welcomed participants to the Environmental Justice/Title VI Summit, sponsored by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). He then introduced the opening panelists.

Panelist: Mortimer L. Downey, Deputy Secretary, U.S. Department of Transportation (USDOT)

Welcoming participants, Downey listed the goals of environmental justice, as implemented by USDOT, as follows:

- Increase communication about and understanding of the topic;
- Encouraging planning that protects and enhances the environment and the interests of low-income and minority communities; and
- Improve equity in transportation for low-income and minority communities.

The environmental justice effort, which began with the Clinton/Gore administration in 1992, means that all USDOT decisions should take into account environmental and other impacts, as well as equity in dealing with the communities impacted. The benefits and burdens of all programs and projects should be allocated in a nondiscriminatory fashion. Emphasis is given to avoiding harm to the environment, planning all actions with the participation of the communities impacted, and safety. He reviewed USDOT progress toward those goals since the issuing of Executive Order 128-98 in 1994, including the following:

- The Livable Communities Initiative;
- The New Market Initiative;
- The 1997 USDOT Order on Environmental Justice;
- Various conferences, listening sessions, and other meetings;
- The incorporation of environmental justice language into all draft planning and environmental regulations;
- The gathering of information on how transportation benefits and burdens are distributed;
- Cooperation with the Georgia DOT and a coalition of local transportation, environmental, and community groups in assessing environmental justice issues in the Atlanta region; and
- The formation of a senior policy group for implementation of environmental justice principles into the USDOT planning process.

Downey emphasized the importance of follow-through, communication, and the inclusion of the public in transportation planning and development. He concluded that the environmental justice effort should result in a fair, effective, and collaborative process giving voice to all.

Panelist: Kenneth Wykle, Administrator, FHWA

After welcoming participants, Wykle called the subject a challenging but necessary undertaking and a reaffirmation of longstanding practices and policies authorized through Title VI and NEPA. To achieve environmental justice, FHWA must:

- Take into account the context of communities impacted;

- Make sure concerned citizens and public interest groups are involved in the planning process; and
- Make sure the benefits and burdens of federally funded transportation efforts are examined.

Emphasizing community impact and a proactive approach, Wykle recounted FHWA efforts since 1998 to address environmental justice, including changes in proposed rules, and a number of publications and an FHWA environmental justice Web site.

Panelist: Patrick Reilly, Chief Counsel, FTA

Welcoming participants, Reilly described progress in transportation planning. It has become clear, he said, that neither government nor the private sector can achieve such goals alone and that all communities have the right to participation in transportation planning. For environmental justice to work, he said, all have to be involved, with emphasis on local participation.

Guidance must be provided to metropolitan planning organizations (MPOs); which are currently looking closely at environmental justice in long-range planning. He also emphasized:

- Challenge agreements, including seed money;
- Working with small business;
- A job access and reverse commute program;
- One DOT to address environmental justice issues;
- Learning to function in a multicultural society; and
- Working with partners.

Panelist: Ed Lloyd, Professor, Columbia University

Expressing his hope that the meeting would advance the cause of environmental justice, Lloyd offered to provide perspective. One must ask, are communities of color and low income involved as decision makers in the agencies and decisions that affect them? If not, can disproportionate representation be challenged? Many in the environmental justice movement, he said, are skeptical about public participation. The challenge to governmental agencies is to come up with public participation programs that will make a genuine difference through the development of a fair process that leads to good decisions. Public participation, he believed, should not be a hurdle to reaching a decision. Its goal should be that articulated by earlier speakers. The needs of the community should be folded into any decision. How can this be made to happen?

With the principle of environmental justice, the metropolitan planning process should lead to substantive difference in outcome. It is important to identify the communities to be consulted in the environmental planning process. Do we know, he asked, how to listen to communities and then act on what is heard? It is necessary to go beyond flexible design to the heart of a project serving a community.

What, then, asked Lloyd, is environmental justice? It is not just environmental, though that is an important element. In explaining environmental justice's relation to health, he discussed the relation between the increased incidence of asthma in children and the fumes of diesel buses. Title VI introduced elements of social and economic, as well as environmental, justice.

Funding priorities have significant environmental justice related impact, he said. He discussed

the ratio of funding for transit and for highways; commuter rail v. subways; and the interests of inner v. outer communities with respect to discrimination in service. It is important, he said, to emphasize broad perspectives of social and economic justice as well as environmental.

Small Discussion Groups

Each participant was assigned to one of four breakout groups for the purposes of discussion of the following topics:

- Topic I—Public participation;
- Topic II—Review of the metro planning process;
- Topic III—Sharing transportation benefits/burdens; and
- Topic IV—Small group discussion.

The following are summaries of those discussions by group and by topic.

Group 1

Topic I—Public participation

Issues?

- Educating the public (lack of knowledge regarding process)
- Understanding process
- Access to information and technology
- Money
- Staff/resources
- Distrust of government
- Difficulty of “simplifying” information for the public
- Monitoring Title VI compliance:
 - N Who monitors?
 - N Who acts: community or government?
- Educating government bureaucrats (middle managers)
- Lack of inclusion on transit boards, etc. (appointments)
- Definition of public involvement:
 - N Time (of community meetings)
 - N Location
 - N Language
 - N Access
- What is the impact of community involvement? (What changes are made as a result?)
- Involving all of the public(s) at all levels
- Opening up the process

What are the actions/solutions?

- Developing a rapport with the community (put a face on the agency)
- Go into the community(ies)—don’t make them come to you
- Leadership buy into public participation
 - N Allocate funding

- N Allocate other resources
- N Make a priority within agency/department
- Develop better tools for communication with public
 - N Flyers, PSAs, billboards, community meetings (evenings and daytime, weekdays and weekends)
 - N Maps, charts, executive summaries
 - N Translated materials
 - N County fairs/festivals
 - N Church bulletins
 - N Meeting with local clergy
 - N Focus groups (by telephone or in person)
 - N Fraternities/sororities
 - N Train community volunteers
- Identify funding for community outreach (foundations)
- Collaborative efforts to identify funding for outreach
- Define the role of community in decision making (make sure they have a role)
- Ensure enough lead time for community input
- Explain transit decisions to community (once decided)
- Role of elected officials in transportation decisions
- Develop an ombudsman office to review processes—a process for evaluation/assessment (should be continual)
- Explain decisions once they are made

Topic II—Review of the metro planning process

- Continue to involve the public throughout
- Continual education on how the process works
 - N Components of process
 - N Roles of people/agencies
- Periodic review (example, 5-year review)
- Evaluate on a State-by-State or regional basis
- Does the process achieve environmental justice/Title VI goals?
- How much of the process is standardized v. flexible for local communities?
- Varies State by State
- Federal guidelines are not prescriptive

Topic III—Sharing transportation benefits/burdens

Key issues:

- Ask them (community)
- Ridership counts
- Evaluate other factors (employment)
- Gather data on population (break it down)
- Ask other agencies (social services, etc.) about transportation needs
- Analytical data (comparative analysis)
- Community dialogue
- Maintaining existing transportation/system/equipment or expand to new corridors—quick fix v. long-term goals?

- Some communities have no access to public transportation
- Publish collected data to the community and allow communities to digest and discuss transportation plans
- Competition between transportation modes
- Allocation of dollars
- Identify/articulate what constitutes a benefit or burden
- Equity in decisions
- Clean and safe transportation modes
- Focus groups/listening sessions

Topic IV—Small group discussion

- What can be done about environmental injustice in transportation planning, policies, and procedures—environmental racism/discrimination? (the big picture)
- Allocation of resources
- Institutionalized racism
- What's allowable in mitigation? (How do we address the problems?)
- Evaluate managers (on how they include/address environmental justice issues)
- Attempt to reduce negative environmental impacts overall
- Better public involvement over all
- Mainstream the concerns of environmental justice—make it the core of agency procedures (look at international models)

Group 2

Topic I—Public participation

Issues:

- Attitude of planning agencies
- Staff composition
- Complexity of the process
- Failure to reach certain groups
- Broken promises
- Failure to process input

Solutions:

- Develop new and use existing models of participation
- Go to the community
- Use nontraditional means and avenues
- Use existing environmental justice networks

- Deliver feedback to the community
- Listening sessions

Topic II—Review of the metro planning process

- Certification process
- Documentation of what activities in environmental justice are being pursued
- Reporting requirements on environmental justice are inadequate
- Expend more time on communication with the community on Title VI
- Not just a function of the process but also of delivery of services
- Structure of MPOs
- Should MPOs be in the business of redistribution?
- Filing of Title VI complaints to break local intransigence
- Safety is a powerful issue
- Alternative means and forums for addressing disputes

Topic III—Sharing transportation benefits/burdens

- How are needs assessed?
 - N Analytical
 - N Aspirational
- Past and present discrimination
- CIAs
- Diversity in the community
- Someone's benefit is another's burden in the same community
- Competing interests
- Some needs are more basic than others
- Sacrifices have to be made by someone
- Explain decisions which place burdens
- Mitigation requires community input
- Transportation projects as leverage to improve the community in other ways
- Diversion of funds to projects which do not serve environmental justice
- Lack of coordination in public policy
- Integration of grants
- Question of hierarchy in Federal requirements
- The community is the best source of information on needs
- Avoidance for some—mitigation for others

Topic IV—Small group discussion

- Certification of MPOs
- Enforcement/enhancement of environmental justice
- Funding
- Evaluate expenditure
- Title VI
- Measure performance under Title VI
- Detailed analysis at the local level
- Arrive at commonly accepted minimum base indicators

- Streamline reporting on the part of agencies and make it more effective (on Title VI) and more user friendly
- Model of best practice
- More emphasis on how-to rather than checking boxes
- Greater role for Title VI in recertification of the process as a whole
- Training of elected officials

Group 3

Topic I—Public participation

- The planning process has been driven by a checklist; it needs to be driven by public input
- What is the purpose of planning? Who is served? Needs must be addressed.
- Public participation must be meaningful, using outreach, education, and training:
 - N Financial support to the community
 - N Technical support
 - N Community involvement
- Citizen activists have meaningful opportunity for participation
- Development of political will:
 - N What role for elected officials?
 - N Coalition building
- MPOs
 - N Make them representative
 - N Meetings should be adapted to relevant community's needs
- Integrate process to include all relevant parties simultaneously, rather than serially
- Make public participation more than a show—community concerns should be reflected in outcomes
- Increase communication/understanding between planning decision making and project decision making processes—explore alternative methods
- Involve public in city transportation authority planning (pre-MPO)
- Planning process needs to be simplified and aligned with input from the public
- Gear notices to specifics of community—invest resources in learning how to reach low-income populations
- Are there things at school/education level that can be done to equip people with necessary community skills
- Promote context-sensitive design—loose the hold of the Green Book
- Ways to evaluate public participation:
 - N People's ideas are carried through and acted on even if they are not present throughout the process
 - N Proposals/complaints voiced by the public are recorded and responded to and implemented or else discussed as to why they were not implemented
 - N A balance between quantitative and qualitative evaluations so that feelings of public satisfaction can be included
 - N How efficient is the follow-up? (Justification of decisions)
 - N Public participation in long-range planning
 - N Professionals take ownership of community concerns
 - N Results of evaluation should be used to reconstruct the next process
 - N Evaluate the number of participants from the impact area

- N For better outcomes, continually improve; take recommendations/complaints and integrate them
- N How to notify
- N Role of statistics and demographic predictions in planning process
- How to reach certain populations:
 - N EPA Public Participation Handbook (issue of language)
 - N Officials invest time studying communities—their communication structure, values, and norms of the community
 - N Keeping in touch/informing local political structure
 - N Employ people from community to help communication flow
 - N Officials need to look at the big picture
 - N Some portion of funding should be given to community groups who facilitate the planning process/public participation
 - N Contractors required to subcontract locally
 - N Complete shift from highway bill to transit bill; provide incentives
 - N Incentives to return jobs to city and stop sprawl
- Ways to simplify the process:
 - N Avoid redundancy—collapse environmental, health, quality of life, etc., into one meeting or close series of meetings
 - N Orient public input close to the point of decision
 - N Change the structure of MPOs to make them more representative/responsive

Topic II—Review of the metro planning process

- Respect and resources should flow from officials to community groups for their work
- The issue/fear of cooptation
- How to equitably distribute resources within a community?
 - N An investment of time to understand community dynamics
 - N Look at actions of past agencies (EPA, etc.)
- MPOs have very limited resources
- Can we regulate/specify amount that MPOs have to be used for public involvement?
- Alternative ways to locate community leaders/organizations—questionnaires/focus groups
- Small public workshops, evening meetings, and notices put out through mailings, bus placards, and in shelters
- It's not the how, it's the will and whether the outcomes will impact anything
- Make MPOs representative
- Tie representation to dollars
- MPOs have to know the community

Topic III—Sharing transportation benefits/burdens

- Issues of sprawl—how to address job access?
- Local zoning decisions can impact transit availability and utility
- FHWA-joint commercial development
- How do you increase weight of community concerns v. demographic stats?
- Early and consistent consideration of health and environmental issues—the conformity process is inadequate
- Health should be brought more into project analyses

- Inner-city routes/resources are reduced to support suburban routes
- Impact of highway expansion on local business
- Closing of ramps in the city to facilitate commuter driving negatively impacts city driving

Topic IV—Small group discussion

- Incentive and choice rather than additional regulations
- Lessen concern with checklists and fear of lawsuits
- An analysis of MPOs should be used to gain community representation, possibly through a public involvement committee; suggestions are given, but not always heard
- Decision makers should attend public meetings
- Involvement of public in technical discussions/concerns
- Use of technical analysis to track the best/right choices and to better reflect and incorporate environmental justice perspectives
- Establish a feedback loop between technical requirements and community needs/wants—workshops are useful, but MPOs are not required to use them; they should be so required
- Can we remove some other requirements so we can do workshops?
- Use RFPs to improve public participation
- How to change the opinions of the decision maker?—use of the media, including an op-ed strategy
- Let's build on what's already there, rather than merely further discussing it
- Strategies are needed outside of the process
- Alternatives need to be explored
- Sacrifice for the greater good too often involves sacrifice of low-income/minority groups
- Regional analysis dilutes/obscures local impact
- Operating agencies decide which projects get forwarded to MPOs, which puts MPOs in a bit of a bind, because they often aren't an operator

Group 4

Topic I—Public participation

Issues:

- How do we get commitment to the outcomes?
 - N How to demonstrate the impact?
 - N There must be a visible goal or charge
- Scheduling of public meetings to build input (time of day)
- Translation (language) and access to information
- Methods of communication
- Heavy dependence on Web sites
- People only focus on projects when they're in their community; provide knowledge to a community before the digging starts—it's easier to get them interested in a project than a plan
- Who is expected to come?
- What degree of effort at outreach is sufficient?
- Mistrust—conflict of public opinions

- How do people translate information to the public? The public has trouble understanding processes.
- Who is the public? Competing forces
- Timing of engagement, sustained involvement can become a burden
- Culture of planning
- Need to look for ways to get more involvement
- Project specific v. plan:
 - N Project—includes more diverse opinions; specific interests become vocal
 - N Plan—repeat performers; not enough specificity to engage different opinions; but more modal specific
- Representation on the MPO
- Who makes the decisions?
- How do we better identify the players, and where do they enter the game of planning?— The barrier: inclusion of correct players
- The State listens to community concerns in the plan development stage
- Work with community in outreach efforts—issues of access
- Will public participation improve access to the benefits of transportation planning?
- Include members from all groups, including competing forces
- There is a need to consider other factors that compete for the individual's time

Solutions:

- Explain
- Make information more accessible
- Get the right representation
- Write down a commitment and date it
- Open real and continuous opportunities for engagement and discussion
- Think outside the box—use other methods than just meetings
- Institutionalize environmental justice policies and integrate concepts into the heart of the work in the States
- Planners and constituencies should develop mutually accountable and honest relationships—build trust on a foundation of truth
- Public agencies should respond to questions arising from the public
- Educate the public on the process
- Make clear decisions can be made at the local level
- Build trust through responsive feedback in writing
- When scheduling meetings, include marketing and promotion
- Open meetings when people can be available (evenings, etc.)
- Redefine what public meetings should look like for the public involved—be flexible
- Involve youth
- Location of the meeting is important—hold the meeting where the decision will have an effect
- Methods of communication—
 - N Public involvement firms must be part of resource planning and strategy

- N Demonstrate the value of using resources to build public involvement
- N Use ethnic newspapers, radio, etc.
- Translating information—
 - N Consider language restrictions of the community
 - N Be aware of cultural preferences
 - N Oral translations at public hearings
 - N Provide translators for hearings
 - N Check for community-based organizations to provide translators of information
- Culture of planning—identify job development, training, and economic program people
- Include transportation committees (YMCA, United Way, school districts, senior programs, etc.)
- Get balanced and representative public input
- Show tangible results—a report card
- Staff access to decision maker should be increased
- Evaluative criteria on public involvement—
 - N Has it changed a decision?
 - N Improved mobility
 - N Measure environmental impact
 - N Measure safety improvements
 - N Paper trail on feedback gained (documented v. detailed/promised v. delivered)
 - N Permitting agencies are involved/included in paper trail
- Getting the right people—
 - N Players constantly shift, may change with situations
 - N You'll know the players at the end
 - N Use layman's language in community guides (avoid acronyms)
- Be organized, section by section, in making analysis of regulation in writing
- Take everything as a lesson learned
- Set clear goals on Title VI; use to measure MPO and State DOT effectiveness
- Give better, simpler information on how transit and highways are developed and their impacts

Topic II—Review of the metro planning process

Issues

Solutions

There are definitional differences

Devise a realistic time line for public participation
Standardize definitions (low income, minority) and use a glossary

Evaluating the MP process
Expectational change occurs

Track how or if expectations are changing as the planning process progresses

Communities change

Plans must be continually updated; assess what works well; network and share with other MPOs

Examine process v. outcome

Develop expected outcomes for Title VI; make sure the process is thorough; outreach ties into the outcome input (adequate amount of output)

How to involve low income/- minority community, once located?

Don't rely on secondary data resources; engage principal players/groups; find them; use other indicators of poverty; check to see if information is up to date; board members should be used as a resource; and partner with academics for demographic information

Test: If you have a good process, then all parties will agree you have a good definition.

Although the money flow may be integrated with the planning process, the follow-through may create a disconnect

Other transportation providers can act as reality checks to be sure MPO has identified the correct solutions

Elected officials are a contact point and have a vote.

MPOs should also monitor progress of TIP

Results and substantive evaluation after results are important

Make the certification process a public forum with objective criteria; can be used for Title VI violations (also administrative complaints and law suits)

How a citizen activist should regard politics

Identify forums to hold elected officials accountable; recall petitions; use of media; speaking up at public hearings; letters and emails

State/MPO partnership to address political barriers

Feds: use recertification process to facilitate outcome progress

Have more dialogue on getting things done

Topic III—Sharing transportation benefits/burdens

Issues

How large a community group do you assess benefits and burdens for?

Solutions

First, be specific about the area that is being impacted
When a community is dispersed, identify a common

community organization to distribute information

Should you define benefit and burden types that may dictate community size?

Identify where services are and assess adequacy in addressing needs of low-income/minority populations, regardless of whether they are concentrated or dispersed

At what point do you cut off measuring impacts?

A burden to one may be a benefit to another in the same community

Focus on issues of equity and fairness; do not collectively make judgment calls; track and monitor throughout the process

A wide range of factors exist in the evaluation of burdens—

- Straightforward on the environment
- Title VI and human impact
- Cost per capita per trip

Timeliness

Community perception of benefits and burdens

Make the tie between planning/money/benefits to public in order to get involvement

How accessible are certain areas to jobs, medical care, day care, etc.?

Adequacy of transportation services

Personal safety issues

Different circumstances at the level

Needs become very specific; access to decision making involvement is needed—a critical common point for small concessions

What are the system-wide benefits?

Topic IV—Small group discussion

- Need to visit cumulative impact of all projects in region on low-income/minority community
- Where are the gaps in services?
- Partnering about services and resources at all levels
- Better coordination is needed between groups with land use plans; more coordination in the

- sharing of findings is needed with governmental agencies that disperse funds
- What are the system-wide benefits?
- The planning process provides the need for better project development—the rules and regulations should be brought in at an earlier stage

Luncheon Address

Speaker: Nancy E. McFadden, General Counsel, USDOT

Environmental justice, said McFadden, is one issue that has not been in the forefront, where it should be, but is too often an afterthought instead. The organizers of this summit wanted to make the point that this summit represents an important commitment. The diverse participants show through their presence their belief that this issue is important.

Environmental justice is seen by people who dislike it as a cover or a roadblock meant to prevent development. The issue, however, is one of making development happen in the right way.

The presence of top DOT people at the summit shows how important the issue is to the department. Environmental justice needs awareness and commitment from top to bottom and bottom to top. USDOT means to show its commitment to the issue at the top—its officers are deeply committed. But it is also important to involve the decisions being made and the work being done at the State and local levels. This is not just a stated commitment by the leaders, said McFadden; it has to flow all the way through the organization. Day-to-day workers have to understand and believe and implement it. Environmental justice has to have meaning and commitment at all levels.

The real value and meaning in environmental justice in transportation come through if a proactive approach is taken to the issue. The concept must be thought about at the beginning of a process, not at the end. McFadden said she was not just avoiding a possible lawsuit—though lawsuits have their place. She meant to give voice to communities in need through outreach. Doing this through transportation efforts, she said, is vital, as transportation lies at the foundation of the nation and the community. She wished to make sure that economic development comes to all.

Environmental justice's time has come. It is very important who the decision makers are so that the issue is not forgotten, but the issue's time has come. Communities are demanding it, if not in name; smart growth and congestion and child health are all closely related to environmental justice. As important as the support from the top, though, is the fact that the people being served are demanding smart decisions that take everyone into account.

The summit participants, concluded McFadden, must take the word back home, multiply it, and continue it.