



Attachment B




*Environmental Justice and
Commission Efforts to Promote It*



#130012

August 7, 2007



Presentation Content

- Background on Environmental Justice (EJ)
- EJ roles and responsibilities, including metropolitan planning organizations.
- Context of key SEWRPC planning recommendations.
- Evaluation of impacts on minority and low-income populations.
- Public participation, particularly regarding EJ populations.

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What Is Environmental Justice?

Executive Order 12898

February 11, 1994

Signed by President Clinton

*"Federal Actions to Address Environmental Justice in
Minority Populations and Low-Income Populations"*

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Not New, But Reinforcement of a Long-Standing Requirement

*"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

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Doing the Right Thing

Three fundamental Environmental Justice principles related to minority and low-income populations:

- To avoid, minimize, or mitigate disproportionately high and adverse effects.
- To ensure full and fair participation.
- To prevent denial, reduction, or significant delay in benefits.

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Minority and Low-Income Populations

The Federal Government has established categories:

BLACK or AFRICAN AMERICAN – a person having origins in any of the black racial groups of Africa.

HISPANIC OR LATINO – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

ASIAN – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

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Minority and Low-Income Populations (continued)

AMERICAN INDIAN OR ALASKAN NATIVE – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER – a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

LOW-INCOME – a person whose household income (or in the case of a community or group, whose median income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

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Title VI and Environmental Justice as Applied to Transportation Decisions

The U.S. Department of Transportation (DOT) applies Environmental Justice to all decisions:

- Policy Decisions
- Systems Planning
- Metropolitan and Statewide Planning
- Project Development and Environmental Review under NEPA*
- Preliminary Design
- Final Design Engineering
- Right-Of-Way
- Construction
- Operations and Maintenance

* NEPA = National Environmental Policy Act

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Entities with Major Roles in Environmental Justice, as Applied to Transportation

- Federal Agencies
 - Federal Highway Administration
 - Federal Transit Administration
- State Departments of Transportation
- Metropolitan Planning Organizations – like SEWRPC
- Transit Providers
- County and Local Highway Agencies

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Metropolitan Planning Organizations (MPOs)

To address Title VI and Environmental Justice, MPOs like SEWRPC need to:

- UTILIZE CENSUS DATA TO DEFINE AND IDENTIFY RESIDENTIAL LOCATION of minority and low-income populations, including mapping to show geographic distribution. Also define, to the extent data permits, commuting patterns and other characteristics.
- EVALUATE PLAN RECOMMENDATIONS TO DETERMINE WHETHER PLANS ARE BALANCED, fairly sharing burdens and benefits of recommendations across society, particularly with respect to minority and low-income populations. Assess whether minority and low-income populations receive a proportionate share of benefits, and not a disproportionate share of costs and impacts.
- CONDUCT PUBLIC PARTICIPATION WHICH ENGAGES minority and low-income populations, encourages discussion of their transportation concerns and needs, and involves them in the preparation and consideration of regional plan recommendations.

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Analyzing SEWRPC's Long Range Land Use and Transportation Plans

The Commission has over the past 40+ years advanced planning concepts and recommendations to encourage development of a more sustainable Region:

- Preserve and enhance the Region's natural environment.
- Preserve prime agricultural land.
- Encourage a more efficient, centralized regional land development pattern.
- Encourage a more balanced, multi-modal transportation system

These four principles lead to plans that help achieve Environmental Justice.

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SEWRPC's Long Range Land Use Plan

To the extent that outlying areas remain rural –

- The migration of wealth and jobs away from older urban areas is discouraged.
- Reinvestment in cities is encouraged.
- Public resources can be used more efficiently.
- Minority and low-income populations, which are concentrated in our urban neighborhoods, are among the biggest beneficiaries.

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SEWRPC's Long Range Land Use Plan (continued)

The regional land use plan is central city friendly –

- NEW URBAN DEVELOPMENT SHOULD OCCUR WITHIN AND AROUND EXISTING URBAN CENTERS as infill, redevelopment, and orderly expansion of planned urban service areas on nearby lands.
- PARTICULAR EMPHASIS IS PLACED ON MILWAUKEE, RACINE, AND KENOSHA and stabilizing and revitalizing the central cities.

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SEWRPC's Long Range Land Use Plan (continued)

- FORECAST POPULATION AND RESIDENTIAL LAND GROWTH SHOULD BE IN THESE URBAN CENTERS and their planned sanitary sewer service areas mostly at medium and high densities – 88 percent of all new housing units.
- EXISTING MAJOR EMPLOYMENT CENTERS SHOULD BE MAINTAINED AND REVITALIZED – concentrations of commercial and industrial land having at least 3,500 total jobs or 2,000 retail jobs – rather than new major centers developing in outlying areas.

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SEWRPC's Long Range Transportation Plan

The Regional Transportation Plan promotes balance –

ALL ELEMENTS OF THE PLAN ARE CONSIDERED TO BE OF EQUAL PRIORITY, and each element needs to be fully implemented to meet existing and forecast future year 2035 transportation needs and to provide a comprehensive, multi-modal, balanced, high quality transportation system:

- Public Transit
- Bicycle and Pedestrian Facilities
- Transportation Systems Management
- Travel Demand Management
- Arterial Streets and Highways
 - Freeways
 - Surface Arterials

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SEWRPC's Long Range Transportation Plan (continued)

The Regional Transportation Plan recommends –

- A 100 PERCENT EXPANSION OF PUBLIC TRANSIT compared to 2005 in terms of vehicle miles of service:
 - TRIPLING OF RAPID TRANSIT service connecting the Milwaukee central business district, urbanized areas of the Region, and urban centers of outlying counties.
 - ESTABLISHMENT OF EXPRESS TRANSIT service on 8 limited stop, higher speed routes largely within Milwaukee County, and one each serving the Kenosha and Racine areas.
 - A 59 PERCENT INCREASE IN LOCAL BUS SERVICE, with improvements in the availability and frequency of service.
- A 12 PERCENT EXPANSION OF HIGHWAY CAPACITY in route miles and 4 percent in lane miles through widening or new facilities in the arterial street and highway system, including on 127 miles of freeway.

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Identifying Impacts on Minority and Low-Income Populations

Regional Transportation Plan -- Appendix H:

“Evaluation of the Impacts of the Recommended Year 2035 Regional Transportation System Plan on Minority and Low-Income Populations in Southeastern Wisconsin”

- Contains 79 pages, 50 maps, 29 tables, and extensive analyses.
- Evaluated whether minority and low-income populations receive a disproportionate share of the estimated impacts – both costs and benefits – of the recommended plan.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Residence of Minority and Low-Income Populations –

- YEAR 2000 CENSUS DATA WERE USED to define the minority and low-income population concentrations, including mapping to show geographic distribution of place of residence.

Travel to and from work –

- COMMUTING PATTERNS OF MINORITY AND WHITE POPULATIONS WERE ANALYZED. The minority population utilized carpooling and public transit more than the white population. However, driving alone, and automobile travel, including carpooling, were predominant for both populations.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Potential transit benefits –

- ALMOST ALL OF THE MAJOR ECONOMIC ACTIVITY CENTERS IN THE REGION WOULD BE SERVED, an analysis showed, under the public transit recommendations of the regional transportation plan. Each center contains a concentration of commercial and/or industrial land having at least 3,500 total jobs or 2,000 retail jobs.
- THE TRANSIT ELEMENT OF THE PLAN WOULD IN PARTICULAR CONNECT MINORITY AND LOW-INCOME POPULATIONS WITH JOBS. Also, the public transit recommendations are directed toward improving transit service in central Milwaukee County and those areas with minority and low-income populations.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Job access benefits –

- WITHOUT MORE ARTERIAL STREET AND HIGHWAY CAPACITY, ACCESS TO EMPLOYMENT OPPORTUNITIES MAY BE EXPECTED TO DECLINE SIGNIFICANTLY. That conclusion resulted from a comparison of conditions, as traffic volume and congestion levels grow to the year 2035, including central Milwaukee County and other urbanized areas of the Region containing minority and low-income neighborhoods.
- THE DECLINE IN ACCESS TO JOB OPPORTUNITIES CAN BE AVOIDED, PARTICULARLY FOR MINORITY AND LOW-INCOME POPULATION AREAS. Under the recommended transportation plan, arterial street and highway system accessibility to employment is expected to be about the same as that under the existing system.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Air quality considerations –

- BY 2035 WE MAY EXPECT SIGNIFICANT POLLUTION DECLINES DUE TO CLEANER, MORE EFFICIENT VEHICLES. An examination of transportation-related air pollutant emissions showed this, even with an anticipated 40 percent increase in traffic regionwide (80% reduction regionwide for ozone-related emissions, 55% for fine particulates and carbon monoxide, and 70% for air toxic substances).
- GREATER EMISSION REDUCTIONS ON CENTRAL MILWAUKEE COUNTY FREEWAYS NEAR MINORITY AND LOW-INCOME POPULATIONS may occur, as traffic increases on these freeways are expected to be less than regionwide increases.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Arterial street and highway expansion –

- NO AREA OF THE REGION, OR MINORITY OR LOW-INCOME COMMUNITY, DISPROPORTIONATELY BEARS THE IMPACT OF PLAN CAPACITY IMPROVEMENTS – as the location of proposed arterial street and highway capacity expansion projects was compared to the location of minority and low-income populations.

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Identifying Impacts on Minority and Low-Income Populations (continued)

Impacts of freeway system expansion –

- A VAST MAJORITY OF FREEWAYS AND SEGMENTS PROPOSED TO BE WIDENED ARE NOT ADJACENT TO MINORITY/LOW-INCOME POPULATION CONCENTRATIONS. A comparison found this to be true, while some freeway segments, including proposed widenings, are located adjacent to concentrations of such populations between 0.2 and 3.8 percent higher than their regional average.
- ACQUISITIONS WERE NOT DISPROPORTIONATELY FOUND TO BE IN AREAS WITH ABOVE COUNTY OR REGIONAL AVERAGES OF MINORITY OR LOW-INCOME POPULATIONS –particularly for additional lanes (39 of 42 needed residences in such areas, and 4 of 9 needed businesses would be to rebuild the freeways to modern design standards, not for proposed additional lanes).

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SEWRPC Public Participation

The Commission's goal for public participation has three major components:

- ENSURE EARLY AND CONTINUOUS PUBLIC NOTIFICATION about regional transportation planning and programming activities.
- PROVIDE MEANINGFUL INFORMATION concerning such regional transportation planning and programming activities.
- OBTAIN PARTICIPATION AND INPUT to regional transportation planning and improvement programming efforts.

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SEWRPC Public Participation (continued)

In general, the Commission's public outreach and involvement activities have expanded during the years:

- MORE PUBLIC MEETINGS, AT MULTIPLE JUNCTURES, throughout major studies –
 - Study inception/previous plan review
 - Completion of inventory findings
 - Availability/review of plan alternatives
 - Preliminary recommended plan stage
- OPEN HOUSE MEETINGS ALLOWING FLEXIBILITY for attendees to come and go as they wish, stay as long as desired, ask individual questions privately, discuss matters at length with staff, and comment by any means preferred, including before a court reporter (more formal hearings sometimes in conjunction, and typically toward the end of studies).

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SEWRPC Public Participation (continued)

- MULTIPLE, STUDY-SPECIFIC NEWSLETTERS, are prepared and sent roughly paralleling and often announcing public meetings and describing planning content; the current mailing list is some 2,000 recipients.
- WEBSITE LISTINGS AT www.sewrpc.org contain not only the above, but committee meeting agendas and minutes, plan chapters, public meeting display content, access to current studies and historic plan materials, and other summary information (like this PowerPoint).
- MEETING PRESENTATIONS OR BRIEFINGS are given at any point during or between studies, upon request.

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SEWRPC Public Participation (continued)

Additional Steps Taken to Engage Minority and Low-Income Populations –

- EXPANDING LIST REGULARLY USED FOR MINORITY AND LOW-INCOME CONTACTS representing important organizations (from some 55 organizations during Long-Range Land Use and Transportation Planning to over 60 during KRM study).
- PERSONAL LETTERS SENT TO LEAD CONTACTS of minority and low-income organizations, at each major juncture corresponding to study newsletters and public meetings, also identifying key points in the planning process (multiple times per study).

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SEWRPC Public Participation (continued)

- SPECIFIC INVITATIONS TO MEET PERSONALLY with Commission staff at the organizations' convenience, whether one-on-one, with committees/boards, stakeholders, or full memberships. Over 30 such meetings were conducted during recent long-range planning.
- TELEPHONE CAMPAIGNS over the course of major studies to arrange meetings, encourage participation, answer any questions, and possibly take comments, for each of the minority and low-income group contacts.
- THREE OR MORE PUBLIC MEETINGS HELD IN MILWAUKEE typically during each plan stage, two of which have been in minority neighborhoods. Meetings are held in the central cities of Kenosha and Racine for those respective counties.

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SEWRPC Public Participation (continued)

- ADDRESSING NEEDS FOR THOSE OF LIMITED ENGLISH PROFICIENCY, including arrangements to have a translator available upon request at public meetings, and typically providing one in Hispanic neighborhoods.
- SUMMARIZATION OF SUBSTANTIAL NEWSLETTER CONTENT into four-page brochures, which have also been translated into Spanish.
- PAID MEETING ADS PERTAINING TO STUDY MEETINGS and progress placed in newspapers serving minority communities, often also provided in Spanish.

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SEWRPC Public Participation (continued)

- STATEMENTS OF COMMISSION AVAILABILITY AND FLEXIBILITY to meet a variety of needs, which occasionally produces requests that are addressed such as holding additional, targeted public meetings.
- ENVIRONMENTAL JUSTICE TASK FORCE investigation with minority and low-income group representatives, and Task Force formation. This body is fairly unique among metropolitan planning organizations.

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SEWRPC Public Participation (continued)

Environmental Justice Task Force Activities –

- REVIEW AND MAKE RECOMMENDATIONS on SEWRPC's public involvement activities regarding Environmental Justice (EJ) populations, and related topics.
- ASSIST IN OBTAINING IDEAS, opinions and feedback from, and disseminating information to, EJ populations.
- SUGGEST QUANTITATIVE AND QUALITATIVE INFORMATION and issues regarding EJ populations for SEWRPC to consider in its planning activities.
- REVIEW AND COMMENT upon regional planning documents, at draft or scoping stages, with a specific focus on the effects of plans on EJ populations and whether and how the benefits and burdens of those plans are shared.

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SEWRPC Public Participation (continued)

- IDENTIFY PROSPECTIVE REPRESENTATIVES of EJ organizations who could be nominated to serve on other SEWRPC advisory committees.
- PROPOSE OR PRESENT ENVIRONMENTAL JUSTICE RECOMMENDATIONS, ideas, or concerns to the Commission and to other advisory committees.
- RECOMMEND ADDITIONAL RESEARCH OR STUDIES for SEWRPC to undertake (e.g., the housing study).
- SUGGEST PROCESSES OR PRODUCTS TO BETTER INFORM or equip the public, including ways that minority, low-income, and disabled populations might support and help implement plan recommendations of benefit to them and society.

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In Summary

- Environmental Justice is not a new requirement, but an important reinforcement by Executive order.
- Metropolitan Planning Organizations, and all others receiving Federal funds, must comply with EJ and Title VI of the Civil Rights Act.
- Some requirements of SEWRPC, and means of responding are:
 - Plan recommendations and underlying analyses – centralized urban development and a balanced transportation system.
 - Identification of key patterns affecting minority and low-income populations for fair distribution of burdens and benefits.
 - Public participation processes to help eliminate barriers and engage minority and low-income populations.
- The Environmental Justice Task Force is a nontraditional attempt by SEWRPC to generate additional ideas and further broaden input, which may benefit minority and low-income populations, and others.