

# APPENDIX P1

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## Environmental Justice & Title VI Analysis: Introduction



# P1 INTRODUCTION

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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.

The concept of environmental justice is about equal and fair access to a healthy environment, with the goal of protecting minority and low-income communities from incurring disproportionate negative environmental impacts. San Joaquin County is a diverse demographic and region, which provides a keen opportunity to promote environmental justice, which affects residents' daily lives. The San Joaquin Council of Governments (SJCOG) 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS or Plan) is designed to create region-wide benefits that are distributed equitably, while ensuring that any one group does not carry the burdens of development disproportionately. It's particularly important that the Plan considers the consequences of transportation projects on low-income and minority communities and minimizes negative impacts. This Appendix will address the potential impacts of the 2022 RTP/SCS on low income and minority population groups and will also examine historical trends related to environmental justice throughout the region.

## Environmental Justice Statutory Requirements Overview

Consideration of environmental justice in the transportation planning process stems from Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000 d et seq. (Title VI). Title VI establishes the need for transportation agencies to disclose to the public the benefits and burdens of proposed projects on minority populations. Title VI states that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Additionally, Title VI not only bars intentional discrimination, but also unjustified disparate impact

discrimination. In the 1990s, the federal executive branch issued orders on environmental justice that amplified Title VI, in part by providing protections on the basis of income as well as race. These directives, which included President Clinton's Executive Order 12898 (1994) and subsequent U.S. Department of Transportation (US DOT) and Federal Highway Administration (FHWA) orders (1997 and 1998, respectively), along with a 1999 US DOT guidance memorandum, ordered every federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies and activities on underrepresented groups and low-income populations. Reinforcing Title VI, these measures ensure that every federally funded project nationwide consider the human environment when undertaking the planning and decision-making process.

On August 4, 2011, seventeen federal agencies signed the "Memorandum of Understanding on Environmental Justice and Executive Order 12898." The signatories, including the US DOT, agreed to develop environmental justice strategies to protect the health of people living in communities overburdened by pollution and to provide the public with annual progress reports on their efforts. The MOU advances agency responsibilities outlined in the 1994 Executive Order 12898 and directs each of the federal agencies to make environmental justice part of its mission and to work with other agencies on environmental justice issues as members of the Interagency Working Group on environmental justice. In response to this MOU, US DOT revised its environmental justice strategy. The revisions reinforce the US DOT's programs and policies related to environmental justice and strengthen its efforts to outreach to minority and low-income populations. Hence, the U.S. Department of Transportation (USDOT) issued its own order, 5680.2, to clarify and reinforce environmental justice policies related to transportation planning. A branch of the USDOT, the Federal Highway Administration (FHWA), has established policies for integrating environmental justice principles into existing operations. There are

three main elements to FHWA's environmental justice policy:

- Avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects on minority and low-income populations;
- Ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- Prevent reduction or significant delay in the receipt of benefits by minority populations and low-income groups.

In addition, the Federal Transit Authority (FTA) issued two Circulars on Title VI and environmental justice in 2011 and 2012 to clarify the requirements and offer guidance. FTA Circular 4702.1A, Title VI Requirements and Guidelines for Federal Transit Administration Recipients (Docket No. FTA2011-0054) provides information required in the Title VI Program, changes the reporting requirement from every four years to every three years, and adds a requirement for mapping and charts to analyze the impacts of the distribution of state and federal public transportation funds. The FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients (Docket No. FTA-2011-0055) provides recommendations to MPOs (and other recipients of FTA funds) on how to fully engage environmental justice populations in the public transportation decision-making process; how to determine whether environmental justice populations would be subjected to disproportionately high and adverse human health or environmental effects as a result of a transportation plan, project, or activity; and how to avoid, minimize or mitigate these effects.

In addition to Federal requirements, SJCOG must comply with California Government Code Section 11135, which states that, "no person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual

orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency that is funded directly by the state, or receives any financial assistance from the state.” California Senate Bill 115, passed in 1999, also established the definition of “environmental justice” in the California Government Code as “the fair treatment of people of all races, cultures and income with respect to development, adoption and implementation of environmental laws, regulations and policies.” The State of California also provides guidance for those involved in transportation decision-making to address environmental justice. In 2011, Caltrans published a Standard Environmental Reference Handbook, which outlined environmental justice and how it may disproportionately affect communities. Additionally, Chapter 25 under Caltrans Volume 1: Guidance for Compliance, provides additional detail with how RTP’s need to include potential environmental justice issues into their documents.

In May 2012, the California Attorney General’s office released a report titled “Environmental Justice at the Local and Regional Level – Legal Background,” which interprets CEQA to include considerations of environmental justice, although environmental justice is not explicitly mentioned in the State CEQA guidelines. The report defines “fairness” in this context to mean that “the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.”

Finally, under Senate Bill 375 (SB 375), SJCOG is required to include a Sustainable Communities Strategy. The 2022 RTP/SCS represents the collective vision of the San Joaquin County region and provides a framework for the future development of our regional transportation system. Through SB 375, the California Air Resources Board (ARB) established per-capita targets for greenhouse gas emissions reduction for cars and light trucks for

the SCS. The targets for the SJCOG region are twelve percent in 2020 and sixteen percent in 2050, from 2005 levels.

Data related to environmental justice have been updated to the latest available data. Issues of environmental justice impact low-income populations, minority individuals and populations, and low-mobility populations, as defined below, and may include, but are not limited to concerns related to human health and safety, economic development, society and culture, accessibility, and the natural environment. These populations are discussed further below.

## Public Outreach and Plan Development Process

In addition to conducting technical analyses to understand the 2022 Plan’s impact on disadvantaged communities, environmental justice also entails designing an inclusive planning process that engages the affected communities. The 2022 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 2022 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 2022 Plan update process, and specifically to identify needs and priorities of low-income, minority 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.
- SJCOG Public Participation Plan: The SJCOG Board of Directors adopted the Public Participation Plan in 2016. SJCOG staff updated the Regional Transportation

Plan/Sustainable Communities Strategy PPP Appendix A in 2020. The region's Public Participation Plan guides agency outreach and public engagement efforts throughout the development of the 2022 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 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 SJCOG staff throughout the 2022 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 SJCOG public engagement activities, please refer to Chapter 2: Civic Engagement in the 2022 RTP/SCS.