

Environmental Justice Guide

KIPDA Metropolitan Planning Organization

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Introduction

What is Environmental Justice?

Environmental Justice is the fair treatment and meaningful involvement all people, regardless of race, color, national origin, or income when it comes to development, implementation and enforcement of environmental laws, regulations, and policies.¹

Fair treatment means that no group of people should bear a disproportionate share of any negative environmental impacts resulting from industrial, governmental, and commercial operations or policies.

Meaningful involvement means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision-making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

Background

In 1994, President Clinton created a federal Environmental Justice program through Executive Order 12898. [Executive Order 12898](#) directed federal agencies to develop environmental justice strategies to help address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. The [Presidential Memorandum](#) accompanying the order underscores certain provisions of existing law that can help ensure that all communities and persons across the nation live in a safe and healthy environment.

Metropolitan Planning Organizations (MPOs) are required to evaluate their Metropolitan Transportation Plans (MTP), Transportation Improvement Projects (TIP), and other transportation planning activities for system level environmental impacts that may introduce disproportionate or adverse impacts on, or denial of benefits to, minority and low-income populations. The MPO planning process must also ensure public outreach efforts include minority, low-income, and other disadvantaged populations.

¹ Environmental Protection Agency. (n.d.). Learn About Environmental Justice. EPA. Retrieved December 22, 2021, from <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

Purpose

The intent of the Environmental Justice Executive Order is to mitigate disproportionate benefits and burdens placed upon disadvantaged populations, including impacts from federal programs, policies, and activities.

The USDOT further refined the Executive Order to reflect the impacts of federal expenditures for transportation purposes. The USDOT guidance states:

“...it is FHWA’s continuing policy to identify and prevent discriminatory effects by actively administering its programs, policies and activities to ensure that social impacts to communities and people are recognized early and continually throughout the transportation decision making process—from early planning through implementation. Should the potential for discrimination be discovered, action to eliminate the potential shall be taken.”²

Environmental justice is at the heart of many planning issues. Transportation planning should ensure everyone has equitable protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work. Environmental justice should be approached proactively to address environmental challenges early in the planning process.

Environmental Justice at KIPDA

The Kentuckiana Regional Planning and Development Agency (KIPDA) is the MPO for the bi-state, five-county Louisville Metro Area, including Clark and Floyd counties in Indiana and Bullitt, Jefferson, and Oldham counties in Kentucky. As part of the transportation planning process for the region, KIPDA is responsible for incorporating Environmental Justice analysis and review into all MPO activities, including project development and community outreach.

KIPDA’s objective for Environmental Justice is to identify low-income and minority populations, bridge cultural and economic differences, develop partnerships and increase participation during the planning process, and ultimately strive for effective transportation planning absent of disproportionate impacts on or denial of benefits to minority and low-income populations.

This is achieved through three primary efforts. The first is to continue to extend outreach and engagement to persons who live and work in Environmental Justice areas, thereby ensuring their concerns and ideas are incorporated into the decision-making process. The second focuses on project

² Order FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, December 2, 1998.

development through project evaluation and ultimately the programming of federal transportation funds. Lastly, that Environmental Justice continues as a key consideration in all transportation planning activities undertaken at the KIPDA MPO.

Environmental Justice Areas

One method used to help ensure consideration of Environmental Justice in the transportation planning process is to identify geographic concentrations of minority and low-income populations. These areas help to focus transportation analysis efforts and outreach activities.

KIPDA analyzes transportation projects and programs relative to Environmental Justice Areas. The analysis focuses on identifying opportunities to enhance a proposed project so it may better serve people living in an Environmental Justice Area. The analysis also reviews proposed projects and programs that may introduce a disproportionate impact that would result in a denial of project related benefits or other burdens.

The Environmental Justice Areas are also displayed on the Online Resource Center, an interactive map that allows the public to explore KIPDA's data used in the transportation planning process. The Environmental Justice Areas can be viewed in comparison with planned and programmed transportation projects; including roadway improvements, bike and pedestrian infrastructure changes, transit facilities, and other data associated with transportation planning.

Metropolitan Transportation Plan (MTP)

The [Metropolitan Transportation Plan](#) (MTP) is updated every four years and is the blueprint for transportation project investments over the coming 20 years. Public outreach in the early development of the MTP includes an emphasis on reaching out to people living and working in Environmental Justice Areas to facilitate their inclusion in the process. Projects are also evaluated relative to their location in Environmental Justice Areas.

Participation Plan

KIPDA is committed to including all community members in outreach efforts. Additional attention is given to persons who live or work in Environmental Justice areas. The [Participation Plan](#) outlines KIPDA's public outreach process and opportunities for the public to be involved. KIPDA staff uses targeted social media ads and email campaigns to diversity directed areas and organizations and attend events in Environmental Justice Areas and events with a diversity focus.

Environmental Justice Areas Analysis

Methodology

KIPDA develops Environmental Justice Areas to help identify locations with higher-than-average low income and minority populations. The demographic data used in the analysis comes from the American Community Survey (ACS), a product provided by the Census Bureau. *Table S1701: Poverty Status in The Past 12 Months* is used to identify low-income population and *Table S0601: Selected Characteristics of The Total and Native Populations in The United States* is used to identify minority populations.

Minority populations include persons who identified themselves as³:

- Black or African American
- Hispanic or Latino
- Asian
- American Indian or Alaskan Native - A person having origins in any of the original peoples of North and South America and who maintains tribal affiliation or community attachment.
- Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-income populations include persons whose household/median income is at or below the U.S. Department of Health and Human Services poverty guidelines¹. Poverty status is determined for all individuals except those who are institutionalized, in military group quarters, in college dormitories, and unrelated individuals under 15 years old. The Census Bureau uses the federal government's official poverty definition to determine the poverty status of families and households of unrelated individuals; the status of the family or household is applied to each individual member. The applicable poverty threshold is determined by several factors, including household or family size, the presence and number of family members under 18 years old, and age of householder.

Demographic data was compiled at the Census tract level. Tracts allow for larger areas to be assessed, which is more applicable to transportation planning that often considers population along corridors. Tract-level data also allows for continuity to compare different vintages of this data because tracts are more consistent across Census versions.

Low-income and minority demographic data is compiled for each MPO county (Clark, Floyd in Indiana and Bullitt, Oldham, Jefferson in Kentucky). The most recent iteration of the Environmental Justice Areas analysis uses ACS 2019 5-year estimates for Tables S1701 and S0601. Minority population was calculated by subtracting "white alone, not Hispanic or Latino" population from the total population. Low-income

³ 2015. *Federal Highway Administration Environmental Justice Reference Guide*. Washington, D.C.: U.S. Department of Transportation Federal Highway Administration.

population was calculated from the percentage listed in the ACS table. To identify areas with significant concentrations of EJ populations, KIPDA set a threshold of 200% of the regional average for a population group. Census tracts that exceed the threshold for low-income or minority population are designated as an Environmental Justice Area.

12.35% of the population in the KIPDA MPO region is low-income. Any Census tracts with a low-income population greater than 200% of the regional average (24%) was designated as an Environmental Justice Area. 26.28% of the population in KIPDA MPO region identified as minority. Any Census tract with a minority population greater than 200% of the regional average (52%) was designated an Environmental Justice Area. The following tables are examples of the analysis.

Table 1: Example of defining Low-Income Environmental Justice Areas

Geography	Estimate; Total Population:	Estimate; Population with Income below poverty level:	Percent Low-Income Population (24%+)
Census Tract 502, Clark County, Indiana	3,687	990	32.31% above threshold
Census Tract 59, Jefferson County, Kentucky	4,913	1,904	42.81% above threshold

Table 2: Example of defining Minority Environmental Justice Areas

Geography	Estimate; Total Population:	Estimate; Minority Population:	Percent Minority Population (52%+)
Census Tract 502, Clark County, Indiana	3,687	1,379	37.40% below threshold
Census Tract 59, Jefferson County, Kentucky	4,913	3,163	64.38% above threshold

Results

The tables below provide a breakdown of population per each county and the region. The tables show the total population, the population of low-income and minority groups, and the corresponding percentages.

Table 3: Low-Income Population by County⁴

County	Total Population	Low-income Population	Percent
Clark	116,507	11,544	9.91%
Floyd	75,518	7,432	9.84%
Bullitt	80,171	7,150	8.92%
Oldham	65,967	3,664	5.55%
Jefferson	767,419	106,938	13.94%
Region Total	1,107,384	136,728	12.35%

Table 4: Minority Population by County⁵

County	Total Population	Minority Population	Percent
Clark	116,507	19,565	16.79%
Floyd	75,518	9,416	12.47%
Bullitt	80,171	4,482	5.59%
Oldham	65,967	7,715	11.70%
Jefferson	767,419	249,815	32.55%
Region Total	1,107,384	290,993	26.28%

⁴ U.S. Census Bureau. (2020). *2015-2019 American Community Survey 5-year Estimates* [Table S1701: Poverty Status in The Past 12 Months]. Retrieved from data.census.gov.

⁵ U.S. Census Bureau. (2020). *2015-2019 American Community Survey 5-year Estimates* [Table S0601: Selected Characteristics of The Total and Native Populations in The United States]. Retrieved from data.census.gov.

Maps

Figure 1: Environmental Justice Areas, Combined Low-Income and Minority

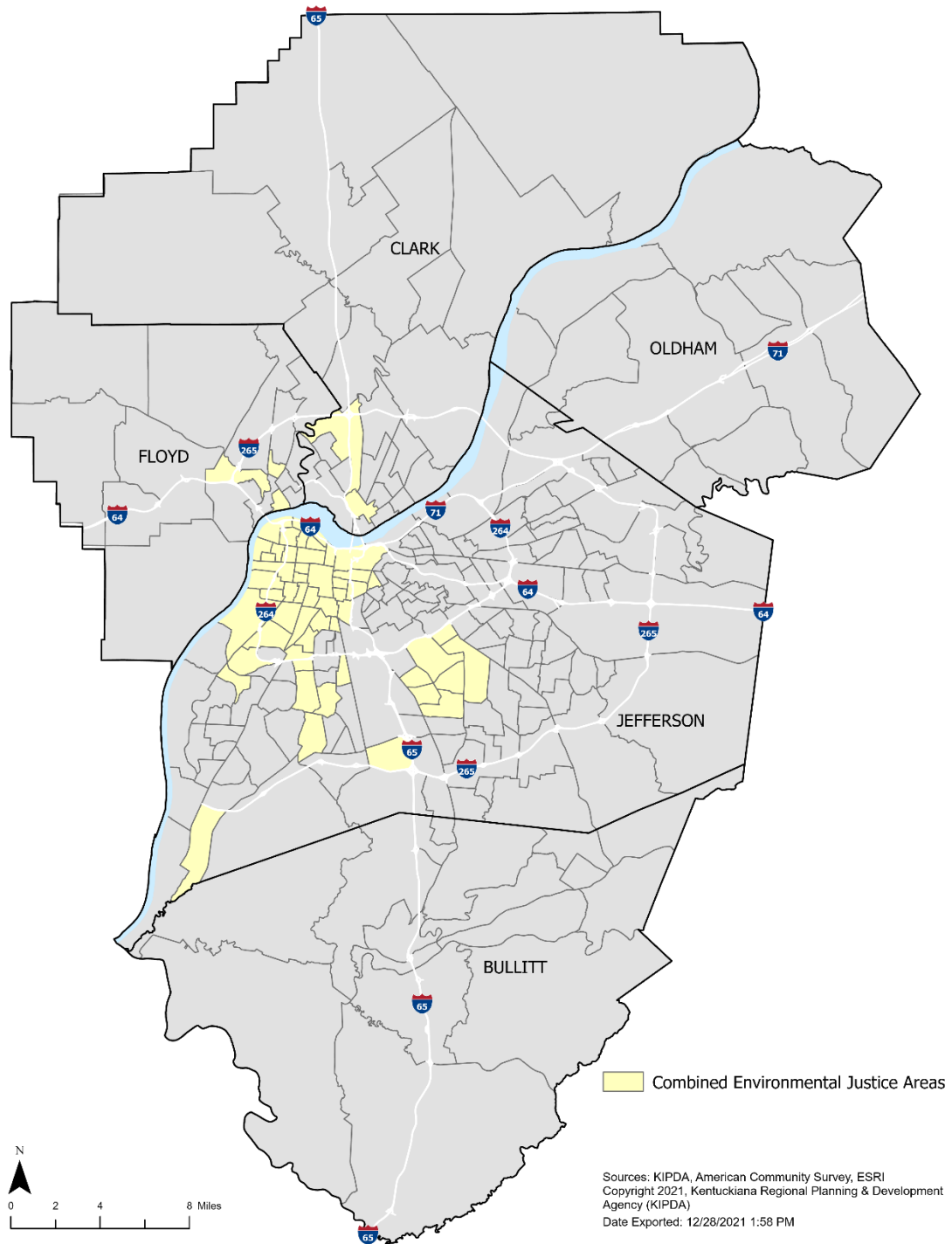


Figure 2: Environmental Justice Areas, Low-Income

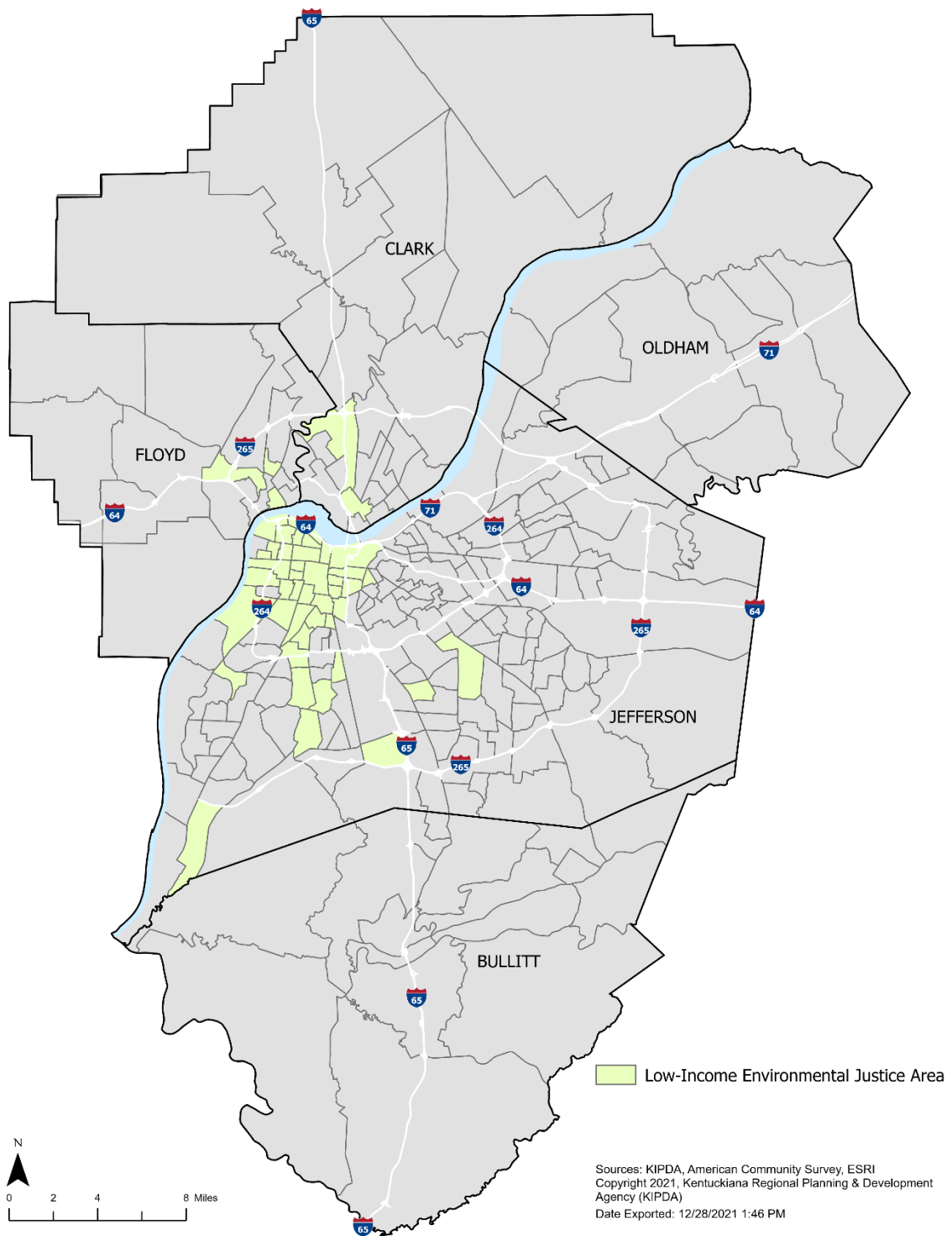
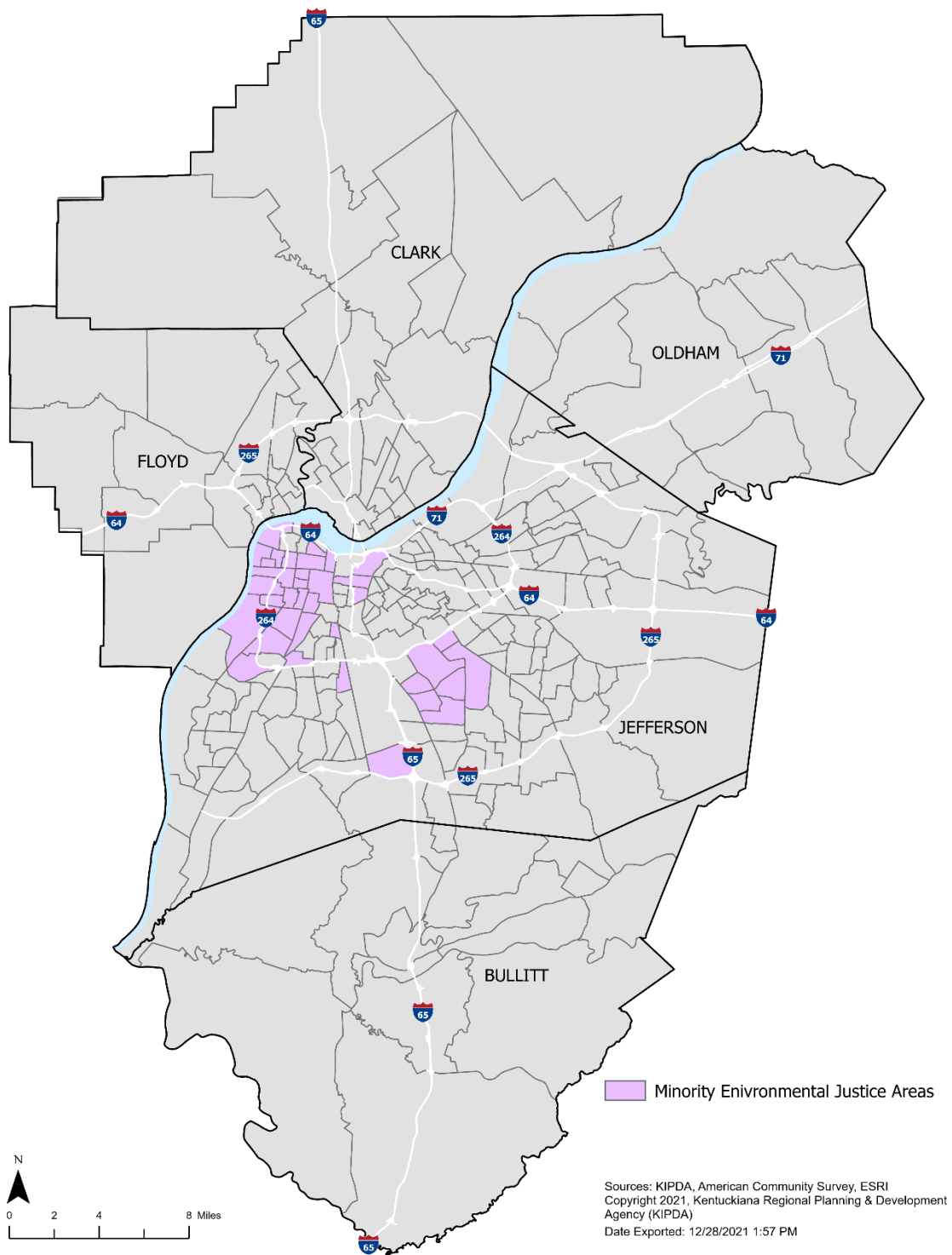


Figure 3: Environmental Justice Areas, Minority



Disproportionate Impacts and Burdens

Environmental Justice in transportation planning aims to ensure people are not denied benefits or are not recipients of disproportionate burdens from any project or planning activities. From public feedback and data, persons who live or work in Environmental Justice Areas are more likely to walk, bike, and take transit, or only have access to one vehicle in the household. Therefore, when considering impacts project sponsors should mitigate project impacts from becoming barriers to non-automotive transportation options and continue to propose new, expanded non-automotive mobility options and improvements.

Mitigation strategies or alternative concepts are context-specific and should consider community feedback and needs. The KIPDA MPO, as well as individual project sponsors, should strive to engage Environmental Justice populations in an early and ongoing fashion. Concurrently, Environmental Justice considerations are best addressed when incorporated early in the planning process in order to mitigate avoidable project impacts, and develop more efficient multi-modal elements

Review of Environmental Justice Areas and Resource Document

KIPDA will update the Environmental Justice Areas every four years. This guide will be updated as needed if methodology or changes in planning practices necessitate.