

MEMORANDUM

TO: Genesee Transportation Council Members & Alternates
FROM: Richard Perrin, Executive Director *RP*
DATE: November 30, 2010
SUBJECT: Proposed Resolution 10-80 (Adopting the Genesee Transportation Council *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan*)

In an effort to ensure that all persons in the nine-county, Genesee-Finger Lakes Region have an equal opportunity to participate in the transportation policy, planning, and investment decision making processes, Genesee Transportation Council (GTC) staff have developed a plan to more fully involve persons belonging to groups that have not traditionally been well-represented in these processes.

The objective of the GTC *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan* is to exceed federal and state requirements, guidance, and directives by identifying these groups of persons and determining how GTC can obtain their meaningful involvement in a cost-effective manner.

Ultimately, it is anticipated that this plan will identify additional measures that GTC can include in the next update of its *Public Participation Plan*.

The following items are provided for your consideration:

- 1. Proposed Council Resolution 10-80** (Adopting the Genesee Transportation Council *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan*)
- 2. Draft GTC *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan***

Proposed Resolution 10-80 was reviewed and recommended for your approval by the Planning Committee at its November 18, 2010 meeting.

Recommended Action:

Approve Resolution 10-80, adopting the Genesee Transportation Council Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan.



GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 10-80 Adopting the Genesee Transportation Council *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan*

WHEREAS,

1. The Genesee Transportation Council (GTC) has been designated by the Governor of New York State as the Metropolitan Planning Organization responsible for transportation planning for the nine-county Genesee-Finger Lakes Region, including the Rochester Transportation Management Area (TMA);
2. GTC complies with applicable Federal and State regulations, directives, and guidance to avoid, minimize, or mitigate disproportionately adverse impacts of transportation projects and investments on persons not traditionally well-represented in the transportation policy, planning, and investment decision making processes;
3. GTC, through its public participation plan and process, continuously strives to ensure full and fair participation by all potentially affected communities in said transportation decision making processes;
4. The GTC *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan* identifies specific ways GTC can better include and incorporate the concerns of persons not traditionally well-represented in said transportation decision making processes; and
5. Said Plan has been reviewed by GTC staff and member agencies through the GTC committee process and found to be consistent with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the current GTC *Public Participation Plan* and worthy of guiding activities conducted by or on behalf of GTC.

NOW, THEREFORE, BE IT RESOLVED

1. That the Genesee Transportation Council hereby adopts the *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan* effective immediately; and
2. That this resolution takes effect immediately.

CERTIFICATION

The undersigned duly qualified Secretary of the Genesee Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Genesee Transportation Council held on December 9, 2010.

Date _____

ROBERT A. TRAVER, Secretary
Genesee Transportation Council

DRAFT

**ENVIRONMENTAL JUSTICE, TITLE VI, and
AMERICANS WITH DISABILITIES ACT
INVOLVEMENT PLAN**

GENESEE TRANSPORTATION COUNCIL

November 2010

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Objective

Genesee Transportation Council (GTC) efforts to ensure that all persons in the nine-county Genesee-Finger Lakes Region have an equal opportunity to participate in the transportation policy, planning, and investment decision making processes are guided by a common sense interpretation of pertinent existing legislation and regulations as they apply to Metropolitan Planning Organizations (MPO).

The objective of this plan is to identify groups of persons that traditionally are not well-represented in the transportation policy, planning, and investment decision making processes and determine how GTC, as the federally-designated MPO for the region, can obtain their meaningful involvement in a cost-effective manner.

Planning and Participation

The United States Department of Transportation requires every metropolitan area with a population over 50,000 to have a designated Metropolitan Planning Organization (MPO) to qualify for receipt of federal highway and transit funds. The Governor of New York State designated the Genesee Transportation Council (GTC) as the MPO responsible for transportation planning in the Genesee-Finger Lakes Region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties.

Because of the size of the nine-county region, the primary focus of GTC's transportation planning efforts is the Rochester Transportation Management Area, which includes all of Monroe County plus the adjacent developed areas of Livingston, Ontario, and Wayne counties (see Map 1).

Planning is where we first "know where the identified problems are and how best to address them before the design and construction takes place," according to the New York State Department of Transportation's Office of Civil Rights.

One of the planning considerations that the Genesee Transportation Council takes very seriously is the impact of its work on all residents of our region.

Certain groups of people in American society confront challenges that require considerations beyond those extended to the general public. These challenges may include but are not limited to:

- Disproportionately negative impacts from transportation-related facilities and activities, such as air pollution, traffic noise, and financial costs relative to ability to pay.
- Different levels and quality of service, such as poorly-maintained roads, sidewalks, and busses.
- Unequal treatment in obtaining services, including access to medical care, healthy food, and other needed services.
- Inability to access pertinent information, either intentional or unintentional, such as public meeting notices and information updates.
- Barriers to participation in public events, including physical, language, safety, and trust barriers.
- A lack of necessary and adequate accommodations, such as curb ramps, interpreters, and alternative means of providing input.

Over the past several years, the Genesee Transportation Council has undertaken a number of actions to prevent and eliminate disparities. GTC is guided in these efforts by federal law and related directives.

Guidance and Compliance

Title VI of the 1964 Civil Rights Act states that “No person in the United States shall on the basis of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

The Americans with Disabilities Act of 1990 stipulates that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

In 1994, President Clinton issued an Executive Order to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order requires federal agencies to be proactive in identifying, addressing, and avoiding any actions which lead to “disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.”

In 2000, President Clinton issued an Executive Order on Improving Access to Services for Persons With Limited English Proficiency in order to “improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP).”

Related directives by the U.S. Department of Transportation (including the Federal Highway Administration and Federal Transit Administration) and the New York State Department of Transportation emphasize the imperative of all transportation agencies receiving federal funds, including GTC, to fulfill the intent of these acts and orders in their activities.

Federal and state laws and directives afford metropolitan planning organizations like GTC considerable flexibility in incorporating these requirements into their planning activities. The Genesee Transportation Council has analyzed all the legislation and regulations. Recommendations for compliance vary, yet the fundamental requirements are clear:

- *Demographic profiles* of underrepresented groups must be created, including geographic location.
- A *methodology* for making sure the benefits and burdens of the transportation system are equitably distributed must be established.
- *Outreach* to ensure participation of underrepresented groups in the planning process must be ongoing.

These actions form the basis of the Genesee Transportation Council’s Title VI / ADA / Environmental Justice efforts.

Regional Profiles

The Genesee Transportation Council identified four groups that are typically underrepresented in the transportation planning process:

- Minorities
- Persons with Low Incomes
- Persons with Limited English Proficiency
- Persons with Disabilities

Data were analyzed by census tracts. A census tract is a geographic subdivision used by the U.S. Census Bureau and generally contains between 2,500 and 8,000 people. Census tracts can cross municipal borders, but not county borders. The boundaries of census tracts may change with each decennial census to reflect population shifts in the ten years since the previous census.

All data are from the 2000 Census, the most complete information currently available for census tracts.

Minorities

The 2000 U.S. Census defines minorities as people of African, Asian, Hispanic or Latino, Native Alaskan, or Native American origin.

In the region, 90 of the 294 census tracts contain a higher proportion of minorities than the regional average. These census tracts are almost exclusively located in the City of Rochester and in outer areas with correctional facilities or high concentrations of migrant agricultural workers.

The above-average-minority-population census tracts house 140,237 people who identified themselves as minorities in the 2000 Census, or 69.4 percent of the region's total minority population.

REGIONAL DEMOGRAPHIC PROFILE		
Race	Population	% of Regional Population
Black or African American alone	112,298	9.3
American Indian and Alaska Native alone	3,025	0.3
Asian alone	20,236	1.7
Native Hawaiian and Pacific Islander alone	236	0.0
Some other race (not Hispanic or Latino)	1,243	0.1
Two or more races (not Hispanic or Latino)	15,364	1.3
Hispanic or Latino (all races)	49,724	4.1
Total Minority Population	202,126	16.8
Non-Hispanic White	997,462	83.2
TOTAL REGIONAL POPULATION	1,199,588	100.0

Persons with Low Incomes

For this analysis, persons with low incomes have an income at or below the federal poverty level. The federal government measures poverty according to a set of money income thresholds that vary by the size of a family and the age of family members.

The U.S. Census does not include people who are not part of households in the total population for whom poverty is determined, nor does the Census count individuals who reside in group quarters.

Data from the 2000 Census were used to calculate the number of people at or below the federal poverty level in each of the 294 census tracts in the region.

There are 119,209 individuals living at or below the poverty level in the region. This represents 10.3 percent of the total population for whom poverty is determined. There are 127 census tracts with a poverty rate above the regional average. These census tracts contain 81,370 individuals with low incomes, or 68.3 percent of the region’s total.

Poverty in the urbanized area of the region is related to minority status. All of the census tracts in Monroe County with an above-average minority population also have an above average low-income population, with the exception of six census tracts. Four of these six are excepted because of the presence of group living facilities, whose residents are not included in the poverty data. Eight census tracts in the City of Rochester and immediate suburbs have an above-average low-income population and a below-average minority population.

Forty-four of the 108 census tracts in the eight counties surrounding Monroe County have an above-average low-income population, including more than half of the census tracts in Orleans, Seneca, and Yates counties. Over eighty-two percent of the residents of these low-income census tracts are non-Hispanic white. In the rural counties, four census tracts have an above-average minority population and a below-average low-income population due to the presence of correctional facilities.

2000 REGIONAL LOW INCOME POPULATION		
Total Population for Whom Poverty is Determined	Total Low Income Population	%
1,151,886	119,209	10.3

Persons with Limited English Proficiency

The 2000 Census questionnaire asked how well a person speaks English. The four possible answers were “very well”, “well”, “not well”, and “not at all”.

Individuals who responded “not well” or “not at all” are often referred to as limited English proficient (LEP), defined by the U.S. Department of Justice as persons whose “limited ability to read, write, speak, or understand English ...can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by Federally funded programs and activities.”

Essentially, limited English proficiency can be a barrier to holding a job, accessing health care, and getting an education; in other words, to reaching one’s full potential.

The U.S. Census tracks English proficiency for people five years of age and older. In the region, 16,320 people are considered LEP because they marked “not well” or “not at all” on the 2000 Census questionnaire. This represents 1.5 percent of the total regional population for whom English proficiency is determined.

About two thirds of LEP residents live in the urbanized part of the region, and one third in rural areas. Nearly 45 percent of all people reporting difficulty with English speak Spanish as their primary language. Spanish is the primary language for 69.4 percent of those who reported limited English proficiency in the counties outside Monroe County, versus 43.3 percent for LEP individuals within Monroe County.

2000 REGIONAL LIMITED ENGLISH PROFICIENCY POPULATION		
Total Population for Whom English Proficiency is Determined	Total Limited English Proficiency Population	%
1,125,265	16,320	1.5

Persons with Disabilities

Nearly one in three residents of our region stated they had some level of disability on the 2000 Census questionnaire.

The U.S. Census Bureau reports several types of long-lasting conditions or disabilities for people five years of age and older:

- Sensory disabilities involving vision or hearing impairment.
- Physical disabilities limiting such basic activities as walking, climbing stairs, reaching, lifting, or carrying.
- Mental disabilities causing difficulty in learning, remembering, or concentrating.
- Self-care disabilities causing difficulty in taking care of personal needs like dressing, bathing, or getting around inside the home.
- Go-outside-home disabilities that made it difficult to go outside the home to shop or visit the doctor.
- Employment disabilities causing difficulty working at a job or business due to a physical, mental or emotional condition.

NONINSTITUTIONALIZED POPULATION 5 YEARS AND OVER WITH DISABILITIES									
County	Total Population Ages 5+	Total Population Ages 5+ With Any Disability	%	With Any Disability Ages 5-15	%	With Any Disability Ages 16-64	%	With Any Disability Ages 65+	%
Genesee	56,738	16,623	29.3	885	1.6	10,145	17.9	5,593	9.9
Livingston	60,796	17,493	28.8	1,092	1.8	11,795	19.4	4,606	7.6
Monroe	688,804	212,001	30.8	11,739	1.7	136,139	19.8	64,123	9.3
Ontario	94,145	27,669	29.4	1,334	1.4	16,959	18.0	9,376	10.0
Orleans	41,389	13,746	33.2	802	1.9	9,048	21.9	3,896	9.4
Seneca	31,524	10,917	34.6	547	1.7	6,551	20.8	3,819	12.1
Wayne	87,737	26,206	29.9	1,493	1.7	16,457	18.8	8,256	9.4
Wyoming	41,142	11,926	29.0	621	1.5	7,342	17.8	3,963	9.6
Yates	22,990	7,495	32.6	429	1.9	4,605	20.0	2,461	10.7
Regional Summary	1,125,265	344,076	30.6	18,942	1.7	219,041	19.5	106,093	9.4
National Summary	257,167,527	49,746,248	19.3	2,614,919	1.0	33,153,211	12.9	13,978,118	5.4

All of the nine counties in our region have proportions of persons with one or more disabilities that are higher than the national average. These proportions are higher across all age groups. Accordingly, GTC's policies and actions increasingly focus on making environments usable for all people, as well as removing specific barriers.

Current examples include but are not limited to:

- An emphasis on Context Sensitive Design when planning for roadway construction and reconstruction, which balances the needs of all users (through, for example, the use of sidewalks, high-visibility crosswalks, clear signage, and traffic signals timed for pedestrians, as appropriate).
- A redesigned GTC website with larger font, easier to enlarge text, high-contrast color combinations, and shorter sections with minimal scrolling. Text-only versions of multi-media policy documents are provided online.
- Participation in the Finger Lakes Health Systems Agency's Sage Commission to address the needs of the adult population ages 65 and older, including transportation access to health care and other needed services.
- Participation in the Healthi Kids Initiative to create daily environments which encourage children to increase their levels of physical activity (such as new or repaired sidewalks and trails, and safe routes to school).
- In 2011, GTC will inventory municipalities in the region that receive federal transportation funds to determine the status of their Americans with Disabilities Act (ADA) Transition Plans. The ADA requires all public entities with more than 50 employees to have a Transition Plan to ensure that all of their transportation facilities are accessible to all individuals.
- To move to the next level of mobility and accessibility, GTC is exploring Universal Design. Universal design – a relatively new approach – incorporates products, building features, and site elements which, to the greatest extent possible, can be used by everyone whatever their condition in life – short or tall, physically-challenged or not, left- or right-handed, young or old, English-speaking or not, to give only a few examples.

Methodology

The demographic profiles were used to evaluate the impact of projects included in the current Transportation Improvement Program (TIP) on three underrepresented groups: minority, low-income, and limited English proficiency. (A profile for the disabled community was not available at the time.) The current TIP lists specific transportation projects that likely will be implemented between federal fiscal years 2011 and 2014, utilizing approximately \$460 million in federal funds.

Projects within or adjacent to areas with above-average proportions of the three groups were identified, and a rating system was established to determine the projects' effects on accessibility, mobility, congestion, safety, and recreational opportunities.

The analysis identified 136 projects in the current TIP that will be implemented in areas with above-average concentrations of these populations. The projects will receive a combined \$342 million in federal funds, or 74 percent of the region’s total federal transportation funds.

These projects will provide balanced benefits to all segments of the population. A detailed description of the analysis and results can be found in the published *2011-2014 Transportation Improvement Program*, a summary of which is provided below.

2011-2014 TRANSPORTATION IMPROVEMENT PROGRAM ENVIRONMENTAL JUSTICE PROJECT ANALYSIS		
Projects’ overall impacts on accessibility, mobility, congestion, safety, and recreational opportunities	Number of projects	Total federal project funds
Significantly Negative	0	\$0
Moderately Negative	0	\$0
Marginally Negative	0	\$0
Neutral	93	\$177,274,566
Marginally Positive	38	\$146,470,107
Moderately Positive	4	\$12,792,918
Significantly Positive	1	\$5,650,339
TOTAL	136	\$342,187,930

Although a demographic profile for the disabled community was not available for the current Transportation Improvement Program, GTC routinely works to ensure that the accessibility and mobility requirements of the Americans with Disabilities Act are met throughout the project planning process. Many more projects are proposed for the TIP than can be included because of funding constraints. Proposed projects are rated according to numerous criteria including how well they improve accessibility and expand mobility options for “seniors, people with disabilities, and others traditionally not well-served by the transportation system.”

It should be noted that about 80 percent of the federal funds that flow through the Genesee Transportation Council are dedicated to public transit, pedestrian and bicycle improvements (such as trails and sidewalks), and maintaining existing transportation facilities within existing rights-of-way — not building new. Public transit, bicycle facilities, and urban trails are exceedingly beneficial to many of the populations considered more fully in this plan. They provide safe and affordable means of transportation to services and recreation. Repair and maintenance work (GTC emphasizes context sensitive solutions) generally does not increase road capacity — and, therefore, traffic, air pollution, and environmental and economic disruption — nearly to the extent that new construction may.

The demographic profiles of the region are also available to those who propose concept-level planning projects for the Unified Planning Work Program (UPWP) and to the GTC staff that evaluate these proposals. The UPWP represents GTC planning activities for the upcoming year. Each planning (not administrative or data collection) project in UPWP must convene at least two public meetings. The demographic profiles help planners avoid undesirable impacts at the initial stage of project development, as well as identify and encourage participation by underrepresented groups in the planning process. The demographic profiles also assist in evaluating the impacts of past projects.

Outreach

The Genesee Transportation Council recognizes that broad and meaningful public participation can ensure fairness, equitable and cost-effective investments, and a transportation system that serves everyone well.

GTC developed a database of over 225 organizations serving low-income and minority populations. These organizations are invited to participate in the development of the Long Range Transportation Plan, a framework for transportation planning and investment in the region for the next 20 years, at a minimum.

In accordance with the Genesee Transportation Council's *Public Participation Plan*, adopted in 2007, all meetings sponsored by GTC are held at convenient times in locations that are wheelchair accessible. Meeting materials and other public information are electronically accessible through the GTC website. Special accommodations can be arranged with a 48-hour advance notice. A *Citizens' Guide to Transportation Planning* has been developed to increase public understanding of GTC and the transportation planning process.

GTC realizes that concerted efforts are necessary to better meet the needs of underrepresented groups and increase their participation in transportation planning.

A two-step process for continuous improvement is proposed:

1. Develop and implement reasonable organizational changes that would benefit all underrepresented groups (as soon as possible).
 - Enhance and expand the existing database of relevant community (including faith-based) organizations that would receive information on GTC's activities, including upcoming meetings and public review periods, for distribution to their clients, constituents, staff, and other stakeholders.
 - Identify media outlets targeted to underrepresented populations and utilize them to publicize GTC meetings and public review periods.
 - Publicize GTC meetings and public review periods on local cable access television.
 - Increase the accessibility of GTC's website by providing language translation and a speech function to hear text read aloud.

- Create a simple brochure, in English and Spanish, describing GTC and the importance of public involvement in GTC activities. The brochure would be distributed, electronically or hard copy, as appropriate.
 - Create an ad hoc advisory committee with direct representation from underrepresented communities for consultation on and evaluation of GTC's performance regarding environmental justice and public participation.
 - Review all GTC public presentations to make sure they: avoid jargon; are direct and specific; limit key points to three to five; repeat key points; illustrate points with real examples and anecdotes; use pictures; avoid complex diagrams.
 - Incorporate this *Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan* into the next revision of the *Public Participation Plan*.
2. Convene focus groups representing each underrepresented community (including community leaders) as necessary to find out what specific needs each community may have; implement recommendations as practical (not later than June 30, 2011).

Complaint Procedure

Any person alleging discrimination by race, color, or national origin may file a written or oral complaint with the Rochester Genesee Regional Transportation Authority, as the host agency of GTC.

Write: Rochester Genesee Regional Transportation Authority
1372 East Main Street
Rochester, New York 14609
Attention: Civil Rights

Phone: (585) 654-0200

TDD: (585) 224-8509

e-mail: customerservice@rgrta.com.

Should a complaint be received, the following procedure will be followed:

1. Any written or oral complaint alleging discrimination on the grounds covered by Title VI of the Civil Rights Act of 1964, as amended, should be promptly forwarded to the RGRTA General Counsel and recorded upon receipt on a log sheet maintained by the General Counsel. The log shall include the:
 - Name of the complainant(s)
 - Date complaint was received
 - Nature of complaint
 - Name of the RGRTA representative handling the complaint
 - Action taken by RGRTA

2. Once the complaint is recorded on the log sheet, a letter shall be sent to the complainant to advise the complainant that the matter is being investigated and providing a date by which the complainant will receive a response.
3. RGRTA staff will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.
4. In instances where additional information is needed for assessment or investigation of the complaint, the complainant will be contacted in writing within 15 business days. Failure to provide the requested information by a certain date may result in the administrative closure of the complaint.
5. RGRTA will process the complaint in accordance with the approved Title VI Complaint Processing Procedures. In addition to the complaint process stated above, a complainant may file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, Region II, One Bowling Green, Room 429, New York, New York 10004-1415.

Contact GTC

If you have any questions or comments regarding this document, please contact the Genesee Transportation Council:

*City Place
50 West Main Street
Suite 8112
Rochester, New York 14614*

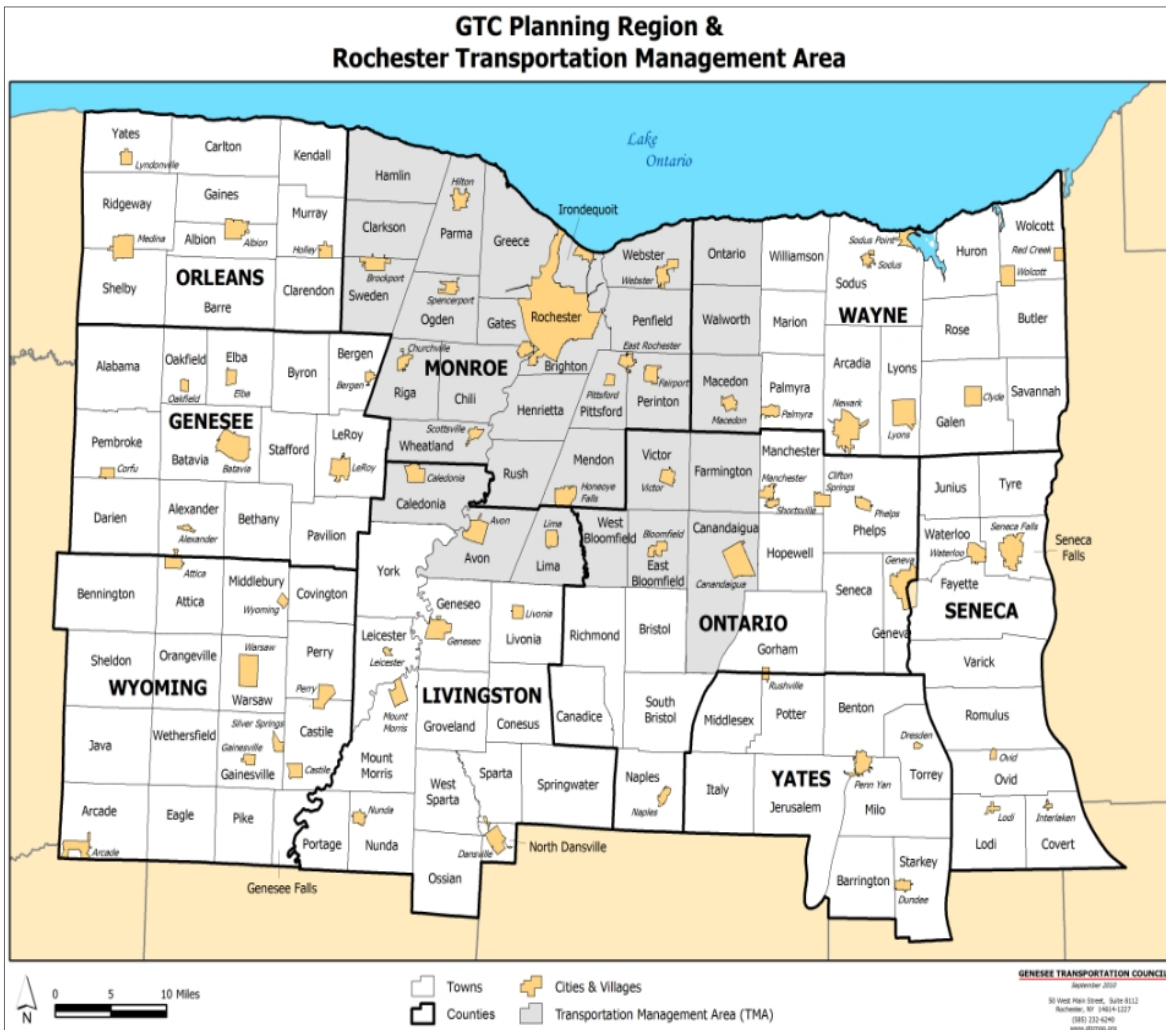
Telephone: (585) 232-6240

Fax: (585) 262-3106

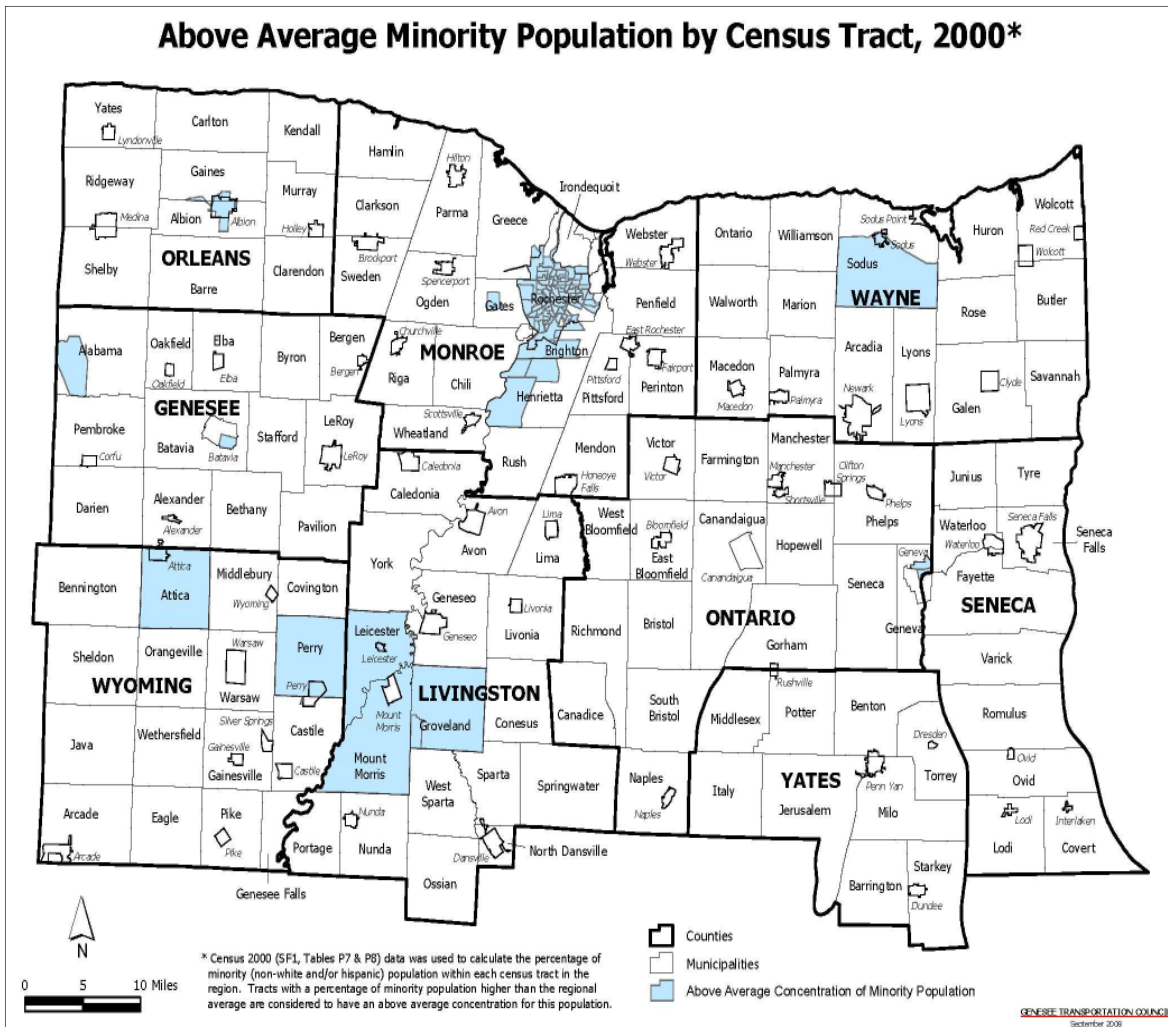
e-mail: contactgtc@gtcmpo.org.

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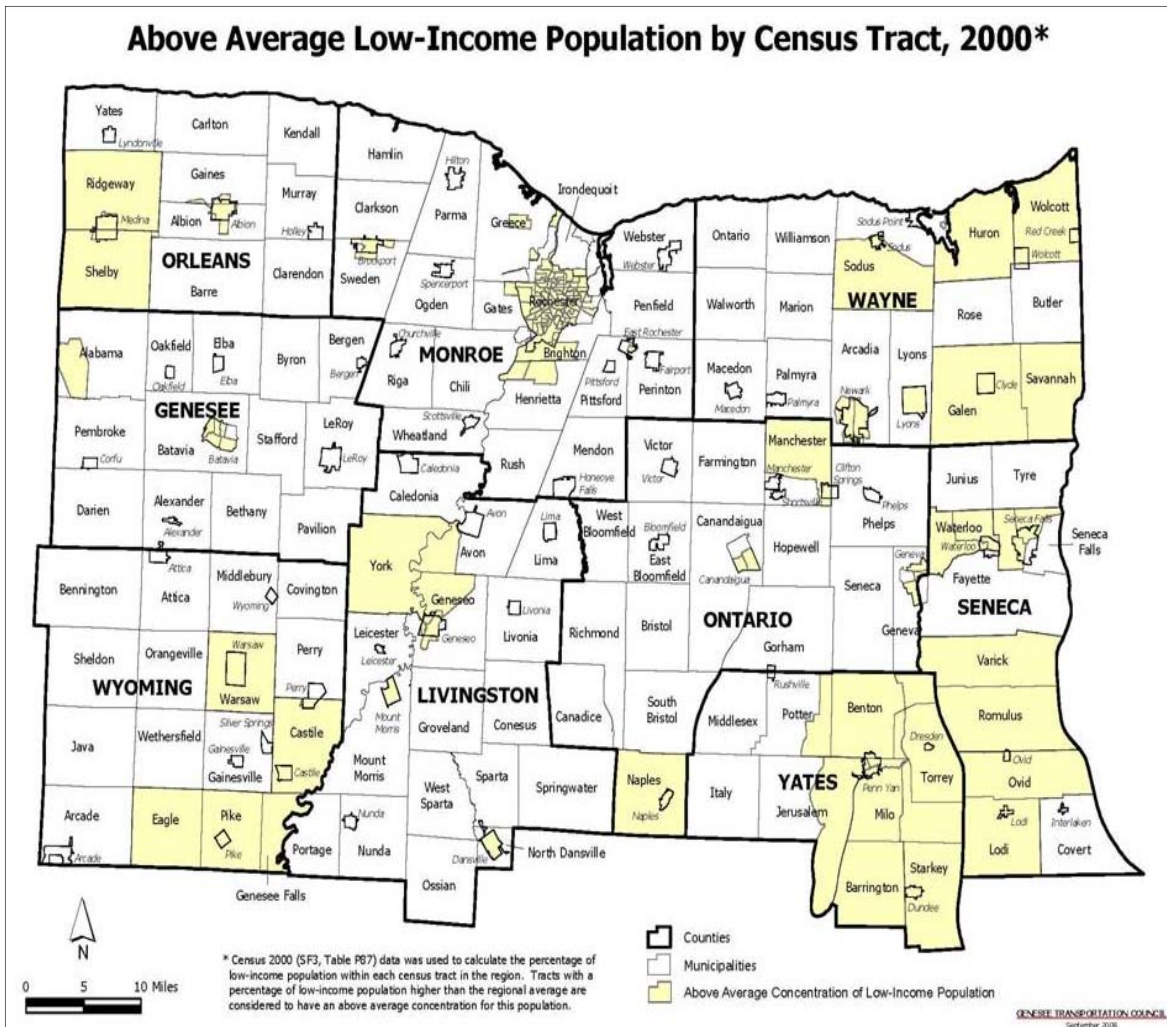
MAP 1 — GTC Planning Region & Rochester Transportation Management Area



MAP 2 — Above Average Minority Population



MAP 3 — Above Average Low-Income Population



MAP 4 — Above Average Limited English Proficiency Population

