

Environmental Justice and Disadvantaged Communities

Environmental Justice Background

The concept of environmental justice is about equal and fair access to a healthy environment, with the goal of protecting underrepresented and low income communities from incurring disproportionate negative environmental impacts. Consideration of environmental justice in the transportation planning process stems from Title VI of the Civil Rights Act of 1964 (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. The understanding of civil rights has expanded to include low income communities, as further described below. 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. Disparate impacts result from policies and practices that are neutral on their face (i.e., there is no evidence of intentional discrimination), but have the effect of discrimination on protected groups.

A 1994 Presidential Order (Executive Order 12898) directed 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, this Presidential Order ensures that every federally funded project nationwide considers the human environment when undertaking the planning and decision making process. The Presidential memorandum accompanying E.O. 12898 identified Title VI as one of several federal laws that should be applied “to prevent minority communities and low income communities from being subject to disproportionately high and adverse environmental effects.” Given the overlap in Title VI and environmental justice policies, the term “environmental justice” is used as an inclusive term to mean minority and low income populations. In addition to federal requirements, SLOCOG 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 any state agency, is funded directly by the state, or receives any financial assistance from the state.”

SLOCOG’s Title VI/Environmental Justice Policy and Program

As a government agency that receives federal funding, SLOCOG is required to conduct an environmental justice analysis for its RTP. SLOCOG’s environmental justice program includes two elements: technical analysis and public outreach. Specifically, it is SLOCOG’s role to ensure that when transportation decisions are made, low income and minority communities have ample opportunity to participate in the decision making process and that they receive an equitable distribution of benefits and not a disproportionate share of burdens. SLOCOG adheres to all direction on Environmental Justice.

Under federal policy, all federal agencies must make environmental justice as part of their mission and adhere to three fundamental Title VI/environmental justice principles:

- 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.

SLOCOG's efforts to address environmental justice and disadvantaged communities are multi-faceted in both planning and programming functions. SLOCOG's data collection and evaluation program address socioeconomic data collected from the U.S. Census Bureau and other sources. This data is used in the annual Transit Needs Assessment. It is also used to further define disadvantaged communities, both by census tract, by community, and by traffic analysis zones, as more thoroughly described below. This data is then used in programming funding for transportation improvements and services consistent with the aforementioned fundamental environmental justice principles.

Need for Developing a Regional Definition of Disadvantaged Communities

The California Office of Environmental Health Hazard Assessment (OEHHA) developed the California Communities Environmental Health Screening Tool: CalEnviroScreen 2.0 to use as a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. CalEPA has used the tool to designate California communities as disadvantaged pursuant to Senate Bill 535. More information on CalEnviroScreen is available [here](#).

Based on the methodology used to establish CalEnviroScreen 2.0, no census tracts in San Luis Obispo County are designated as *disadvantaged communities*. A number of statewide competitive grant programs include *disadvantaged communities* funding requirements to ensure that *disadvantaged communities* fully share in the benefits of the program. Some grant programs allow for applicants to reference a *regional definition of disadvantaged communities*, such as the 2017 Active Transportation Programs Guidelines:

"To qualify as a disadvantaged community the community served by the project must meet at least one of the following criteria:

- The median household income is less than 80% of the statewide median based on the most current census tract data...
- An area identified as among the most disadvantaged 25% in the state according to the CalEPA and based on ... CalEnviroScreen 2.0 scores...
- At least 75% of the public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program...
- Other:
 - Regional definitions of disadvantaged communities as adopted in a Regional Transportation Plan (RTP) by an MPO or RTPA per obligations with Title VI of the Federal

Civil Rights Act of 1964, such as “environmental justice communities” or “communities of concern,” may be used in lieu of the options identified above...”

([2017 ATP Guidelines](#), California Transportation Commission, March 2016)

Regional Definition of Disadvantaged Communities

The proposed regional definition of *disadvantaged communities* includes variables that address a wide range of socioeconomic factors. Variables included in this definition are as follows:

1. Household income
2. Minority status
3. Age 65 years and over
4. Renter-occupied households
5. Housing affordability
6. Free or reduced price meals
7. Educational attainment
8. Language proficiency
9. Households with no vehicles available
10. Access to regular local transit service
11. Access to regular regional transit service
12. Sidewalk completeness
13. Proximity to grocery store

The above variables were considered at various geographic scales (census block, census tract, by school, or based on the transit network and other transportation facilities). Analysis was completed at the traffic analysis zone (TAZ) level, and areas were evaluated relative to state and county averages, or evaluated as quintiles. Points were assigned accordingly for each variable, and a composite score was derived for each TAZ in the region. The top quintile (top 20 percent) of TAZs were considered meeting the regional definition of *disadvantaged communities*.

Additional information on these variables (data availability, geographic scale, analysis methodology, and subregional maps) is included in Appendix O.