The Federal Transit Administration (FTA) has placed in the docket and on its Web site, proposed guidance in the form of a Circular on incorporating environmental justice principles into plans, projects, and activities that receive funding from FTA. This proposed guidance provides recommendations to State Departments of Transportation, Metropolitan Planning Organizations, public transportation providers, and other recipients of FTA funds on how to fully engage environmental justice populations in the public transportation decisionmaking process; how to determine whether environmental justice populations would be subjected to disproportionately high and adverse human health or environmental effects as a result of a transportation plan, project, or activity; and how to avoid, minimize, or mitigate these effects. By this notice, FTA invites public comment on this proposed Circular.

DATES: Comments must be submitted by December 2, 2011. Late-filed comments will be considered to the extent practicable.

Public Meetings: FTA will co-sponsor a series of Information Sessions regarding FTA’s proposed Environmental Justice Circular and proposed revisions to the Title VI Circular (see docket FTA–2011–0054 for more information on the proposed revisions to the Title VI Circular). The meetings listed below will provide a forum for FTA staff to make oral presentations about the two proposed Circulars and allow attendees an opportunity to ask clarifying questions. Additionally, the sessions are intended to encourage interested parties and stakeholders to submit their comments directly to the official docket per the instructions found in the ADDRESSES section of this notice.

These Information Sessions will take place as follows: Kansas City, MO on Tuesday, October 18, 2011 from 6–9 p.m.; Boston, MA on Tuesday, November 1, 2011 from 6–9 p.m.; Detroit, MI on Wednesday, November 9, 2011 from 6–9 p.m.; the San Francisco Bay Area on Monday, November 14, 2011 from 6–9 p.m.; and Atlanta, GA on Thursday, November 17, 2011 from 6–9 p.m. All locations will be ADA- and transit-accessible.

For details about the exact location of each Information Session (i.e., site name and address), please visit http://www.FTAInformationSessions.com. At the same Web link, persons with disabilities may request a reasonable accommodation.

ADDRESSES: You may submit comments to DOT Docket ID Number FTA–2011–0055 by any of the following methods: Federal eRulemaking Portal: Go to http://www.regulations.gov and follow the online instructions for submitting comments.

Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.


Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA–2011–0055) for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must indicate so by appending a stamped, self-addressed postcard. Note that all comments received will be posted without change.
to http://www.regulations.gov including any personal information provided and will be available to Internet users. You may review DOT’s complete Privacy Act Statement published in the Federal Register on April 11, 2000 (65 FR 19477). Docket: For access to the docket to read background documents and comments received, go to http://www.regulations.gov at any time or to the U.S. Department of Transportation, 1200 New Jersey Ave., SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program questions, Amber Ontiveros, Office of Civil Rights, Federal Transit Administration, 1200 New Jersey Ave., SE., Room E54–422, Washington, DC 20590, phone: (202) 366–4018, fax: (202) 366–3809, or e-mail, Amber.Ontiveros@dot.gov. For legal questions, Bonnie Graves, Office of Chief Counsel, same address, room E56–306, phone: (202) 366–4011, or e-mail, Bonnie.Graves@dot.gov.

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II. Chapter-by-Chapter Analysis

A. Chapter I—Environmental Justice and Public Transportation

Chapter I of the proposed Circular is an introductory chapter. It provides a brief background of the Executive Order and describes the purpose of the Circular. Importantly, this chapter also states what this Circular is not—the Circular does not contain any new requirements, policies or directions. This chapter contains the principles of environmental justice as derived from the U.S. DOT’s Order on environmental justice, and describes broadly when an EJ analysis will be conducted and the elements of that analysis. Some terms necessary to explain the EJ analysis are defined; for ease of reference, FTA has defined “minority populations and/or low-income populations” as “EJ populations.” The chapter ends with a summary of what will be discussed in subsequent chapters.

B. Chapter II—Tools and Techniques for Conducting an Environmental Justice Analysis

This chapter is designed to provide tools to assist grantees as they conduct environmental justice analyses of their plans, programs, projects and activities. The chapter begins with an overview of a proposed framework for conducting an EJ analysis. As described in the framework, there are three steps for conducting an EJ analysis: (1) Determine whether there are any EJ populations potentially impacted by the activity; (2) if one or more EJ populations are present, consider the potential effects of the activity on the EJ populations; and (3) determine if any disproportionately high and adverse human health and environmental effects can be avoided, minimized or mitigated.

After describing the basic framework, the chapter then discusses in more detail some of the elements of the analysis. First are thresholds: when is an EJ population present? The Council on Environmental Quality (CEQ) issued guidance to Federal agencies on environmental justice under environmental laws (“Environmental Justice, Guidance under the National Environmental Policy Act.” Dec. 10, 1997) that suggested thresholds for minority populations; FTA proposes adapting this guidance to apply to both minority populations and low-income populations for consistency, and to apply these thresholds to all EJ analyses.
FTA seeks comment on the recommended thresholds.

Next is proposed guidance on preparing a residential demographic profile. This section provides information on data sources, including how grantees can use available data. This section also discusses how to determine the geographic area for analysis, which will depend on the planning area or the impact area of the project. The next section, benefits and burdens analysis, describes how an analysis will need to be scaled depending on the level of planning (e.g., Statewide, regional, corridor-level, etc.) or the size of the project or activity. This section provides suggestions on the types of metrics to use when evaluating the benefits and burdens of public transportation projects and activities. This section also clarifies that when a plan or project will serve a predominantly minority area, it is still necessary to analyze the effects on low-income populations, since minority populations and low-income populations do not necessarily overlap. Finally, this chapter proposes a list of factors to consider when determining whether disproportionately high and adverse human health or environmental impacts exist.

C. Chapter III—Achieving Meaningful Public Engagement With Environmental Justice Populations

Chapter III proposes recommended strategies and techniques for ensuring that EJ populations are not just at the public transportation decisionmaking table, but have a voice in the decisionmaking process. This chapter first suggests identifying the members of a community, as doing so will assist grantees in developing successful communications and outreach strategies. Building relationships with community-based organizations, environmental justice networks, and others can assist grantees in developing these strategies. Traditional public outreach typically involves public hearings required by Federal, State or local law for certain transportation decisions. This chapter proposes recommendations on making this process more inclusive and user-friendly, including consideration of location, timing, format and accessibility. This chapter also describes non-traditional outreach strategies that may result in greater participation by EJ populations. Some of these proposed strategies include informal group meetings, both on and off transportation providers and planning officials maintain a regular and open dialogue with EJ populations regarding the effectiveness of the plan, and to identify trends in public transportation for future plans.

E. Chapter V—Incorporating Environmental Justice Principles Into the NEPA Process

This chapter provides grantees with a road map for incorporating environmental justice analysis into the National Environmental Policy Act (NEPA) process. Federal agencies are required to consider the effects of Federally-funded projects on the environment; if FTA determines there is a disproportionately high and adverse human health or environmental effect on an EJ population, the EJ analysis will be part of the NEPA document. This chapter describes how a grantee can incorporate EJ principles into its analysis of the environmental impacts of a proposed project by defining the project impact area, identifying alternatives, identifying adverse environmental effects, identifying project benefits, and identifying mitigation measures and enhancements. Finally, this chapter provides guidance related to projects that qualify as categorical exclusions and information related to NEPA-specific public engagement strategies.

F. Chapter VI—Understanding the Differences and Similarities Between Title VI and Environmental Justice

As stated previously, FTA has observed that the public, grantees, and FTA staff have sometimes considered environmental justice and Title VI to be interchangeable—they are not. This chapter outlines the source of environmental justice—Executive Order 12898—and the source of Title VI—the Civil Rights Act of 1964—and then describes, in table format, the key differences between the two. This chapter cautions recipients that an EJ analysis will not satisfy Title VI requirements, and a Title VI analysis likely will not satisfy EJ, since Title VI does not include low-income populations. Finally, this chapter includes an example of a project and describes the type of analyses required for that project.

G. Appendix—Definitions, Authorities and References

The appendix includes a comprehensive list of definitions, most of which are in either the DOT Order on environmental justice or the FHWA/FTA planning regulations included in this document for ease of reference. A list of authorities from which this
III. Conclusion

Included in the proposed Circular in a few places are examples, such as the example in Chapter II regarding defining the area of analysis for a plan or project, and the example in Chapter VI regarding differences between an EJ analysis and a Title VI analysis. FTA seeks comment on whether more examples would be helpful, and if so, what types of examples would provide the most clarity for grantees.

Issued in Washington, DC this 26th day of September 2011.

Peter M. Rogoff, Administrator.

[FR Doc. 2011–25123 Filed 9–28–11; 8:45 am]

BILLING CODE 4910–57–P

SUMMARY:
The proposed Circular would provide guidance on the Environmental Justice Circular (see docket FTA–2011–0055 for more information on the proposed Environmental Justice Circular). The meetings listed below will provide a forum for FTA staff to make oral presentations about the two proposed Circulars and allow attendees an opportunity to ask clarifying questions. Additionally, the sessions are intended to encourage interested parties and stakeholders to submit their comments directly to the official docket per the instructions found in the ADDRESSES section of this notice.

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For details about the exact location of each Information Session (i.e., site name and address), please visit http://www.fta.dot.gov/FTAINformationSessions.

In consideration of the comfort and safety of all attendees and the maximum seating capacity of meeting rooms, FTA requests RSVPs for the Information Sessions. To RSVP, please visit http://www.FTAInformationSessions.com. At the same Web link, persons with disabilities may request a reasonable accommodation.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by docket number FTA–2011–0054. All electronic submissions must be made to the U.S. Government electronic site at http://www.regulations.gov.

(1) Federal eRulemaking Portal: Go to http://www.regulations.gov and follow the online instructions for submitting comments.


(3) Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.


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I. Overview

FTA is updating its Title VI Circular, last revised in 2007, to clarify what recipients must do to comply with the U.S. Department of Transportation (DOT) Title VI regulations. This notice provides a summary of proposed changes to FTA Circular 4702.1A, “Title VI and Title VI–Dependent Guidelines for FTA Recipients.” The final Circular, when adopted, will supersede the existing Circular.

The proposed Circular would incorporate lessons learned from triennial reviews, discretionary Title VI compliance reviews, and a