

## **Environmental Justice/Public Participation Plan**

### **Introduction and Purpose I**

The purpose of this document is to outline the Dallas County's (County's) plan for addressing Federal and state non-discrimination requirements (Environmental Justice) outlined under Title VI, Federal Executive Order 12898 and other related regulations and statutes. It also outlines the County's Public Participation Plan for addressing the requirements of Title VI. Although they are separate topics, Environmental Justice and Public Participation are closely intertwined issues and complement one another in ensuring fair and equitable distribution services and access to programs.

To be effective, an environmental justice plan must incorporate comprehensive measures for including the public in legal and policy decisions related to environmental issues. This public participation plan addresses the need to include the public in all issues impacting stakeholders.

### **Dallas County Demographics**

Per the Census Bureau's Quick Facts, 2014, Dallas County is a County of 2,518,638 residents of which:

- 68.3% is white (31.7% is White only and 39% is Hispanic or Latino)
- 23.1% is Black or African American alone
- 5.7% is Asian
- 1.1% is American Indian and Alaska Native

19.1 percent of the population are below the poverty level (2009-2013). Approximately 68% categorized as minority. See Graph 1 for the distribution of minorities in Dallas County.

### 2010 Minority Population



[Median household income – NCTCG map based on Geographic Information Systems (GIS), for ACS's 2006-2010 5-year estimate]



# ESTIMATED MEDIAN HOUSEHOLD INCOME



**Legend**

- City Boundary
- Lakes/Ponds

**Estimated Median Household Income**

- 0.0000000 - 35,000.000
- 35,000.001 - 55,000.000
- 55,000.001 - 85,000.000
- 85,000.001 - 125,000.00
- 125,000.01 - 228,036.00



[estimate based on U.S. Census Bureau American Community Survey 2012 – Median household income]

## Definitions of Traditionally Underserved Populations

**Minority:** Persons considered minorities are identified by the Census as people of African, Hispanic, Asian, American Indian, or Alaskan Native origin. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice consider minority persons as persons belonging to any of the following groups:

- a. Black - a person having origins in any of the black racial groups of Africa.
- b. Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- c. Asian - a person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
- d. American Indian and Alaskan Native - a person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

**Low Income:** A person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines. The national poverty guidelines are issued annually by the Department of Health and Human Services and are available at: <http://aspe.hhs.gov/poverty/15poverty.cfm>.

**Elderly:** Any persons over the age of 65.

**Person with Disabilities:** Under the Americans with Disabilities Act of 1990, a qualified individual with a disability is a person that 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment.

**Low-Income Population:** Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

**Minority Population:** Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

## Definitions of Effects

**Adverse Effects:** The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death,
- Air, noise and water pollution and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or community's economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of person's businesses, farms or non-profit organizations,
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community,
- Denial of, reduction in, or significant delay in the receipt of benefits of the County programs, policies and activities.

**Disproportionately high and adverse Effects In Minority and Low Income Populations:** An adverse effect that:

- is predominantly borne by a minority population and/or a low-income population, or
- will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

## **ENVIRONMENTAL JUSTICE PLAN**

Environmental justice is the fair treatment of all people and providing for meaningful public involvement in government decision-making. The County has applied for and received federal grants for Public Works related projects primarily through the Texas Department of Transportation. Using a professional staff of engineers, planners, mappers, and others, the County provides a range of Public Works related services such as:

- Land use planning and programming
- Economic and community development programs
- Transportation and multi-modal planning
- Water/waste water design and construction
- Mapping and others

Departments will be asked to do the following when considering a project/program:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.
- The Director of Public Works oversees this process and reviews the final resulting project documents to ensure compliance with federal regulations.
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The department will take the following steps when engaging in any federally funded program or activity which may have any adverse human health or environmental effect:

**STEP ONE:** Determine if an underserved population group is present within the project area. If a conclusion is that no undeserved population group is present within the project area, document how the conclusion was reached. If the conclusion is that there are undeserved population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified undeserved populations are disproportionately high and adverse. In doing so, refer to definition section "Effects." If it is determined that there are disproportionately high and adverse impacts to an undeserved population, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project. Include public participation of the affected population per the Public Participation Plan. Consider the following:

- Are there alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

- Considering the overall public interest, is there a substantial need for the project?
- Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FOUR:** Document all findings, determinations, or demonstrations. The department will document:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

The department will also maintain a Log (Attachment I(2)). A completed Log should be provided to the Title VI Coordinator by the 14<sup>th</sup> of May each year.

**Record Keeping:** The department will maintain records evidencing its environmental justice and public participation compliance, which include, but are not limited to, its findings and determinations. The department shall maintain these records for four years the project or program is completed.

## **PUBLIC PARTICIPATION PLAN**

The County's public participation plan goals are to:

- Provide County departments with a framework to develop meaningful public participation.
- Provide opportunity for interested parties to identify environmental concerns;
- Encourage public participation opportunities in a wide and varied audience, including traditionally underserved groups;
- Obtain meaningful public input and participation to inform the planning and decision-makers; and
- Inform and educate stakeholders and interested parties.
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The public participation plan should be developed early in the process.

### **A. Forms of Communication**

To ensure a rich and diverse public participation process, impacted parties must be informed and educated on programs, projects planned, and projects underway. The following strategies are utilized by the County department and divisions to ensure that interested parties receive timely information in a variety of formats. Each department will determine the best form of communication for their programs.

1. Commissioners Court Meetings. Citizens may be present during any of the Commissioners Court meetings. The Commissioners Court meets every Tuesday at 9:00 am. The agenda for the Commissioners Court meeting can be found at <http://www.dallascounty.org/department/comcrt/agenda/agenda.php>. And, the meeting can be streamed online.

The Commissioners Court meeting offers the public an opportunity to bring topics and issues to Commissioners' attention. Each regular Commissioners Court meeting allows citizens 3 minutes each to speak on a topic. Maximum discussion on any one topic is limited to 30 minutes regardless

of the number of speakers, unless the court unanimous decides to increases the time. A citizen can sign up to speak. Requests to appear in formal court or in briefing session before the County Commissioners must be made to the clerk of the court prior to 4:00 p.m. Monday, before the meeting. Each request must be accompanied by a person's name, address, telephone number and subject.

2. Public Outreach. The methods of gathering and implementing public participation for a planning process may differ widely, depending on the type and scope of a project or program.

Partnerships with Community Based Organizations Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underrepresented groups. The department can reach out to specific organizations to provide these groups with project information and encourage them to become involved. Community-based organizations are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; community development corporations, churches and other faith-based organizations; service clubs; schools that provide English as a second language programs; service providers for youths, families, and persons with disabilities; and many others.

3. Websites. County departments that have websites that provide for two-way communication can continuously update information about programs and projects.
4. Publications. Departments should maintain a stakeholder list with contact information for organizations and individuals. Electronic newsletters quickly and easily disseminate information to contact lists.
5. Media Campaigns. A comprehensive regional media campaign can be used when outreach is needed to the broader community, if fees are reasonable and the department has the available resources. A media campaign might include press releases, public service announcements, press conferences with community leaders, feature articles, or interviews, depending on the nature of the project and the resources available. To ensure media exposure, the department could buy advertisements but should do so strategically to keep costs low. Keeping a consistent media message across all channels requires generating and distributing talking points to project team members and/or the County Administrator.
6. Scheduled Community Meetings. The need for scheduled community meetings during the life of the project or program will vary. A construction project for example could have scheduled meetings during project development, design, at construction start, and at various times during construction. Each department will make the determination of what is needed.

*Selection of Meeting Places:* When determining locations and schedules for public meetings, the department will:

- Schedule meetings at times and locations that is convenient and accessible for minority, low income, and Limited English Proficient (LEP) communities
- Employ different meeting sizes and formats including town hall type meeting formats;
- Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority, low income, and/or LEP communities;
- Provide opportunities for public participation through means other than written communication, such as one-on-one interviews.
- Meetings are conducted in locations that are always ADA accessible and convenient to public transit, when possible;

- Sign language interpreter requests can be accommodated if requested in advance. Each department will determine the amount of notice required.

7. Direct Notification. The use of door to door delivery of information should be used when required by federal, state or local law or depending on the nature of the program, project, or activity and the resources available.
8. Social Media. Social media and social networking websites include Facebook, Twitter, YouTube, and blogs. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.
9. State And Regional Organizations. The County receives funding through various state and federal agencies with their own public participation plans. The Texas Department of Transportation (TxDOT) website states “public hearings and meetings allow you to participate in the transportation planning process and help you better understand the road, rail and aviation projects that affect your community.” Further details about the Texas Department of Transportation (TxDOT) public participation process can be found at: <http://www.txdot.gov/inside-txdot/get-involved.html>.

## **B. Use of Public Comment**

All public input should be derived from as diverse a range of sources as possible. As appropriate and whenever possible, at the department’s discretion, public comments may be used to revise work scopes, plans, and programs. (E.g., Attachment K(1)-(2)).

## **C. Effectiveness Assessment**

Departments should use the information obtained through its public outreach efforts to review the effectiveness and progress of its programs. In turn, the public participation plan should be updated periodically to ensure compliance with Title VI of the Civil Rights Act of 1964 and executive orders for Environmental Justice and individuals that are Limited English Proficient. The Title VI Coordinator will be responsible for coordinating any plan updates.



## Checklist For Compliance with Environmental Justice

Use this worksheet to maintain a log for projects that require an Environmental Justice assessment.

Select One, based on the questions below:

- A – This project will not have an effect on human health or environmental**  
 **B – This project will have an effect on human health or environmental.**

### 1. Environmental Justice (E.O. 12898)

- a. **Step 1: Is the project located in or designed to serve a predominantly minority or low-income neighborhood?**

Yes  No

**If Yes,** continue.

**If No,** compliance with this section is complete. Mark box “A” above.

- b. **Step 2: Would there be an adverse environmental impact caused by the proposed action?**

Yes  No

**If No,** compliance with this section is complete. Mark box “A” above.

**If Yes,** perform an Environmental Justice (EJ) analysis using census, geographic, and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

- c. **Step 2: Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?**

Yes  No

**If Yes,** continue.

**If No,** compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” above.

- d. **Step 3: Has mitigation measures been considered and does the mitigation plan include input from public participation of the affected population?**

Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process.

**If Yes,** compliance with this section is complete. Continue.

**If No**, project cannot move forward until EJ mitigation is considered and public participation of the affected population is involved, per the Public Participation Plan.

- e. **Step 4:** Document findings and mitigation efforts. Provide log to Title VI Coordinator by May 14<sup>th</sup> of each year.

Complete the logs below to document environmental justice and public participation efforts, where applicable.

Project	Adverse human health and environmental impact	Impacted groups (underserved populations)	Description of Public Participation Plan	Dates of Public Participation Efforts	Public Participation Plan Findings/Conclusions	Efforts to mitigate, if any. If none, why not	Identify Source Documentation (e.g., Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan, meeting notices, public forums)	Other

*For additional information see following resources:*

- EPA's "EJ View" Tool provides information relevant to EJ assessments: <http://epamap14.epa.gov/ejmap/entry.html>
- Census data and maps also available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
- Tract-level data on race & income: <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>
- EJ maps & analysis, by location: <http://www.scorecard.org/community/ej-index.tcl>

PREPARER:

\_\_\_\_\_  
Preparer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer's Name (printed)

\_\_\_\_\_  
Title (printed)

AUTHORIZED RESPONSIBLE OFFICIAL:

\_\_\_\_\_  
Authorized Responsible Dept Head Signature

\_\_\_\_\_  
Date