



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Assistant Secretary

400 Seventh St., S.W.
Washington, D.C. 20590

June 6, 1995

Dear Sir/Madam:

Since passage of the Civil Rights Act of 1964, the National Environmental Policy Act (NEPA) of 1969, and other environmental and civil rights statutes, the Department of Transportation (DOT) has developed a framework of policies and procedures to help meet its environmental responsibilities while accomplishing its transportation mission.

The term "environment," as used in this framework, includes the natural and built environments, and also the cultural and social fabric of our neighborhoods and the quality of life of the people who live and work in them. Enduring community values and thriving neighborhoods can only be sustained where the unavoidable adverse consequences of transportation projects are equitably distributed and where all citizens have access to safe, comfortable and efficient transportation.

Recognizing that the environmental and human health impacts of Federal programs and activities may raise questions of fairness to affected groups, President Clinton issued Executive Order 12898 on Environmental Justice on February 11, 1994. It focuses attention on the environmental and human health impacts of Federal activities in minority communities and low-income communities, and calls on agencies to make achieving environmental justice part of their mission. In response to the Executive Order, DOT has prepared a final strategy (copy enclosed) for incorporating environmental justice principles into its operations.

The Department is committed to working with environmental justice stakeholders, state and local officials, and other appropriate individuals and organizations in carrying out Executive Order 12898.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank E. Kruesi', with a stylized flourish at the end.

Frank E. Kruesi
Assistant Secretary
for Transportation Policy

Enclosure

DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL JUSTICE STRATEGY

INTRODUCTION:

This strategy is issued in response to Executive Order 12898, signed by President Clinton on February 11, 1994, on "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations." This strategy sets forth the Department of Transportation's (DOT) approach to implementing E.O. 12898 in all relevant programs and activities sponsored, supported and undertaken by the Department. The Executive Order requires each Federal agency to develop a specific agency-wide strategy for implementing its provisions. The thrust of the Executive Order is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of each agency's programs, policies, and activities on minority populations and low-income populations.

The strategy contains the Department's commitment to certain principles of environmental justice embodied in the Secretary's Strategic Plan, and identifies actions the Department intends to take to implement Executive Order 12898. The strategy is published as a final document; however, it should be viewed as a living document that may be adjusted periodically in response to insights acquired while implementing its various provisions. DOT plans further opportunity for public comments on its strategy and implementing actions.

DOT is committed to embracing the objectives of Executive Order 12898 by promoting enforcement of all applicable planning and environmental regulations and legislation, and by promoting non-discrimination in its programs, policies and activities that affect human health and the environment, consistent with Executive Order 12898, and Title VI of the Civil Rights Act of 1964. DOT is also committed to bringing government decisionmaking closer to the communities and people affected by these decisions and ensuring opportunities for greater public participation in decisions relating to human health and the environment.

Many of the objectives of the E.O. are embodied in the missions, goals, and objectives of the Secretary's Strategic Plan and are briefly summarized as follows:

- Improve the environment and public health and safety in the transportation of people and goods, and the development and maintenance of transportation systems and services.
- Harmonize transportation policies and investments with environmental concerns, reflecting an appropriate consideration of economic and social interests.

- Consider the interests, issues, and contributions of affected communities, disclose appropriate information, and give communities an opportunity to be involved in decisionmaking.

The Department will implement the E.O. by integrating its provisions into existing DOT programs, policies, activities, regulations, and guidance to the greatest extent possible.

Development of the DOT Strategy

1. Secretary's Directive

Upon receipt of the Executive Order and the accompanying Presidential Memorandum, Secretary Peña established a Department-wide working group and directed the development of a Department-wide strategy.

During senior level staff meetings in December 1994 and March 1995, Secretary Peña emphasized his commitment to comply with Executive Order 12898 and instructed senior level staff to support the executive order and encouraged them to incorporate the principles of environmental justice in program planning, budgeting, program development, program activities, and program evaluation, as appropriate.

In a recent memorandum to Secretarial offices and operating administrations,* Secretary Peña stated his strong personal endorsement of their efforts to carry out the responsibilities set out in the Department's Environmental Justice Strategy in an effective and timely manner.

a. National Conference on Transportation, Social Equity, and Environmental Justice in Chicago.

This conference, cosponsored by the Federal Transit Administration and the Surface Transportation Policy Project, brought together approximately 150 persons, mostly community activists from around the country, with DOT and other public officials. The meeting, held on November 17-18, 1994, in Chicago identified key transportation-related environmental and social issues of concern to persons living in predominately low-income and minority communities. Suggestions for actions to redress these concerns were also sought.

*Operating administrations, a.k.a. modal administrations, include: The United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Highway Traffic Safety Administration, the Federal Transit Administration, the St. Lawrence Seaway Development Corporation, the Maritime Administration and Research and Special Programs Administration.

b. Inter-departmental Public Meeting in Atlanta

On January 20, 1995, DOT participated, along with other Federal departments/agencies, in a public meeting in Atlanta to solicit comments on environmental justice issues as they relate to Federal Government programs. A portion of the meeting was televised nationwide by satellite to designated downlink sites.

c. Federal Register Notice

DOT published its proposed strategy in the *Federal Register* on February 21, 1995, with a request for comment. In addition, the Department mailed approximately 3,000 copies of the document to Departmental constituent groups and representatives of the environmental justice community. Based on comments received, DOT modified its strategy and streamlined its description in this document.

Elements of the DOT Strategy

1. Public Outreach on Implementation of the Environmental Justice Strategy

DOT plans, and will review with environmental justice stakeholders, its plans for the following activities: (1) grass roots meetings to better understand community-based environmental justice concerns and to provide training on the transportation decisionmaking processes; (2) a secretarial level meeting of experts, traditional DOT stakeholders and environmental justice representatives to recommend specific policies and actions to implement Executive Order 12898 and the Department's Environmental Justice Strategy; and (3) regional workshops for state and local officials on implementing the Strategy.

2. DOT Order on Environmental Justice

A key component of the DOT Environmental Justice Strategy is a proposed DOT Order providing guidance to be followed by the Department and its operating administrations to implement Executive Order 12898. The DOT Order will apply to all appropriate DOT regulations, policies, guidance, and program activities as well as to any program, project, or activity undertaken by DOT or that receives financial assistance or permits from DOT, which may have environmental justice implications. The proposed DOT Order would ensure that all appropriate components of the Department will apply this strategy to appropriate aspects of their programs, policies, and activities in a way that integrates environmental justice considerations into existing agency operations rather than creating a separate set of requirements.

While the precise contents of the proposed DOT Order have not yet been fully developed, the Department anticipates that the Order will achieve several objectives. First, under the proposed Order, the Office of the Secretary and operating administrations of DOT would review their regulations, programs, policies, guidance, and procedures that affect human health or the environment to identify those that should be revised and revise them, as appropriate, to comply with Executive Order 12898. This review will include, but not be limited to, regulations, programs, policies, guidance, and procedures related to short and long-range planning and programming, the National Environmental Policy Act (NEPA), pollution prevention, worker safety, environmental compliance, hazardous materials transportation, research, data collection, training, public participation, and relocation.

Second, the proposed DOT Order would set forth guidance to be used by DOT, its operating administrations, the recipients of DOT financial assistance, and state and local officials to determine whether a DOT or a DOT-funded program, policy, project, or activity (DOT action) is likely to have a disproportionately high and adverse human health or environmental effects on low-income or minority populations. As part of this process, DOT, its operating administrations, and recipients of Federal financial assistance will provide appropriate and meaningful opportunities for comment by representatives of affected communities.

Third, under the proposed DOT Order, DOT would develop potential strategies and measures to address, as appropriate, disproportionately high and adverse effects of their actions and those of recipients of DOT funds, consistent with requirements of other statutes and procedures. These measures may include pollution prevention, and health and safety measures, as well as mitigation and compensatory measures. This process would include procedures to provide meaningful opportunities for public involvement by low-income and minority populations, including community input in identifying potential mitigation measures for DOT actions.

The proposed DOT Order also would provide for data collection or research as needed to provide information to comply with Executive Order 12898. Public input will be solicited regarding these activities.

The DOT Order will provide guidance on how to achieve compliance with Executive Order 12898 under existing environmental and civil rights laws in cases where disproportionate impacts have been identified. The DOT Order will be ready for public review in draft form on May 5, 1995.

3. DOT Training on Environmental Justice

In order to ensure that DOT managers are fully aware of their responsibilities under Executive Order 12898 and pre-existing statutory mandates, DOT will hold information seminars on environmental justice for selected program managers throughout the Department. Representatives of the environmental justice community will be consulted in the planning of these seminars.

In addition, in keeping with the Department's philosophy of integrating environmental justice considerations into all appropriate departmental programs and activities, DOT operating administrations will review and modify existing training courses to ensure adequate coverage of environmental justice principles and to use training examples that include environmental justice aspects. These courses include such subjects as compliance with environmental mandates, infrastructure planning and development, public involvement, and management of departmental facilities and resources. The audience for these training courses includes DOT employees and recipients of DOT funding.

Role of Key DOT Elements in Complying with Environmental Justice Executive Order

Each element of the Department will undertake specific actions needed to implement the DOT Order on environmental justice. The actions undertaken will be developed and refined as the Department's strategy evolves. The following organizations will have key roles to play in the implementation process:

a. Assistant Secretary for Transportation Policy

The Office of the Assistant Secretary for Transportation Policy maintains liaison with various elements of the Department in an effort to ensure that each appropriate element examines its programs and activities and takes appropriate actions to comply with Executive Order 12898. This office is also responsible for monitoring implementation of the DOT environmental justice strategy to help keep the strategy relevant and foster consistency and comprehensiveness in complying with the principles embodied in the Executive Order. In addition, the office will work to keep high-level Departmental officials properly involved in achieving the strategy's objectives and in maintaining liaison with non-DOT departments and agencies as well as the environmental justice community.

The Department will review and update, as appropriate, its Procedures for Considering Environmental Impacts, DOT Order 5610.1C, to ensure that it is consistent with Executive Order 12898 and DOT's proposed order on environmental justice. Attachment 2 to Order 5610.1C sets forth

guidance on the format and content of environmental review documents and compliance with the National Environmental Policy Act and other environmental statutes, regulations, and executive orders, such as Section 4(f) of the DOT Act (49 U.S.C. 303). This attachment will be updated to reflect the requirements of Executive Order 12898 and to outline the need to address potential disproportionately high and adverse health, or environmental impacts on affected populations and communities. DOT operating administrations also will review and update their own environmental guidance.

b. Departmental Office of Civil Rights

Executive Order 12898 and the accompanying Presidential Memorandum underscore certain provisions of existing laws that can be used to ensure that all persons live in a safe and healthy environment. The Memorandum focuses on Title VI of the Civil Rights Act, which provides that programs and activities of recipients of Federal financial assistance may not discriminate based on race, color, or national origin. The proposed DOT Order described above will provide the operating administrations with a framework to ensure that their policies, programs, and procedures comply with the intent of the Executive Order, including meeting the requirements of Title VI.

In addition, the Departmental Office of Civil Rights will provide leadership and technical assistance to the operating administrations and to major recipients of DOT funds in the administration of their Title VI responsibilities which relate to environmental justice. This may take the form of guidelines, memoranda of general applicability, and training designed to achieve environmental justice for members of minority populations.

c. Operating Administrations

DOT and its operating administrations will review the allocation of education and research funds to historically black colleges and universities and other minority institutions and minority students and faculty in light of E.O. 12898. In addition, DOT will review its research programs to determine whether and how minority and low-income populations may be more appropriately included in the scope of particular research projects. Improved outreach to affected populations will be developed.

Each operating administration will implement the DOT strategy, including public outreach, the DOT Order on environmental justice, and training. Each operating administration will continue to cooperate in these matters with the Departmental Office of Civil Rights and the Assistant Secretary for Transportation Policy.



