

UNIVERSITY OF SOUTH FLORIDA

# The Relationship of Title VI Requirements to Planning Processes in Florida

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16. Abstract The Florida Department of Transportation (FDOT) and metropolitan planning organizations (MPO) in Florida are required to address Title VI and environmental justice (EJ) in the transportation planning process. This study reviews those practices and suggests future enhancements based upon a review of the literature, agency documents, and input received from Florida MPO and FDOT District staff. Interviews with FDOT District and Florida MPO staff revealed a widespread understanding of – and commitment to – Title VI and EJ ideals and intent. Many stated that Title VI and EJ principles are now ingrained into their agency’s activities. Florida MPOs indicated that their efforts to address Title VI and EJ in development of long-range transportation plans (LRTPs) had noticeably increased over the last few planning cycles. A review of LRTPs confirmed that several MPOs have goals or objectives that address the needs of low-income and minority populations and other special needs groups. Public involvement is currently the primary method used by MPOs to address these needs. FDOT District staff address Title VI and EJ in planning through Florida’s Efficient Transportation Decision Making (ETDM) process, in coordination with the MPO transportation planning process, and through participation in the statewide Title VI Program. This study suggests specific future efforts to further enhance these processes in four key areas: 1) identifying protected populations 2) public involvement; 3) evaluating benefits and burdens; and 4) training of staff and consultants.					
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## EXECUTIVE SUMMARY

This study of the implementation of Title VI requirements in transportation planning was commissioned by the Florida Department of Transportation (FDOT) as part of its ongoing efforts to examine equity in Florida's transportation planning process. The objective of the study is to document federal requirements relative to Title VI and environmental justice requirements in transportation planning, determine current Florida and national practices of state transportation agencies and metropolitan planning organizations in that regard, and identify possible future enhancements to Florida's transportation planning process as it relates to civil rights and environmental justice.

Federal law relating to civil rights is found in legislation, federal regulations, executive orders and agency orders. The foundation of this policymaking is *Title VI of the Civil Rights Act of 1964*, which states "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." *USDOT Title VI Regulations (49 CFR §21; 23 CFR §200)* established the process for enforcing Title VI protections within the U.S. Department of Transportation. More recently, the Federal Transit Administration (FTA) issued *FTA Circular 4702.1A Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients (2007)*.

Parallel to these activities was a sequence of Presidential and U.S. Department of Transportation executive orders that establish the basis for environmental justice in transportation planning. These include *Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 F.R. 7629, 1994)*, U.S. Department of Transportation *Order 5610.2 (1997)*, which "describes the process that the [Department] will use to incorporate environmental justice principles into existing programs, policies, and activities," and Federal Highway Administration (FHWA) *Order 6640.23* calling for the integration of environmental justice principles into existing operations, programs, and funding streams. Other pertinent orders include *Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (F.R. 20938, Aug. 16, 2000)*. Tables E-1 through E-3 contain key requirements for transportation planning and typical Title VI and environmental justice (EJ) components of transportation planning documents.

Several methods were used to determine the status of current Title VI and environmental justice practices in Florida's transportation planning process. These included a review of pertinent documents and a series of interviews conducted with Florida metropolitan planning organizations (MPOs) and Florida Department of Transportation District staff in 2011. A subset of Florida documents relating to civil rights in planning was also selectively reviewed for further insights, including selected MPO joint certification reviews, MPO quadrennial federal certification reviews, FDOT handbooks, and a sampling of monitoring documents from the Title VI office, such as Quality Assurance Reports (QARs).

Table E-1. Title VI and Environmental Justice Requirements Applicable to Transportation Planning

Provision	Circular Reference	Citation	Reporting Requirement
Title VI Complaint Procedures	Chapter IV, Part 2	49 CFR 21.9(b)	A copy of agency procedures for filing a Title VI complaint
Record of Title VI investigations, complaints, or lawsuits	Chapter IV Part 3	49 CFR 21.9(b)	A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submittal
Access to Services by Persons with Limited English Proficiency (LEP)	Chapter IV, Part 4	49 CFR 21.5(b); DOT LEP Guidelines	Either a copy of the agency’s plan for providing access to meaningful activities and programs for persons with limited English proficiency based on the DOT LEP guidance or a copy of the agency’s alternative framework for providing access to activities and programs
Notifying beneficiaries of their rights under Title VI	Chapter IV Part 5	49 CFR 21.9(d)	A notice that the agency complies with Title VI and procedures the public may follow to file a discrimination complaint
Inclusive public participation	Chapter IV Part 9	DOT Order 5610	A summary of public outreach and involvement activities undertaken since the last summary (usually 1 year) and a description of steps taken to ensure that minority persons had meaningful access to these activities

Source: Federal Transit Administration Circular 4702.1A (May 13, 2007). Appendix A.

Table E-2. Required and Frequently Encountered Title VI and EJ Components in State Transportation Agency Documents

Document Name	Required Components	Frequently Encountered Components
State Long-Range Transportation Plan	<ul style="list-style-type: none"> <li>Identify and provide information to “interested parties” about the Long-Range Transportation Plan</li> <li>Discussion of environmental mitigation activities and policies (23 CFR 450.214)</li> <li>Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>Goals, objectives, and policies on serving special needs populations (e.g., elderly, low-income, minority, disabled, etc.)</li> <li>Public involvement efforts that target protected populations</li> </ul>
State Transportation Improvement Program (STIP)	<ul style="list-style-type: none"> <li>Identify and provide “interested parties” information about the STIP and its projects</li> <li>Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>Public involvement efforts that target protected populations</li> </ul>

Table E-3. Required and Frequently Encountered Title VI and EJ Components in MPO Documents

Document Name	Required Components	Frequently Encountered Components
Unified Planning Work Program	<ul style="list-style-type: none"> <li>• Certification of Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO)</li> <li>• Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>• Tasks and funds for low-income and minority population outreach and involvement</li> <li>• Tasks related to LEP populations</li> <li>• Tasks and funds for necessary data collection on low-income and minority populations</li> </ul>
Long-Range Transportation Plan	<ul style="list-style-type: none"> <li>• Identify and provide information to “interested parties” about the Long-Range Transportation Plan</li> <li>• Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>• Collection of data regarding low-income and minority populations and cultural resources</li> <li>• Analysis of locations of low-income and minority populations</li> <li>• Goals and objectives on serving low-income and minority populations</li> <li>• Project selection criteria for the cost-feasible plan that incorporate projected impacts and benefits of infrastructure on low-income and minority populations</li> <li>• Selection of cost-feasible projects that minimize impacts on low-income and minority populations and cultural resources</li> <li>• Discussion of mitigation efforts</li> <li>• Execution and documentation of public involvement efforts that target low-income and minority populations</li> <li>• Preparation of a Coordinated Public Transit-Human Services Transportation Plan<sup>a</sup></li> </ul>
Transportation Improvement Program (TIP)	<ul style="list-style-type: none"> <li>• Identify and provide “interested parties” information about the TIP and its projects</li> <li>• Compliance with previously-adopted Non-Discrimination Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Project selection criteria that incorporate projected impacts and benefits of infrastructure on low-income and minority populations</li> <li>• Public involvement efforts that target low-income and minority populations</li> </ul>
Public Participation Plan	<ul style="list-style-type: none"> <li>• Compliance with previously-adopted Non-Discrimination Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Description of Limited English Proficiency program</li> <li>• Identification of methods to involve low-income and minority populations</li> </ul>

<sup>a</sup>This plan examines the potential needs of low-income and other transportation-disadvantaged individuals and is only required if the region intends to receive Job Access and Reverse Commute (JARC) funding.

A clear picture of current FDOT District and MPO planning practices relative to Title VI emerged from the interviews and was verified through selective review of planning documents and supporting tools and manuals. Because Districts and MPOs conduct the majority of physical transportation planning in Florida, this study focuses primarily on their activities. FDOT Central Office is addressed in the context of the statewide Title VI implementation process.

The interviews with FDOT District staff and representative Florida MPOs revealed a widespread understanding of – and commitment to – Title VI and environmental justice ideals and intent. Within FDOT, the majority of Title VI and environmental justice activities occur *after* the planning phase, during

the transportation project development and environment (PD&E) phase. FDOT Districts address Title VI and environmental justice in transportation planning primarily through Florida's Efficient Transportation Decision Making (ETDM) process and coordination with the MPO transportation planning process. Monitoring, technical assistance, and compliance activities are conducted in coordination with the statewide Title VI Program.

FDOT Districts uniformly felt that ETDM has been an important part of their efforts to address Title VI and environmental justice. A random review of ETDM planning and programming screens for FDOT projects revealed comments relative to civil rights considerations and confirmed that sociocultural effects evaluations are being recommended in areas with a high concentration of Title VI populations prior to project development. It further revealed that resource agencies, including the Environmental Protection Agency (EPA) and FHWA, are commenting on Title VI and environmental justice considerations. The ability to coordinate with MPOs and resource agencies on these issues early in planning is clearly of value to FDOT Districts in their efforts to ensure that Title VI considerations are adequately addressed in later phases. FDOT's Public Involvement and Sociocultural Effects Handbooks and associated training reinforce these ETDM efforts, providing FDOT as well as MPO staff with extensive technical guidance for carrying out the environmental screens and sociocultural effects evaluations that are critical to ensuring that the needs of low-income and minority populations are addressed.

Florida MPOs clearly view public involvement as the primary method for ensuring that the interests of Title VI and EJ populations are identified and addressed. As a result, they are working to involve minority, low-income, elderly, and disabled populations in their decisions more directly and have taken a variety of steps to better engage those having limited English proficiency in the planning process. Translated documents and verbal translation services are now widely available at MPOs, and a few MPOs have multilingual staff members attend public involvement events and assist with telephone inquiries. Many Florida MPOs also serve as the planning agency for the region's transportation-disadvantaged program, and see their coordinating boards for the transportation disadvantaged as key resources for connecting with protected populations – particularly the elderly and disabled.

Examples of methods used by MPOs to reach protected populations included:

- Hosting MPO meetings in or near neighborhoods with a substantial number of residents who belong to protected populations
- Proactive translation of planning and public involvement documents when a project is located in or near a substantial population of non-English speakers
- Willingness and ability to make MPO documents available to the sight-impaired, hearing-impaired, and those who are not proficient in the English language
- Personal relationship-based coordination with community groups
- Assembly of advisory committees representative of the community
- Use of technologies for the hearing-impaired
- Having a display booth at events that are sponsored by a minority community group
- Co-hosting events with the Hispanic Chamber of Commerce
- Distributing meeting information and announcements at the county food bank



Of particular interest to the study was how MPO long-range transportation plans (LRTP) in Florida address Title VI and environmental justice. MPOs in Florida are working to integrate equity and civil rights considerations throughout their plans, rather than considering these issues as separate items. A review of Florida MPO long-range transportation plans further revealed that several LRTPs have goals or objectives that address the needs of low-income and minority populations and special needs groups, although few directly mention Title VI. Table E-4 summarizes the major documents adopted by MPOs along with their characteristics and relationship in Florida to Title VI or EJ considerations. Typical topics include:

- Provision of mobility to the transportation disadvantaged
- Enhanced transit service, which is assumed to benefit low-income populations more than others
- Improved access and mobility for transportation-disadvantaged populations
- Involvement of traditionally underserved or special needs populations, such as low-income, minority and Limited English Proficiency individuals

Table E-4. MPO Planning Documents and Products

Product/ Document	Characteristics	Title VI or EJ Implications
Long-Range Transportation Plans (LRTP)	<ul style="list-style-type: none"> <li>• At least 20 years in length</li> <li>• Updated every 5 years, except in air quality nonattainment areas, which are updated every 4 years</li> <li>• Contain cost-feasible projects to be built over the span of the document</li> </ul>	<ul style="list-style-type: none"> <li>• Sometimes contain project selection criteria that give weight toward projects that benefit protected populations</li> <li>• Use the ETDM Planning Screen to uncover potential conflicts</li> <li>• Drafted using extensive public involvement</li> <li>• May have a narrative discussion of Title VI impacts</li> </ul>
Transportation Improvement Programs (TIP)	<ul style="list-style-type: none"> <li>• List of projects selected for implementation from LRTP</li> <li>• All federally funded projects must also appear in the State TIP</li> </ul>	<ul style="list-style-type: none"> <li>• Usually no Title VI component</li> <li>• Interactive TIPs are being developed that may enhance public involvement</li> </ul>
Public Participation Plans (PPP)	<ul style="list-style-type: none"> <li>• Outline the public information and public involvement efforts that the MPO will undertake throughout the planning and programming process</li> <li>• May be stand-alone document or part of the LRTP</li> </ul>	<ul style="list-style-type: none"> <li>• Contains assurances of nondiscrimination</li> <li>• Contains the LEP plan</li> <li>• Describes involvement efforts targeting protected populations</li> </ul>
Unified Planning Work Programs (UPWP)	<ul style="list-style-type: none"> <li>• Describes the source and disposition of all money to be spent by the MPO</li> <li>• Organizes the tasks to be accomplished by MPO staff and contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Description of public involvement activities</li> <li>• DBE and EEO assurances</li> <li>• Contains certification review documents</li> </ul>
Transportation Disadvantaged Service Plans	<ul style="list-style-type: none"> <li>• Predict the need for mobility among those not able to drive a vehicle</li> <li>• Plan and program services for those populations</li> <li>• Updated annually</li> <li>• Required only if the MPO has agreed to host the coordinating board for the transportation disadvantaged in that area</li> </ul>	<ul style="list-style-type: none"> <li>• Contains demographic information on disadvantaged populations</li> <li>• Includes oversight and input from groups that often represent protected Title VI populations</li> </ul>

Overall, MPOs placed less emphasis on the value of ETDM than did FDOT for identifying and addressing the interests of protected populations in the planning process. This is to be expected, given that most public comments are received through traditional public involvement methods conducted by MPOs or the Districts, such as meetings, workshops, surveys, advisory groups and so on. Nonetheless, they did indicate that ETDM planning screens have provided valuable information – especially in relation to environmental resources.

When MPOs were asked how Title VI and environmental justice practice had changed over the last few planning cycles, the consensus was that efforts have noticeably increased. Many of those interviewed stated that Title VI and environmental justice principles had become ingrained into their agency’s activities. Specific comments included:

- “There is more outreach going on during plan updates. There are increased efforts through focus groups, minority neighborhood outreach, etc.”
- “Awareness of the issues seems to have improved... Transit is new to the county and it was largely designed with Title VI and environmental justice protected populations in mind.”
- “The MPO has developed a practical knowledge of how to reach all members of their community.”
- “The MPO is trying to be proactive instead of reactive.”
- “Ever since ETDM became standard, the level of evaluation has been pretty much the same.”

Another clear finding is that the statewide process for ensuring compliance with Title VI in Florida is extensive and fully integrated into FDOT and MPO planning processes. A State Title VI Coordinator works with a network of District Title VI coordinators, District program area officers, MPO Title VI officers, and other subrecipients to maintain agency compliance with civil rights directives. Each District Title VI coordinator submits quarterly reports to the State Title VI Coordinator who, in turn, performs an annual Quality Assurance Review of each District and FDOT subrecipient, including each MPO.

The MPO Title VI officer must submit an annual report to the applicable District Title VI coordinator, and serves as the local point of contact for all Title VI assurance statements, complaints, and reporting. In addition, each MPO must be certified by the State and Federal government for compliance with federal and state laws, including Title VI. Certification is performed jointly by FDOT and each MPO on an annual basis and every five years by the federal government (FHWA and FTA) for larger MPOs that are transportation management areas (TMAs). This certification process, along with routine Title VI compliance monitoring, continues to identify refinements to existing practices and nudge MPOs toward even greater consideration of Title VI and environmental justice in their planning activities.

Although FDOT and MPOs in Florida have made considerable strides in their efforts to advance civil rights and environmental justice, more can always be done. Despite widespread staffing and resource constraints, several MPOs did express a desire to improve their programs, and all were open to additional resources. This study suggests future efforts to enhance the transportation planning process in Florida relative to civil rights and environmental justice should be focused into four key areas:

1. Develop community profiles for the planning area, and maintain a GIS database with the capability to analyze socioeconomic demographics, define target populations, and locate them spatially.

2. Establish an ongoing or more concerted public involvement effort that is specially oriented toward achieving a better understanding of the needs and concerns of low-income and minority populations.
3. Develop a process for understanding the distributional effects of transportation investments on accessibility of low-income and minority populations to jobs and services and on the availability of transportation alternatives in each region. Document the results for use in planning decision making. In particular, this should occur during development of the MPO long-range transportation plan.
4. Offer additional training relative to Title VI and environmental justice through FDOT Central Office, and periodically apprise staff and consultants of any recent developments in Title VI/EJ as it relates to transportation planning.

Taking these steps will help address one of the continuing challenges of our time – the need to increase the availability of travel choices in metropolitan areas, especially for those who, due to economic disadvantage, disability or age, are not able to drive. In sum, efforts to increase equity and social justice in the transportation planning process increase the potential for transportation solutions that benefit all persons, regardless of age, income, ethnicity or gender.

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## INTRODUCTION

This study of the implementation of Title VI requirements in transportation planning was commissioned by the Florida Department of Transportation (FDOT) as part of its ongoing efforts to examine equity in Florida's transportation planning process. The objective of the study is to document federal requirements relative to Title VI and environmental justice requirements in transportation planning, determine current Florida and national practices of state transportation agencies and metropolitan planning organizations in that regard, and identify possible future enhancements to Florida's transportation planning process as it relates to civil rights and environmental justice.

## FEDERAL CIVIL RIGHTS REQUIREMENTS

Federal law relating to civil rights is found in legislation, federal regulations, executive orders and agency orders. The foundation of this policymaking is *Title VI of the Civil Rights Act of 1964*, which states "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." Most states followed the lead of the federal government by passing state civil rights legislation. Florida, for example, enacted the Florida Civil Rights Act of 1992 (as amended 2001, §760.01 et seq.) to extend civil rights protections throughout state programs.

*USDOT Title VI Regulations (49 CFR §21; 23 CFR §200)* established these provisions within the Department of Transportation to create the process for enforcing Title VI protections. In 1994 President Clinton signed Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 F.R. 7629) which required that "...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States..." during the development, implementation, and enforcement of laws, regulations, and policies of the federal government and recipients of federal funding.

Section 1-103 of Executive Order 12898 further requires the following:

"...each Federal agency shall develop an agency-wide environmental justice strategy... that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations."

This requirement triggered a cascade of orders and directives throughout the federal government, including the U.S. Department of Transportation Order 5610.2 in April of 1997, which "describes the process that the [USDOT Secretary] and each Operating Administration will use to incorporate environmental justice principles into existing programs, policies, and activities." In response to the USDOT Order, the Federal Highway Administration (FHWA) issued Order 6640.23 calling for the integration of environmental justice principles into existing operations, programs, and funding streams. This sequence of Presidential, USDOT,

and FHWA executive orders forms the backbone of today's environmental justice practice in transportation planning.

In 1999, FHWA issued regulations specifying how state transportation agencies are to comply with Title VI for the purposes of federal compliance reviews. The requirements related to transportation planning efforts in *FHWA Title VI Regulations* (23 C.F.R §200) are summarized below:

- (1) Establish and staff a civil rights unit and designate a coordinator who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- (2) Develop procedures for prompt processing and disposition of Title VI complaints received directly by the State. Complaints shall be investigated and if necessary remedied within 60 days. Results of the investigation will be reported to the FHWA Division.
- (3) Develop procedures for the collection of statistical data on race, color, religion, sex, national origin, and limited English proficiency. This data will be used to identify impacted citizens and affected communities.
- (4) Develop a program to conduct Title VI reviews of program areas, and conduct annual reviews of those efforts. An annual report of Title VI accomplishments and goals should be published.
- (5) Conduct Title VI reviews of all recipients of Federal-aid highway funds, including local governments, consultants, and special purpose agencies.
- (6) Submit an annual Title VI implementing plan to the FHWA Division.

*Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency* (F.R. 20938, Aug. 16, 2000) extended the nondiscrimination tenets of Title VI and the participation requirements from the Environmental Justice Executive Order to ensure “meaningful access...to [Federal or federally-funded] programs and activities by LEP [Limited English Proficient] persons.” LEP persons are defined as persons for whom English is not their primary language or who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all. The definition also encompasses individuals who speak English but are not literate.

In 2007, the Federal Transit Administration (FTA) released *FTA Circular 4702.1A Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients*. The Circular applies to recipients and subrecipients of Federal Transit Administration financial assistance and includes guidance and instructions necessary to carry out the various USDOT orders, regulations, and policies relative to Title VI and environmental justice. Most Metropolitan Planning Organizations (MPOs)—including all twenty-six Florida MPOs—receive some FTA money, and any that do must comply with these requirements and report to FTA in the same manner as a designated public transit service provider.

Although *FTA Circular 4702.1A* refers to recipients of federal transit funding, the requirements summarized in Appendix A of the Circular essentially mirror those for recipients of federal highway funding. This summary, reproduced in Table 1, helps to establish an initial picture of the role state transportation agencies and MPOs are required to play in implementing Title VI and environmental justice in transportation planning.

Table 1. Title VI and Environmental Justice Requirements Applicable to Transportation Planning

Provision	Circular Reference	Citation	Reporting Requirement
Title VI Complaint Procedures	Chapter IV, Part 2	49 CFR 21.9(b)	A copy of agency procedures for filing a Title VI complaint
Record of Title VI investigations, complaints, or lawsuits	Chapter IV Part 3	49 CFR 21.9(b)	A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submittal
Access to Services by Persons with LEP	Chapter IV, Part 4	49 CFR 21.5(b); DOT LEP Guidelines	Either a copy of the agency's plan for providing access to meaningful activities and programs for persons with limited English proficiency based on the DOT LEP guidance or a copy of the agency's alternative framework for providing access to activities and programs
Notifying beneficiaries of their rights under Title VI	Chapter IV Part 5	49 CFR 21.9(d)	A notice that the agency complies with Title VI and procedures the public may follow to file a discrimination complaint
Inclusive public participation	Chapter IV Part 9	DOT Order 5610	A summary of public outreach and involvement activities undertaken since the last summary (usually 1 year) and a description of steps taken to ensure that minority persons had meaningful access to these activities

Source: Federal Transit Administration Circular 4702.1A (May 13,2007). Appendix A.

*FTA Circular C 4702.1A* also established special requirements pertinent to transit planning that are applicable only to recipients of FTA financial assistance that provide transit service to geographic areas with 200,000 persons or more. Functionally, the transit agency in these large urbanized areas is responsible for these duties, although the MPO and state transportation agency are obligated to monitor the process. These additional requirements are provided in Table 2. Given that nearly two thirds of Florida MPOs are in such areas, this table further expands the minimum requirements necessary for Title VI compliance in transportation planning.



Table 2. Additional Title VI Requirements for MPOs and Oversight Agencies Serving Urbanized Areas with Populations of 200,000 People or Greater

Provision	Circular Reference	Citation	Reporting Requirement
Demographic Data Collection	Chapter V, Part 1	49 CFR 21.9(b)	Maps or charts prepared with information from the most recent Census, other surveys or demographic information gleaned through a locally developed procedure. Figures should be retained on the location and prevalence of protected populations.
Service Standards	Chapter V Part 2	49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21	System-wide service standards must be stated (such as standards for vehicle load, vehicle headway, distribution of transit amenities, on-time performance, transit availability, and transit security), and how these standards impact protected populations
Service Policies	Chapter V, Part 3	49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21	A statement of policies in place, and how they might affect protected populations. Examples of policies are those relating to vehicle assignment or security of the system.
Equity Evaluation of Service and Fare Changes	Chapter V, Part 4	49 CFR 21.9(d)	An analysis of the impacts on minority and low-income populations of any significant transit service and fare changes that occurred since the previous report was submitted (usually 1 year)
Monitoring	Chapter V Part 5	49 CFR 21.5(b)(2); 49CFR 21.5(b)(7); Appendix C to 49 CFR 21	The results of transit level of service monitoring, quality of service monitoring, analysis of customer surveys, or other locally developed monitoring procedure

Source: Federal Transit Administration Circular 4702.1A (May 13,2007). Appendix A.

### ***CIVIL RIGHTS COMPONENTS OF STATE TRANSPORTATION AGENCY DOCUMENTS***

As a condition of receiving federal funds, federal law requires state transportation agencies to adopt two documents. The first is a long-range transportation plan that extends at least 20 years into the future. The long-range plan does not have to include a list of cost-feasible projects; therefore many state plans are policy plans. The plan must be drafted in consultation with a variety of stakeholders, although the list of enumerated stakeholders does not specifically mention advocates for minorities, low-income, or limited English populations. Florida DOT recently adopted the 2060 Florida Transportation Plan – a policy plan that extends out 50 years – following an extensive statewide public involvement process.

The second required document is a State Transportation Improvement Program (STIP), which includes projects to be built over the next four years. Like the long-range plan, the STIP must be drafted in consultation with interested parties and adopted with advance notice. The STIP includes a list of cost-feasible projects. All projects included in an MPO Transportation Improvement Program (TIP) must be in the STIP. For areas lying outside an MPO, the cost-feasible project list must be determined by the state transportation agency in consultation with local elected officials.

Both the state long-range transportation plan and improvement program must be drafted in compliance with Title VI and environmental justice. State transportation agencies undergo a certification process as

established under 23 CFR 450.218. This annual assessment of the statewide planning process is conducted concurrently with the approval of the STIP. In addition, the activities and adopted documents from the state transportation agency are subject to constant monitoring by the FHWA Division and FTA Region. Table 3 shows these documents, along with the required actions and standard practices relating to Title VI and environmental justice.

Table 3. Required and Frequently Encountered Title VI and Environmental Justice Components in State Transportation Agency Documents

Document Name	Required Components	Frequently Encountered Components
State Long-Range Transportation Plan	<ul style="list-style-type: none"> <li>Identify and provide information to “interested parties” about the Long-Range Transportation Plan</li> <li>Discussion of potential environmental mitigation activities and policies (23 CFR 450.214)</li> <li>Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>Goals, objectives, and policies on serving special needs populations (e.g., elderly, low-income, minority, disabled, etc.)</li> <li>Public involvement efforts that target protected populations</li> </ul>
State Transportation Improvement Program	<ul style="list-style-type: none"> <li>Identify and provide “interested parties” information about the TIP and its projects</li> <li>Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>Project selection criteria that incorporate projected impacts and benefits of infrastructure on protected populations</li> <li>Public involvement efforts that target protected populations</li> </ul>

### **CIVIL RIGHTS COMPONENTS OF MPO DOCUMENTS**

All MPOs must undertake a comprehensive, coordinated, continuing (3-C) planning and programming process. MPOs must adopt a 20+ year long-range transportation plan, which establishes a pool of approved projects to be built in that timeframe. The Transportation Improvement Program determines which projects are to be built over the next four years and includes a fifth year that is considered “informational”. The Unified Planning Work Program is a one- or two-year work plan and budget (currently two years at all Florida MPOs) for the MPO. Finally, the Public Participation Plan discusses how the public will be involved in the drafting and adoption of these documents. Table 4 shows the 3-C documents that MPOs are expected to produce,<sup>1</sup> along with the required actions and standard practices relating to Title VI and environmental justice.

These MPO documents must be submitted for review and comment by FHWA and FTA, who may suggest modifications, but are not authorized to change the wording of these documents or compel a planning process change. All changes must be adopted by the MPO board. However, penalties for failing to adopt satisfactory 3-C documents can include the withholding of federal funds. The MPO Unified Planning Work Program must be approved by FHWA and FTA for federal planning funds to be disbursed.

FHWA and FTA can also enforce Title VI and environmental justice requirements during the quadrennial certification review process of MPOs. Each MPO with a population of more than 200,000 for the urbanized area must undergo this certification review, which examines the MPO’s track record with regard to planning requirements – including Title VI and environmental justice. The MPO can be a) certified, b)

<sup>1</sup> This process and the documents related to it are discussed in 23 USC § 134 and 23 CFR § 450.

certified with conditions, or c) not certified. If the MPO is not certified, or does not rectify conditions stated in the certification, then up to 20% of *all* federal money can be withheld.

Table 4. Required and Frequently Encountered Title VI and Environmental Justice Components in MPO Documents

Document Name	Required Components	Frequently Encountered Components
Unified Planning Work Program	<ul style="list-style-type: none"> <li>• Certification of Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO)</li> <li>• Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>• Tasks and funds for low-income and minority population outreach and involvement</li> <li>• Tasks related to LEP populations</li> <li>• Tasks and funds for necessary data collection on low-income and minority populations</li> </ul>
Long-Range Transportation Plan	<ul style="list-style-type: none"> <li>• Identify and provide information to “interested parties” about the Long-Range Transportation Plan</li> <li>• Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>• Collection of data regarding low-income and minority populations and cultural resources</li> <li>• Analysis of locations of low-income and minority populations</li> <li>• Goals and objectives on serving low-income and minority populations</li> <li>• Project selection criteria for the cost-feasible plan that incorporate projected impacts and benefits of infrastructure on low-income and minority populations</li> <li>• Selection of cost-feasible projects that minimize impacts on low-income and minority populations and cultural resources</li> <li>• Discussion of mitigation efforts</li> <li>• Execution and documentation of public involvement efforts that target low-income and minority populations</li> <li>• Preparation of a Coordinated Public Transit-Human Services Transportation Plan<sup>a</sup></li> </ul>
Transportation Improvement Program	<ul style="list-style-type: none"> <li>• Identify and provide “interested parties” information about the TIP and its projects</li> <li>• Compliance with previously-adopted Non-Discrimination Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Project selection criteria that incorporate projected impacts and benefits of infrastructure on low-income and minority populations</li> <li>• Public involvement efforts that target low-income and minority populations</li> </ul>
Public Participation Plan	<ul style="list-style-type: none"> <li>• Compliance with previously-adopted Non-Discrimination Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Description of Limited English Proficiency program</li> <li>• Identification of methods to involve low-income and minority populations</li> </ul>

<sup>a</sup> This plan examines the potential needs of low-income and other transportation-disadvantaged individuals and is only required if the region intends to receive Job Access and Reverse Commute (JARC) funding.

## INSIGHTS FROM THE LITERATURE

Most studies of civil rights in MPO planning have examined the issue in the context of large and diverse metropolitan areas. Nonetheless, many of the insights and strategies gleaned from these studies are pertinent to any transportation agency. For example, a 2005 national assessment of the long-range transportation plans (LRTPs), transportation improvement programs and unified planning work programs

(UPWPs) of 50 large metropolitan planning organizations in relation to transportation equity and environmental justice found:<sup>2</sup>

“Most [large] MPOs addressed civil rights issues in their LR[T]Ps. Most commonly environmental justice was discussed as part of regional goals and objectives, public participation and outreach, and in discussions about regional demographic trends. Several incorporated geographic analyses showing the spatial distribution of low-income households and racial minorities. In addition, nearly 1 in 4 MPOs had produced a planning document specific to environmental justice or civil rights issues.”

In addition, most of the large MPOs reviewed had mapped protected populations along with the location of transportation improvements “to illustrate the distributional equity of MPO plans...”<sup>3</sup> and the MPOs that did these analyses tended to rely on public involvement methods to identify areas of potential concern stemming from the results.

In 2009, a study of MPO best practices was conducted for the Hampton Roads Metropolitan Planning Organization in response to corrective actions involving Title VI, environmental justice and Limited English Proficiency populations.<sup>4</sup> Thirty-three (33) peer MPOs were surveyed to determine how many had a corrective action stemming from their recertification review. Four MPOs (11%) responded affirmatively, with 89% reporting no corrective actions. Best practices identified in the study included:

- Establishing an Environmental Justice Advisory Committee or Task Force similar to that of the Delaware Valley Regional Planning Commission (DVRPC) and having a staff person with technical expertise in the subject matter to serve on the advisory group. (The study also noted that: “Best or innovative practices include situations where the advisory committee has either a non-voting or voting member on the technical or policy boards.” See inset on page 8 for additional details on the DVRPC Title VI compliance Plan)
- Preparing a Public Participation Plan and Participation Evaluation Report, similar to that of the Atlanta Regional Commission, Baltimore MPO, and Miami-Dade MPO. The Participation Evaluation Report should document efforts to address the requirements of Title VI.

Producing the equivalent of Miami-Dade County’s MPO Transportation and Community Mapping Program web tool (now known as the Integrated Transportation Information System, or ITIS), which can be used to generate customized demographic reports and maps for target areas and identify appropriate public involvement strategies for those populations, including low-income, seniors, minorities, and LEP populations. It includes a public involvement toolbox with “how to” details on each public involvement technique. The tool also includes detailed Community History Reports for communities in the Miami-Dade region.<sup>5</sup>

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<sup>2</sup> T. Sanchez and J. Wolf. “Environmental Justice and Transportation Equity: A Review of Metropolitan Planning Organizations.” *Proceedings of Racial Equity in Transportation: Establishing Priorities for Research and Policy*. Brookings Institution, Washington, DC, January 13, 2005.

<sup>3</sup> Sanchez and Wolf, 2005.

<sup>4</sup> PBS&J and Louis Berger Group, Inc. “Best Practices Study of MPOs.” Prepared for the Hampton Roads MPO, January 2009. <http://www.hrmpo.org/Documents/Reports/2009/MPOBestPracticesFinalReport.pdf>

<sup>5</sup> These reports may be found at <http://itis.fiu.edu/itisportal> or through <http://www.miamidade.gov/mpo/m12-minisites.htm>.

## DELAWARE VALLEY REGIONAL PLANNING COMMISSION TITLE VI COMPLIANCE PLAN

In 2007, the Delaware Valley Regional Planning Commission (DVRPC) published a Title VI Compliance Plan to serve as “a framework for DVRPC’s efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.” An Environmental Justice Task Force has been in place since 2001 to assist DVRPC in understanding sociocultural issues, establish an “EJ protocol” for staff and the public, and facilitate agency efforts to involve EJ populations in the planning process. The compliance plan includes sections on policy statements and authorities, Title VI program areas and general responsibilities, specific program area responsibilities, strategies for engaging Title VI protected groups, and appendices with assurances, glossary of federal statutes/regulations, and a notice to the public.

The plan references a 2001 study (“...and Justice for All: DVRPC’s Strategy for Fair Treatment and Meaningful Involvement of All People”). This study first established a methodology to identify disadvantaged groups that “have a history and/or likelihood to be adversely affected in transportation services, programs and policies,” in order to better understand the potential benefits or adverse influences of agency transportation actions on these groups. Disadvantaged groups included Hispanic minorities, non-Hispanic minorities, the elderly, the handicapped, carless households, and households in poverty.

A measure called “degrees of disadvantage” (DOD) was established using defined criteria for each group and mapped based on census tracts that met or exceeded regional averages. For example, the report noted that a census tract that meets or exceeds the regional average for both Hispanics *and* carless residents would be given two DODs.

Populations meeting the criteria for DODs are mapped and examined in relation to their proximity to identified Quality of Life factors (i.e., regional assets such as arterial highways, transit service, hospitals, employment centers, reverse commute services). DOD areas were also examined in relation to congested corridors as part of the MPOs congestion management process (tracts with five or more DODs are seen as a significant priority for the CMP). The Commission is also a demographic and economic data provider for the immediate region, as well as a broader 28-county area.

Another interesting feature of the DVRPC program is the designation of a Planning & Technical Services Title VI Liason, with the following stated responsibilities:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data and make the document available to the public and member agencies on DVRPC’s website and in the Resource Center.
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.
- Continue to ensure that staff work to help guarantee all social, economic, and ethnic interest groups in the region are represented in the planning process.

In a review of the DVRPC process, Peterson et al. (2008) found that most disadvantaged groups were “well located with regard to planned and programmed transportation improvements and public transit service,” but those in rural areas tended to be more isolated from transit service and job centers and would benefit from paratransit service or job access services.

Source: PBS&J and Louis Berger Group, Inc. “Best Practices Study of MPOs.” Prepared for the Hampton

## ENVIRONMENTAL JUSTICE IN THE BOSTON REGION MPO

When a federal certification review in 2000 required corrective actions relative to environmental justice, the Boston Region MPO took several steps to address these issues. They formed an Environmental Justice Ad Hoc Committee that included residents and neighborhood or advocacy group representatives to determine how to better integrate environmental justice into MPO planning. They also established this regional equity policy: *Environmental justice requires the MPO to examine the allocation of benefits and burdens, historically and currently, and planned for the future; to ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects; and to provide full participation for minority and low-income communities to advise the MPO during its planning and decision-making process.*

A four-step process was instituted to advance this policy:

1. “Defining who the target populations are and where they are located spatially
2. Understanding what the environmental justice issues are through an ongoing outreach effort
3. Examining how changes in the transportation system affect environmental justice populations relative to other populations
4. Incorporating the analysis into the planning process.”

The process involves the designation of Environmental Justice (EJ) Areas, defined as identifiable areas of low-income and minority populations. These areas were spatially defined using traffic analysis zones (TAZs). A TAZ is considered an EJ Area if it is over 50 percent minority and has a minimum minority population of 200 people or has a median household income at or below 60 percent of the region’s median income. These EJ areas are the focus of the outreach and technical analysis aspects of the MPO’s equity program. A second spatial definition for EJ populations used broader criteria for the purposes of mobility, congestion and environmental analysis. 2030 demographic forecasts used the same distributions as the 2000 census and the same growth rate forecasted for the overall population.

The MPO reaches out to community and social service organizations and other knowledgeable contacts in the EJ areas for assistance in identifying issues for consideration in its planning process. Methods include one-on-one interviews, surveys, and attendance at community meetings. The issues are documented by staff in a summary report to the MPO for further consideration in subsequent planning activities. Feedback is provided to community stakeholders, in part, through reports on MPO discussions relative to the identified issues. The potential impact of a project in EJ areas is also a criterion in project selection and prioritization.

In addition, the MPO conducts a systems-level analysis of benefits and burdens relative to the EJ areas. Performance measures were developed relative to accessibility to healthcare, higher education and jobs; mobility and congestion; and the environment. Base year, build, and no build scenarios are evaluated. Travel times are used to determine transit and highway accessibility to specific institutions and job centers and several other performance measures were developed to expand on the analysis for mobility, congestion, and environmental impacts.

Source: S. Peterson et al. “An Environmental Justice Assessment of the Transportation System: How the Boston Metropolitan Planning Organization Examines Equity in the Planning Process,” *87th Annual Meeting of the Transportation Research Board* (CD-Rom), Washington, D.C., 2008.

An assessment of environmental justice efforts in the Boston Region MPO concluded that the MPO “has made great strides in addressing important environment justice issues, because it is concerned about regional equity in the planning process.”<sup>6</sup> The study identified a variety of issues encountered by the MPO in its use of models to evaluate environmental justice benefits and burdens, as well as outreach challenges, such as a tendency of impacted populations to focus more on projects than conveying their mobility concerns or future conditions. The authors conclude that simply working toward fairness and equity as part of a better planning process is not enough; environmental justice needs to be directly addressed through programmatic means and technical analysis (see inset on page 9).

A 2008 review of environmental justice perspectives of stakeholders and agencies involved in transportation planning and policy in the Baltimore-Washington, D.C. area concluded:<sup>7</sup>

- Public agencies tended to approach environmental justice considerations in transportation planning from a “compliance” perspective, because it is required by federal law; most consultants did so to fulfill contract requirements of their agency sponsors.
- A lack of clear standards and regulations has been an impediment in agency understanding of how best to achieve compliance with the principles of environmental justice.
- Agencies were making progress in addressing Title VI issues through the use of tools, such as geographic information systems, surveys, preparation of community profiles, and similar screening techniques. Yet there was little evidence of how often such data are collected.
- Transit-dependent populations and advocacy groups (for minority, low-income and disabled persons) perceived that discrimination does occur in infrastructure and service delivery, with higher income suburban white populations receiving higher quality or express transit service and a greater overall share of capital funding for transportation.
- The difficulty in identifying vulnerable groups and engaging them in transportation planning was identified as a key impediment to accomplishing environmental justice. The study indicated that the traditional public involvement model of transportation agencies (public notices, public meetings) does not work well for this purpose. Providing access to information early enough in the planning process to have a meaningful influence was a significant concern raised by study participants.

This latter issue is notable, given that public involvement is a key component of many of the environmental justice analysis methods suggested for use by transportation planning agencies. For example, a 2005 study of environmental justice and public transit called for “using the demographic and service profile maps and charts to identify communities that may be affected by a proposed action, using the information to partner with the community and others to understand the potential impacts, and working with the community to take corrective or remedial action to ensure equitable treatment.”<sup>8</sup>

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<sup>6</sup> S. Peterson, B. Rasmussen, & B. Kaplan. “An Environmental Justice Assessment of the Transportation System: How the Boston Metropolitan Planning Organization Examines Equity in the Planning Process,” *87th Annual Meeting of the Transportation Research Board* (CD-Rom), Washington, D.C., 2008.

<sup>7</sup> S. Sen, “Environmental Justice in Transportation Planning and Policy: A View from Practitioners and Other Stakeholders in the Baltimore-Washington, D.C. Metropolitan Region,” *Journal of Urban Technology*, 15:1, 117-138, 2008.

<sup>8</sup> B. Ward, *Case Studies in Environmental Justice and Public Transit Title VI Reporting*, University of South Florida, National Center for Transit Research, 2005, p. 59.

Because low-income and minority populations have historically been underrepresented in public meetings and hearings on transportation plans and programs, a growing number of transportation agencies are using methods focused on reaching out more effectively to these groups. Examples include:<sup>9</sup>

- Advertising in local media (e.g., Spanish language newspapers or radio) or translating materials into other languages using translators or translation software
- Developing and maintaining mailing and/or email lists of residents of community leaders
- Focus Groups
- Environmental Justice Advisory Committees
- Mobile presentations and speaker's bureaus with prepared materials
- Decentralizing public involvement efforts or working directly through community leaders

Common administrative environmental justice complaints challenging transportation decisions:

- Minority community divided by the construction of a highway or rail line.
- Resources used to build and operate light rail servicing suburbs at expense of bus service for low-income inner city communities.
- "Tunneling" to mitigate effects of transportation facilities in affluent neighborhood but not low-income and minority neighborhoods.
- Bus schedules and routes fail to provide adequate service or are designed to segregate minority residents.
- Sound walls/noise barriers/calming devices, etc.

Source: C. Thomas and C. Shepard, "Simple Justice: Subrecipient Nondiscrimination Programming 101: Just the Facts Ma'am." Florida Department of Transportation, (PowerPoint presentation) undated.

The literature also provides insights as to how planners should respond to the potential for adverse project impacts on low-income and minority populations. A report on Title VI and environmental justice in Florida advised that given the potential for transportation projects to have both adverse and positive impacts on a community, focusing on "avoidance" of projects in low-income and minority neighborhoods is not necessarily appropriate; it is up to each community to determine its "acceptable level of risk" in view of potential benefits.<sup>10</sup> The report advised transportation agencies to focus their analysis efforts by: a) becoming sensitive to the needs of affected low-income and minority communities; and b) ensuring that these communities receive some benefits of a transportation action to address these needs, thereby offsetting some of its potentially adverse effects.<sup>11</sup>

National guidance on environmental justice analysis techniques advises planners that the level of detail required in the planning analysis of transportation impacts should generally correspond to the level of public concern expressed; those issues of greatest concern should be evaluated in more detail while more basic methods could be used for other issues.<sup>12</sup> Issues that arise in the context of Title VI and statewide or

<sup>9</sup> Examples noted in PBS&J and Louis Berger Group, Inc. "Best Practices Study of MPOs," 2009.

<sup>10</sup> J. Vos & S. Quintero, "Transportation and Environmental Justice," *Florida Trends and Conditions 2001-02*, Florida Atlantic University, November 2002.

<sup>11</sup> Vos & Quintero, 2002.

<sup>12</sup> D. Forkenbrock. & J. Sheely, *NCHRP Report 532: Effective Methods for Environmental Justice Assessment*, Transportation Research Board of the National Academies, Washington D.C., 2004.



regional planning tend to relate to resource distribution and whether plans meet the needs of all populations in the planning area (see inset on page 11).<sup>13</sup>

Planners are advised to be sensitive as to whether adverse effects of transportation actions are being shifted onto more powerless groups and whether equal priority is placed on revitalizing and providing high quality service to low-income, minority communities, as opposed to expanding infrastructure in more affluent areas. This implies a possible need for evaluating equity in distribution of benefits and burdens across income groups. Additional findings relative to environmental justice analysis techniques and challenges are contained in Appendix A.

## METHODOLOGY

The review of federal requirements and national literature provided insights into a) civil rights requirements that apply to transportation planning, and b) the general state of the practice in carrying out those requirements. Several methods were then used to determine the status of current Title VI and environmental justice practices in Florida’s transportation planning process. These included a review of pertinent documents and a series of interviews conducted with Florida metropolitan planning organizations and Florida Department of Transportation District staff in the winter of 2010 and spring of 2011. A subset of Florida documents relating to civil rights in planning was also selectively reviewed for further insights, including selected MPO joint certification reviews, MPO quadrennial federal certification reviews, FDOT handbooks, and a sampling of monitoring documents from the Title VI office, such as Quality Assurance Reports (QARs).

Telephone interviews were conducted with seven of Florida’s twenty-six MPOs (see Table 5). MPOs, alternatively called Transportation Planning Organizations (TPOs) or Transportation Planning Agencies (TPAs), were selected to participate in the interviews based on two criteria: 1) one from each geographic FDOT District, and 2) MPOs with varying population sizes and those with different organizational structures. Each MPO was interviewed separately, with two or more staff members participating.

Table 5. Florida MPO Interviews

MPO NAME	FDOT DISTRICT	PRINCIPAL CITY	ORGANIZATIONAL STRUCTURE	2000 POPULATION
Sarasota/Manatee MPO	1	Sarasota	Independent	589,959
North Florida TPO	2	Jacksonville	Independent	1,063,614
Capital Region TPA	3	Tallahassee	Hosted	580,264
St. Lucie TPO	4	Port St. Lucie	Independent	191,819
Space Coast TPO	5	Melbourne	Hosted	476,230
Miami-Dade MPO	6	Miami	Hosted	2,253,262
Hernando MPO	7	Brooksville	Hosted	130,802

<sup>13</sup> Forkenbrock. & Sheely, 2004.

The MPO questionnaire contained 25 questions organized into six broad subject areas:

- MPO Organization and Staffing: number of MPO staff members, allocation of duties, and positions responsible for Title VI compliance
- Data: obtaining and using data to identify Title VI populations
- Public Involvement: efforts to reach Title VI populations, involvement methods, and complaint procedures
- Planning Documents and Products: how title VI and environmental justice are addressed in long-range transportation plans (LRTP), transportation improvement programs (TIP), public transit-human services transportation plans (PTHST), transportation-disadvantaged planning, Public Involvement Plans, and project selection criteria
- Efficient Transportation Decision Making (ETDM): use of the ETDM system, EJ and Title VI-related comments received, and effectiveness of the system to identify EJ and Title VI issues
- Miscellaneous: awards received, certification reviews, and participation in outside agency activities

Interviews were also held with six of FDOT's seven Districts. Several FDOT staff members participated in each of the interviews, with one providing a written response. FDOT Districts were asked 26 questions organized into five broad subject areas:

- District Personnel: structure of District planning activities, number of employees in planning roles, and duties of Title VI, Community Liaison, and ETDM coordinators
- Planning Activities: work program development, interaction with MPOs, monitoring, rural planning, multimodal planning
- Data: data collection activities, sharing of data with MPOs, support from FHWA/FTA/FDOT
- Public Involvement: involvement opportunities, LEP activities, complaint procedures
- ETDM: roles and responsibilities, employees working with ETDM, MPO use of ETDM

The job titles and the number of individuals participating in the interviews varied between the Districts, due primarily to differences in organizational structure. Participants identified themselves as intermodal system development officers, public information directors, ETDM managers, Title VI coordinators, MPO liaisons, environmental management directors, and planning/environmental management directors (this latter category representing consolidation of planning and environmental management functions under a single director). A telephone conversation was also held with the FDOT Central Office Title VI Coordinator to gain an understanding of the statewide program and what is required of the Districts. Questions were asked related to agency monitoring efforts, training offerings, and program administration.

## FINDINGS

A clear picture of current FDOT District and MPO planning practices relative to Title VI emerged from the interviews and was verified through selective review of planning documents and supporting tools and manuals. Because Districts and MPOs conduct the majority of physical transportation planning in Florida, this study focuses primarily on their activities. FDOT Central Office is addressed in the context of the statewide Title VI implementation process. Key findings are synthesized below, beginning with FDOT District practices and proceeding to a review of the practices of MPO and multi-MPO organizations.

### TITLE VI IN FDOT PLANNING

FDOT is organized into seven districts that cover geographic regions of the state and an office for Florida's Turnpike Enterprise. The FDOT Central Office in Tallahassee develops statewide policies and procedures, provides training and other support relative to Title VI and other issues, and coordinates with the Districts on preparation of the Florida Transportation Plan (FTP) and the Strategic Intermodal System (SIS) Plan.

Core planning functions at the FDOT District level include:

- Coordinating with MPOs to address metropolitan transportation needs
- Transportation planning for state transportation projects in rural areas
- Carrying out environmental screens and other planning activities of the Florida's Efficient Transportation Decision Making (ETDM) process
- Compiling the District work program, which includes the 5-year transportation improvement program of each MPO in the District
- Safety analysis, data collection, growth management, model validation, and occasional non-recurring planning projects, such as a corridor study or a seaport/airport access plan

The location of planning functions within FDOT varies from District to District, but in many cases planning and environmental management offices are co-located within the District Intermodal Systems Development Office under the District Director of Transportation Development. In a few cases, planning is a stand-alone program area. Districts reported having between eight and eleven full-time equivalent positions devoted specifically to transportation planning, and the typical focus of those staff is on coordinating with MPOs and rural counties regarding transportation planning processes.

Within FDOT, the majority of Title VI and environmental justice activities occur *after* the planning phase, during the transportation project development and environment (PD&E) phase. Nonetheless, FDOT guidance documents indicate that efforts to address civil rights should begin in early planning to ensure that these considerations are adequately addressed in later phases. FDOT Districts address Title VI and environmental justice in transportation planning primarily through Florida's Efficient Transportation Decision Making (ETDM) process and coordination with the MPO transportation planning process. Monitoring, technical assistance, and compliance activities are conducted in coordination with the statewide Title VI Program. Below are findings relative to these key components of Title VI in FDOT planning.

## **EFFICIENT TRANSPORTATION DECISION MAKING (ETDM)**

In 2006, FDOT initiated the Efficient Transportation Decision Making Process (ETDM) to facilitate early involvement of other agencies in transportation planning and environmental review processes, as well as compliance with:

- 23 Code of Federal Regulations (CFR) 450 (Federal Highway Administration Planning)
- 23 CFR 613 (Federal Transit Administration Planning)
- 23 CFR 771, etc. (National Environmental Policy Act – NEPA)

Interests of FDOT are to avoid unacceptable community and environmental impacts and achieve earlier agency approvals to expedite project delivery. Each District has an ETDM team that includes an FDOT and MPO ETDM Coordinator, and a Community Liaison Coordinator. The ETDM coordinator in each District and MPO is responsible for coordinating with the Environmental and Technical Advisory Team (ETAT), which is comprised of representatives from state and federal agencies with a statutory role in issuing permits or conducting consultations under NEPA.

Community liaison coordinators (CLCs) or MPO liaisons in each District, as well as the MPOs under their purview, are responsible for “assessing potential impacts on communities, interacting with the affected community, and providing information to and receiving input from the public about project plans.”<sup>14</sup> Table 6 provides further details relative to ETAT and CLC roles.

Below is an overview of how the process works during transportation planning and programming:

“All of the interaction with agency ETAT members and with the public during the Planning Screen provides guidance and recommendations during early phases of project planning. The ETAT identifies avoidance and minimization issues, and the CLC works with the community to address community issues and community requests

“Florida's Efficient Transportation Decision Making (ETDM) process ... accomplishes major transportation project planning with early and continuous agency participation, efficient online electronically managed environmental review and meaningful dispute resolution mechanisms. ETDM is carried out through the use of the Environmental Screening Tool (EST) - an internet-accessible interactive database and mapping application which integrates: a geo-relational database of ETDM projects, over 550 environmental resource GIS data layers, an automated and standardized GIS-based environmental screening analysis application, and numerous tools for data entry, review, and reporting. It is used throughout the ETDM Process to:

- Integrate data from multiple sources into an easy to use, standard format
- Analyze the effects of proposed projects on the human and natural environment
- Communicate information effectively among Environmental Technical Advisory Team (ETAT) representatives and to the public
- Store and report results of the ETAT review effectively and efficiently
- Maintain project records, including commitments and responses, throughout the project life cycle

The EST manages early and efficient interaction with agencies and the affected community through two screening events which are completed and incorporated into the transportation planning process. The screening events are known as the Planning and Programming Screens. The EST brings together information about a project and provides analytical and visualization tools that help synthesize and communicate that information...”

From <http://www.dot.state.fl.us/emo/EST-Overview.shtm>

<sup>14</sup> Florida's ETDM Process (ETDM Overview) est/# September 26, 2006, p. 6

regarding desired project features. During the Programming Screen more specific information is developed, which affects the scope of work to be performed during Project Development. During Project Development, coordination by ETAT members occurs to ensure that others within the agency understand the project concept and the basis of design. The intent is that there are “no late surprises” (late requests for another scope of work, permit condition changes, permit denials, community concerns or disapproval).”<sup>15</sup>

The ETDM web-based process (see inset) is designed to assist planners in analyzing the potential impacts of federally-funded, state-funded, and some locally-funded transportation projects proposed in the Strategic Intermodal System (SIS) Cost-Feasible Plan and MPO LRTPs. Central to the ETDM process is its Environmental Screening Tool (EST) that contains data maintained by the Florida Geographic Data Library (FGDL). Proposed projects are initially screened in the ETDM Planning Phase (Planning Screen) that “allows for the early identification of environmental and community issues that could influence the priority, alignment and/or design features of candidate transportation projects.”<sup>16</sup>

With the benefit of environmental, sociocultural, and land use data from the Environmental Screening Tool, the ETAT may review and comment on each proposed project. ETATs have the capability to flag and rate the magnitude of the concern on a scale of 1-5. The ETDM Planning Screen culminates in a summary report of the GIS screen, commentary, and public comments. FDOT also has a *Sociocultural Effects Handbook*<sup>17</sup> and a *Public Involvement Handbook*<sup>18</sup> that provide supplemental guidance relative to determining community impacts in the planning and programming phases. Chapter 5 of the Public Involvement Handbook is devoted entirely to public involvement techniques for sociocultural effects evaluation.

Table 6. ETDM Activities during the Planning Screen

ETAT ROLES	COMMUNITY LIAISON COORDINATOR ROLES
<ul style="list-style-type: none"> <li>• Reviews purpose and need</li> <li>• Reviews direct impacts</li> <li>• Recommends avoidance/minimization</li> <li>• Suggests mitigation strategies</li> <li>• Provides Indirect and Cumulative effects commentary</li> <li>• Assesses degree of effect</li> <li>• Coordinates to reduce conflicts</li> </ul>	<ul style="list-style-type: none"> <li>• Inventories community characteristics</li> <li>• Conducts public outreach and receives public input</li> <li>• Conducts public meetings on LRTP</li> <li>• Documents community concerns</li> <li>• Identifies socio cultural effects</li> <li>• Makes Summary Report available</li> </ul>

Source: *Florida’s ETMD Process* (ETDM Overview) September 26, 2006, p. 6

All of the Districts interviewed felt that ETDM has been an effective process for anticipating and analyzing the impacts of transportation projects on Title VI and environmental justice populations. For example, District 1 noted the value of ETDM in helping them uncover at risk populations early in the planning process, including a large homeless population that would be displaced by a drainage swale during expansion of U.S. 301. Each District confirmed that a staff member is designated as the ETDM coordinator.

<sup>15</sup> *Florida’s ETDM Process*, p. 6

<sup>16</sup> *FDOT Efficient Transportation Decision Making Manual* (650-000-002), 2006, p. 4-1.

<sup>17</sup> *FDOT Sociocultural Effects Handbook*, November 2005.

<sup>18</sup> *FDOT Public Involvement Handbook*, October 2003.

Some Districts employ a consultant to support this staff member, while others assigned additional employees to assist with the ETDM process.

All Districts reported working with MPOs to enter proposed projects into the ETDM Planning Screen during the long-range transportation plan process. Districts 2, 3, and 7, through their consultant, have developed a series of ETDM Quick Reference Guides to assist District ETDM staff. The Quick Reference Guide for conducting sociocultural effects analysis calls for collection of a variety of data important to Title VI and environmental justice considerations (see Appendix C). District staff also stated that ETAT agencies actively provide comments during the Planning and Programming Screens and that this input has also been useful in protecting the interests of Title VI populations, particularly in later project phases, such as PD&E or Design.

The ETDM web-based tool provides further insight into the nature of the system and how protected populations are identified and addressed. Title VI-related attributes in the tool include information on community desired features, commitments, and dispute resolution in the project diary, as well as data on project effects – including social effects and the expected degree of effect. Numerous GIS data sets from the Florida Geographic Library are included to enable analysts to quickly identify community facilities and resources and demographic characteristics. Another feature is the ETDM maps section, which produces graphical maps of minority and low-income populations and other community characteristics in relation to a project.

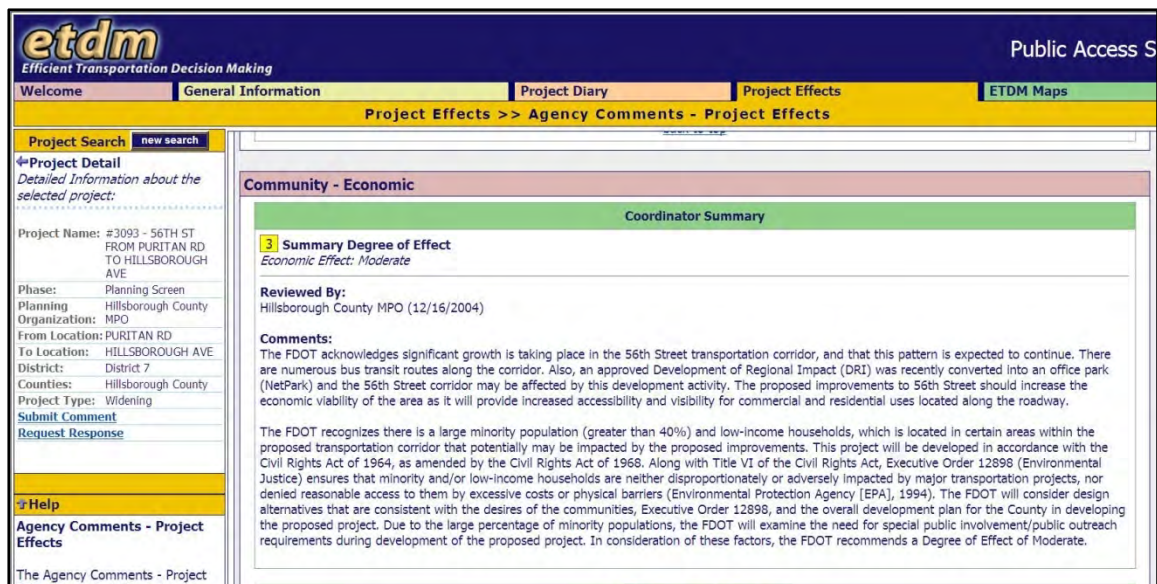


Figure 1. Example social effects summary during an ETDM planning screen.

Figure 1 is an example of social effects noted during a planning screen for a project that traverses a minority neighborhood in the Tampa Bay area. The FDOT District notes the Degree of Effect as “moderate” and the summary indicates that comments were reviewed by the Hillsborough County MPO. FDOT comments that the project will impact a large minority population and therefore design alternatives will be considered that are consistent with the desires of the communities, Environmental Justice Executive Order 12898 and the overall development plan for the County. In addition, FDOT notes “due to the large percentage of minority populations, the FDOT will examine the need for special public involvement/public outreach requirements during development of the proposed project.”

During the programming screen for another project in an area with large minority and elder populations, both FDOT and FHWA commented on the high minority population and the need to do a Sociocultural Effects evaluation to determine whether the project will have environmental justice issues. These comments are shown in Figure 2.



Figure 2. Example minority population distribution map and social effects summary during an ETDM programming screen.

The ETDM tool was also used to generate a population distribution map that reveals locations of the higher concentrations of minority populations along the project corridor. In the example, specific community facilities are identified, as is the need for careful attention to speeds due to a large elderly population in the study area. A large Hispanic population is also noted along with the need for sociocultural effects evaluation to address Title VI considerations. EPA recommends that a public involvement plan be developed with special consideration to environmental justice issues and senior populations.

### **PUBLIC INVOLVEMENT**

District staff reported performing extensive public involvement during the project development and environment (PD&E), design, and construction phases of a transportation project, but very little during the planning phase. Public involvement during the planning phase is primarily an MPO activity. One District-level planning function that does include public involvement is the development of the Department's Five-year Work Program. The primary forum for public involvement in the work program is a statutorily-required public hearing held within each District. Work program public hearings have traditionally been poorly attended by the general public, although Districts have taken steps to help counter this trend.<sup>19</sup> For example, one District reported increased participation when hosting a webcast-enabled public meeting in 2010.

Districts indicated that planning staff were usually involved with public hearings related to the work program adoption. Those interviewed did not draw a strong relationship between Title VI and work program development. Rather, they indicated that pertinent sociocultural information and potential impacts identified during planning activities, the ETDM planning screen, and public involvement are conveyed to people working on later project phases for further consideration, such as the PD&E manager or Design manager.

FDOT also provides guidance, monitoring, and evaluation of the public involvement process to ensure Title VI and environmental justice compliance. District community liaison coordinators actively work with MPOs and rural counties regarding their transportation planning processes. In several cases, MPO liaisons work from satellite District offices in proximity to the MPO they are serving. Districts reported frequent contact and ongoing coordination with rural counties and MPOs through attendance at board meetings and other events as well as meetings with staff. They also described continual monitoring of Title VI compliance throughout the transportation planning process per guidance provided by FDOT.<sup>20</sup>

### **TITLE VI COMPLIANCE MONITORING**

In 2005, FDOT enacted the *Title VI and Related Statutes Implementation and Review Procedure* (Topic No.: 275-010-010-e) "to establish the process for: (a) implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and other related civil rights laws and regulations; and (b) conducting Title VI program compliance." The implementing program is led by the State Title VI Coordinator headquartered at the FDOT Central Office in Tallahassee who is charged with ensuring compliance relative to all federally and non-federally funded programs and activities administered by FDOT and its subrecipients.

The State Title VI Coordinator resides in FDOT's Central Office in Tallahassee and monitors and administers the statewide program and prepares the annual report of all Title VI activities in the State

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<sup>19</sup> J. Kramer, et al., *Assessing the Practice of Public Involvement in Florida*, Center for Urban Transportation Research, 2006, p.15

<sup>20</sup> Florida Department of Transportation. *Metropolitan Planning Organization Program Management Handbook*, July 5, 2007.



required by 23 CFR 200. Other responsibilities include training, assistance, field visits, and informal assistance for FDOT District staff, consultants, MPOs, and other subrecipients. The Coordinator works with a network of Title VI designees that includes District Title VI coordinators, District program area officers, MPO Title VI officers, and other subrecipients.

The State Title VI Coordinator reported working closely with District Title VI staff to ensure statewide compliance with civil rights in all FDOT activities. Districts report having several staff members that devote at least a portion of their time to Title VI and environmental justice compliance activities. These include Title VI coordinators, Title VI program area coordinators, community liaison or MPO liaison coordinators, and ETDM coordinators, who were identified by interview participants as having a close working relationship with the State Title VI Coordinator. Title VI responsibilities of each District Title VI coordinator and program area Title VI officer are peripheral to that individual's primary responsibilities.

Each District has a designated Title VI coordinator, who monitors all activities of the District, gathers information, and submits reports to the Statewide Title VI Coordinator. To assist the District Title VI coordinator, each program area (planning, environmental management, design, construction, etc) also has a designated program area Title VI officer. Where District planning functions have been consolidated with other program areas such as environmental management, a single Title VI officer presides.

Each District Title VI Coordinator is required to submit quarterly reports to the Statewide Coordinator. These reports are prepared in a question-and-answer format and are uniform across the state. They are compiled from program area Title VI officer reports and discuss any Title VI-related issues, studies, public involvement activities and materials, and the status of active projects. The reports respond to specific questions geared toward understanding the potential for Title VI conflicts. Finally, the report details any complaints, lawsuits, or other negative events related to Title VI.

Each report is organized into program areas (General Administration, Planning, Environmental, Design, Right of Way, Construction, Maintenance, Transit). Sample questions relative to Planning are shown:<sup>21</sup>

1. How many public workshops, meetings, and hearings were conducted by planning during the reporting period?
2. What did you do to ensure that minorities, women, elderly, limited English proficient, disabled, and low-income people were actively sought out for involvement?
3. How did you ensure that persons attending meetings were advised of their rights under the Civil Rights Act of 1964 and other nondiscrimination authorities?
4. Identify any minority groups/leaders that were contacted to identify informational needs and any planning/programming issues of concern.
5. What data collection tools were utilized to collect community boundaries, racial and ethnic makeup, income levels, property taxes, community services, schools, hospitals, shopping, and community areas, etc?

The State Title VI Coordinator performs an annual Quality Assurance Review (QAR) of each District and FDOT subrecipient and produces a report on the findings of the review. The QAR addresses all District

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<sup>21</sup> Taken from *District 5 Title VI Quarterly Report, October-December 2010*.

program areas, including Planning, and begins with an examination of all Title VI documentation. Below is a listing of required documentation for the Planning area:<sup>22</sup>

1. A copy of the District's Public Involvement Process Guidelines.
2. Copies of various public meeting, public hearing, open forum, etc. notification advertisements/letters used during the reporting period. Include notification advertisements/letters used in minority and low-income communities.
3. Copies of various public hearing transcripts held during the reporting period. Include transcripts held in minority and low-income communities.
4. Copies of various informational newsletters/brochures used to encourage input during the reporting period. Include informational newsletters/brochures mailed to Indian tribal governments, minority, and low-income communities.
5. Copies of various forms, surveys, and other data collection methods designed to obtain information regarding community boundaries, racial/ethnic makeup, income levels, community services, schools, hospitals, shopping, etc. used during the reporting period. Include forms, surveys, and other data collection methods used to obtain information in minority and low-income communities.
6. Copies of notification of contracting opportunities given for planning studies, corridor studies, or other work to the consultant community at large and, in particular, to minority and female owned consultants during the reporting period.
7. Copies of contracts executed for planning studies, corridor studies, or other work during the reporting period. Include copies of contracts awarded to minority or female owned consultants.
8. A copy of Title VI compliance assurances incorporated into planning consultant contracts.
9. Copies of each Metropolitan Planning Organization's (MPOs) responses to the annual Planning Certification for the reporting period. If responses have been received for the annual certification, please include those responses as well.
10. A copy of Title VI compliance assurances incorporated into Joint Participation Agreements.
11. Copies of publications that were translated by the District into languages other than English.

The second step of a District QAR consists of telephone interviews with the District Title VI coordinator and program area Title VI officers. The QAR concludes with a two-day site visit conducted by several Central Office staff members. Often a training session is appended to the site visit. Each year the QAR emphasizes a particular area of Title VI practice. In 2010, the focus was on public hearing practices; in 2011, the focus will be on limited English proficiency activities. The QAR report itself discusses documentation, training events, examples of outstanding practice, and a discussion of areas in need of improvement. Areas in need of serious improvement may be deemed "corrective actions."

Training is another major component of Florida's statewide Title VI program. In Fiscal Year 2010, the Title VI office held 20 training sessions, with over 180 participants representing cities, counties, MPOs, transit agencies and authorities, airport authorities, expressway authorities, and the Florida Highway Patrol. Training sessions are open to individuals working in the transportation field. Consultants to MPOs and

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<sup>22</sup> Taken from *District 4 Quality Assurance Review Plan for Title VI Program and Related Statutes, FY 2008-2009*.

FDOT are also required to meet certain Title VI requirements, although Title VI staff indicated that few consultants had participated in training over the past few years.

During the interviews, District staff reported having received adequate instruction and training on their duties regarding Title VI and environmental justice compliance. They expressed knowledge of Title VI and environmental justice policy and process as set by FDOT Central Office, as well as a strong commitment to upholding these concepts throughout all phases of a project. Each reported making quarterly Title VI reports and participating in annual quality assurance reviews.

## **TITLE VI IN METROPOLITAN PLANNING**

Twenty-six MPOs produce the transportation plans for metropolitan areas in Florida, which comprise the majority of the state's population. Transportation planning outside of these areas is carried out by FDOT. The number of staff members among MPOs interviewed varied from three to seventeen full-time equivalent positions; however, only one MPO had more than nine employees. All the MPOs interviewed for the study have designated one staff member to serve as the single point-of-contact regarding Title VI and environmental justice issues; however, as in the Districts, this staff member also has additional responsibilities within the MPO. Most frequently, responsibilities of this individual are related to planning for non-automobile modes of travel such as transportation disadvantaged, transit, commuter assistance, and bicycle and/or pedestrian planning. Some of the staff members who are designated as the MPO Title VI contact are also responsible for public involvement and, in one case, this individual also serves in a supervisory role as planning manager.

### ***IDENTIFYING PROTECTED POPULATIONS***

Most MPOs reported relying on data obtained from the U.S. Census Bureau to identify and monitor sociocultural and economic characteristics of the population in their planning area. A few MPOs have in-house geographic information system (GIS) capability and others depend on consultants to generate needed information. Some small MPOs stated that staff has first-hand knowledge regarding the location of potential Title VI or environmental justice populations. In addition, several MPOs indicated that the information and assistance they receive from local governments and others in the public involvement process is invaluable for this purpose (*see Public Involvement below*).

Two MPOs maintain a GIS database with the capability to analyze socioeconomic demographics. The Space Coast TPO has a GIS system, dubbed the Community Characteristics Inventory, which draws on data derived from the U.S. Census and MPO data collection efforts. The Miami-Dade County MPO sponsored the development of a socioeconomic GIS mapping web tool known as the Integrated Transportation Information System (ITIS). The ITIS contains specific information on most neighborhoods in the Miami-Dade region and enables the MPO to perform unique data analysis including generating neighborhood socioeconomic profiles and targeted public involvement tools. Since its initial development, Broward and Palm Beach County have sponsored the expansion of the system into those counties resulting in a true regional database tool.

A recent certification report for the Pinellas MPO indicated that the MPO had developed demographic profiles of their planning area using census data. Each census tract was examined and a socioeconomic, disability, and racial analysis of communities was done to identify concentrations of low-income, disabled and minority populations. The profiles were later refined using more detailed data on locations of elderly, disabled, and ethnic population obtained during research by the MPO for the County's Transportation

Disadvantaged Service Plan, Tri-County Access Plan and Limited English Proficiency Plan, as well as data from the local transit agency.

When asked about their involvement in the ETDM process, MPOs reported working closely with their FDOT District Community Liaison and/or District ETDM Coordinator to complete the ETDM Planning Screen for proposed transportation projects. Many MPO staff also viewed the ETDM process as an effective method of gathering information useful to the overall transportation planning process, such as identifying cultural resources, historic preservation, and/or environmental issues; however, only two participants said the ETDM process was useful to them in relation to Title VI and environmental justice. Rather, the public involvement process was viewed as the primary tool for identifying and protecting the interests of Title VI and EJ populations. One MPO commented that having early coordination with resource agencies (ETAT) relative to Title VI is invaluable, particularly in later phases of a project.

Interviewees reported having received few comments related to Title VI or environmental justice from the ETDM process and those comments received were often general in nature or in one case, demonstrated poor local knowledge. Only one MPO reported receiving comments from non-governmental groups or individuals through the ETDM online tool. MPOs are able to enter comments in the same area of the system as the general public; however, MPOs interviewed had not provided comments regarding transportation projects. This suggests that although ETDM is an important tool for FDOT Districts and state and federal resource agencies, it is not as directly beneficial to MPOs who rely more on planning analysis and public involvement to identify and address the interests of Title VI protected populations.

### ***PUBLIC INVOLVEMENT***

MPOs interviewed consistently cited public involvement as the way the interests of Title VI and EJ populations are identified and addressed. In accordance with federal requirements, all MPOs must have a public participation plan (PPP) (see inset) that directs the agency's activities throughout the transportation planning process. MPOs reported use of a variety of methods to reach protected

### **Public Participation Plans (PPP)**

- First established in federal law by SAFETEA-LU in 2005 [23 USC 134(i)5(b)]
- Often are attached to LRTPs but may also be stand-alone documents
- Describe the public involvement techniques that will be deployed during each step of the MPO 3-C process before the development of the document begins
- MPOs can go beyond the minimum but cannot skip any tasks described in the PPP
- The required contents of PPPs are laid out in regulation at 23 CFR 450.316
- “The MPO shall develop and use a documented participation plan that defines a process for providing citizens... reasonable opportunities to be involved in the metropolitan transportation planning process.”

PPP should describe explicit procedures and strategies that:

- Provide adequate notice and opportunity to comment
- Provide access to information
- Employ visualization techniques
- Are electronically available
- Hold public meetings at convenient times and locations
- Demonstrate how input will be considered and used
- Seeking out and considering the traditionally underserved
- Reopening commentary periods if content changes substantially
- Periodic review of policies and procedures

populations, including:

- Hosting MPO meetings in or near neighborhoods with a substantial number of residents who belong to protected populations
- Proactive translation of planning and public involvement documents when a project is located in or near a substantial population of non-English speakers
- Use of technologies for the hearing-impaired
- Having a display booth at events that are sponsored by a minority community group
- Co-hosting events with the Hispanic Chamber of Commerce
- Distributing meeting information and announcements at the county food bank

For example, when a feasibility study on widening a major arterial showed that a signalized intersection providing access to an African-American neighborhood would need to be removed, the Space Coast TPO took specific steps to ensure the neighborhood was meaningfully involved in the decision. The TPO met with religious leaders in the neighborhood to inform them about the project and ask for their assistance in collecting public input. The religious leaders relayed the message, provided written materials, and allowed the TPO to host public involvement events at their facilities. The increased public awareness and input received were directly beneficial to the planning process and ultimately allowed the project to proceed seamlessly.

The interviews further revealed that Florida MPOs have taken a variety of steps to better engage those having limited English proficiency in the planning process. Translated documents and verbal translation services are now widely available at MPOs and a few MPOs have multilingual staff members attend public involvement events and assist with telephone inquiries. Some MPOs offer iSpeak cards to front-line staff, which show a variety of printed languages that can be selected by a member of the public requesting interaction with a government agency (see Figure 3). Two MPOs reported having contracts with conference-calling translation services.

All the MPOs interviewed said that written translation services are available upon request, and some provided planning documents and/or websites in other languages—particularly Spanish and Haitian Creole. MPO staff members are also cognizant of the need for communication services for the hearing and visually impaired and provide these services upon request as well. For example, during its most recent long-range transportation plan update, the North Florida TPO provided meeting announcements and executive summaries of planning documents in Braille to encourage participation of a nearby school for the visually impaired.

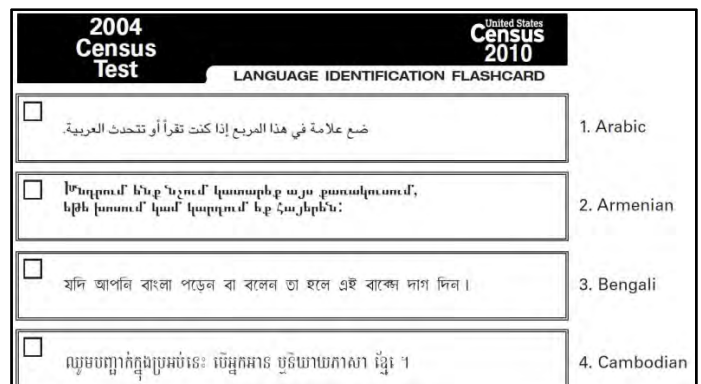


Figure 3. Example of an iSpeak card.

When asked how they monitor the involvement of Title VI or EJ populations, only one MPO reported making sustained efforts to track the effectiveness of their public involvement program. This finding is

consistent with a previous statewide assessment of public involvement in Florida’s transportation planning process, which found that most MPOs currently rely on informal feedback to monitor the effectiveness of their public involvement activities.<sup>23</sup> This may change with recent FDOT efforts to develop a public involvement performance measurement tool for transportation.

Although all recipients of federal funding collect demographic statistics on the audiences they serve, efforts to monitor outreach to low-income and minority populations are complicated by the inability to require survey respondents and meeting participants to report their racial, ethnic or income characteristics. Several of the MPOs interviewed commented on this issue. Methods MPOs said they used to identify who they are reaching in their public involvement process include optional questions on meeting sign-in sheets (e.g., “How did you learn about this event?” or “Are you a resident of the study area?”), intermittent capturing of mailing addresses for follow up information, and recording of zip codes.

Many MPOs in Florida also serve as the planning agency for the region’s transportation-disadvantaged program, prepare the required transportation-disadvantaged service plan, and provide staff services to the coordinating board for the transportation disadvantaged. The coordinating board for the transportation disadvantaged is usually composed of organizational leaders, group representatives, and paratransit providers in the community. MPOs that staff coordinating board for the transportation disadvantaged reported that the members of this board are often resources for connecting with protected populations. This coordinating board was noted as being most useful in reaching out to the elderly and disabled. Most MPOs that have a transportation-disadvantaged program reported that the TDCB assisted in collecting comments on MPO planning products, providing data to feed the MPO process, and communicating public involvement opportunities to protected populations.

The MPOs interviewed also highlighted specific public involvement efforts including:

- Selection of meeting locations to offer better access to low-income, minority, LEP, elderly, or other protected populations
- All MPOs reported attaching nondiscrimination statements to planning and programming documents. Most MPOs mentioned nondiscrimination statements appended to meeting announcements and public involvement activities
- Customized public involvement programs designed to inform and involve protected groups
- Personal relationship-based coordination with community groups
- Assembly of advisory committees representative of the community
- Both willingness and ability to make MPO documents available to the sight-impaired, hearing-impaired, and those who are not proficient in the English language
- Discussion of Title VI and EJ impacts in planning and programming documents

## **PLANNING DOCUMENTS**

MPOs were asked how Title VI and environmental justice were addressed in various planning products and documents. A sampling of these documents was also reviewed by the study team. Table 7 summarizes the

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<sup>23</sup> J. Kramer, et al., *Assessing the Practice of Public Involvement in Florida*, 2006.

major documents adopted by MPOs along with their characteristics and relationship in Florida to Title VI or environmental justice considerations. The TIP usually had no Title VI component. The unified planning work program (UPWP) usually only contained nondiscrimination and equal opportunity statements. Public Participation Plans and Transportation Disadvantaged Service Plans contained information on opportunities for public involvement, as discussed earlier in this report.

Of particular interest to the study was how MPO long-range transportation plans (LRTP) in Florida address Title VI and environmental justice. Each MPO LRTP has one or more goals with supporting objectives to guide the planning process and assist in the selection of projects for inclusion in the plan. Ideally, the entire LRTP development process is influenced by these goal(s) and objectives, although typically some are given more weight than others during the planning process. Most of those interviewed indicated that their planning documents contained few statements, objectives, or criteria that specifically mention Title VI or environmental justice; rather, the documents, and the public involvement process to develop them, address these issues holistically.

Table 7. MPO Planning Documents and Products

Product/ Document	Characteristics	Title VI or EJ Implications
Long-Range Transportation Plans (LRTP)	<ul style="list-style-type: none"> <li>• At least 20 years in length</li> <li>• Updated every five years, except in air quality nonattainment areas, which are updated every four years</li> <li>• Contain cost-feasible projects to be built over the span of the document</li> </ul>	<ul style="list-style-type: none"> <li>• Sometimes contain project selection criteria that give weight toward projects that benefit protected populations</li> <li>• Use the ETDM Planning Screen to uncover potential conflicts</li> <li>• Drafted using extensive public involvement</li> <li>• May have a narrative discussion of Title VI impacts</li> </ul>
Transportation Improvement Programs (TIP)	<ul style="list-style-type: none"> <li>• List of projects selected for implementation from LRTP</li> <li>• All projects must also appear in the StateTIP</li> </ul>	<ul style="list-style-type: none"> <li>• Usually no Title VI component</li> <li>• Interactive TIPs are being developed that may enhance public involvement</li> </ul>
Public Participation Plans (PPP)	<ul style="list-style-type: none"> <li>• Outline the public information and public involvement efforts that the MPO will undertake throughout the planning and programming process</li> <li>• May be stand-alone document or part of the LRTP</li> </ul>	<ul style="list-style-type: none"> <li>• Contains assurances of nondiscrimination</li> <li>• Contains the LEP plan</li> <li>• Describes involvement efforts targeting protected populations</li> </ul>
Unified Planning Work Programs (UPWP)	<ul style="list-style-type: none"> <li>• Describes the source and disposition of all money to be spent by the MPO</li> <li>• Organizes the tasks to be accomplished by MPO staff and contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Description of public involvement activities</li> <li>• DBE and EEO assurances</li> <li>• Contains certification review documents</li> </ul>
Transportation Disadvantaged Service Plans	<ul style="list-style-type: none"> <li>• Predict the need for mobility among those not able to drive a vehicle.</li> <li>• Plan and program services for those populations</li> <li>• Updated annually</li> <li>• Required only if the MPO has agreed to host the coordinating board for the transportation disadvantaged in that area</li> </ul>	<ul style="list-style-type: none"> <li>• Contains demographic information on disadvantaged populations</li> <li>• Includes oversight and input from groups that often represent protected Title VI populations</li> </ul>

A review of the goals and objectives of all 26 Florida MPO long-range transportation plans that was conducted in 2010 did reveal, however, that twenty of Florida's MPOs had at least one goal or objective that directly mentions Title VI or environmental justice or that alludes to civil rights considerations.<sup>24</sup> Typical topics addressed in the plans included:

- Provision of mobility to the transportation disadvantaged
- Enhanced transit service, which is assumed to benefit Title VI populations more than others
- Improved access and mobility for Title VI populations
- Inclusion of input from Title VI populations

Below is a sampling of actual goals or objectives of these MPO long-range transportation plans that relate to civil rights and environmental justice:

- Identify the needs of low-income and minority populations, involve these populations in the planning process, and seek to equitably distribute the benefits and burdens of transportation investments among all populations. METROPLAN Orlando 2030 LRTP
- The Public Involvement Process will encourage public participation and ensure that the transportation plan and MPO planning activities reflect the needs of the community, particularly those that are traditionally underserved. Pasco MPO 2035 LRTP
- The Plan will provide for the transportation needs of the existing elderly, disabled, and low-income population of the county and ensure the facilities are designed in such a manner as to not impair their use by this population. Hernando MPO 2035 LRTP
- Encourage infill and redevelopment, to increase accessibility for all residents and visitors, especially people with disabilities, lower income citizens, elderly, and children. Gainesville MTPO 2035 LRTP
- Use methodology consistent with state strategies for satisfying public involvement under Title VI of the Civil Rights Act of 1964. Capital Region TPA 2030 LRTP
- Ensure no one segment of the population bears a disproportionate share of adverse impacts. Bay County TPO 2030 LRTP
- Ensure transportation benefits are balanced throughout the community. Bay County TPO 2030 LRTP
- LRTP will use the ETDM process to minimize negative impacts, to the maximum extent feasible, to the natural environment and the cultural resources of the community. Volusia TPO 2025 LRTP
- Those traditionally underserved and underrepresented in the transportation planning process will be actively sought out and encouraged to express their views and concerns. Volusia TPO 2025

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<sup>24</sup> Center for Urban Transportation Research, *Review of MPO Long Range Transportation Plans and Regional MPO Planning Activities and Products*, October 2010 (unpublished technical memorandum).



One of the more extensive examples was that of the Miami-Dade MPO long-range transportation plan, which included the following objectives and corresponding measures of effectiveness (MOEs):

Objective 1.10 Increase reverse commute opportunities for disadvantaged communities.

MOE - Transit service route miles from cities and central areas in the AM Peak period

Objective 1.11 Promote transportation improvements that provide for the needs of the elderly and disabled

MOE - Average highway and transit travel time to/from TAZs with a high proportion of elderly population

Objective 3.3 Ensure transportation options are available during emergency evacuations for the elderly and persons with disabilities

MOE - Transit service route miles within 0.5 miles of TAZs with a high proportion of elderly population

Public involvement was noted in long-range transportation plans (LRTPs) as the primary method for identifying and determining possible impacts to protected populations. Appendix B contains an excerpt from the Miami-Dade 2035 Long-Range Transportation Plan that describes their efforts to involve protected populations in detail. The same was true for non-automobile plans such as transit, transportation disadvantaged, coordinated human services, bicycle, and pedestrian plans. Public participation plans (PPP) were frequently cited as the key document guiding MPO Title VI and EJ practices in ongoing transportation planning activities. In addition, some MPOs indicated that public outreach efforts in development of the LRTP and during the ETDM Planning Screen serves to eliminate projects with potential Title VI or environmental justice impacts.

MPOs sometimes use specific project selection criteria to determine which projects from the needs plan will be part of the cost-feasible plan or which projects will move from the cost-feasible plan into the transportation improvement program. Among MPOs interviewed, three indicated that their project selection criteria addressed Title VI or environmental justice either directly or indirectly. For example, one stated that transit projects are given a higher priority if they serve a protected population. Some MPOs indicated that their LRTP contains so few funded projects that the potential for Title VI impacts is negligible.

One MPO pointed out that planned projects receiving federal and/or state funds go through additional scrutiny relative to Title VI during public outreach efforts for the FDOT Five-year Work Program. Another MPO indicated that their performance indicators touch on effectiveness relative to civil rights considerations (e.g., hurricane evacuation options for elderly and low-income populations). One MPO plans to add specific measures of effectiveness to their next LRTP to measure effects on low-income, ADA, and minority populations.

### ***TITLE VI COMPLIANCE***

As an FDOT subrecipient of federal funding, each MPO is subject to Title VI monitoring. FDOT requires each MPO to have a Title VI officer who works with both the District community liaison coordinator and the District Title VI coordinator and is the point of contact for all Title VI assurance statements, complaints, and reporting. The MPO Title VI officer must submit an annual report to the applicable District Title VI coordinator, who in turn reports results to the Statewide Title VI Coordinator. As part of

its unified planning work program (UPWP), each MPO must annually adopt a nondiscrimination assurance statement which serves as the MPO's Title VI Plan required by 23 CFR Part 200. MPOs must adopt an Equal Employment Opportunity (EEO) statement for hiring staff members and a Disadvantaged Business Enterprise plan in accordance with 23 CFR 450.334 if entering into contracts.

All MPOs interviewed have an adopted Title VI nondiscrimination policy and a written complaint procedure in place for addressing complaints of discrimination. Three of the seven MPOs interviewed have the Title VI policy and complaint procedure available on their website. Even though official complaint forms are available, some interviewees stressed that complaints in any written form would trigger the established complaint resolution process.

MPOs were asked to briefly describe their Title VI complaint resolution procedures. None of the participating MPOs had received a Title VI complaint during the employment tenure of the interviewees and perceptions differed in terms of how they should be handled. Methods noted for handling Title VI complaints included forwarding them to the appropriate FDOT District office, directing them to the FDOT District Title VI Coordinator for investigation and remediation, or internal resolution of the complaint by the MPO with copies to the FDOT District on all correspondence. One MPO indicated that such complaints would be forwarded to the county ADA office.

MPOs reported having a good working relationship with their FDOT District, the FDOT Central Office, and FHWA Division Title VI staff on Title VI considerations. In addition, MPOs are aware of written guidance and available training offered regarding Title VI and environmental justice, and many had availed themselves of those resources. Although some MPOs noted that they have insufficient staff capacity to perform additional work beyond their current Title VI and environmental justice activities, several expressed a desire to improve their programs and all were open to additional resources.

Two MPOs expressed specific concerns relative to Title VI compliance - one perceives that their programs and policies may not be up-to-date and the other believes local training may be necessary. Specific suggestions offered for assistance on Title VI and EJ considerations include: 1) provision of additional reference materials, including a periodic newsletter or memorandum reflecting recent developments (i.e., such as court decisions and or policy or definition changes); and, 2) provision of more training opportunities.

#### **Federal Laws Addressed During Certification Review:**

1. Metropolitan planning requirements identified in 23 USC §134 and 49 USC §5303;
2. Title VI of the Civil Rights Act of 1964, as amended;
3. Discrimination in employment or business opportunity on the basis of race, color, creed, national origin, sex, or age as described in 49 USC §5332;
4. Section 1101b of SAFETEA-LU, relating to involvement of disadvantaged business enterprises in USDOT-funded projects;
5. Implementation of an equal employment opportunity program as described in 23 CFR Part 230;
6. Provisions of the Americans with Disabilities Act of 1990;
7. Discrimination on the basis of age as prohibited by the Older Americans Act;
8. Prohibition of discrimination on the basis of gender, as described in 23 USC §324 ; and
9. Section 504 of the Rehabilitation Act of 1973 regarding discrimination against individuals with disabilities.

Source: *FDOT MPO Program Management Handbook*, Section 7.5. July 5, 2007.

## **CERTIFICATION OF THE TRANSPORTATION PLANNING PROCESS**

Federal law (23 U.S.C. 134(k)(5)) requires that the transportation planning process of each MPO be regularly certified to ensure that the process is “addressing major transportation issues” and that it is being conducted in accordance with certain federal laws (see inset on page 29). Certification is performed jointly by the state and each MPO on an annual basis and quadrennially by the federal government (FHWA and FTA) for transportation management areas (TMAs). Because multiple MPOs can be included in a single TMA, a certification review sometimes covers more than one MPO. For example, the Miami Urbanized Area extends into parts of Miami-Dade, Broward, and Palm Beach Counties. Three MPOs are in operation in this area: the Miami-Dade MPO, the Broward MPO, and the Palm Beach County MPO. A single quadrennial certification review is performed that encompasses all three MPO areas.

Chapter 7 of the *FDOT MPO Program Management Handbook* provides guidance to MPOs and District staff regarding the certification process. The application of federal law is examined throughout the MPO planning process, general business operation, public involvement activities, and intergovernmental coordination. Section 7.22 contains a list of 45 questions that identify “those minimum tasks that an MPO shall do in order to be fully certified.” The following twelve questions from the Handbook relate specifically to Title VI and nondiscrimination:

1. Does the MPO have a signed Title VI policy statement expressing commitment to non-discrimination? [23 CFR 200.9 (a)(1)]
2. Does the MPO take action to correct any deficiencies found by the Department within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance? [23 CFR 200.9 (a)(3)]
3. Does the MPO have a staff person assigned to handle Title VI and ADA related issues? This does not need to be a full-time equivalent position, but there should be at least someone at the MPO for whom Title VI and ADA is an extra duty area. [23 CFR 200.9 (b)(1); 49 C.F.R. 27.13]
4. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with the Department’s procedure? [23 C.F.R. 200.9 (b)(3)]
5. Does the MPO collect statistical data (race, color, national origin, sex, age, disability) of participants in, and beneficiaries of the programs and activities of the MPO? [23 CFR 200.9 (b)(4)]
6. Does the MPO conduct an annual review of their program areas (for example: public involvement) to determine their level of effectiveness in satisfying the requirements of Title VI? [23 CFR 200.9 (b)(6)]
7. Has the MPO participated in any recent Title VI training, either offered by the state, organized by the MPO, or some other form of training, in the past year?
8. Does the MPO have a signed Non Discrimination Agreement, including Title VI Assurances, with the State?

9. Do the MPO's contracts and bids include the appropriate language as shown in the appendices of the Non Discrimination Agreement with the State?
10. Does the MPO hold its meetings in locations that are ADA accessible?
11. Does the MPO take appropriate steps to ensure its communications are available to persons with impaired vision and hearing? [49 C.F.R. 27.7 (6)(c)]
12. Does the MPO keep on file for one year all complaints of ADA non-compliance received and for 5 years a record of all complaints in summary form? [49 C.F.R. 27.121]

The federal certification review is an ongoing process, during which MPO planning products are evaluated, and culminates in a site visit by the reviewing parties. Planning products reviewed include the annual unified planning work program, the long-range transportation plan, and the annual transportation improvement program (see Table 7). FHWA leads the certification effort which includes FTA, the MPO, and the appropriate FDOT District; the opportunity for public involvement is provided. A written report is presented to the MPO Board which indicates if the MPO is certified, certified with conditions, or not certified. Repeated failure to achieve certification can result in a withholding of federal transportation funding to the MPO region.

MPOs that are certified with conditions are given a list of specific “corrective actions” that must be undertaken in order to fully comply with federal law. Corrective actions usually have a specific date for implementation and progress toward the corrective action is a major component of joint annual certifications. Examination of a few recent quadrennial certification review reports for Florida MPOs revealed that findings included corrective actions in the following areas:

- Provision of a Title VI nondiscrimination policy, complaint procedure, and coordinator
- Provision of procedures related to limited English proficiency
- Improved ability to track community profiles
- Representation on the citizens' advisory committee

Notably, the transportation planning processes of all Florida MPOs reviewed were certified. Further, most corrective actions were largely remediated by the subsequent joint annual certification review, and all were remediated by the quadrennial certification review. A number of noteworthy activities were also recorded in the one of certification reports from District 4:

- District 4 is working to develop a District-wide interactive TIP tool employing software that could be used by all MPOs in the District, promoting the usefulness of TIPs at the regional level.
- St. Lucie County TPO makes audio tapes of the TPO Board, advisory committee, and LCB meetings available free of charge; videotapes of the Board meetings are available free of charge.
- The St. Lucie TPO hosted a successful and effective Regional Transit Summit attended by over 150 individuals to facilitate a consensus-building process to determine the best way to establish regional transit for the area. Elected officials, agency representatives, community leaders, and citizens throughout the Treasure Coast region were provided with a forum for stakeholder discussion and

interaction. In addition, FTA, FDOT, and transit industry leaders shared their experiences with similar efforts.

Annual certification reviews, performed jointly by the state DOT and the MPO, ensure that the MPO continues to meet its obligations under federal law. In general, the joint annual certification report includes discussions regarding areas for improvement, progress on corrective actions, and examples of outstanding practice at the MPO. Full joint certification must be performed at least every four years in TMAs, preferably in conjunction with the quadrennial federal certification review. The District and MPO may perform a modified joint certification review, which is less –in-depth and focused “on those areas of the planning process that need improvement.”

The District community liaison coordinator is responsible for coordinating the joint reviews and generating a final report for each MPO. Upon completion of the joint certification review process, a certification statement is signed by the District and the MPO and included in the MPO’s adopted unified planning work program. Representative joint certification review reports were reviewed to enhance understanding of current Title VI and environmental justice practices.

MPOs were asked whether Title VI and environmental justice had been mentioned in a certification review as an issue of concern or corrective action. The interviews uncovered a solitary example of a corrective action related to Title VI issued in an MPO quadrennial certification review over a decade ago. Since then, the MPO has dramatically increased its public involvement capacity including development of a socioeconomic demographic system which is capable of generating detailed community demographics profiles. Several MPOs reported that their most recent certification review included a non-punitive “suggested improvement” to increase their efforts related to limited English proficiency.

Analysis of some joint certification review reports revealed that although they contained no corrective actions, they did contain recommended actions for improving the MPO transportation planning process. A sampling of the recommend actions related to Title VI and environmental justice include:

- Continue to improve the public’s participation in the planning process by maintaining the scheduled calendar for technical advisory and citizen advisory committee meetings
- Consider continued and regular website updates
- Provide hard copies of MPO Board meeting agendas at least seven days prior to meetings to allow for comment
- Participate in an effort to hold a public outreach best practices workshop with other MPOs in the District and share emerging trends in public involvement

## **TITLE VI ACTIVITIES OF MULTI-MPO COORDINATING AGENCIES**

Florida has several formal multi-MPO coordination agencies to ensure coordination of MPO long-range transportation planning among adjacent MPOs in large metropolitan areas. These groups meet regularly, perform joint planning tasks, and share information, although each is organized and governed differently. Some of the multi-MPO organizations have adopted documents and established processes for addressing Title VI and EJ issues, as discussed below.

### **CHAIRS COORDINATING COMMITTEE**

The West Central Florida Chairs Coordinating Committee (CCC) is a statutorily-mandated (FSS § 339.175 (6) (i)) alliance of Citrus County and six MPOs in and around Tampa Bay—the Hillsborough, Pinellas, Pasco, Hernando, and Sarasota/Manatee MPOs and the Polk TPO. The CCC adopts a super-regional 20-year long-range transportation plan and has also produced a regional trails plan. The CCC Long-Range Plan includes several items relating to Title VI and EJ:

- Analysis of low-income neighborhood locations
- Analysis of households lacking automobiles
- Analysis of paratransit demand
- Demographics analysis focusing on aging population

As a subrecipient of Federal funds—particularly PL and 5303—the CCC is required to conform with the Environmental Justice Executive Order and *Title VI of the Civil Rights Act*. Toward that end, the CCC Board has two documents relating to Title VI and Limited English Proficiency:

- 1) Title VI Discrimination Complaint Procedure.<sup>25</sup>
- 2) Limited English Proficiency (LEP) Policy and Plan.<sup>26</sup>

### **SOUTH EAST FLORIDA TRANSPORTATION COUNCIL**

The South East Florida Transportation Council (SEFTC) is an alliance of the Miami-Dade, Broward, and Palm Beach MPO Board Chairs. SEFTC was established by resolution of the Florida Legislature and a memorandum of understanding was subsequently signed by all three MPOs. The group meets quarterly. SEFTC has a technical committee and produces a regional long-range transportation plan that includes a cost-feasible plan. The SEFTC plan is used by the member MPOs when drafting their respective long-range plans.

The SEFTC plan contains several items of interest to the project:

- An analysis of the equity issues surrounding HOV lanes on I-95
- Quality of life goals and measures of effectiveness
- An analysis of the market for Tri-Rail
- Cataloguing of the unfunded projects, along with an analysis by neighborhood and local government. The effort is used to understand if any one group is underserved by the plan.

The SEFTC regional long-range transportation plan contains a clause in the legal disclaimer that says the plan is compliant with all sections of federal law relating to metropolitan planning.

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<sup>25</sup> Available at [http://www.regionaltransportation.org/Docs/TitleVI\\_LEP/TitleVI\\_Complaint%20Procedure.pdf](http://www.regionaltransportation.org/Docs/TitleVI_LEP/TitleVI_Complaint%20Procedure.pdf) 2011/2012.

<sup>26</sup> Available at [http://www.regionaltransportation.org/Docs/TitleVI\\_LEP/LEP.pdf](http://www.regionaltransportation.org/Docs/TitleVI_LEP/LEP.pdf) 2011/2012.

## DISCUSSION AND OBSERVATIONS

The interviews with FDOT District staff and representative Florida MPOs revealed a widespread understanding of – and commitment to – Title VI and environmental justice ideals and intent. When MPOs were asked how Title VI and environmental justice practice had changed over the last few planning cycles, the consensus was that efforts have noticeably increased. Many of those interviewed stated that Title VI and environmental justice principles had become ingrained into their agency’s activities—one respondent termed it “institutionalized.” Specific comments included:

- “There is more outreach going on during plan updates. There are increased efforts through focus groups, minority neighborhood outreach, etc.”
- “Awareness of the issues seems to have improved... Transit is new to the county and it was largely designed with Title VI and environmental justice protected populations in mind.”
- “The MPO has developed a practical knowledge of how to reach all members of their community.”
- “The MPO is trying to be proactive instead of reactive.”
- “Ever since ETDM became standard, the level of evaluation has been pretty much the same.”

MPOs in Florida are working to integrate equity and civil rights considerations throughout their plans, rather than considering these issues as separate items. A review of Florida MPO long-range transportation plans further revealed that several LRTPs have goals or objectives that address the needs of low-income and minority populations and special needs groups, although few directly mention Title VI. Typical topics include:

- Provision of mobility to the transportation disadvantaged
- Enhanced transit service, which is assumed to benefit low-income populations more than others
- Improved access and mobility for transportation-disadvantaged populations
- Involvement of traditionally underserved or special needs populations, such as low-income, minority and Limited English Proficiency individuals

Florida MPOs clearly view public involvement as the primary method for ensuring that the interests of Title VI and EJ populations are identified and addressed. As a result, they are working to involve minority, low-income, elderly, and disabled populations in their decisions more directly. Florida MPOs have also taken a variety of steps to better engage those having limited English proficiency in the planning process. Translated documents and verbal translation services are now widely available at MPOs and a few MPOs have multilingual staff members attend public involvement events and assist with telephone inquiries. Many MPOs in Florida serve as the planning agency for the region’s transportation-disadvantaged program, and see their coordinating boards for the transportation disadvantaged as key resources for connecting with protected populations – particularly the elderly and disabled.

Overall, MPOs placed less emphasis on the value of ETDM than did FDOT for identifying and addressing the interests of protected populations in the planning process. This is to be expected, given that most public comments are received through traditional public involvement methods conducted by MPOs or the Districts, such as meetings, workshops, surveys, advisory groups and so on. Nonetheless, they did indicate

that ETDM planning screens have provided valuable information – especially in relation to environmental resources.

FDOT Districts uniformly felt that ETDM has been an important part of their efforts to address Title VI and environmental justice. A random review of ETDM planning and programming screens for FDOT projects revealed comments relative to civil rights considerations and confirmed that sociocultural effects evaluations are being recommended in areas with a high concentration of Title VI populations prior to project development. It further revealed that resource agencies, including EPA and FHWA, are commenting on Title VI and environmental justice considerations. The ability to coordinate with MPOs and resource agencies on these issues early in planning is clearly of value to FDOT Districts in their efforts to ensure that Title VI considerations are adequately addressed in later phases.

Another clear finding is that the statewide process for ensuring compliance with Title VI in Florida is extensive and fully integrated into FDOT and MPO planning processes. A State Title VI Coordinator works with a network of District Title VI coordinators, District program area officers, MPO Title VI officers, and other subrecipients to maintain agency compliance with civil rights directives. Each District Title VI coordinator submits quarterly reports to the State Title VI Coordinator who, in turn, performs an annual Quality Assurance Review of each District and FDOT subrecipient, including each MPO.

The MPO Title VI officer must submit an annual report to the applicable District Title VI coordinator, and serves as the local point of contact for all Title VI assurance statements, complaints, and reporting. In addition, each MPO must be certified by the State and Federal government for compliance with federal and state laws, including Title VI. Certification is performed jointly by FDOT and each MPO on an annual basis and every five years by the federal government (FHWA and FTA) for larger MPOs that are transportation management areas (TMAs). This certification process, along with routine Title VI compliance monitoring, continues to identify refinements to existing practices and nudge MPOs toward even greater consideration of Title VI and environmental justice in their planning activities.

Although some MPOs noted that they have insufficient staff capacity to perform additional work beyond their current Title VI and environmental justice activities, several expressed a desire to improve their programs and all were open to additional resources. Together with ETDM, FDOT's Public Involvement and Sociocultural Effects Handbooks and associated training provide FDOT and MPO staff with extensive technical guidance for carrying out the environmental screens and sociocultural effects evaluations that are critical to ensuring that the needs of low-income and minority populations are addressed.

## **POTENTIAL ENHANCEMENTS TO CURRENT PRACTICE**

The review of national practices, peer reviewed literature, and government documents offered numerous insights into best practices and emerging trends relative to the integration of civil rights considerations into transportation planning. This review, along with findings of the current practice review noted above, provided several ideas for enhancing Florida MPO and District efforts to address environmental justice and Title VI in transportation planning.

A general theme of the literature and case examples is that in addition to overall efforts to improve the quality of plans and public involvement, civil rights and equity considerations should be directly addressed through programmatic means and technical analysis. Below is an overview of best practices identified through that review that could be considered for enhancing the state of the practice in Florida.



## ***IDENTIFYING TITLE VI POPULATIONS***

**Potential Enhancement:** Develop community profiles for the planning area and maintain a GIS database with the capability to analyze socioeconomic demographics; use thresholds or indices to define target populations and locate them spatially.

- Large MPOs could develop a GIS database and/or the equivalent of Miami-Dade County MPO's Integrated Transportation Information System, ITIS, so they may perform unique data analysis including generating neighborhood socioeconomic profiles. The ITIS, for example, allows the MPO to generate customized demographic reports and maps for target areas, recall historical reports on communities, and identify appropriate public involvement strategies for those populations and can be viewed at <http://www.miamidade.gov/mpo/m12-minisites.htm>. Broward and Palm Beach County have sponsored the expansion of the system into their counties resulting in a true regional database tool. Another, less comprehensive, example is the Space Coast TPO's Community Characteristics Inventory, which may be adequate for mid-sized MPOs.
- The Efficient Transportation Decision Making (ETDM) mapping function presently generates maps based on simple percentages of specific groups in a defined planning area. FDOT and MPOs could consider the use of thresholds or an environmental justice index to provide for more specific identification of Title VI populations and support planning level analysis of issues such as accessibility, mode choice, community cohesion, visual impact, and livability. These methods are discussed extensively in the literature; they are reviewed in detail in Appendix A.

## ***PUBLIC INVOLVEMENT***

**Potential Enhancement:** Establish an ongoing or concerted public involvement effort that is specially oriented toward achieving a better understanding of the needs of Title VI populations.

- (MPOs) Establish an Environmental Justice Advisory Committee or Task Force served by a staff person with technical expertise in the subject matter similar to the Delaware Valley Regional Planning Commission (DVRPC) example discussed below. Although Florida law does not allow citizen appointees to vote on the MPO policy board, a representative of the advisory committee could be granted a non-voting seat on the policy board. (NOTE: Florida law does require representation of traditionally underserved groups on citizens advisory committees. FS 339.175(4)(e) notes that: "Each M.P.O. shall appoint a citizens advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.")
- (MPOs) Continue to refine and improve the MPO Public Participation Plan, which sets forth strategies for involving Title VI populations and others that may be traditionally underserved in the public involvement process. (NOTE: this is required by SAFETEA-LU in 2005 in 23 USC 134 (i)5(B). Example strategies include Environmental Justice Advisory Committees (noted above) as well as advertising in local media (e.g., Spanish language newspapers or radio); translating materials into other languages using translators or translation software; developing and maintaining mailing and/or e-mail lists of residents or community leaders; focus groups; mobile presentations and speaker's bureaus with prepared materials; and working directly through community leaders.

- (FDOT) Take steps to advance public involvement of Title VI populations in the FDOT District planning processes in non-urbanized areas. A specific suggestion is for FDOT to work with regional visioning and planning partners to ensure Title VI populations are well represented in development of regional transportation plans and visions.
- (MPOs and FDOT) Periodically contact community leaders, representatives of nonprofit organizations and others that represent Title VI populations in the planning area relative to their perceptions of the public involvement process and how it might be improved; document the results and actions taken. For MPOs, this could be reported as part of the joint and quadrennial certification review process.

### ***EVALUATING BENEFITS AND BURDENS***

Potential Enhancement: MPOs should develop a process for system-level analysis of the distributional effects of transportation investments in each region and document the results for use in planning decisions. This should include evaluation of accessibility to jobs and other needs, as well as choice of travel alternatives. Ensure that performance measures and prioritization processes are sensitive to these issues. In particular, this should occur during development of the MPO long-range transportation plan (LRTP).

- During alternatives analysis, evaluate the impacts on relative accessibility of special needs populations to jobs, services, and other basic needs. Accessibility in large urban areas may be readily evaluated using travel demand models or activity based models. Other areas may use simple sketch planning methods, documentation of issues identified, and professional judgment.
- Address the needs of all populations in the planning area. For transit dependent populations, it is particularly important to address the availability of a range of alternatives to private ownership of automobiles, such as high quality transit service, carshare/bikeshare programs, and transportation-disadvantaged programs, as well as the quality and connectivity of bicycle and pedestrian networks. Geographic information systems (GIS) are the primary method to assess choice of options.
- Consider resource distribution in relation to sociodemographic needs and whether equivalent priority is placed on providing high quality service to low-income, minority communities.
- Include a discussion as to whether adverse effects of transportation actions are being shifted onto low-income and minority populations. This is particularly an issue for new highway alignments, transit station area location decisions, or decisions that would increase auto/rail/truck traffic through largely low-income or minority areas. The level of detail in the planning analysis of transportation impacts or “burdens” generally relates to the level of public concern expressed; those issues of greatest concern should be evaluated in more detail, while more basic methods could be used for other issues.
- Ensure that benefits and burdens considerations are reflected in the LRTP goals, objectives and measures of effectiveness. This objective from the METROPLAN Orlando 2030 LRTP is an example: “Identify the needs of low-income and minority populations, involve these populations in the planning process, and seek to equitably distribute the benefits and burdens of transportation investments among all populations.”

## **TRAINING AND OTHER CONSIDERATIONS**

Potential Enhancement: FDOT should offer additional training relative to Title VI and environmental justice, with particular emphasis on techniques for assessing benefits and burdens in the planning process, and periodically apprise staff and consultants of any recent developments in Title VI/EJ as it relates to transportation planning.

- Consider hosting the NHI course “Fundamentals of Title VI/Environmental Justice.”
- Develop online training on Title VI and environmental justice and how benefits and burdens could be addressed in the transportation planning process. The online training could be required for all planning consultants, FDOT District planning and programming staff, and MPO staff along with a certificate of completion that is submitted with regularly-scheduled Title VI reports.
- Planning consultants should demonstrate that they have participated in at least one training session provided by the FDOT Statewide Title VI Coordinator.
- Conduct periodic statewide webinars and meetings to convey recent developments in Title VI/EJ and facilitate information and idea exchanges across Districts, MPOs and consultants in the state. A newsletter can help inform staff of evolving responsibilities and announce upcoming training events.

## **CONCLUSION**

Although FDOT and MPOs in Florida have made considerable strides in their efforts to advance civil rights and environmental justice, more can always be done. This study suggests future efforts should be focused into four key areas:

1. Develop community profiles for the planning area and maintain a GIS database with the capability to analyze socioeconomic demographics, define target populations, and locate them spatially.
2. Establish an ongoing or concerted public involvement effort that is specially oriented toward achieving a better understanding of the needs and concerns of low-income and minority populations.
3. Develop a process for understanding the distributional effects of transportation investments on accessibility of low-income and minority populations to jobs and services and on the availability of transportation alternatives in each region. Document the results for use in planning decision making. In particular, this should occur during development of the MPO long-range transportation plan (LRTP).
4. Offer additional training relative to Title VI and environmental justice through FDOT Central Office and periodically apprise staff and consultants of any recent developments in Title VI/EJ as it relates to transportation planning.

Taking these steps will help address one of the continuing challenges of our time – the need to increase the availability of travel choices in metropolitan areas; especially for those who, due to economic disadvantage, disability or age, are not able to drive. In sum, efforts to increase equity and social justice in the transportation planning process increase the potential for transportation solutions that benefit all persons, regardless of age, income, ethnicity or gender.

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## APPENDIX A: ENVIRONMENTAL JUSTICE ANALYSIS TECHNIQUES

In 2004, the National Cooperative Highway Research Program (NCHRP) published NCHRP Report 532, which focuses on environmental justice analysis techniques for transportation planning practitioners.<sup>27</sup> The report is organized around environmental justice issues that may arise during transportation planning and policy development. The authors indicate that analysis methods focus more on project planning, as this is when environmental justice concerns are more likely to arise and more complex, detailed analysis is typically needed. However, methods for analysis of long-range planning or investment decisions are also provided.

Issues that arise in the context of statewide or regional planning tend to relate to resource distribution and whether plans meet the needs of all populations in the planning area. The authors advise that the level of detail required in the planning analysis of these issues relates to the level of public concern expressed; those issues of greatest concern should be evaluated in more detail while more basic methods could be used for other issues. Table A-1 includes selected methods for identifying the locations of protected populations in statewide or regional planning contexts.

Table A-1. Selected methods for identifying protected populations.

METHOD	ASSESSMENT LEVEL	APPROPRIATE USES	USE WHEN	DATA NEEDS	EXPERTISE REQUIRED
1. <b>Local knowledge and public input</b>	All	Recommended in all situations	Initial evaluation of potential for distributive effects and to assure quality of findings of other methods	Low	Local area/ community involvement
2. <b>Threshold analysis</b>	Screening/ detailed	Regional plans, STIP/TIP*, system assessment	Demographic patterns must be evaluated for large areas	Low	GIS, Census data
3. <b>Customer survey</b>	Detailed	All	System users could experience distributive effects	Medium/ high	Survey design
4. <b>Historic data review</b>	Detailed	All	Past projects or investment plans are at issue, or when population trends are needed	Medium/ high	GIS, Census data
5. <b>EJ index</b>	Screening/ detailed	All	Combined analysis of multiple demographic factors is needed	Medium/ high	Census data, GIS

Source: Adapted from Table 2-1 in NCHRP Report 532, p.23.\*STIP refers to State Transportation Improvement Programs developed by the state transportation agency. TIP refers to a Transportation Improvement Program of the metropolitan planning organization. These improvement programs include transportation projects that are selected by the MPO for funding, along with the funding amount for each project.

<sup>27</sup> D. Forckenbrock and J. Sheeley. Effective Methods for Environmental Justice Assessment, NCHRP Report 532. Transportation Research Board, Washington, DC. 2004.

The first method is self-explanatory and involves **use of local knowledge** as well as **obtaining public input** through surveys, interviews or other similar methods. This method is widely used and can offer both qualitative and quantitative data and according to the report, “should be applied to assessment of most transportation policies, programs, and projects.” As further noted in NCHRP Report 532, “Even if other methods are used to identify protected populations, local knowledge and public input should be used to verify results.”

The second method, called the **threshold method**, is among the more widely used methods by planning agencies conducting environmental justice assessments. It involves use of a geographic information system and entails the following steps:

1. Define the study area. This will vary based on the coverage of a plan or policy.
2. Select analysis units to be used. This varies based on the level of precision needed. Examples provided include by County, census tract, or traffic analysis zone.
3. Acquire data and compute demographic statistics. This generally involves computations using Census data.
4. Determine threshold levels. These levels can be defined subjectively, through say a working group process, or based on regional averages. For example, a threshold may be whether the minority population in a given area is equal to or greater than the countywide average.
5. Identification of protected populations. Each unit of analysis is examined based on the established threshold and those units meeting the threshold for protected populations are identified.

Examples of threshold method applications in planning identified in the literature include (*see also* Case Examples):<sup>28</sup>

- Metropolitan Transportation Commission (MTC), the metropolitan planning organization for the San Francisco Bay area, uses the Threshold Method to evaluate and map changes in transportation accessibility for neighborhoods defined as “disadvantaged” or “not-disadvantaged.” The definitions were derived from a 1997 report that used Census data on median household income, public assistance income, and median gross rent as a percentage of household income to identify disadvantaged neighborhoods (e.g., identifies census tracts with households at 80 percent or less than each county’s median household income). Regional travel zones that correspond to these census tracts were then identified and an analysis of accessibility conducted using the MTC regional travel demand model. The analysis applied two sets of measures: a) total jobs within 30,45, 60 and 75 minutes travel time by either drive alone, carpooling, or transit, stratified by zone-of-residence; and b) weighted accessibility, by drive alone, carpooling, and transit, also stratified by zone-of-residence.
- The Puget Sound Regional Council did a study that found that the Threshold Method had been used in 16 out of 21 EJ study reports done by metropolitan planning organizations to compare the distribution of effects of transportation projects on “EJ” and “non-EJ” community types.

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<sup>28</sup> F. Torres, “A Proportional Method to Assess EJ Impacts that Does not Require the Definition of Protected/Unprotected Geographic Units,” *87th Annual Meeting of the Transportation Research Board* (CD-Rom), Washington, D.C., 2008.

- The North Central Texas Council of Governments or NCTCOG, which is the MPO for the Dallas-Fort Worth area, used the Threshold Method as part of its Mobility 2030 Metropolitan Transportation Plan. Members of nine groups<sup>29</sup> considered by the MPO to be protected populations were located by traffic analysis zone. The zones were defined as “protected and unprotected” based on the proportion of the indicated groups that exceeded regional averages. Levels of congestion were calculated for roadway links in each analysis zone and accessibility to job opportunities was also evaluated for the 2007 base year (no build scenario) and the 2030 long-range transportation plan. Specific variables evaluated were a) number of jobs accessible by roadways in 30 minutes, b) number of jobs accessible by transit in 60 minutes, and c) congestion level experienced. These were evaluated for all groups, protected groups and unprotected groups and ratios were then calculated to determine relative impacts. An example of results of the analysis for one protected population is provided in Table A-2. The environmental justice analysis of the Mobility 2030 transportation network is specifically described by NCTCOG as follows:<sup>30</sup>
  - *A Traffic Analysis Process (TAP) zone with a percentage of a protected class population greater than the regional average of that protected class was classified as protected. ( A Traffic Analysis Process (TAP) zone is a geographic boundary that was previously used to model traffic patterns and traffic volumes on roadways and transit systems, but now Traffic Survey Zones (TSZ) are used because they provide a finer detailed analysis. For this analysis, TSZ were aggregated into TAP zones. )*
  - *After this classification was performed for each TAP, the number of jobs accessible within 30 minutes with an automobile and 60 minutes using transit were calculated for both protected and non-protected classes.*
  - *A comparison between protected and non-protected classes was completed for both the Build and No-Build scenarios explained above to assess the beneficial or adverse impacts associated with improving the transportation roadway and transit system in 2030.*
  - *Job accessibility and congestion levels were calculated and compared for protected and non-protected classes for two scenarios:*
    - Build: The transportation 2030 planned roadway and transit networks are built according to Mobility 2030 and the regional population and employment in 2030 is used.*
    - No-Build: The present-day 2007 roadway and transit network is used with the regional population and employment projected for 2030. This scenario models what the system would be like in 2030 if no additional roadways or transit systems were built.*

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<sup>29</sup> The nine groups were identified including Black, Hispanic, Asian-American, American Indian/Alaska Native, under poverty line (low-income), over 65 years old, under 14 years old, persons with disabilities, and female head of household.

<sup>30</sup> North Central Texas Council of Governments, “Mobility 2030 Environmental Justice Analysis Results Summary,” (undated), [http://www.nctcog.org/trans/mtp/2030/Performance\\_Measures-Web.pdf](http://www.nctcog.org/trans/mtp/2030/Performance_Measures-Web.pdf).



Table A-2. Example of Dallas MPO threshold analysis results (data represent transportation performance measures based on distribution of African Americans.)

Measure	TAP Zones Level Aggregation	No Build	Build	Ratio Build/No Build
Population	All Groups	8,503,146	8,503,146	1.000
	Protected Classes	1,923,327	1,923,327	1.000
	Unprotected Classes	6,579,819	6,579,819	1.000
Number of Jobs Accessible by Roadway in 30 minutes	# of Jobs for All Groups	587,345	811,495	1.382
	# of Jobs for Protected Classes	838,056	1,105,727	1.319
	# of Jobs for Unprotected Class	514,060	725,489	1.411
	Ratio Protected/Unprotected	1.630	1.524	0.935
Number of Jobs Accessible by Transit in 60 minutes	# of Jobs for All Groups	603,842	768,966	1.273
	# of Jobs for Protected Classes	752,916	914,165	1.214
	# of Jobs for Unprotected Class	560,267	726,523	1.297
	Ratio Protected/Unprotected	1.344	1.258	0.936
Congestion Level Experienced	All	0.388	0.298	0.768
	Protected	0.316	0.258	0.816
	Unprotected	0.421	0.314	0.746
	Ratio Protected/Unprotected	1.334	1.220	0.915

Source: North Central Texas Council of Governments, “Mobility 2030 Environmental Justice Analysis Results Summary,” [http://www.nctcog.org/trans/mtp/2030/Performance\\_Measures-Web.pdf](http://www.nctcog.org/trans/mtp/2030/Performance_Measures-Web.pdf).

A widely cited disadvantage of the Threshold Method is its reliance on arbitrary criteria to establish whether an area is protected or not and failure to address impacts on members of protected populations outside of these areas. Using data from the NCTCOG analysis, Torres (2008) developed a modified method called the “proportional method” to address this disadvantage.<sup>31</sup> The method estimates environmental justice effects based on the proportion of protected populations in *all* analysis zones. Torres analysis of the two NCTCOG planning scenarios and variables discussed above suggests the proportional method can produce similar estimates of impact on members of protected populations as the Threshold Method, but for all members within the study area. Table A-3 illustrates his findings.

Table A-3. Comparison of accessibility measures obtained from the Proportional and Threshold methods

Population group	Jobs available by car within 30 minutes by auto				Accessibility with respect to total population	
	Proportional (P)	Threshold (T)	Difference		Proportional	Threshold
			T-P	(T-P)/P		
Total Population	1,282,148	1,282,148				
Below poverty level	1,529,695	1,539,165	9,470	0.62%	19.3%	20.0%
Black	1,487,285	1,536,409	49,124	3.30%	16.0%	19.8%
Hispanic	1,559,073	1,634,973	75,900	4.87%	21.6%	27.5%
American Indian	1,285,059	1,295,013	9,954	0.77%	0.2%	1.0%
Asian American	1,354,397	1,385,110	30,714	2.27%	5.6%	8.0%
Female head of household	1,381,520	1,465,266	83,746	6.06%	7.8%	14.3%
Disabled population	1,378,937	1,381,255	2,319	0.17%	7.5%	7.7%
Older than 65 years	1,379,462	1,421,885	42,423	3.08%	7.6%	10.9%

Source: F. Torres (2008).

<sup>31</sup> F. Torres, 2008.

The third method in Table A-1, **customer surveys**, is according to NCHRP Report 532, “among the most effective methods for evaluating user demand and user perception of transportation system quality.” For environmental justice analysis, however, survey questions must identify demographic characteristics of respondents. This can be a challenge as most surveys make such information optional. The fourth method, historical data review, is useful for evaluating “long-term population trends and distributive effects of transportation system changes that have occurred in the past.”<sup>32</sup>

The fifth method reviewed, the **EJ index**, uses census data on population density, minority population, and low-income population to produce an index. The higher the index, the more likely an environmental justice concern may be present. It is recommended as a screening technique to identify relative concentrations of protected populations on a map or areas that may benefit from more detailed assessment and outreach. The resulting index may also be used in analyses to identify disproportionately high and adverse effects.

Another set of analysis methods, discussed in Chapter 7 of NCHRP 532, relates to the effect of transportation system plans on users. These methods focus on two key issues – accessibility and choice of transportation options – and are defined as follows:<sup>33</sup>

“In general, accessibility has two main components: (1) the physical ability to reach a desired destination and (2) the degree of difficulty in reaching it... Closely related to accessibility is transportation choice, which refers to the quantity and quality of transportation options available to residents of an area... A key element in environmental justice is to ensure that protected populations have mobility that is comparable to that of other populations; this often means that transportation modes other than the auto must be available.”

Accessibility may be readily evaluated using travel demand models or activity based models and geographic information systems (GIS) are the primary method to assess choice of options. The North Central Texas Council of Governments or NCTCOG approach discussed above used a variation of this method in concert with the Threshold Method to understand how the 2030 long-range plan impacted accessibility to regional opportunities among protected populations in relation to the base year. Gravity models applied in transportation planning models may also be used to explore potential economic impacts of major highway projects by looking, for example, at regional changes in accessibility as they impact minority-owned businesses.

Concerns relative to the impact of planned projects on community cohesion may occasionally arise in the planning phase as well. Analysis methods for planning screens that are suggested in the report include personal interviews, polling, focus groups (to identify interaction patterns), modeling/GIS (general approximations), and stop watch with distance wheel (for pedestrian travel times and distances). These methods may be appropriate when a major transportation project is planned that could create a barrier effect, a major change in travel time within the neighborhood, adversely impact accessibility to key services (e.g., child care, congregational centers), or significantly increase noise or safety hazards.

A suggested method of screening plans for potential noise impacts involves using lookup tables in the Federal Highway Administration Traffic Noise Model (FHWA 2004) or similar models developed by some States. If the initial analysis finds that some projects impacting protected populations would likely create noise levels that require abatement, then additional more detailed analysis could be conducted at the project level.

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<sup>32</sup> Forkenbrock and Sheeley. NCHRP Report 532, p. 40.

<sup>33</sup> Forkenbrock and Sheeley. NCHRP Report 532, pp. 167-168.

Impact on visual quality and “livability” is another topic of growing interest among transportation agencies and the public. The techniques for visual quality assessments identified in NCHRP 532 are primarily intended for early stages of project design, as are the techniques for examining impacts on property values and cultural resources. Photographing existing conditions and using computer graphics or other methods to portray options may be useful for planning screens. For example, the Visual Preference Survey is a method used to compare design choices and determine the type of projects residents may value.

Done and Tong (2008) used the Distance Value Model (DVM) to study the spatial distribution of transportation project and program investments.<sup>34</sup> The DVM uses data available through the Census to spatially compare transportation investments with certain population geographies. The methodology assumes that residents receive less benefit from facilities that are farther away. An equality of means t-test was used to compare an equal distribution of infrastructure to the actual distribution. The results showed underinvestment in Title VI-protected neighborhoods over a five year period (2007-2011) in southern California. The authors suggest that the DVM would be a useful tool for use by MPOs and state transportation planners in development of short- and long-range transportation plans.

### CHALLENGES IN EJ ANALYSIS

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Environmental justice impacts are typically examined either in terms of travel time impacts across groups or relative expenditures by population group on improving transportation conditions. J. Duthie, et al noted the following issues that may arise when conducting these environmental justice analyses in metropolitan transportation planning:<sup>35</sup>

- Lack of demographic forecasts on spatial distribution by race and income and resulting tendency to forecast based on past trends, often inaccurately
- Uncertainty about the locations of future developments and the potential for schools, hospitals and employers to relocate brings into question the accuracy of analyses of future accessibility to opportunities
- Accurate trip tables for accessibility calculations are needed by race and income
- Measures of network performance based on traffic models fail to address reliability, which is key to understanding whether accessibility varies from day to day

These issues primarily address data needs and availability. Duthie notes that “increased use of household travel survey data, activity-based models, and microsimulation” may help address data needs, but also notes a variety of challenges in conducting any meaningful analysis of equity, including a lack of clear guidance on defining equity and a multiplicity of possible equity evaluation methods. Any MPO that conducts EJ analysis must first “decide what type of equity it is trying to achieve and how it will treat the potentially different needs of its population groups.”

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<sup>34</sup> R. Done and D. Tong, “The Distance Value Model: A Geospatial Implementation of Environmental Justice,” *88th Annual Meeting of the Transportation Research Board*, CD-ROM, 2009.

<sup>35</sup> J. Duthie, K. Cervenka, and S. Travis Waller, “Environmental Justice Analysis: Challenges for Metropolitan Transportation Planning,” *Transportation Research Record: Journal of the Transportation Research Board*, No. 2013, Transportation Research Board, Washington, D.C., 2007, pp. 8–12.

Duthie identifies three key focus areas of equity analysis for transportation planning, which are: equity in public participation, equity in funding, and equity of impacts. Current working definitions of equity in transportation planning presented were:

1. Equity of opportunity: defined as equal access to the planning process, generally through public involvement and availability of translators.
2. Equality: equal benefits or change in benefits across groups, sometimes looked at in terms of funding allocation.
3. Market based: described as “you get what you pay for” and evaluated in terms of the relationship between benefits and taxes, fees, etc.
4. Basic needs: basic needs must be met and any additional benefits are evaluated in terms of market based equity.

Another challenging aspect of equity analysis for transportation is the conflicting nature of federal guidance. As noted by Duthie:

“The guidance from FHWA on the distribution of funding and its impacts is conflicting. A memorandum issued in January 2000 states that one of the three basic principles of EJ is to “assure low-income and minority groups receive proportionate share of benefits”. However, the current FHWA policy, as stated on its website, is that beyond the requirement to mitigate disparate impacts, “there is no presumed distribution of resources to sustain compliance with the environmental justice provisions.”(*internal references omitted*)

Other key issues noted by Duthie include:

- Projects in a work program vary in detail and until a project gets more clearly defined, there may be “no accurate way of evaluating the impact that will be felt by each population.”
- “It is similarly difficult to determine years in advance the distribution of funding among population groups, as it is not specified as such in the plan.”
- Differences of opinion exist as to whether plans should redress past problems or only ensure proportionate equity from the base year into the future. For example, if all populations would experience a 10% improvement in travel time, but one group had a much lower travel time to begin with than another, is this still equitable? The author also points out inherent fallacies of comparing future travel times between higher income populations who may choose long commutes for other reasons and lower income populations who may live closer to their destination.
- Difficulty in achieving system wide determinations due to inability to accurately combine individual performance measures results. An effective system level analysis is, as the author notes, “much more intuitive” and requires some discretion. An example provided is where a low-income population may require improved sidewalk networks which are cheaper than roadway projects in other areas. The provision of sidewalks may be identified through public participation, but may lead to a finding of funding inequity.
- Group level data are only available by geographic units. The classification of traffic analysis zones as protected or unprotected has no relationship to the number of people in the zone or the size of the zone and the results also vary depending on how the groups are defined. Add to this, the fact that some protected populations may disperse, rather than congregate. “The choice between group and geographic unit must be made carefully, as each has advantages and pitfalls.”

## ENVIRONMENTAL JUSTICE AND SMART GROWTH

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In a review of contemporary regional planning initiatives, Rast (2006) notes that "...the rationale for regional reforms often fails to include key themes and issues that resonate with minority populations."<sup>36</sup> For example, smart growth and new urbanism focus more on "sprawl-induced quality-of-life concerns," that are most relevant to suburbanites, such as traffic congestion and loss of open space. Efforts to improve regional economic competitiveness are also part of these initiatives, but inner-city low-income minority populations may not directly benefit. For example, revitalization through transit-oriented development (TOD) may displace these populations through gentrification.

Although infill development and racial and economic diversity are stated goals of new urbanism, these goals have largely not been met for a variety of reasons, including the higher costs of infill versus greenfield development. As a result "there is little about the practice of the new urbanism likely to win many converts among inner-city minorities." In addition, low-income and minority leaders tend to focus on social justice and equity considerations. Access to jobs, equity of transportation investments (e.g., transit vs. highway spending, sidewalk improvement programs), public safety, and exposure to air pollution are among the issues that may arise in low-income and minority communities.

The author purports that "equity-based regionalism"<sup>37</sup> should be, but has not been, a prominent theme in smart growth movements, due in part to a lack of meaningful minority participation in these efforts.

"In the long run, however, smart growth is smarter when it helps lift lower-income minorities out of poverty. For that to occur, minority representatives must themselves be at the table when key decisions about neighborhood redevelopment are being made...Environmental justice addresses the weakest link in the smart growth movement – the need for solutions to the problem of urban poverty."

Rast concludes that "mutual synergies really do exist between environmental justice and the new regionalism," but that mentoring may be needed to engage low-income and minority populations more directly in regional transportation and land use policy and to clarify the importance of equity and social justice in smart growth. He also notes that "addressing regional inequities creates win-win situations in which regional economies and prospects for low-income populations are both enhanced."

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<sup>36</sup> Joel Rast, "Environmental Justice and the New Regionalism," *Journal of Planning Education and Research*, Association of Collegiate Schools of Planning, 25:249-263, 2006.

<sup>37</sup> Defined as a focus on deconcentrating poverty, tax-base sharing and more equitable distribution of public services.

# APPENDIX B: MIAMI-DADE MPO PUBLIC INVOLVEMENT PROCESS

PLAN DEVELOPMENT PROCESS  
MIAMI-DADE LONG RANGE TRANSPORTATION PLAN UPDATE TO THE YEAR 2035

4

**Public Involvement Process**  
Public involvement plays an important role in all transportation planning projects. MPOs must provide citizens, affected public agencies, users of public transit, and other interested parties with an opportunity to comment on the LRTP process, as mandated by federal requirements.

The Miami-Dade MPO was committed to providing opportunities for public involvement throughout the duration of the process for other public agencies, stakeholders, property owners, business interests, community groups, environmental agencies, and the general public. The Miami-Dade MPO offered open, frequent, and effective public participation activities throughout the process, including two series of workshops that featured interactive programs to solicit community input on the LRTP goals and objectives and needs plan projects.

In June 2008, the Miami-Dade Long Range Transportation Plan to the Year 2035 Public Involvement Plan was developed as a project-specific Public Involvement Program (PIP) to complement the MPO Public Involvement Program. The project PIP identified the mechanisms that were available to interested individuals and groups to participate in the planning process of the 2035 Plan. The project PIP also identified the methods of project coordination that were employed, including business and community groups, public organizations, elected and appointed officials, and agencies having jurisdictional responsibilities over planning and transportation issues.

*Environmental Justice and Title VI*  
Executive Order 12898, ordered in February 1994, directed all Federal agencies to make environmental justice a

key part of their mission by identifying and addressing the impacts of programs, policies, and activities on both minority and low-income populations. Throughout the study process, the provisions of environmental justice, as defined by the Federal Highway Administration, were considered to ensure that the Plan was consistent with Title VI of the Civil Rights Act. MPO staff and consultants made every effort to include all affected parties from varying socioeconomic groups to ensure that their input was considered in the 2035 LRTP.

The MPO is committed to developing strategies and methods to address the degree of impact of proposed transportation projects on minority and low-income communities. The MPO has developed a web-based GIS application, Community Characteristics Program (CCP), whereby planners and decision-makers can create customized demographic, project related reports for any area within Miami-Dade County. This tool aides in the determination of appropriate public involvement strategies to address environmental justice and Title VI requirements. The web application was accessed at: <http://mpoportal.fiu.edu/>

Every effort was made to reach and serve disadvantaged populations during the LRTP update process. Online survey advisories were sent to Haitian American Business News, Amigos for Kids, and We Care of South Dade, Inc, a not-for-profit organization that oversees a network of low-income programs in south Miami-Dade. Furthermore, local, state, and Congressional officials were asked to distribute study information to their constituents. LRTP materials were produced in English, Spanish, and Creole and mailed to residents on the MPO's database. Materials were also hand-delivered to venues serving disadvantaged populations, including

Interactive LRTP Website

[www.miamidade2035transportationplan.com](http://www.miamidade2035transportationplan.com)

The Interactive LRTP website provides users with a wide variety of information pertaining to the development of the 2035 LRTP. Citizens can utilize this website to download materials, stay current with public involvement activities, and provide comments and/or suggestions. Also, the project guide application (powered by Google Maps®) gives users the ability to search and query additional information about projects that are included in the 2035 Cost Feasible Plan.



Miami-Dade Metropolitan Planning Organization 4-7

the Haitian Organization of Women, Homestead City Hall, and Wynwood Neighborhood Service Center. Meeting surveys, agendas, and comment cards were produced in English, Spanish, and Creole. Spanish and Creole-speaking translators were on-hand at public meetings to assist non-English speaking attendees.

Table 4-3 includes a list of organizations dedicated to serving low- and fixed-income and minority populations, all of which were contacted through multiple media outlets to encourage their participation in the LRTP process.

**Table 4-3 | Organizations Serving Low- and Fixed-Income Populations**

Organization	African-Americans	Disabled	Haitian Americans	Hispanics	Homeless	Migrants	Native Americans	Elderly
American Association of Retired Persons (AARP)								•
Amigos For Kids				•				
Association for Retarded Citizens (ARC)		•						
Camillus House					•			
Centro Campesino						•		
Coconut Grove Collaborative	•							
Goulds CDC	•			•				
Haitian Organization of Women			•					
Miami Gardens Seniors Program	•		•	•				•
Miccosukee Tribe of Indians of Florida							•	
Miami Lighthouse for the Blind		•						
NANAY, Inc.			•					•
Sagrada Familia				•				•
Sunkist HOA	•							
Vecinos en Acción				•				•
We Care of South Dade	•	•	•	•	•	•	•	•
Westside HOA	•		•					

**Public Information and Workshops**

Throughout the development of the 2035 LRTP, a variety of outreach techniques were utilized by the MPO staff and consultants to both provide information to the public about the LRTP update process and to solicit their input. Those outreach efforts included print media, electronic media, and face-to-face interactions with various public groups and the public at large. They included the following techniques and activities.

**Interactive LRTP Website**

The MPO developed and maintained an internet site dedicated to the LRTP update process at [www.miamidade2035transportationplan.com](http://www.miamidade2035transportationplan.com). The site contains all pertinent information to the LRTP, including public involvement activities, schedules, and materials and online applications of surveys administered at the public meetings. Another interactive feature of the LRTP website is a project mapping element that can be used to view projects in a Google Maps® environment, which includes aerial photography and other mapping elements. Cost Feasible Plan projects can be accessed through a variety of methods, including by proximity to a particular location, in the path of a particular trip, or simply by project type, such as highway or transit projects. These search methods are illustrated in Figure 4-2 (following page). Where project visualizations exist, they are also accessible in this electronic mapping environment.

**Countywide Mailing List**

The MPO maintained a permanent mailing list of all elected officials, MPO committee members, federal, state, and local agencies, community groups, and individuals interested in long-range transportation planning issues in Miami-Dade County. This mailing list was used as a basis for the dissemination of project brochures, special notifications, and other messages that were appropriate for this group.

**Citizens Transportation Advisory Committee (CTAC)**

**Meetings**

MPO staff and the consulting team made three presentations to the CTAC through the plan development process, including the following:

- May 2009 – Public Involvement Process and results of January/February 2009 public workshops
- September 2009 – Draft Cost Feasible Plan
- October 2009 – Final Cost Feasible Plan

The presentations included the results of the public workshops, a draft review of the cost feasible plan, and a final presentation on the cost feasible plan. Members of the CTAC also participated in a June 20, 2008 television airing of a CBS 4 news story on the interactive *Blocks and Ribbons* public involvement exercise showcased at a June/July 2008 series of public workshops. A write-up on the news story was available at <http://cbs4.com/local/miamidade.transit.2.753251.html>.

**Newspaper Advertisements and Media Advisories**

Under Florida law, all public meetings and workshops must be advertised in a newspaper of general circulation so that the public has an opportunity to attend such meetings. These advertisements were used to announce the date, time, and location of area-specific public meetings. Special efforts were made to make the announcement in local publications such as the Miami Herald, El Nuevo Herald, and En Marche, with high levels of readership in the respective study area.

Media advisories were prepared and sent to the local media requesting citizen participation in the future of Miami-Dade County's transportation system by attending the Long Range Transportation Plan Workshops and participating in on-line surveys. The media advisories included the following:

- June 4, 2008 – Announcing kick-off public workshops held in June/July 2008
- July 1, 2008 – Announcing kick-off public workshops held in July 2008
- September 2, 2008 – Announcing an on line public opinion survey
- January 7, 2009 – Announcing needs plan review public workshops held in January/February 2009
- September 24, 2009 – Announcing the public hearing for LRTP adoption on October 29, 2009

**Radio and Television Shows**

Community involvement in the LRTP process was discussed during radio and TV shows. On June 23, 2008, the Haitian-American WRHB Radio Mega (1020 AM) "Women's Issues" program conducted a live interview to discuss the Miami-Dade 2035 LRTP update. The interview was followed by announcements of upcoming public workshops. On Tuesday, January 27, 2009, during a live broadcast of the City of North Miami Council meeting on Cable Access Channel 77, the LRTP 2035 public meetings were announced. The information was repeated during rebroadcast of the council meeting.

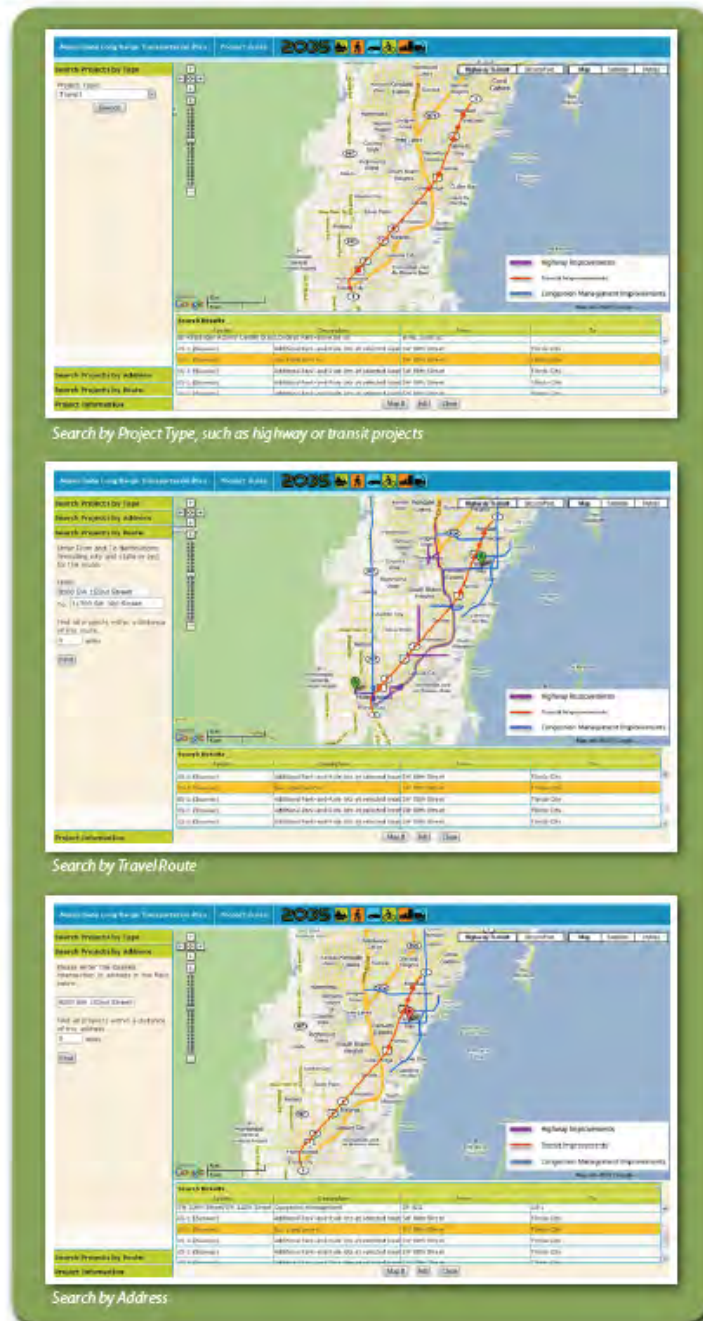
The MPO also taped a television news story that aired on the CBS 4 News on June 20, 2008. The broadcast featured a demonstration of an interactive exercise implemented at public workshops and provided information on how the community could become involved in the LRTP process. Members of the CTAC participated in the program, as did the MPO LRTP Project Manager.

**Multi-Lingual Written Materials, Project Brochures, and Graphic Displays**

Written materials and graphic displays with easy-to-understand text, maps, photographs, and other media were used to convey technical information in clear terms to the general public concerning the project. Large-size, colorful graphics, and maps were used during public meetings to facilitate the public's understanding of the 2035 Plan its issues.



Figure 4-2 | Interactive LRTP Webiste Project Search Methods



Flyers and brochures were developed at key points in the project including at the project start, prior to the public workshops and after the adoption. The first brochure explained the purpose and importance of the Long Range Transportation Plan Update, and how to get involved.



This brochure was produced in English, Spanish, and Creole.

The second brochure explained the future socio-economic (population and employment) conditions that are projected in the Year 2035, Miami-Dade County's associated travel needs within the plan period, and the potential opportunities to improve the County's highway and public transportation system to meet those needs. This was a countywide brochure that featured a full-page for each of the six transportation planning areas in Miami-Dade County.



The third and final brochure summarized the findings of the study process and identified the final recommendations for the

2035 Plan. This brochure will be used to document the final plan development process. This brochure will include

a compact disc insert containing a digital interface with L RTP materials, including technical memoranda produced during the plan development process.

**Community Workshops**

Two series of public workshops were conducted to gather public input at critical stages in the plan development process. Each series consisted of 6 meetings, one in each of the 6 transportation planning areas. The geographically decentralized public involvement process enabled a focus on sub-regional issues that were specific to the distinct planning areas. The first series of meetings was conducted in June/July 2008 as a project kick-off and included an introduction of the L RTP to the community. The second series was conducted in January/February 2009 to present a draft Needs Plan and obtain participants' input on each specific project in the Needs Plan. Both series of workshops included the use of the Option Finder® technology, which is a wireless audience response polling system designed to capture responses anonymously and display results in real time. Survey results remain posted on the screen as audience members compare their personal views with others. The use of this tool was designed to highlight the priorities and key issues important to participants. Most importantly, the Option Finder® reports the level of participation by the attendees, enabling the moderator to ensure 100% participation. The workshops are described in more detail below, including depictions of the tools and pictures taken at the meetings.



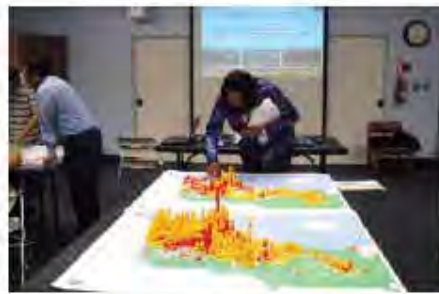

### Blocks and Ribbons Exercise

*Miami-Dade Interactive Transportation Planning*

Utilizing Legos®, two spools of ribbon, and a future land-use map of Miami-Dade County, participants provided their input by identifying corridors in need of transportation improvements. The exercise was completed in groups of eight to ten participants and took about 90 minutes. Participants were instructed to plot future growth in Miami-Dade County by stacking the Lego® blocks vertically on the map in accordance with predefined Miami-Dade Department of Planning and Zoning socioeconomic data projections for the year 2035. The yellow Legos® represented households, and the red Legos® represented jobs. With the purple and orange spools of ribbon, participants were asked to identify transit and highway improvements, respectively. After plating an unlimited length of ribbon on the maps, participants were asked to prioritize their recommended improvements in accordance with transportation funding limitations. Allocations of ribbon were provided to the participants based on L RTP revenue projections. After prioritizing the ribbon on the map, participants examined and discussed their results with their groups. The exercise successfully engaged participants, giving them an opportunity to play the role of the planner and provide their input in an informed and meaningful context.

Series 1: Kick-Off Workshops

The first series of public workshops, held in June/July 2008, included a multi-part interactive agenda made up of a presentation by the Project Manager, a survey, and a hands-on exercise called *Blocks and Ribbons*. The survey consisted of a series of questions designed to poll participants on transportation issues and priorities. The purpose of the survey was to understand and utilize public opinion to finalize the LRTP goals and objectives. The *Blocks and Ribbons* exercise utilized Legos® and ribbons to visualize population and employment growth and needed improvements to the transportation infrastructure. Appendix G includes a complete report of the survey results and the *Blocks and Ribbons* Participants' Workbook.

Series 2: Needs Assessment Workshops

The second series of workshops, held in January/February 2009, consisted of the presentation of the draft Needs Plan and evaluation of the projects in the Needs Plan projects in each respective planning area. At these workshops, participants were given the opportunity to rank/vote for each proposed transportation improvement using the Option Finder® system. Participants were asked to rate each individual project on a five-point scale (Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree). Plots with project locations and aerial photography were displayed for each project to provide a visual reference for participants. Project scores were tabulated for each project and summary statistics of the exercise were presented to the groups at the conclusion of the survey. The surveys from both series of workshops were posted on the LRTP website following the workshops to maximize participation.

In addition to the survey of existing Needs Plan projects, participants were encouraged to provide feedback in the form of comments or proposed project additions to the Needs Plan.

OptionFinder Survey

An audience response system called OptionFinder provided an interactive survey methodology to gauge public sentiment regarding mobility issues and challenges facing Miami-Dade County. This enabled a real-time assessment of the transportation priorities of participants. At each of twelve workshop, participants were asked a series of questions and, using a digital keypad resembling a television remote, keyed in their respective choices. As soon as the choices were selected, the OptionFinder system displayed a chart displaying participants' responses. The use of OptionFinder successfully engaged participants and facilitated the efficient and accurate collection of public input that ultimately helped shape the outcome of the LRTP.

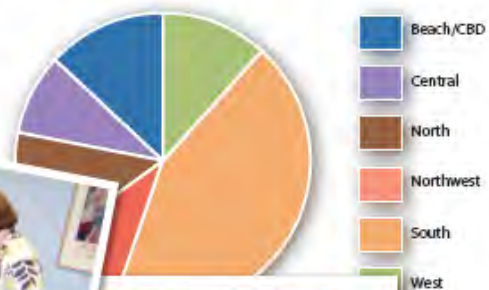


**Visualization Techniques**

SAFETEA-LU requires that transportation plans and programs incorporate the use of visualization techniques to communicate planning concepts to the public. The 2035 L RTP included multiple uses of visualization techniques in a variety of formats, contexts, and applications. Some of the visualization techniques used in the 2035 L RTP development process are listed in Table 4-4.



Population Growth, 2005 - 2035



**Table 4-4 | Visualization Techniques**

Technique	Format	Application/Context
<i>Blocks and Ribbons</i>	Interactive exercise utilizing Legos and ribbons	3-dimensional tool used in workshops to visualize growth and transportation solutions
Density Visualizations	Photographs of varying levels of development intensities	Used in workshops to visualize population/employment growth
Needs Project Evaluation	Project mapping element that includes aerial photography	Used in workshops to evaluate Needs Plan projects
Cost Feasible Plan	Interactive website with mapping element and project specific visualizations	Web application with interactive element
Maps, Charts, Graphs	Various graphic formats	Used throughout process to present various information at various study phases

## APPENDIX C: DISTRICT SOCIOCULTURAL EFFECTS QUICK REFERENCE GUIDE



### **How to Conduct a Sociocultural Effects Evaluation and Enter it into the Environmental Screening Tool**

#### **Introduction**

This guide should be used when conducting a Sociocultural Effects (SCE) Evaluation and entering the information into the Environmental Screening Tool (EST). This guide can be used for both the Planning and Programming Screen projects. The information provided is in accordance with the method the Florida Department of Transportation (FDOT) Districts 3 and 7 have established for their projects.

Additional detailed information can be located in the *Sociocultural Effects Evaluation Handbook* published by the FDOT Environmental Management Office.

#### **Overview**

An SCE Evaluation can be conducted for any project by the FDOT Community Liaison Coordinator (CLC), County, or Metropolitan Planning Organization (MPO) as an Environmental Technical Advisory Team (ETAT) member during the 45-day ETAT review period. It is an evaluation of how a transportation action may affect the quality of life of the citizenry and the following community issues; aesthetics, economics, land use, mobility, relocation and social. Once the evaluation is complete, the information is entered into the Environmental Screening Tool (EST) in a Degree of Effect format. Public comments can be entered into the Public Comment section of the EST for the selected project as well. The following outlines how to conduct an SCE Evaluation, develop the Degrees of Effect, and enter the information into the EST. Pertinent lists and templates are also included as Appendices to this guide.

#### ***Step 1 – Defining the Study Area***

The first step is to define the study area. Information that is useful in defining this is a map, project description, Purpose and Need Statement, and GIS analysis data from the EST. The study area is dependent on the type of transportation action and the existing facility. Typically, the study area would be a 500-foot buffer area from the centerline of the roadway, bridge, etc. If you have an interstate or similar type of project where the roadway or right-of-way width is large consider expanding the study area to ¼- or ½- mile.

#### ***Step 2 – Collect Data***

Once the study area has been defined, data collection, both quantitative and qualitative, can begin. The data collection will present a better picture of what impacts the transportation action may have on the community issues. Appendix A is a list of recommended data for collection along an area of analysis for each type of data. Note that the analysis of some data sources may need to expand beyond the 500-ft. or defined study area buffer to present a realistic view of the potential effects to the project.

### ***Step 3 – Determine Data Sufficiency***

After the completion of the initial data collection, it is important to review what information has been obtained and what information is still missing or needs to be verified. The following questions should be considered when determining data sufficiency:

- Is the community defined accurately?
- Are community resources identified?
- Is the data the best data to evaluate the issues (inclusive, reliable, and current)?

Additional information should then be obtained by desktop data collection, a field visit, and/or by contacting a governmental agency, community group, etc. In preparation for the next step, it is recommended to develop:

- A map with social, recreation, and cultural data along with land use maps both existing and future, if available. These maps should show the study area and resources or existing land uses within that area. These maps can be used during the field review to verify resources and locations.
- Field sheets for each issue, which includes the sociocultural effects issues (outlined in Table 3-1 of the *SCE Evaluation Handbook*), considerations (questions outlined in Section 4 of the *SCE Evaluation Handbook* for that particular issue), summary of data gathered, a list of additional data needed, and space for field notes. An example field sheet is presented in Appendix B.
- A list of interview questions that can be used during the field review when talking with the community, businesses, Chambers of Commerce, local government agencies, etc. A list of example questions is in Appendix C. Please note that if public input is available it should be included with the information provided for the ETAT review under the public comments section of the EST. Any additional public input gathered as a result of the SCE Evaluation should be added to the public comments section.

### ***Step 4 – Conduct a Field Review***

Conducting a field visit to verify information gathered and collect additional data needed is very important. The field review will also provide a visual perspective of what may affect the community issues. It is recommended to take photographs of the roadway, intersections, community facilities, etc. during the field review. Using the maps and field sheets developed either drive or walk the proposed project corridor or facility and carefully evaluate what effects both positive and negative the transportation action may have on each community issue. Once each issue has been reviewed, answer the questions listed on the field sheets under considerations.

During the field review use established questions to interview individuals within the community as outlined in Step 3. It is important to have a community perspective on the existing transportation facility and planned actions.

### ***Step 5 – Develop Degrees of Effect***

Degrees of Effect (DOE) can be developed once sufficient data has been gathered and a field review has occurred. Another consideration is the balancing of adverse and beneficial effects. The following questions are useful in determining significance:

- What is the nature of the effect?
- What is the severity of the effect?
- What is the potential for mitigation?

Each DOE should list:

- Level of DOE (Not Applicable/No Involvement, Enhanced, None, Minimal, Moderate, Substantial, Potential Dispute/Dispute Resolution).
- Identified resources (i.e., residential areas, XYZ Hospital, XYZ Church, Comprehensive Plans, numbered bus routes, etc.).
- Comments on Effects to Resources using the data gathered and field knowledge.
- Recommendations as the FDOT CLC, County, or MPO ETAT member to resolve issues. When developing recommendations consider avoidance, minimization, mitigation, and enhancement measures.

***Step 6 – Entering Degrees of Effect and Additional Information into the EST***

Please note that the user must have write access as a CLC or assistant to the CLC to have rights to enter this information into the EST. Please contact the ETDM Helpdesk with any questions at (850) 414-5334.

To enter the Degrees of Effect select [Wizards → Perform ETAT Review](#)

- Select the project to review and press [Next](#).
- The upcoming screens will display the Project Description and Purpose and Need Statement. Once prompted select Understood, select an Identity, input password, and press [Next](#).
- Select an issue (Aesthetics, Economics, Land Use, Mobility, Relocation or Social)
- Select the Degree of Effect for that issue.
- Input the Degree of Effect information, comments and recommendations and select a coordinating document, if applicable. Then select an Identity, input password, and press [Next](#).
- Repeat these steps for each of the remaining five issues.

To input public comments from field interviews select [Tools → Document Public Involvement Activities](#). Enter the comments, select an Identity and input password.

To upload photographs from the field review select [Tools → Maintain Project Diary → Attach Documents](#).

- Select the type of document (photo).
- Attach the photograph using the Browse button.
- Input a description of the photograph in the File Description field.
- Press Submit and repeat if there are additional photographs.

**Appendix A**

**SCE Evaluation - Recommended Data for Collection**

Type of Data	Area of Analysis
EST GIS data	500-ft.
Demographic characteristics (Census data)	¼-mile
Community facilities/focal points/landmarks	½-mile
Existing and Future Land Use Maps	Entire County

Major employment centers	½-mile or more
History of area and how was it developed (history of communities)	¼-mile
Community names and boundaries	¼-mile
EMS/hospitals/fire stations/police stations	500-ft.
Any pertinent information from the Bureau of Economic and Business Research (BEBR)	500-ft.
Neighborhood associations, if applicable	500-ft.
Schools	½-mile
Parks	¼-mile
Churches	500-ft.
Cemeteries	500-ft.
Revitalization Plans	½-mile
Sidewalks and bikeways	Entire County

## Appendix B

### Field Sheets

#### Social

Date of Field Review: \_\_\_\_\_

<p><b><u>Issues:</u></b></p> <ul style="list-style-type: none"> <li style="width: 50%;">• Demographics</li> <li style="width: 50%;">• Community Goals</li> <li style="width: 50%;">• Community Cohesion</li> <li style="width: 50%;">• Quality of Life</li> <li style="width: 50%;">• Safety / Emergency Response</li> </ul>
<p><b><u>Considerations:</u></b></p> <ol style="list-style-type: none"> <li>1.1 What are the demographics of the potentially affected population?</li> <li>1.2 What displacements of population, if any, would be expected as a result of the project?</li> <li>1.3 Would any increases or decreases in population be expected as a result of the project?</li> <li>1.4 Would any displacement of minority populations be expected as a result of the project?</li> <li>1.5 Are there any disproportionate effects on special populations?</li> <li>1.6 Have minority populations previously been affected by other public projects in the area?</li> <li>1.7 Would the project result in any barriers dividing an established neighborhood(s) or would it increase neighborhood interaction?</li> </ol>



1.8	What changes, if any, in traffic patterns through an established neighborhood(s) would be expected as a result of the project?
1.9	Would any changes to social relationships and patterns be expected as a result of the project?
1.10	Would the project result in any loss, reduction or enhancement of connectivity to a community or neighborhood activity center(s)?
1.11	Would the project affect community cohesion?
1.12	Would the project result in the creation of isolated areas?
1.13	Would any increase or decrease in emergency response time (fire, police, and EMS) be expected as a result of the project?
1.14	Does the project affect safe access to community facilities?
1.15	Would any changes in social value be expected as a result of the project?
1.16	Would the project be perceived as having a positive or negative effect on quality of life?
1.17	Have community leaders and residents had opportunities to provide input to the project decision-making process in the present and/or past?
1.18	Have previous projects in this area been compatible with or conflicted with the plans, goals and objectives of the community?
1.19	Is the proposed project consistent with the community vision?
1.20	Are transportation investments equitably serving all populations?
<b><u>Summary of Data Gathered:</u></b>	
<b><u>Additional Data Needed:</u></b>	
<b><u>Other:</u></b>	

## Appendix C

### Example Questions for Interviewing the Public, Government and Chambers of Commerce

Project Name \_\_\_\_\_

ETDM # \_\_\_\_\_

Date \_\_\_\_\_

Person/Business/Interested Party/Agency Interviewed \_\_\_\_\_

1. Are people commuting locally or long distance? (Commuting from a location within the county to a destination within the county or just driving through the county to reach another county.)
2. Are local facilities being utilized (parks, recreation, social clubs, etc.) by community members or are the community members traveling to other facilities around and outside of the county?
3. Thoughts on the area in general?
4. Thoughts on traffic in the area in general?
5. What are the traffic conditions during specific times of the year (winter vacation, spring break, major holidays, etc.). Is the traffic seasonal?
6. Sidewalk and trail facilities? Are they present and if so, are they being utilized?
7. During storm events is the facility utilized as a north-south "local" evacuation route?
8. Does the facility experience any flooding or ponding during storms?

9. What are the key areas of the facility that need improvements? Signals, pavement deterioration, system deficiencies, etc.
10. Is the signage adequate along the facility, particularly for out-of-towners or snowbirds for way finding?
11. What about local transit? Do the buses stop traffic or is there adequate bus pull outs?
12. Is transit a concern for this corridor?
13. Do the school-aged children affect peak-hour movements with school crossings, buses, traffic back ups from parents dropping off children, etc.?
14. Are there many residents who do not own vehicles that cross illegally to go from home to work or home to shopping?
15. Are there adequate pedestrian facilities?
16. How would widening this corridor affect/impact your business?