

Environmental Justice and Transportation: Building Model Partnerships Community Workshop Proceedings



U.S. Department
of Transportation

Federal Highway
Administration

This project was funded by the
U.S. Department of Transportation, Federal Highway Administration

ABSTRACT

The Federal Highway Administration (FHWA) contracted with the Environmental Justice Resource Center at Clark Atlanta University to convene a national environmental justice steering committee to plan, develop, schedule, and conduct a series of regional and/or locally based transportation workshops comparable to the 1995 *Environmental Justice and Transportation: Building Model Partnerships* conference held in Atlanta, Georgia. A major goal of the workshops was to follow up the 1995 conference and bring community, business, and government (local, state, and federal) leaders to the table so that they might discuss the progress made in developing common strategies and workable partnerships. The workshops were also designed to assist the FHWA in integrating environmental justice principles into the FHWA National Environmental Policy Act (NEPA) process and the implementation of the Transportation Equity Act for the Twenty First Century or TEA-21. The Community Workshops were held in Atlanta, Georgia, Harlem, New York, San Francisco, California, and the Tulalip Tribes reservation in Marysville-Snohomish County, Washington. The meetings were planned, coordinated, and conducted by community-based organizations and environmental justice groups in the respective host cities.

Workshop participants were charged with (1) assessing the progress made in meeting federal transportation directives, (2) delineating current plans, (3) defining new interagency approaches to foster greater public participation of impacted populations, (4) exploring strategies to ensure that transportation benefits accrue to all populations without regard to race, color, or national origin. The workshop brought together a broad array of nongovernmental organizations, civil rights groups, community leaders, government (local, state, and federal) officials, and private transportation stakeholders to the table to discuss common strategies and action plans to address transportation challenges facing low-income and minority communities.

Consistent with the 1995 transportation conference, the workshop had four broad objectives: (1) ensuring greater stakeholder participation and public involvement in transportation decision making; (2) directing resources to identify and address discriminatory outcomes, disproportionate impacts, inequitable distribution of transportation investments, and their civil rights implications; (3) improving research, data collection, and assessment techniques; and (4) promoting interagency cooperation in transportation planning, development, and program implementation to achieve livable, healthy, and sustainable communities. The workshop participants included grassroots environmental justice leaders, civil rights advocates, legal experts, planners, academicians, and government officials. Although each workshop was planned for 30 participants, a total of 208 individuals and group representatives attended the four meetings.

The workshops addressed a wide range of issues, including the National Environmental Policy Act (NEPA), the FHWA NEPA, Title VI of the Civil Rights Act of 1964, environmental justice guidance, equity analysis, performance measures, regional transportation planning and decision making, public involvement, air quality and public health, transportation investments, public transit, and public involvement.

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ACKNOWLEDGMENTS

This proceedings document was a joint effort between the Federal Highway Administration, Office of Environment and Planning, the Environmental Justice Resource Center at Clark Atlanta University, and the National Environmental Justice Transportation Steering Committee. Members of the Steering Committee included Susanna Almanza, People Organized in Defense of Earth and Her Resources (Austin, Texas), Robert D. Bullard, Environmental Justice Resource Center at Clark Atlanta University (Atlanta, Georgia), Don Chen, Surface Transportation Policy Project (Washington, DC), Eugene Cleckley, Federal Highway Administration (Washington, DC), Deeohn Ferris, Global Environmental Resources, Inc. (Washington, DC), Hazel Johnson, People for Community Recovery (Chicago, Illinois), Glenn S. Johnson, Environmental Justice Resource Center at Clark Atlanta University (Atlanta, Georgia), Charles Lee, United Church of Christ Commission for Racial Justice (New York, New York), Peggy Shepard, West Harlem Environmental Action, Inc. (New York, New York), Connie Tucker, Southern Organizing Committee for Social and Economic Justice (Atlanta, Georgia), Beverly Wright Deep South Center for Environmental Justice, Xavier University of Louisiana (New Orleans, Louisiana), and Cameron Yee, Urban Habitat Program, Inc. (San Francisco, California).

Environmental Justice and Transportation

From New York to California and cities in between, grassroots groups are challenging local, metropolitan, state, and federal transportation agencies to strengthen intermodal options that contribute to the development of just, healthy, and sustainable communities with benefits to all sectors. Some transportation activities have unintended consequences of dividing, isolating, disrupting, and imposing different economic, environmental, and health burdens on some communities.

Some communities accrue benefits from transportation development projects, while other communities bear a disproportionate burden and pay the costs in terms of physical dislocation, displacement, pollution, and diminished health. Generally, benefits are more dispersed, while costs or burdens are more localized.

Executive Order 12898

In response to growing public concern, President Clinton on February 11, 1994 issued Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” This Order is not a new law but is an attempt to address environmental injustice within existing federal laws and regulations. The Executive Order (EO) restates the provisions found in Title VI of the Civil Rights Act of 1964. Title VI prohibits discriminatory practices in programs receiving federal funds.



The Executive Order also refocuses attention on the National Environmental Policy Act (NEPA), a law that sets policy goals for the protection and enhancement of the environment. NEPA’s expressed goal is “to ensure for all Americans a safe, healthful, productive, and aesthetically and culturally pleasing environment.” NEPA requires federal agencies to prepare a detailed statement on the environmental effects of proposed federal actions that significantly affect the quality of human health.

Executive Order 12898 reinforces the applicability of Title VI and all other federal laws, regulations and other authorities. Together they prohibit discrimination and underscore protection of health and the environment. Title VI expands the nondiscrimination mandate to federally-funded entities and activities. They both reinforce the NEPA process.

The DOT Order

Complying with the EO 12898, the Department of Transportation issued Order 5680.2 to address environmental justice in minority populations and low-income populations by establishing policies that promote environmental justice in all programs, policies and activities. The DOT Order specifically addresses environmental justice for minorities (defined as Black, Hispanic, Asian American, American Indian or Alaskan Native) and low-income populations including whites (median household income below Department of Health and Human Services poverty guidelines). Pursuant to NEPA, all federally funded transportation planning and decisions must involve an environmental justice assessment process that explicitly considers adverse effects or the potential of adverse effects on these populations.

The FHWA Order

On December 2, 1998, the Federal Highway Administration (FHWA) issued its order. The FHWA Order sets forth policies for integrating environmental justice principles into existing operations, preventing disproportionately high and adverse effects, and actions to address disproportionately high and adverse effects on low-income and minority populations.

EO 12898 and the DOT Order reaffirm NEPA, Title VI and FHWA's longstanding policy to ensure nondiscrimination in the programs and activities of Federal aid recipients, subrecipients and contractors. Furthermore, it is FHWA's continuing policy to identify and prevent discriminatory effects. FHWA actively administers decision making activities to ensure that social, economic and environmental impacts are addressed up front, from early planning through project implementation.

Equally important, these and other authorities underscore FHWA's commitment to ensure that the public is involved in activities associated with transportation decisionmaking, provides input, and has access to public information concerning transportation, health and environmental impacts.

Community-Based Workshops

The Federal Highway Administration contracted with the Environmental Justice Resource Center at Clark Atlanta University to convene a National Environmental Justice Steering Committee to plan, develop, schedule, and conduct a series of regional and/or locally based transportation workshops. The workshops were conducted in October and November of 1998. The community-based workshops were intended to be a follow-up to the 1995 Environmental *Justice and Transportation: Building Model Partnerships* conference held in Atlanta, Georgia. The community-based workshops were designed to bring community, business, and government (local, state, and federal) transportation stakeholders to the table to discuss the progress made in developing common strategies and workable partnerships.



The workshops were also designed to assist the Federal Highway Administration by integrating environmental justice principles into the FHWA National Environmental Policy Act process and the implementation of the Transportation Equity Act for the Twenty First Century or TEA-21. The workshops were held in Atlanta, Georgia, Harlem, New York, San Francisco, California, and the Tulalip Tribes reservation in Marysville-Snohomish County, Washington. The one-day workshops were planned, coordinated, and conducted by community-based organizations and environmental justice groups in the respective host cities.

Workshop Participants

The workshop participants included grassroots environmental justice leaders, civil rights advocates, legal experts, planners, academicians, and local, state, and federal government officials. The meetings were directed at a broad cross-section of groups covered in the Executive Order, namely minority and low-income populations. The selection of host cities was a twofold process: (1) inclusion of urban ethnic

populations from different regions of the country, and (2) inclusion of case studies that represented the various transportation modes (i.e., roads, transit, rail, and airports).

Special efforts were made to have local grassroots groups, transportation stakeholders, and environmental justice groups engage in an honest and open dialogue with local metropolitan planning organizations (MPOs), state DOT representatives, and U.S. DOT officials. The workshops were originally planned for 30 participants per city. However, over 200 individuals and groups attended the four meetings. The meeting attendance is as follows: Atlanta, GA (73), Harlem, NY (58), San Francisco, CA (37), and Marysville (Tulalip Tribes), WA (40).

Representatives from the grassroots environmental justice organizations were an integral part of the workshops as planners, speakers, and facilitators. Over half of the presenters represented grassroots groups and other nongovernmental organizations (NGOs).



Key Questions Addressed in the Community-Based Workshops

Workshop participants explored transportation issues ranging from neighborhood to regional issues. They also discussed the transportation impacts--benefits and adverse effects--on minority and low income communities. The workshop participants explores the following areas:

Building on Existing Local Initiatives. What is the U.S. DOT doing to implement environmental justice principles in metropolitan areas? What are some of the “best” examples of initiatives and actions underway to implement environmental justice principles in the National Environmental Policy Act (NEPA), Intermodal Surface Transportation Efficiency Act (ISTEA)/Transportation Equity Act for the 21st Century (TEA-21), Clean Act Air (CAA), and other regulations, policies, guidance, and program activities undertaken by DOT or other entities that receives financial assistance or permits from DOT, which may have environmental justice implications? What action plans and steps are underway to implement the Executive Order 12898, the DOT Order, and the FHWA Order?

Regional Transportation Plan. What action plans or steps do the U.S. EPA, state DOTs, MPOs, and other governmental agencies have underway to develop a comprehensive transportation plan that addresses mobility and health needs of low-income and minority populations in the region? What steps are needed to ensure that transportation investments, benefits, enhancements, and improvements accrue to all groups without regard to race, color, or national origin?

Air Quality and Public Health. What action steps are the various governmental agencies taking to address regional transportation needs, air pollution, and public health? What steps are underway to implement air-quality based performance measures for assessing transportation alternatives in the region? What are the various governmental agencies’ authority, responsibility, programs, specific initiatives, and achievements in the area of environmental justice? How are governmental agencies integrating environmental justice principles into planning and decision making regarding NEPA, equity analysis under Title VI of the Civil Rights Act of 1964, and mitigation strategies designed to address the region’s air quality and health impact on vulnerable populations, i.e., children of color who have asthma rates higher than the general population?

Equity Analysis and Performance Measures. What are the essential ingredients of a transportation equity assessment?

Public Involvement Plans. What plans are underway to increase public involvement and public accountability of transportation planning decisions? What steps are underway to ensure involvement from underrepresented groups, i.e., low- income, ethnic minorities, transit dependent, elderly? How can nongovernmental organizations, community based institutions, grassroots groups, historically black colleges and universities (HBCUs) and other minority academic institutions (MAIs), and government build broad-based coalitions and partnerships that ensure fair and equitable distribution of transportation investments, enhancements, and amenities across the various income and racial groups?

Expansion of Public Transit. What strategic plans are underway to expand and link public transit in the central cities, edge cities, and suburbs? How do we assure fairness in the taxing structure for funding public transit systems in metropolitan areas?

It was not expected that all of questions posed by the workshop organizers would be answered in the day long community-based workshops. The meetings did go a long way in laying the groundwork for future dialogue and strategies for addressing many unresolved issues. These questions allow community groups and government agencies to work from a common agenda and provide community-derived benchmarks for addressing environmental justice, equity, and transportation issues that impact minority and low-income populations.

Community-Based Transportation Workshops

Atlanta Workshop

The first community workshop was held on October 13, 1998 in Atlanta at Clark Atlanta University. The meeting was attended by 73 people. Much of the Atlanta workshop focused on the region's pressing air quality problem, traffic congestion, regional transportation planning, highway construction, expansion of public transit, and community impacts associated with the proposed expansion of Atlanta Hartsfield International Airport.

Case Study 1: Transportation and Social Equity in Atlanta

Robert D. Bullard, Environmental Justice Resource Center, Clark Atlanta University

This case study examines the work the Environmental Justice Resource Center has been conducting on transportation and urban sprawl in the Atlanta region. The analysis focused on the impact of Atlanta's transportation policies on mobility, access to jobs, health, and other social equity concerns of minority and low-income community residents.

Metropolitan Atlanta experienced rapid growth in the 1990s. The ten-county Metropolitan Area (Cherokee, Cobb, Douglas, Clayton, Fayette, Fulton, Henry, Gwinnett, DeKalb, and Rockdale) has a population of over 3 million persons.

Much of the growth in the 1990s was characterized by suburban sprawl and economic disinvestment in Atlanta's central city.



Atlanta's regional transportation policies are implicated in land-use patterns, unhealthy air, and sprawl. The Atlanta region is a nonattainment area for ground level ozone with cars, trucks, and buses as the largest source of this pollution. The region could lose over \$600 million in federal transportation funds. Getting people out of their cars and into some form of linked public transit may well be the key to solving the region's transportation problem.

The Metropolitan Atlanta Rapid Transit Authority (MARTA) operates 39 miles of rail with 469,000 passengers who ride the MARTA bus and rail system each day. The \$3 billion rail system operated by MARTA is constrained to two central counties (Fulton and DeKalb) and cannot get workers to many of the region's jobs that are located in the suburbs.

Case Study 2: Regional Planning Needs and Priorities

James Chapman, Executive Director, Georgians for Transportation Alternatives

This case study presented an analysis of the Atlanta Regional Commission's (ARC) planning process and offered strategies to improve that process in addressing equity and public involvement issues in transportation.

Assessing Transportation Needs. The regional planning process should involve a thorough and comprehensive assessment of current and future travel needs. The current process focuses too heavily on moving automobiles instead of people. The ability to assess regional travel needs based on the location, population demographics, and employment must be integrated into the planning process. There is a lack of regional system-wide planning for public transit. The ARC needs to determine regional transit needs and work with the local government to find out local needs in order to form a coordinated local regional transit fund.

Evaluating Projects. Three areas should be considered to strengthen the process of selecting projects: (1) limit technical jargon and use language that the public can understand when completing the project evaluation document; (2) provide a clear listing of the assumptions that went into assessing the project's impact and the reasoning for selecting the project so that someone else can decide for themselves whether the process or information used to select the project was appropriate, and (3) expand the impacts considered, which would necessitate expansion of some of the data and tools being used, and look beyond typical goals.

Public Information. The public is not provided with enough basic information to develop an understanding or opinion of what the proposed investments will accomplish. It is critical that changes in local and regional travel behavior and land use are clearly documented. It is also important that alternative investments and gross scenarios be analyzed to give people a sense of the costs and benefits of various futures.

Public Involvement. Citizens have expressed concern about value in participating in the regional planning process. People who submit public comments should be notified of their receipt, how their comments were used, and the agency's response to their comments. Citizens should have a means of recourse if they are not in agreement with the final decision. To equitably achieve healthy air, adequate transportation, and livable communities, significant changes are needed in the ARC planning process.

Case Study 3: ISTEA/TEA-21 Funding Opportunities

David G. Oedel, Emory University Law School

This case study addressed emerging legal issues surrounding transportation decision making and funding under ISTEA and the TEA-21 regulations. There appears to be some questions regarding the new TEA-21 and equity issues among environmental justice constituents. A major concern revolves around how the term "equity" is defined in the various arenas. The presenter recommended that grassroots organizations

Environmental Justice and Transportation

and other community based groups be given a seat at the decision making table. It was also suggested that these groups need resources to stay at the table. Finally, it was suggested that TEA-21 could offer some new opportunities for bringing additional community stakeholders to the table through innovative pilots and working with community based organizations to conduct outreach and public involvement activities.

Case Study 4: Expansion of Hartsfield Atlanta International Airport

William Edwards, President, Old National Merchants' Association and Legacy Coalition

This case study examined the Old National Merchants' Association and the Legacy Coalition's concern about the proposal to construct a fifth runway extension at the Atlanta Hartsfield International Airport. The groups expressed concern about the possible negative impacts that the runway extension might have on existing and future home ownership, loss of neighbors, displacement, and overall disruption of community life. They estimated that 3,120 homes in College Park and 7,031 homes in and around Old National Highway would need to be relocated to make way for the new runway extension. Additionally, 978 College Park businesses and 891 businesses on and near Old National Highway would also be relocated.

In response to their growing concern, Fulton County Department of Environment and Community Development issued a request for proposal (RFP) for an assessment of the impact of the Hartsfield Atlanta International Airport expansion on this mostly African American community. A major component of the RFP is the requirement of an environmental justice analysis consistent with Executive Order 12898 and Fulton County's Environmental Justice Plan.

Atlanta Workshop Recommendations

- Educate the ARC and state agencies on how environmental justice principles can be integrated into planning and decisionmaking.
- Design a community involvement approach to meet the needs of underserved minority and low-income populations.
- Develop an equity analysis that will guide transportation investments and land use.
- Broaden ARC board representation to include community members.
- Improve public access to ARC Board meetings.
- Improve ARC feedback to citizens and public meeting attendees and respond to public comments in writing, verbally, and distribute to libraries and community groups.
- Hold public forums on social equity and environmental justice in transportation.
- Educate public officials on transportation equity and Title VI of the Civil Rights Act.
- Develop environmental justice and Title VI performance measures such as overcrowding on buses, level of accessibility, and affordability and incorporate measures into transportation equity assessment.
- Link public transit plans and funding in outlying counties to a regional transportation plan that connects to MARTA.
- Contract with community-based planning groups to assist the ARC in conducting community outreach

and public involvement plans.

New York City Workshop

The New York City workshop was held at Columbia University and was coordinated by West Harlem Environmental Action (WE ACT), a community based environmental justice organization. The workshop presented four case studies: (1) bridge maintenance in the Greenpoint/Williamsburg community, (2) diesel buses in Northern Manhattan, (3) transportation in the Bronx, and (4) transportation issues in the Hunts Point area.

Case Study 1: Bridge-Maintenance Greenpoint-Williamsburg

The Greenpoint/Williamsburg community covers a 4.8 mile area. The district's diverse ethnic population includes newer and older immigrants from Poland, Central America, South America, the Caribbean, Asia, and a large Hasidic population in South Williamsburg. The New York Department of Transportation's (NYDOT) handling of the maintenance on the Williamsburg Bridge is a major concern for residents. Children who lived near the Williamsburg Bridge subsequently reported elevated blood lead levels.

In 1994, the community brought a lawsuit to get the NYDOT to conduct an Environmental Impact Statement (EIS) on its bridge repainting protocol. After several years of litigation, the case was settled. In the lawsuit settlement, NYDOT was required to develop technical specifications for its lead paint removal activities on New York City bridges. The specifications of the settlement included general planning approaches and objectives, notification procedures, lead paint removal techniques, containment methods, certification and training, compliance and monitoring procedures, oversight, cleanup, disposal and transport, and worker protection.

With over 600 bridges to maintain, including many in communities of color, lead paint waste management is an extremely important environmental justice issue. New York City has more than 100,000 lead poisoned children, many of whom live near NYDOT maintained bridges. Local groups are working to ensure that the NYDOT exercises all proper precautions to protect public health and the environment.

Case Study 2: Diesel Buses and the Northern Manhattan Environment

Northern Manhattan has a population of more than a half million people. It is located within four community districts (CD) each with its own Community Board. WE ACT has worked with citizens groups, youth, community residents, environmentalists, local, state, and federal governments, educational, and medical institutions to address diesel bus problems in Northern Manhattan. For example, six diesel bus depots operated by the Metropolitan Transportation Authority (MTA) are located in Northern Manhattan neighborhoods. In April 1998, the MTA moved two hundred additional diesel buses to Northern Manhattan's depots. Neighborhoods in Northern Manhattan are also surrounded by three major highways, two sewage treatment facilities, two marine garbage collection transfer stations, a major truck transportation route, and an Amtrak diesel-fueled rail line--making Northern Manhattan home to one third of the diesel bus fleets in the country. Buses and trucks are the primary cause of New York City's soot problem.

According to the Natural Resources Defense Council (NRDC), every year more than 4,000 premature deaths can be linked to fine particulate matter in the New York area. In Northern Manhattan, the problem of poor air quality is even more acute. During the summer of 1996, WE ACT convinced the U.S. EPA to test the air in Harlem and Washington Heights. These tests revealed that levels of small particulates in Northern Manhattan's air exceeds national standards for PM 2.5 by more than 200%. In Northern Manhattan, asthma rates are three to five times higher than the New York City average.

Case Study 3: Transportation in the Bronx

Two major transportation issues were presented by groups representing the Bronx community. These issues included: (1) citizen opposition to a proposal to privatize the Harlem River Yard, and (2) citizen concerns about the quality and quantity of transit services at the Melrose Metro Station.

The Harlem River Yard. The South Bronx Clean Air Coalition offered six major reasons why its members are opposed to privatization of the Harlem River Rail Yard:

- The “privatization” sacrifices \$280 million invested by New York taxpayers in improving rail freight access to New York City.
- The “privatization” disregards the potential for maximizing the economic and environmental benefits rail transportation could provide for the Bronx and New York City by reducing pollution and creating jobs.
- Community interests and community concerns have been inadequately addressed.
- The Harlem River Yard lease will preclude the Bronx and the City from getting the full benefits from fast-improving rail freight transportation for the next 99 years.
- Environmental and health impacts include 8,000 additional tons of garbage per day, chemical odors, hundreds of diesel trucks, and increased asthma and other related illnesses.
- Jobs will go to people outside the community, business opportunities will decrease, and waterfront access will be diminished.

Melrose Transit Station Enhancements. Nos Quedamos, a community group based in the Bronx, major concern centered around getting local Bronx residents a seat at the decision making table in implementing the Melrose Commons Urban Renewal Plan. The group along with Borough officials were instrumental in attracting ISTEA funds into the Bronx. However, the local residents expressed the view that their overall participation has not translated into an acceptable plan for improving transit services for the Bronx residents.

The group sees clean, affordable, and safe transit as necessary to revitalize the economic fabric of their community and improve the Bronx residents’ access to jobs. In their view, transit services in the Bronx do not meet the needs of a large share of its residents. For example, it is typical for trains to run from the affluent suburbs through the Bronx, making one stop at 161st Street, and proceed directly to 42nd Street in Manhattan.

The three trains that stop at Melrose Station in the morning and afternoon fall short of meeting the mobility goals of the community. The community wants expanded transit services. They also want the MTA to place signs, enhance lighting, and make general improvements at the Melrose Station. The

current transit services from the Melrose Station offer few opportunities to meet residents' mobility needs or improve welfare-to-work transit opportunities for those who live in the Bronx.

The groups expressed a willingness to work toward building a partnership with transportation and other government officials. However, they view a partnership as more than attending or participating in meetings and hearings. They see the ultimate challenge to building a true partnership rests on implementing a plan that allows groups like Nos Quedamos and other grassroots community groups to participate in transportation decision making that affects minority and low-income residents.

Case Study 4: Hunts Point (Community Development Corporation)

Hunts Point is a four-square-mile peninsula in the South Bronx bounded by the Bruckner Expressway on the north and west and the Bronx and East Rivers on the south and east. During the past year, transportation has become a major issue around which Hunts Point residents have organized. It is estimated that more than 10,000 trucks enter Hunts Point everyday. Residents are concerned about the illegal idling and the illegal use of residential streets. During the busy hours of operation, trucks are allowed a three-minute maximum idling time. However, garbage trucks and other commercial freight vehicles are often lined up idling for over 20 minutes at a time.

With the anticipated closing of the Fresh Kills landfill, Hunts Point is likely to become even more saturated with waste. Commercial waste companies use the Oak Point Rail Yard to ship waste out of state. During the hottest days of July 1998, 60 waste-packed containers sat on the rail yards for over 90 hours. American Marine Rail, a limited liability company that formed in response to the city's intent to privatize the city's waste disposal services, proposes to bring 5,000 tons of waste per day to Hunts Point.

Since June, the group has conducted truck surveys and monitored truck routing and idling. The group is working with Tri-State Transportation Campaign on a plan to decommission the Sheridan Express and build a spur that would allow trucks to travel directly from the Bruckner Expressway to Edgewater Road, the eastern perimeter road in Hunts Point.

With the help from the New York Environmental Justice Alliance, Hunts Point will start a program that allows community residents to monitor trucks and document and report both idling and routing violations to the proper authorities. This project's goal is to prevent trucks from traveling through residential streets and make enforcement easier.



New York Workshop Recommendations

- Implement a plan within the NYDOT to ensure that its bridge maintenance and lead paint removal programs are protective of public health.
- Accelerate the pace by which the NYDOT and the MTA phase out diesel buses and move to clean

fuels buses.

- Encourage the MTA to adopt a “no more diesel” plan.
- Weigh existing environmental, socioeconomic, and public health disparities into future deployment of clean fuels vehicles, conversion of existing bus depots infrastructure to compressed natural gas, and siting of bus depots and other polluting facilities.
- Design performance measures to assess the impact of the MTA’s current policies and practices on access to jobs, mobility, and equal opportunity goals.
- Document progress of NYDOT and MTC in developing policies, practices, and outcomes that address environmental justice and equity issues.
- Coordinate enforcement activities to address idling trucks, truck traffic thru residential areas, and garbage cars temporarily parked on rail yards.
- Contract with environmental justice organizations to perform community outreach and design public involvement plans.

The Tulalip Tribes Transportation Workshop, Marysville, Washington

A conscious decision was made to hold one of the four community based transportation workshops in “Indian Country” to focus on special transportation needs and concerns of Native Americans. The workshop was held on the Tulalip Tribes reservation in Marysville, Washington. The urban reservation is located in Snohomish County some 50 miles north of Seattle. Key areas of discussion included the sovereignty, nation-to-nation relationships in transportation planning, the role of the state, improved methods of administering Tribal transportation systems, reinvention of the NEPA process, collaborations with the Washington Department of Transportation (WADOT), management and funding of reservation road programs authorized under the federal DOT, and protection of ecosystems.

Snohomish County is one of the fastest growing counties in the state of Washington. Located just one hour northwest of Seattle, the county is a mix of residential, industrial, retail and farm land stretching from the Cascade Mountains to Port Gardner Bay. In 1997, 516,200 persons lived in Snohomish County. The county is also home to the Tulalip Tribes reservation. In 1990, the county had 5,921 Native American residents.



Workshop Attendance

A total of 40 people attended the workshop. There was a general consensus that Native Americans on the reservation face serious transportation barriers, challenges, and mobility problems. There was concern about protection of sacred and historical sites, application of NEPA on tribal lands, and coordination across tribal, state, and federal government agencies.

Workshop participants discussed transportation activities with a major focus on the Ascent 21 Strategy. Ascent 21 is a collaborative effort in Snohomish County to pass five propositions to provide services in the areas of transportation, traffic flow, parks and recreation, habitat protection, and clean water and flood control. The strategy identified over \$1 billion in project needs with 61% currently unfunded. These propositions were being voted on at the time of the forum. Although the propositions were defeated, workshop participants were committed to continue working on the key aspect of the Ascent 21 proposals.

Transportation. There was extensive discussion and dialogue among the workshop attendees about the proposed use of excess of property tax levy for transportation. Also, the workshop participants suggested the use of a local option motor vehicles fuel tax for transportation (i.e., 2.3 cents per gallon).

Traffic Flow. There was a major concern in the region to address the rapid growth, sprawl, and traffic congestion. Local stakeholders recognized that the infrastructure is not keeping up with growth.

Parks and Recreation. The workshop attendees proposed the use of a property tax levy lid of 10 cents/\$1000 of assessed value of \$40 million for active parks. There was a strong need in the area to develop passive and active recreation sites and to preserve open space.

Habitat Protection. Participants saw an urgent need to curb environmental damage to natural habitats and ecosystems resulting from run-off from highways and flooding.



Clean Water and Flood Control. The groups at the workshop stated that funds are needed for reservation water and sewer projects that provide environmental and capacity benefits. A collaborative effort is needed to address surface water problems in the region.

Tribes and the State

The community leaders saw the need for an extensive dialogue with the Washington State Department of Transportation and the USDOT on the reinvention of the NEPA process. NEPA reinvention will need to incorporate the tribal governments into the process not as stakeholders, but as part of the government. Tribal governments must play a major player in the decisionmaking process concerning transportation projects. Part of this process involves balancing decisionmaking among tribal and state governments. Reinvention of NEPA is needed to move all of the regional stakeholders toward incorporating sustainability into their transportation planning process. Native American leaders defined their concerns beyond a single transportation issue.

Agencies within the state government need to become familiar with treaties dealing with tribal lands. They also need to understand the inner working of the tribal governments. The USDOT must understand the laws between the state and the tribes and redesign their policies (i.e., NEPA) to conform to these laws and protect the resources of the tribes. Tribes view the environment as an integral part of their religious and spiritual existence. This holistic approach to environment includes the following elements: (1) integrates the built environment with the natural environment and cultural environment; (2) incorporates the social, economic, and environmental benefits for people in the respective communities; (3) ensures a balance of decisionmaking powers between the government-to-government relations; (4) provides the avenue for the tribal government to be able to sit down with the local, state, and federal governments to discuss federal, state, and local laws as they relate to infrastructure and planned growth; and (5) brings the tribal government in as a major player in government-to-government relations.

Pledge to Work on ASCENT 21 Strategy (Even if It Did Not Pass)

The state and federal agencies pledged to work with the Tulalip tribal government on the ASCENT 21 Strategy, which consists of the following challenges:

- Identify specific projects of regional significance in each category of infrastructure.
- Distribute substantial funding to localities to support neighborhood infrastructure investments.
- Delineate local funding sources to support enhancement on the reservation.
- Ask the legislature/governor for State funding and broader local authority to raise funds.
- Ask the citizens of Snohomish County to levy the taxes called for in the plan.

Pledge to Work on Watershed Endangered Species Initiatives

- Change from a private project approach to a holistic watershed approach.
- Initiate a collaboration with FHWA, WADOT, and tribes.
- Link environmental perspective with the role of stewardship.
- Assist tribes in conducting GIS analysis on watersheds in order for all the stakeholders to make effective decisions on watersheds projects.
- Build partnerships with other stakeholders in the region.

Tulalip Tribes Workshop Recommendations

- Create innovative ways to strengthen collaboration with USDOT, WADOT, tribes, counties, and municipalities.
- Leverage transportation funds to build trust and contribute to economic development in the region.
- Involve the tribes early in the transportation projects decision making process.
- Recruit a broad section of stakeholders in transportation decision making.
- Develop a countywide transportation system that coexists with other regional growth.
- Provide funding for water/sewer projects that provide benefits for the tribes.
- Develop parks and open spaces for both passive and active uses.
- Support the existing infrastructure in proportion to recent and planned growth.
- Address surface water problems and link with recreational opportunities.
- Distribute substantial funding to tribes to support infrastructure investments.
- Promote a holistic methodology for assessing ecological impacts and addressing transportation needs.
- Encourage long-term community outreach among all stakeholders.
- Recognize trust responsibility and nation-to-nation relationship.
- Provide adequate tribal representation on state and federal-wide activities.
- Provide resources for the coordination of tribal transportation programs with WADOT and federal agencies.

San Francisco-Bay Area Workshop

San Francisco is a major west coast seaport city with a population of 724,000 within 47 square miles. The San Francisco Bay Area is served by the Bay Area Rapid Transit system or BART. BART began operation in 1972 and has an annual budget of \$244 million. Over 250,000 passengers ride BART trains each day. The Bay Area community transportation workshop was held at the downtown campus of San Francisco State University. The workshop was organized and coordinated by the San Francisco-based Urban Habitat Program. A total of 37 people attended this workshop representing government (U.S. DOT, Caltrans, Metropolitan Transportation Commission) and nongovernmental organizations (i.e., Latino Issues Forum, Bay Area Transportation Choices Forum, Urban Ecology, Spanish Unity Council) from the San Francisco Bay Area. The workshop discussions centered on air quality, accessible modes of transportation, access to jobs, community outreach, and linking transportation investments to equity and environmental justice. The issues were grouped into three broad areas: funding, planning, and policy.



Funding Areas

Transportation Equity Act for the 21st Century (TEA-21). TEA-21, the new federal transportation funding legislation for the next six years has a variety of pilot projects, including the Job Access and Reverse Commute Program. Community representatives encouraged the Metropolitan Transportation Commission (MTC) to apply for funding with a focus on low-income communities and communities of color. They also suggested that the MTC take advantage of the flexibility of funds by supporting transportation programs that have a strong social equity component.

Regional Gas Tax. New sources of funds such as the proposed regional gas tax should be as flexible as possible so that funds can be used for transit operations and to support access needs of urban communities of color and low income communities. Committees that are set up to develop criteria and select projects should be representative of the Bay Area's diverse communities.

Transportation Fund for Clean Air administered by Bay Area Air Quality Management District (BAAQMD). The BAAQMD should expand its outreach to the 46 communities listed in the Bay Area Partnerships study, "A Guide to the Bay Area's Most Impoverished Neighborhoods." One of the program's goals should be to revitalize these communities.

MTC's Transportation for Livable Communities Program. The criteria for applying for funding should have a strong community component required of each project. The project goals should also include revitalization of the communities listed in the Bay Area Partnerships study.

Planning Issues

Regional Rail Program. Prioritization of new rail extensions should include criteria based on social
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equity and cost effectiveness. The high costs of rail systems should not compromise existing operations or cost effective expansion of bus service.

Equity Analyses and Regional Transportation Plan (RTP). The RTP and other large funding plans should conduct an equity analysis in order to identify how communities benefit from transportation investments. Agencies should use performance measures that have meaning to urban communities.

Public Participation and Outreach. Agencies should work to provide useful analyses of plans such as the RTP and hold accessible workshops and hearings in low-income communities.

Policy Initiatives

Transit Passes. Regional monthly and weekly discount passes should be developed that can be used on any transit system in the Bay Area. Free transit passes should be given to those households below the federal poverty level.

Welfare to Work. County welfare-to-work programs need expanded funding and MTC should help lead and coordinate efforts to obtain additional funding.

Ozone, PM 10 and PM 2.5 Standards. Many urban communities are disproportionately impacted by toxics and air pollution hot spots. Measures to meet ozone and particulate matter standards should focus on the communities with the worse health and air pollution problems in the Bay Area.

Three case studies were presented representing diverse transportation issues, concerns, and strategies employed by local community groups. Case studies were selected from Oakland, Richmond, and the larger San Francisco Bay Area.

Case Study 1: Fruitvale Transit Village - Oakland

Arabella Martinez, Spanish Speaking Unity Council, Fruitvale Transit Center

The Spanish Speaking Unity Council spearheaded the Fruitvale Transit Village project to become a model livable communities initiative. The idea of a Transit Village was first offered after BART proposed building a parking structure at Oakland's Fruitvale Station located between 35th & 37th Streets. This structure would have separated the BART station from the neighborhood. More importantly, this plan would have brought more cars into the area. Local groups indicated that they did not want a parking structure divorced from community planning. The Spanish Speaking Unity Council led a successful bid to secure funds to implement its own plan for the area.

The plan called for shops, restaurants, and senior citizens housing. The Fruitvale Project is rebuilding the social fabric of the community (bringing major social services providers, health care, senior center, library, employment development program) and building affordable housing. The City of Oakland's rezoning policy allowed building at higher density, with fewer parking spaces, and mixed use projects, was very important in bringing the transit village into fruition. Alameda County Transit, or AC Transit, was another important player in the success of the Fruitvale Project through its rerouting of buses.

The Fruitvale Transit Village gained financial backing from a number of agencies including Federal Transit Administration, FHWA, U.S. Environmental Agency (EPA), and the U.S. Department of Housing and Urban Development (HUD) Fruitvale and the City of Oakland formed a successful partnership. The partnership has been able to raise \$39 million-- much of it government funds. The project also received an important \$2.3 million grant from DOT for a childcare center, parking structure, intermodal bus transfer facility, and realignment of East 12th Street.

The organization is dealing with transportation and other community concerns that enhance urban economic revitalization. The project is building the largest park on the Oakland estuary. It has improved the facades of 78 businesses, created 83 new jobs, and supported 27 new business in the Fruitvale area. It has now completed the senior center and the facades. In June 1999, the group planned to break ground for the BART portion of the project.



Case Study 2: Extending Transit to North Richmond

Joe Wallace, North Richmond Employment Collaborative

This case study explored the problem of inadequate transportation services in North Richmond where over 63% of the residents do not own cars. Bus service stops at 6:50 p.m. Many North Richmond residents live below the poverty line and on some type of public assistance. There was general agreement that welfare-to-work initiatives can not work for residents in North Richmond without improved transit services. BART does not operate in North Richmond.

Although the residents were not able to get 24-hour transit services as they had originally requested, they were able to get Alameda County Transit (AC Transit) to extend bus services to the area. AC Transit brought Route 376 on line in North Richmond, Hilltop, Pinole, and the City of Richmond. Other groups have begun to organize to get bus service on the weekends.

Case Study 3: Regional Transit Victory

Stuart Cohen - Bay Area Transportation Choices Forum

The Bay Area Transportation Choices Forum was founded in 1996 with a grant from EPA to research how to involve the public in transportation decisions. The group has received funding from the San Francisco Foundation, Columbia Foundation, and Haas Jr. Fund. Much of the current transportation planning in the Bay Area contributes to sprawl. Association of Bay Area Governments (ABAG) predicts that most growth will occur on the suburban fringe.

The Metropolitan Transportation Commission (MTC) completed an equity analysis of the Regional Transportation Plan (RTP). The analysis focused more on access to jobs as one indicator of equity. The **Environmental Justice and Transportation**

findings from this study showed that people with vehicles have access to 38,000 more jobs than those who do not have cars. For transit dependent individuals, only 2,000 jobs would be accessible. Driving will increase 15,000 miles per day between 1990-2000. The MTC projects that congestion will increase 249% during this same period. The Bay Area Transportation and Land Use Coalition was formed to design strategies that shift transportation away from sprawl and toward the smart growth concept.

Dawn Phillips - Building Opportunities for Self-Sufficiency (BOSS). BOSS is a social service organization that works with homeless folks. With the Center for Third World Organizing, BOSS began conducting research around TEA-21 funding. They formed partnerships and coalitions with other Bay Area grassroots groups. The coalition mobilized and educated over 150 homeless and low-income persons on transportation issues. BOSS plans to keep transportation on its agenda. The coalition is reaching out into outlying counties and educating people on transportation investments.

There was \$10 billion for highway improvement and much less for transit. Over \$375 million of capital transit needs were not met under the proposed MTC budget plan. Bay Area coalition groups proposed full funding for transit. After meetings and negotiations, the coalition won a major commitment from the MTC committee to follow the coalition's suggestion to fill the \$375 million transit shortfall.

Bay Area Workshop Recommendations

The workshop recommendations were divided into three areas that correspond to the issue areas: funding, planning, and policy. When possible, specific pledges and commitments are delineated with participating groups and agencies.

Funding

Fund transportation equity analysis. The U.S. DOT needs to fund environmental justice organizations to develop state-of-the-art equity analysis techniques.

- Expand the MTC's access to jobs transportation study. The MTC should work with the Bay Area transportation coalition groups to explore major elements that should be incorporated into a comprehensive transportation equity study that would guide regional transportation investments.
- Devote full funding of DOT's Access to Jobs Program. DOT should promote full funding of the Access to Jobs program over the course of TEA-21 with emphasis on improving and enhancing transportation and mobility opportunities of urban core neighborhood residents.
- List projects by geographic location. Caltrans and the MTC should list all federally-funded projects, including the costs, and geographic location of the projects.

Planning

- Contract with community-based organizations to conduct outreach and design public involvement plans. The MTC and Caltrans should contract with local Bay Area groups that have proven track records in public outreach to culturally-diverse populations.
- Integrate environmental justice principles into transportation decisionmaking. The MTC, Caltrans, and other transportation agencies should work with Bay Area coalition groups to design a comprehensive environmental justice transportation plan for the region.
- Highlight the Cypress Freeway experience. Caltrans and EPA need to document and highlight the positive lessons learned from reconstructing the Cypress Freeway with emphasis on the involvement of the West Oakland community groups.
- Change the culture of transportation agencies. Community groups have a lot to offer in the way of assistance to transportation agencies. Transportation agencies need to be open to the idea that many grassroots groups view transportation investments as opportunities to address urban decline, abandonment, disinvestment, poverty, unemployment, homelessness, crime, and a host of other urban ills. The Fruitvale Transit Village Project is one model of public-private partnerships that takes the entire community into account.
- Initiate public forums on transportation equity. The MTC should work with Bay Area community groups to develop and coordinate transportation forums that explore transportation equity and land use issues.

- Integrate land-use planning into transportation planning. Although land-use planning is considered by many to be a local issue, Caltrans and the MTC need to link land-use planning to their long-range transportation investment plans and decisions.

Policy

- Make equity analysis a part of the Title VI reporting requirement. USDOT should build in the equity analysis as part of the MTC process for developing a metropolitan area's long range Regional Transportation Plan (RTP). This equity analysis would assist the MTC and communities in understanding of the implications and impacts (costs and benefits) of transportation projects on minority and low-income populations.
- Incorporate equity and environmental justice components in guidelines for the TEA-21 Pilots. DOT should revise its guidelines for the Transportation and Community and System Preservation Pilot (TCSP) program to include social equity and environmental justice criteria.
- Promote Clean Bus Programs. USDOT should actively promote the MTC and other transportation agencies to move toward clean bus programs within the CMAQ program.
- Geocode federal transportation data. USDOT should instruct the MTC and Caltrans to geographically index all data reported to federal databases to enable their use in geographic information systems (GIS). This would facilitate research on transportation equity and environmental justice, transportation benefits, and the overall impact of transportation activities and policies on minority and low-income populations.

Workshop Recommendations

The four environmental justice community transportation workshops provided some unique opportunities for grassroots groups to meet and talk to their local MPO, state DOT representatives, and federal agencies. Through extensive dialogue and breakout groups, the workshops provided seasoned transportation activists, as well as newcomers, with a forum to present their views on transportation decisionmaking. Cross-cutting workshop recommendations were synthesized and summarized. For continuity purposes, the workshop recommendations are presented in the same format as those made at the 1995 Atlanta conference.

Public Participation

Ensure greater stakeholder participation and public involvement in transportation decision making.

Public involvement is essential to effective transportation planning. Statewide transportation agencies and metropolitan planning organizations (MPOs) are challenged with the NEPA task of involving culturally diverse stakeholders early in the planning process and during project development. Specific recommendations include:

- Contract with community based organizations and other ethnic-based institutions to conduct culturally-sensitive outreach, communication, and training programs. These same groups should be used to design and test training manuals, guidebooks, videos, and other educational materials in collaboration with impacted communities.
- Design and implement MPO public involvement strategies with community-based organizations to identify minority and low-income populations, their concerns, and facilitate their involvement into transportation decision making.
- Provide adequate tribal representation on state and federal-wide activities.
- Incorporate a holistic approach to understanding, assessing, mitigating, and avoiding impacts on minority and low-income populations and the environment in which they live.
- Target transportation resources to address existing needs of underserved populations.
- Conduct training workshops for state DOT and MPO planners and decision makers on public participation and environmental justice provisions under Executive Order 12898, the DOT Order, and the FHWA Order.
- Coordinate ongoing dialogue of environmental justice and community stakeholders to design a broad-based transportation advocacy agenda.
- Revise MPO boards memberships to include more minority and low-income community representatives and proportional representation.
- Integrate environmental justice principles into state and regional transportation decisionmaking.
- Initiate public forums on transportation equity that would bridge the communication gap between government agencies (federal, state, regional, and local) and community groups.

Disproportionate and Adverse Impacts

Direct resources to identify and address discriminatory outcomes, disproportionate and adverse impacts, inequitable distribution of transportation investments, and their civil rights implications. Discriminatory practices, policies, and outcomes need to be addressed under existing laws and regulations such as Title VI of the 1964 Civil Rights Act and the National Environmental Policy Act or NEPA. Some policies and practices have disproportionately and adversely affected low-income and people of color communities. Moreover, while some investment strategies may be effective in reducing congestion and improving overall mobility, they can also have significant equity impacts.

Fund several pilots in which environmental justice organizations in collaboration with state DOTs and MPOs are charged with developing state-of-the-art equity analysis techniques that can guide transportation investments.

Use performance measures to assess equity impacts (benefits and burdens) of state DOTs and MPOs transportation planning, investment decisions, and policies impact on Title VI protected classes, minority populations, and low-income populations.

Compile success stories and case studies of model environmental justice transportation plans, programs, investments, and public-private partnerships.

Research and Evaluation

Improve research, data collection, and assessment techniques. Numerous studies have documented that negative environmental and health impacts often fall heaviest on minority and low-income populations. Data gaps exist in areas of distributive impacts of congestion control, energy conservation strategies, contracting, facility siting, transport and routing of hazardous and radioactive materials, investments, program funding, quality and availability of services, and relocation actions. Similarly, disparities also exist when it comes to transportation benefits.

- Contract with environmental justice groups to analyze model transportation collaboratives, partnerships, and “success” stories and their potential for replication elsewhere.
- Improve designs, methodologies, and measures to assess and mitigate disproportionate health effects (including multiple and cumulative impacts) of DOT or DOT-funded programs, policies, and activities under NEPA and other environmental laws on minority and low-income populations.
- Design methodologies to assess community impacts (environmental, human health, socioeconomic, cultural, multiple and cumulative impacts), equity concerns (i.e., Title VI), on minority, low-income populations, and Title VI protected classes before projects are built.
- Geocode federal transportation data into DOT databases to enable their use in geographic information systems (GIS), thereby facilitating research on transportation equity and environmental justice, transportation benefits, and the overall impact of state DOTs and MPOs transportation activities and policies on minority and low-income populations.
- Document progress of State DOTs and MPOs in developing policies, practices, and outcomes that address environmental justice and equity issues.

Interagency Cooperation and Planning

Promote interagency cooperation in transportation planning, development, and program implementation to achieve livable, healthy, and sustainable communities. An interagency approach offers great promise in addressing social equity and environmental justice concerns. Many of these concerns cut across geographic, political, and government jurisdictions. Solutions for many of these local, regional, and state transportation problems will require several agencies working together with the public. The following recommendations were offered by workshop participants:

- Apply environmental justice principles when needs of the region are evaluated against the needs of urban core residents.
- Incorporate environmental justice items such as overcrowding on buses, level of accessibility, and affordability into transportation performance measures.
- Integrate environmental justice principles into federal, state, and local highway safety, accident prevention, and safety management initiatives.
- Require state DOTs and MPOs to conduct annual equity analysis and reports.
- Build collaborations among community-based groups, the federal DOT, state DOTs, MPOs to develop tools to identify and assess the disproportionate and adverse impacts of transportation policies on minority and low-income populations.
- Build equity analysis into the MPO Title VI reporting requirements and the process for developing a metropolitan area's long range Regional Transportation Plan (RTP).
- Incorporate equity and environmental justice components into evaluation guidelines for the TEA-21 Transportation and Community and System Preservation Pilot (TCSP) program.
- Integrate environmental justice principles into the DOT's NEPA process and assess equity impacts on minority and low-income populations.
- Integrate land-use planning into state DOTs and MPOs long-range transportation investment plans and decisions.
- Use Executive Order 12898, DOT Order, and FHWA Order as vehicles to coordinate enforcement of environmental justice concerns across program areas (i.e., Title VI of the 1964 Civil Rights Act, National Environmental Policy Act, Intermodal Surface Transportation Efficiency Act/TEA-21, American Disability Act, Community Right-to-Know).
- Work with community-based organizations to assist MPOs in designing "model" interagency transportation and mobility projects in Empowerment and Enterprise Zones, and other targeted redevelopment areas.
- Facilitate the funding, design, and coordination of federal, state, and local agencies along with community participation in transportation services within urban Brownfields redevelopment sites.
- Provide resources for coordination of tribal transportation programs with State DOTs and federal agencies.
- Conduct evaluation of State DOTs and MPOs in compliance with Title VI of the Civil rights Act of 1964.

Through their critiques and case studies that span the nation from New York to California, community leaders, activists, academicians, lawyers, environmentalists, civil rights advocates, and government officials clearly articulated the urgent need for the American society to address transportation equity and environmental justice concerns. Many of these concerns do not rest solely with FHWA or DOT, but will

require working across jurisdictions, disciplines, and community boundaries.

The case studies that are highlighted in this report point to some clear signs that a partnerships-building process is well underway. Progress has been made since the 1995 Atlanta conference in identifying community needs and bringing community stakeholders into the planning process. More work is still needed to ensure that minority and low-income populations are involved in transportation decisionmaking, especially as those decisions impact their communities.

Finally, the examples illustrate that grassroots groups no longer are willing to sit back while others make decisions about the future transportation, land use, and economic development in their communities. Working together, community-based organizations, academic institutions, transportation agencies, and businesses can build strong partnerships. These partnerships can lead to safe, healthy, and livable communities and prevent disproportionately high and adverse impacts on minority and low-income populations.

APPENDIX A

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