

Appendix N:

*Equity,
Environmental
Justice
and
Title VI
In the TIP Process*

Equity, Environmental Justice, and Title VI in the TIP Process

Federal Requirements

Historically, minority and low-income populations in United States have borne a disproportionately high share of the burdens of transportation system investments and policies, and a low share of the benefits. Several federal statutes, regulations and directives, including Title VI of the 1964 Civil Rights Act and Executive Order (EO) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” have been established over the past several decades to ensure nondiscrimination in all transportation decisions and to address observed disparities.

Advancing Environmental Justice (EJ) in transportation requires transportation agencies responsible for planning and programming federal funds, including state DOTs and MPOs, to analyze whether proposed transportation investments have a disparate impact on low-income and minority populations. If disparities are identified, transportation agencies must either demonstrate that these impacts are unavoidable or identify ways to mitigate them. USDOT EJ directives require agencies to consider a broad array of environmental, social, and economic effects, including issues of safety and access to regional employment and other opportunities.

On January 20, 2021, President Biden signed EO 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” This action led USDOT to reiterate its commitment to advance racial equity for all, including individuals who have been historically underserved and adversely affected by persistent poverty or income inequality.

As a recipient of federal funds, NJTPA is mandated to ensure non-discrimination in all its programs and projects, including the TIP, as well as respond to federal guidance on EJ. The NJTPA conducts EJ reviews, which aim to identify and address any adverse effects proposed projects or programs may have on minority and low-income populations to ensure the fair distribution of transportation benefits and burdens among all people.

Following federal regulations pertaining to EJ, NJTPA ensures that its LRTP and TIP are consistent with Title VI, identifies and assesses the transportation needs of low-income and minority populations, and acts to improve public involvement processes to eliminate participation barriers for low-income and minority persons. Both documents, to various degrees, prioritize projects and programs that address the needs of populations under the EJ and Title VI programs. The commitment to Title VI and EJ has, and continues to be, reflected in the NJTPA’s work program, publications, communications, and public involvement efforts.

NJTPA Title VI Implementation Plan

The [NJTPA’s Title VI Implementation Plan](#) establishes the goals and framework for equity measures in the development of its LRTP and TIP. The purpose of the Title VI Implementation Plan is to describe how the NJTPA ensures nondiscrimination and prevents discrimination in the administration and delivery of its federally assisted programs, services, and activities. The Title VI Implementation Plan includes the structure of the NJTPA’s Title VI program as well as the policies, procedures, and practices the NJTPA uses to comply with nondiscriminatory requirements.

The implementation plan also addresses the reporting requirements under Title VI of the Civil Rights Act of 1964 and FHWA's annual reporting requirements under its Title VI/non-discrimination program. The

report provides a detailed look at the demographic composition of the region, while including ways in which the NJTPA will maintain, monitor, and analyze information to ensure compliance.

The NJTPA seeks to ensure compliance by annually collecting data on race, low income, LEP, people with disabilities, zero-vehicle households, and age of residents in its planning area. This data will be used to analyze and measure transportation investment benefits and burdens to minority populations. Data gathering procedures will be reviewed regularly to ensure they sufficiently meet the requirements of the Title VI program and Environmental Justice concerns.

The NJTPA will continue to use this information to inform not only the planning activities, but also support the TIP scoring criteria to ensure equitable investments in the region. From the findings and lessons learned from the recently completed Regional Performance Measures project, the NJTPA will also look to incorporate (where applicable) metrics that allow the monitoring of progress regarding the Title VI Implementation plan.

Equity Analysis of the TIP

When shaping investment strategies and project selection, as well as reaching an EJ determination for its LRTP or TIP, an MPO should consider the EJ findings from past plans and programs. For its TIP development process, the NJTPA assesses the TIP in two ways to understand if investments could potentially impact protected population groups and/or communities of concern and determine whether a proportionate share of anticipated investment will serve those who are minorities and/or low-income:

- program evaluation by mapping the projects; and
- program evaluation of the allocation of investments.

As part of FTA's Title VI requirements and guidelines (FTA C 4702.1B), MPOs are required to provide a demographic map that overlays the percent of minority and non-minority populations as identified by Census or ACS data, at census tract or block group level, and charts that analyze the impacts of the distribution of state and federal funds in the aggregate for transportation purposes, including federal funds managed by the MPO as a designated recipient.

For NJTPA's implementation plan updated in January 2021, the ACS 5 year estimates for 2019 at the census tract level were used to overlay the FY 2022 – FY 2025 TIP projects (which align with the last update of the NJTPA's long range transportation plan, Plan 2050) with the percent of minority populations to better understand the spatial relationship between transportation improvement projects and the specific population characteristics identified under Title VI and EJ. The Title VI demographic map (*Figure 11: Percent Minority Population by Census Tract and TIP projects*) illustrates those census tracts above and below the minority regional threshold of 46.7 percent.

The NJTPA Title VI implementation plan also used the FY 2022-FY 2025 TIP projects to assess investments made in minority and non-minority communities. The TIP includes a number of state and region-wide programs and projects that cannot be associated with a specific geographic location and, therefore, are not mapped. The funding for these programs and projects was distributed based on population to estimate the minority community transportation investment. Projects that were mapped and intersect with the minority communities were added to determine the total minority community transportation investment in the FY 2022–FY 2025 TIP. The results of this assessment showed 51 percent of the TIP funds are invested in minority areas, while 49 percent of the funding is invested in non-minority areas.

Similar assessments are anticipated to be developed after the FY 2024-FY 2027 TIP has been finalized and approved. The findings from the analysis, including any identified unaddressed need or disparities in project impacts, could then be used to inform the allocation of resources in future rounds of TIP development. The findings could also inform elements of the regional planning process, such as establishing EJ goals and objectives, incorporating EJ into project prioritization criteria, and forming local partnerships in preparation for future plans and programs.

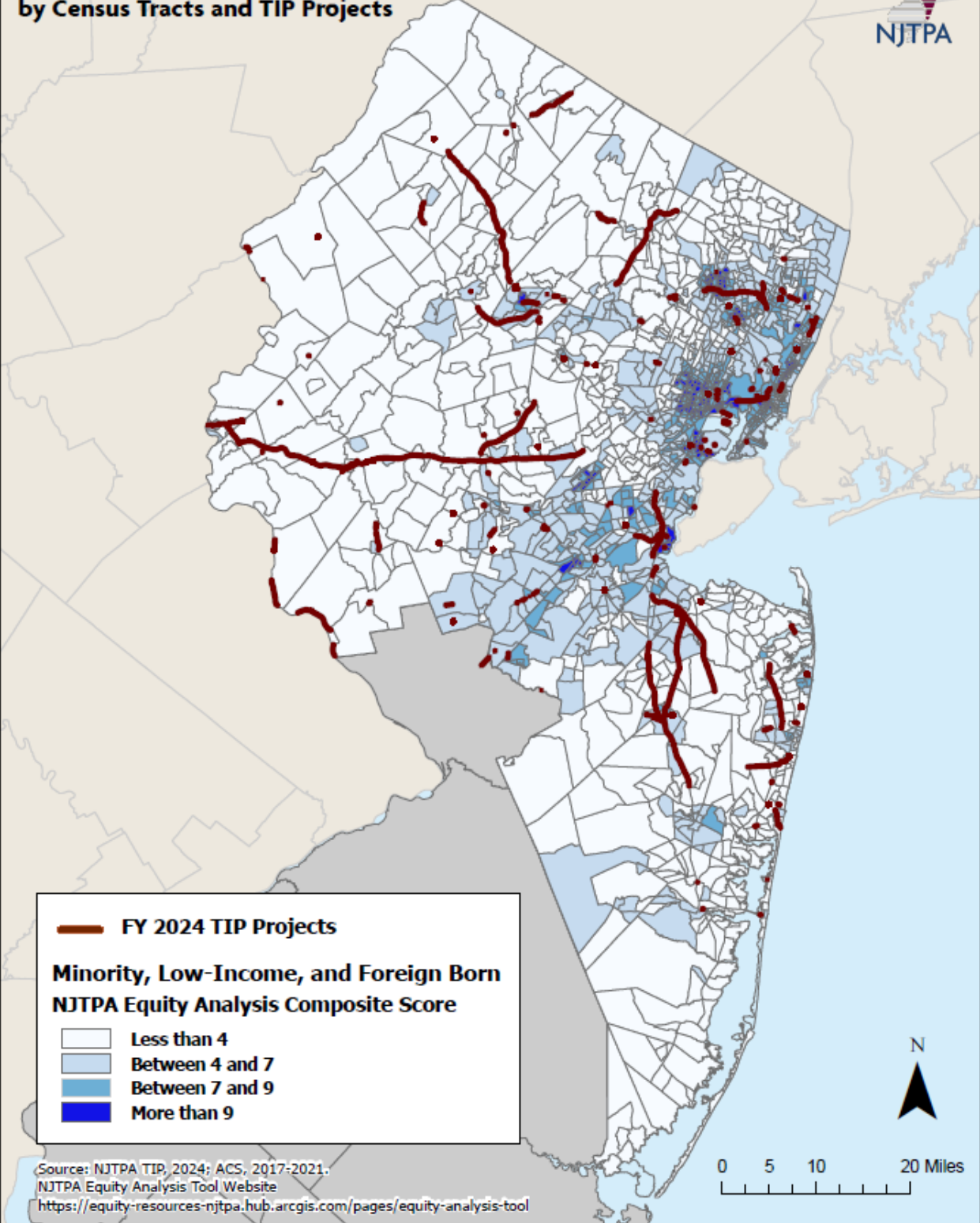
Equity in the TIP Project Prioritization Process

EJ in transportation planning means identifying and addressing disproportionately high and adverse effects of the agency's programs, policies, and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens. During TIP development, the NJTPA evaluates the benefits of the Draft TIP to traditionally underserved EJ communities during the negotiations process when reviewing and scoring candidate projects for the program. New projects in the project pool are scored using project prioritization criteria that address equity and the needs of EJ populations (see Section III.C.2. Project Prioritization in this document for more details). This same scoring process is also applied earlier in the planning process, when selecting projects for study and development.

The criterion, H.Env.3, asks “Does it [the project] provide benefits or reduce burdens to disadvantaged and underserved communities?” and carries a maximum score of 24 points. The project scores considers disadvantaged and underserved communities identified in high concentrations of minority, low-income, and foreign-born populations and are assigned on a continuous scale based on data derived from the NJTPA Equity Analysis Tool [scale with (0) being lowest and (24) being highest].

The following map shows census tracts of American Community Survey (ACS) 5-year Estimates 2017-2021 used for identifying EJ communities to apply the H.Env.3 criterion. The shaded areas depict composite scores of minority, low-income, and foreign born populations, with a maximum score of 12. The calculation and methodology of the composite scores can be viewed at the [NJTPA Equity Analysis Tool](#) webpage. The map of EJ communities was overlain with the geographic location of proposed investments in the Draft FY 2024 – FY 2027 TIP, which will be updated with the final FY 2024 projects after the USDOT adoption of the FY 2024 STIP.

Minority, Low-Income, and Foreign Born Populations by Census Tracts and TIP Projects



— FY 2024 TIP Projects

**Minority, Low-Income, and Foreign Born
NJTPA Equity Analysis Composite Score**

- Less than 4
- Between 4 and 7
- Between 7 and 9
- More than 9

Source: NJTPA TIP, 2024; ACS, 2017-2021.
NJTPA Equity Analysis Tool Website
<https://equity-resources-njtpa.hub.arcgis.com/pages/equity-analysis-tool>