Q1. Introduction

Freeways, public transit, and other transportation infrastructure have a significant effect on the quality of life of residents throughout the region by shaping access to jobs, education, housing, community services, amenities, and recreational opportunities. Approaching transportation investment with an environmental justice and social equity framework helps to advance the development of a comprehensive transportation system that provides everyone – regardless of color, race, national origin, income, or physical ability – with opportunities to work, shop, study, pray, play, and thrive. Such a system is vital for the sustainability of the region.

Without thoughtful planning and development, transportation systems can degrade the quality of life in communities. Historically, the construction of freeways, roads, and rail transit systems have placed health burdens on many low-income and minority communities throughout the nation. San Joaquin County is no exception. In addition, the lack of transportation investment in low-income and minority communities results in long-lasting social and economic costs. Therefore, it is critical to understand the impacts of transportation investment in our most vulnerable communities to better plan for the future.

With guidance from Title VI of the Civil Rights Act and various federal and state laws intended to promote the equitable distribution of benefits and burdens from transportation projects and programs, SJCOG continually strives to:

- Engage historically underserved and underrepresented communities of the region in the planning and decision-making process; and
- Improve methods for analyzing how the Plan affects these communities.

This report briefly discusses the work undertaken by SJCOG during the development of the 2018 Plan to identify the specific needs of the region’s disadvantaged communities, but primarily focuses on defining the methods used to respond to federal and state requirements regarding Title VI of the Civil Rights Act and the Environmental Justice Executive Order 12898.
Policy Framework for Addressing Civil Rights, Environmental Justice, and Social Equity

The following federal and state policies infuse the spirit and intent of environmental justice and social equity into the work of SJCOG:

1. **Title VI of the Civil Rights Act of 1964**
   States that “...no person in the United States, shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.”

2. **Environmental Justice Executive Order 12898**
   Further operationalized the intent of Title VI by defining a process of “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations.”

3. **California Government Code Section 65040.12(e)**
   Defines environmental justice in the context of city and county general plans as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. In addition, Government Code 11135 states that no state agency, or agency funded by the state, shall deny full and equal access to benefits of any program or activity on the basis of race, national origin, ethnic group, religion, sex, sexual orientation, or disability.

4. **California Department of Transportation**
   In the context of transportation planning, Caltrans requires recipients of federal funding to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

5. **2016 Public Participation Plan**
   SJCOG seeks to engage the region’s diverse public, to connect public input to decisions, and to effectively implement public engagement and planning outcomes that respect civil rights, advance environmental justice, and ensure the inclusion of the region’s historically underserved communities.
A Closer Look: Title VI of the Civil Rights Act of 1964

As a recipient of federal transportation dollars, SJCOG is responsible for assisting federal agencies with complying with Title VI. In 2012, the Federal Transit Administration (FTA) issued a revised circular with guidance on how to carry out the Department of Transportation (DOT) Title VI regulations to ensure nondiscrimination on the basis of race, color or national origin in its programs, policies and activities.

In its regional transportation planning capacity, SJCOG is required to demonstrate compliance with Title VI by preparing and submitting the following:

- “All general requirements set out in [the General Requirements section of] the Circular;
- “A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
- “A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;
- “Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data…and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes...; and
- “An analysis of impacts that ... identifies any disparate impacts on the basis of race, color, or national origin, and if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.”

Further discussion of the methodology used to meet the above requirements is included in Appendix Q2. In addition to analyzing the 2018 Plan as described in this report, SJCOG’s Title VI program includes a variety of commitments to ensure nondiscrimination on the basis of race, color or national origin in its programs and activities.

A Closer Look: Environmental Justice Executive Order 12898

The Environmental Justice order further augments Title VI by incorporating environmental justice (EJ) and non-discrimination principles into transportation planning and decision-making processes. In 2012, FTA issued a revised circular with guidance on how to integrate environmental justice principles into plans, projects, and activities that receive funding from the agency.

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1 Federal Transit Administration Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. See: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf
2 For more information, see SJCOG’s Title VI webpage at: http://www.sjcog.org/129/Title-VI-of-the-Civil-Rights-Act-of-1964
The guiding environmental justice principles followed by DOT and FTA are summarized as follows:

- “To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- “To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- “To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.”

As a recipient of FTA funds, SJCOG is required to assist the federal agency on compliance with Executive Order 12898 by incorporating EJ principles into the transportation decision-making process. This is done by conducting an environmental justice analysis of programs, policies, and activities. According to the circular, components of such an analysis include:

- “…Determining whether minority populations and/or low-income populations will experience potential environmental or health impacts from a proposed program, project, or activity; and
- “…[Determining]… whether the activity will result in a ‘disproportionately high and adverse effect on human health or the environment.”

Further discussion on the methodology used to meet the above requirements is included in Appendix Q2.

**Public Outreach & Plan Development Process**

In addition to conducting technical analyses to understand the 2018 Plan’s impact on disadvantaged communities, environmental justice also entails designing an inclusive planning process that engages the affected communities. The 2018 Plan was developed with meaningful and extensive participation of key stakeholders that range from community-based organizations to public agencies, civic groups, and individual advocates and residents. Public engagement activities during the development of the 2018 Plan are summarized below.

- Stakeholder Involvement: SJCOG has a variety of practices and policies in place to ensure full and fair participation of all residents and stakeholder groups in the 2018 Plan update process, and specifically to identify needs and priorities of low-income, minority

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4 Same as above.
and underserved communities. Stakeholder involvement was achieved through standing committee meetings, ongoing coordination with planning and public works staff at member agencies, as well as activities discussed below.

- **SJCOC Public Participation Plan:** In December 2016, SJCOC adopted an update to the region’s Public Participation Plan to guide agency outreach and public engagement efforts throughout the development of the 2018 Plan. This plan outlined several initiatives to support engagement with low-income and minority communities, including:
  - Targeted outreach to low-income, minority and other historically underrepresented and underserved communities via partnerships with community-based organizations, both early in the plan development process and again prior to selecting a preferred scenario;
  - A new toolbox for implementing inclusive public engagement practices throughout the planning process; and
  - An updated Limited English Proficiency Plan to provide meaningful access to planning activities for persons with limited English proficiency.

- **RTP/SCS Implementation & Working Group:** The working group brought together stakeholders from around the region representing low-income and minority communities; seniors and persons with disabilities; staff representing local jurisdictions, transit agencies; the public health department; and community-based organizations and advocacy groups. The primary purpose of the group is to advise SJCOC staff throughout the 2018 Plan development process. The Title VI and Environmental Justice analyses, including identifying social equity measures, defining communities of concern and developing the methodology for assessment, were reviewed by the group and revised based on their input. All working group meetings are open to the public.

For additional information regarding SJCOC public engagement activities, please refer to *Chapter 2: Civic Engagement* in the *2018 RTP/SCS*.

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