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Environmental Justice UPDATE

Fiscal Year 2006



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PLANNING COMMISSION

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Environmental Justice Technical Work Program Activities: Fiscal Year 2006 Annual Update



Delaware Valley Regional Planning Commission

Introduction

Title VI of the Civil Rights Act of 1964 and the 1994 President's Executive Order on Environmental Justice (#12898) state that no person or group shall be excluded from participation in, or denied the benefits of, any program or activity utilizing federal funds. Each federal agency is required to identify any disproportionately high and adverse health or environmental effects of its programs on minority populations and low-income populations. In turn, Metropolitan Planning Organizations (MPO's), as part of the United States Department of Transportation's certification requirements, are charged with evaluating their plans and programs for environmental justice sensitivity, including expanding their outreach efforts to low-income, minority, and other disadvantaged populations.

The Delaware Valley Regional Planning Commission (DVRPC) is the MPO for the nine-county, bi-state Philadelphia-Camden-Trenton region. To further DVRPC's mission "to plan for the orderly growth and development of the Delaware Valley region," and to respond to federal guidance on environmental justice, the agency published "*...and Justice for All: DVRPC's Strategy for Fair Treatment and Meaningful Involvement of All People*" in September 2001. This initial environmental justice (EJ) report provided background information and defined EJ; summarized DVRPC's existing EJ-related plans, policies and public involvement activities; and described a quantitative and qualitative methodology for evaluating the long-range plan, the Transportation Improvement Plan (TIP) and other planning programs. DVRPC has since published annual updates, providing a summary of activities conducted by the Commission and new data and analysis related to EJ. This memorandum serves as the update for Fiscal Year 2006 technical activities and includes several related community outreach endeavors.

Environmental Justice in DVRPC Documents and Projects

Degrees of Disadvantage

One of the primary outcomes of the initial ". . . and Justice for All" EJ technical report was the creation of internal methodology used to identify disadvantaged communities within the Delaware Valley region. Using US Census data, six disadvantaged groups were defined for the region and analyzed at the census tract level. Census tracts that have higher concentrations of a particular population than the regional average are considered to be disadvantaged. Since that time, two more groups have been included, resulting

in eight possible degrees of disadvantage (DOD). The eight populations DVRPC currently analyzes are poverty, non-Hispanic minority, Hispanic, elderly, carless, disabled, Limited English Proficiency, and female head of household with child. The DOD methodology has subsequently been incorporated into several projects and studies. Specifically it is utilized for local demographic analysis at the regional level for impacts on disadvantaged groups. The DOD methodology also assists the commission to target specific locations for EJ related projects.

Transportation Improvement Program (TIP) FY 2007 - The Transportation Improvement Program (TIP) is the regionally agreed upon list of priority projects, as required by the federal Surface Transportation Act (formerly TEA-21 and now SAFETEA-LU). The TIP document must list all projects for which federal and non-federally funded projects are regionally significant. Also included are all other State-funded capital projects. The projects are multi-modal, including bicycle, pedestrian, freight-related projects, and innovative air quality projects, as well as the more traditional highway and public transit projects. The TIP update occurs annually for New Jersey and every other year for Pennsylvania.

The New Jersey portion of the TIP, for FY 2007-2009, contains over 140 projects, totaling almost \$1.8 billion for phases to be advanced over the next four years (averaging \$447 million per year). The Pennsylvania portion of the TIP, for 2007-2010, contains nearly 500 projects totaling almost \$3.3 billion for the phases to be advanced during the next four years (averaging \$819 million per year).

The location of transportation investments can greatly influence the level of mobility and accessibility to destinations within and through the region. DVRPC's EJ methodology is used to analyze the equitable distribution of the TIP for both highway and transit programs. Maps illustrating the TIP locations are utilized to help determine the equitable distribution of projects. Not all TIP projects can be mapped due to the nature of the improvement. For FY2007, 70 highway and 63 transit programs have not been mapped; thus they have not been included in this analysis. In the region's 353 most highly disadvantaged census tracts, those with 5-8 DOD, 190 tracts (54%) have a TIP project. Additionally, 309 (46%) out of the 673 census tracts with 1-4 DOD contain a TIP project. As previous TIP analysis resulted in numbers that hover around 50%, the FY2007 TIP is consistent with prior years.

Environmental Justice in the TIP can be further analyzed by each state. In New Jersey; 36 tracts (57%) of the 63 census tracts with 5-8 DOD have a TIP project while 89 (38%) of the 234 census tracts with 1-4 DOD contain a TIP project. In Pennsylvania; 154 tracts (53%) of the 290 census tracts with 5-8 DOD have a TIP project while 220 (50%) of the 439 census tracts with 1-4 DOD have a TIP project.

It should be noted that while a TIP project may not occur in an EJ sensitive area, disadvantaged populations can still benefit positively from the proposed improvement, especially if the TIP occurs on a highway or within a transit project that is used by a particular disadvantaged population.

Tracking Progress Toward 2030: Regional Indicators for the DVRPC Long Range Plan – To monitor the status of various regional elements, such as transportation, land use, economic development and environmental protection, indicators are selected and analyzed. DVRPC is currently selecting indicators, all of which are quantifiable figures at the regional level, to track these elements over time. Ideally, the indicators chosen will be derived from data that can be tracked on four to five year intervals, as opposed to the US Decennial Census that is compiled every ten years. Chosen indicators will also have a strong likelihood of continued availability in the future. The indicators will help measure and evaluate progress of the goals and objectives outlined in the 2030 regional long range plan, while helping to guide investment in the region's infrastructure.

An Equity and Opportunity (E&O) section was included in the 2030 regional long range plan, thus marking the first long range plan update to include a specific equity element. The E & O section acknowledges barriers to opportunity due to challenges in affordable housing, quality of education, access to resources, and transportation choices. The seven goals that support the overall future vision for E & O are:

- Provide Transit Access to Jobs Throughout the Region
- Expand the Region's Supply of Affordable Housing
- Revitalize and Maximize Opportunity
- Improve the Quality of Education in Core Cities and Older Suburbs
- Promote Smart Growth Fairly
- Support Diversity and Common Goals
- Recognize and Support Local Leaders

Many sources will be compiled to create the indicators for these goals. After the indicators are determined, minor adjustments and refinements might be necessary.

Corridor Studies

NJ Route 70 Corridor Study: Airport Circle to Marlton Circle - This report focused on eight miles of NJ 70 between Pennsauken (Camden County) and Evesham Township (Burlington County). The study identified transportation problem areas and established potential improvement scenarios with several options and associated costs. As proposed improvements could possibly have environmental justice implications, the study included two EJ sections, with the goal of identifying EJ sensitive areas.

In the first analysis, twenty-two census tracts within the corridor were analyzed to identify which types of disadvantaged groups are located in the tract as well as the total population of each disadvantaged group. Five out of the twenty-two census tracts contained 0 DODs, ten census tracts contained 1-2 DOD's, 5 census tracts contained 3-4 DODs, and 2 census tracts contained 5-6. No census tracts contained 6-8 DODs.

A second level of analysis correlated the trips into and out of the corridor with transit rider locations. This transit analysis found that overwhelmingly the majority of corridor transit (65%) is being used to travel into the corridor for

employment and shopping trips from areas outside of the corridor and close to Camden. The Degrees of Disadvantage maps and transit trip distribution maps illustrate that while population within the corridor has lower overall degrees of disadvantage (15 out of 22 census tracts have 0 to 2 DOD), riders coming into the corridor via public transit live in census tracts with much higher degrees of disadvantage, specifically higher degrees of poverty and zero car households.

This level of analysis uncovered more information about Route 70 users. By undergoing an EJ analysis, the report stressed that roadway improvements must also include an evaluation of negative impacts they pose on alternate transportation modes, particularly transit riders and pedestrians. Improvements to the automobile environment, such as increasing average speeds and lane widening, may compromise the safety of transit riders and pedestrians.

Route 30 - Currently, DVRPC is conducting a study on US 30 between NJ 73 and the Atlantic County boundary. An Environmental Justice element similar to the methodology used for the Route 70 study is also being incorporated in this report.

Congestion Management Planning (CMP) Process - CMP is a multifaceted approach to minimize highway congestion and the development of more cost-effective transportation investments. DVRPC's CMP defines thirty corridors, divided into sub-corridors, followed by "appropriate" and "secondary" congestion management strategies for each sub-corridor. Census tracts containing higher EJ concentrations were considered when defining strategies for congested sub-corridors. Almost all EJ-significant tracts, defined as census tracts with 5-8 DOD, are targeted for appropriate transportation investments.

Over 100 strategies are contained in the report. Several strategies were further explained in terms of EJ sensitivity and then correlated to a specific disadvantaged group or groups. For example, one strategy states that outreach should be conducted at unconventional locations and hours to reach segments of the population that ordinarily cannot attend meetings at traditional hours or locations. Having meetings at different locations, such as places of employment, is one suggestion. This strategy is targeted to specific disadvantaged groups including Non-Hispanic minority, Hispanic, Poverty, Limited English Proficiency, and Female Head of Household with Child. Other strategies include Multi-Lingual Communication, Expansion of Transit Network, Expansion of Transit Service Hours, Bicycle Transportation Improvements, Bicycle Destination Improvements, Reduced Commute Costs, Nontraditional Transit, Communicate Eligibility, Expanded Service Area, Job Access and Reverse Commute (JARC) program, Safety and Security, and Delivery Service for Goods.

Transportation and Community Development Initiative (TCDI) - TCDI grants are intended to support growth or redevelopment in the region's defined Core Cities and Developed Communities, as well as other communities that are

socially or economically disadvantaged. This project recognizes that particular municipalities may be considered for development in the long-range transportation and land use plan, *Destination 2030*, but include areas that are socially or economically disadvantaged. Census tracts in areas with two or more DOD's are eligible for TCDI grants. DVRPC uses the TCDI program to provide additional resources and targeted investments in those communities identified as disadvantaged by this EJ analysis. Since the inception of the program in 2002, a total of 99 projects have been awarded. The latest TCDI round, in 2005, awarded grants to 23 projects.

JARC – DVRPC's adopted *Areawide Job Access and Reverse Commute (JARC) Transportation Plan (2004)* incorporates the use of Environmental Justice (EJ) criteria. By using Geographic Information Systems (GIS), this report measures how JARC services are connecting disadvantaged populations to the regional transit system, employment opportunities, and hospitals. This analysis also helps to define where future JARC routes should be targeted. The EJ analysis using the DOD completed for JARC planning is critical, as it allows transit providers of JARC services to focus their efforts to targeted markets. These critical connections enhance regional transit coverage and improve access to employment opportunities for transit-dependent individuals, as well as welfare recipients.

JARC grants are federally funded, with a 50% non-Department of Transportation match requirement. Separately administered programs apply to Pennsylvania and New Jersey. The funding years for PA is FY2006/2007. Since no new service routes were proposed, there will be 39 continuing routes during this funding round. In NJ, 6 services were recommended for FY 2006.

Coordinated Human Services Transportation Plan (CHST) – On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) became effective. SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. Under this legislation, a new CHST is required. The Plan must cover three separate transportation programs, each with their own funding levels: JARC, New Freedoms Initiative (NFI), and Section 5310 - Elderly Individuals and Individuals with Disabilities. The geographic coverage of JARC and NFI is based on the urbanized area, while Section 5310 is a statewide program. JARC funds will now be formula-based, rather than funded through earmarks. Consequently, the JARC program is likely to receive less funding than previously awarded. DVRPC will be developing the CHST early in FY 2007, as the Plan is anticipated to be in place by September 1, 2006.

Limited English Proficiency

Executive Order 13166 charges federally funded agencies to make services more accessible to eligible persons who are not proficient in the English language. In compliance with this order, DVRPC has adopted a conscious effort in reaching out to populations with limited English proficiency. Several projects

and activities listed below include communication components relating to this issue.

DVRPC Core Documents: The process has begun to professionally translate core DVRPC documents into other languages. The initial documents chosen include introductory sections of the FY 2007 Work Program, the "And Justice for All" report, the Citizen's Guide, the Marketing Guide, and the DVRPC newsletter. These documents are now available online in Spanish, Chinese, and Russian. The Citizen's Guide in Spanish is also available in hardcopy. Other resources such as the Year 2030 Long Range Plan and future Newsletters will be translated once those documents are finalized.

DVRPC Website: As online communication continues to increase, DVRPC's website will begin to offer "on-the-fly" machine translations of the DVRPC website. *WorldLingo* has been selected by DVRPC to provide this service. While this project has been in the planning and development stages throughout FY2006, the online translation application is expected to launch in the summer of 2006.

Air Quality: Air Quality Action ads in the *Al Dia* Spanish Language newspaper ran for three weeks in June of 2006. They will alert a significant portion of the Hispanic community about ways to reduce air pollution and protect their health on high ozone or particle pollution days. A Spanish language option has also been included on the air quality hotline to advise the public of high ozone or particle pollution days.

Bicycle and Pedestrian: The Regional Bicycle Travel Survey included paper questionnaires printed in English, Spanish, Vietnamese, Mandarin Chinese and Cambodian. These languages were chosen based on census data and working knowledge of specific communities. Announcements were sent to Hispanic and Asian community organizations. Out of the 1,270 returned questioners, six were non-English translations.

Public Participation, Education and Outreach

Title VI Plan -- This document outlines DVRPC's objective to comply with federal non-discrimination laws. It focuses on process and delivery of activities, products and services. Furthermore, it outlines to whom and when they were delivered, whether the outcome is a benefit or burden to the eligible population, what was done to mitigate any disparate or disproportionate impacts, and whether the actions were documented. Additionally, the Commission has recently assigned a staff person to the position of Title VI Compliance Manager, to ensure implementation of the Commission's Title VI Federally-Funded Transportation Program.

Other Outreach

Air Quality - Air quality conformity demonstration is an integral part of the TIP and the Long Range Plan development processes. In an effort to reach more populations, DVRPC utilized an EJ mailing list extensively for soliciting comment. By the end of FY 2006, conformity was demonstrated three times; in January March and June 2006.

Conferences and Workshops

Environmental Justice in the Planning Process – DVRPC staff presented this workshop as part of the New Jersey Department of Transportation's 2006 "Transaction" conference.

Connecting People to Jobs in the Philadelphia Region – Staff attended this housing and transportation working group meeting sponsored by the Greater Philadelphia Urban Affairs Coalition (GPUAC).

Environmental Justice Sub-Committee to the DVRPC Regional Citizens Committee – This committee of eight became part of the Regional Citizens Committee in April 2006. An outgrowth of DVRPC's Environmental Justice Public Involvement Task Force, which fulfilled its original mission, this subcommittee is charged with reviewing selected DVRPC projects and products through an EJ lens. Recommendations from the subcommittee will filter through the Citizens Committee to the DVRPC Board.

Environmental Justice/Title VI Newsletter – This newsletter has been in publication for three years and is published three times per year. It focuses on Title VI and EJ issues affecting our region and is distributed to DVRPC member governments, community organizations, neighborhood groups and local libraries throughout the region.

Future Direction

DVRPC will continue to implement Environmental Justice activities as part of the annual work program, fulfilling federal certification requirements, as well as attaining regional Commission-stated goals. Additionally, DVRPC will also:

- Keep abreast of legal developments related to Title IV and other Executive Orders;
- Monitor the effectiveness of the policy statement and policy participation strategies developed in Fiscal Years 2001-2006;
- Prepare for changes to the JARC plan under new SAFETEA-LU legislation;
- Assess DVRPC studies and processes, including the Transportation Improvement Programs for Pennsylvania and New Jersey and the *Destination 2030* Long-Range Land Use and Transportation Plan to identify the regional benefits and challenges of different socio-economic groups;

- Continue outreach to limited English speaking populations and strengthen efforts to include those citizens in the planning process;
- Pursue additional online translations of the DVRPC website and core documents;
- Complete the first stage of the online mapping project;
- Participate and collaborate in regional and national programs that will allow DVRPC to exchange fresh ideas with others; and
- Continue Environmental Justice education and training for DVRPC staff to heighten the awareness of EJ in the planning process.