An Environmental Justice (EJ) Transportation Policy Statement

“Effective transportation decision-making depends upon understanding and properly addressing the unique needs of different socioeconomic groups.”

(FTA Circular 4703.1)
What is EJ?

- Established in Executive Order 12898 signed by President Clinton in 1994

- Discrimination prohibition enacted in Title VI of the Civil Rights Act of 1964

- Mandate for federal agencies to address equity and fairness toward the environmental issues in low-income and minority populations
Focus federal attention on the environmental effects of federal actions on these populations with the goal of achieving environmental protection for all communities.
How does EJ reach state agencies and local units of government?
The 3 Guiding Principles of EJ

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
Title VI Nondiscrimination Law

- Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including matters related to language access for limited English proficient persons.

- USDOT Title VI regulations prohibits discrimination on the basis of race, color, national origin, gender, age, disability, income status and limited English proficiency.
Title VI is an important part of the efforts to prevent minority and low-income communities from being subject to disproportionately high and adverse environmental effects.

“The core tenets of EJ flow directly from the underlying principles of Title VI itself.” (US Dept of Justice, Title VI Legal Manual, 2001)
<table>
<thead>
<tr>
<th>Authority</th>
<th>Title VI</th>
<th>Environmental Justice</th>
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<tbody>
<tr>
<td>Basis for the authority?</td>
<td>Federal Statute – No persons, on the grounds of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.</td>
<td>Executive Order 12898 directs federal executive agencies to make achieving environmental justice part of its mission.</td>
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<td>Purpose of the authority?</td>
<td>Prohibit discrimination and obligates federal funding agencies to enforce compliance.</td>
<td>EO 12898 calls on agencies to achieve EJ by identifying disproportionately high and adverse effects of its programs, policies and activities on minority and low-income populations.</td>
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<td>To Whom does it apply?</td>
<td>Recipients and sub-recipients of federal funds (not including federal agencies).</td>
<td>Federal agency actions, with the aid of Title VI to implement the directive.</td>
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<td>Does the authority create any rights or remedies?</td>
<td>Title VI discrimination complaints against recipients of federal funds may be filed with federal agencies that provide financial assistance. Intentional discrimination claims may bring court action seeking enforcement of Title VI.</td>
<td>EO 12898 establishes the Executive Branch policy on EJ; it is not enforceable in court and does not create any rights or remedies.</td>
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