

March 2, 2011

VIA ELECTRONIC MAIL (Ray.LaHood@dot.gov)

The Honorable Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
800 Independence Ave., S.W.
Washington, D.C. 20591

Re: Civil Rights and Environmental Justice at U.S. DOT

Dear Secretary LaHood:

Thank you for your continued commitment to making fairness and equality priorities in the expenditure of the hundreds of billions of dollars that your Department administers annually. Transportation is the lifeblood of our communities and regions. Its benefits must flow fairly to all Americans, no matter their backgrounds or the neighborhoods they live in. When low-income communities and communities of color receive their fair share of transportation spending and services, their increased mobility opens up greater access to jobs, education, health services and other fundamental opportunities. Ensuring nondiscrimination in the use of taxpayer dollars is as important today as when our nation's first civil rights laws were enacted.

The undersigned civil rights and Environmental Justice organizations write both in appreciation of the actions you have taken so far, and to recommend specific improvements in U.S. DOT guidance to help ensure that America's most under-served communities share fairly in the benefits of federal transportation investments.

Commendable Progress

Under your leadership, long-neglected civil rights and Environmental Justice safeguards are now being enforced. The Federal Transit Administration has demonstrated its willingness to take enforcement action, including withholding federal grants, when local recipients fail to comply with their obligations under FTA guidance implementing Title VI of the Civil Rights Act of 1964 and Presidential Executive Order 12898 on Environmental Justice. Similarly, FHWA Administrator Victor Mendez has begun to take much-needed steps to repair both widespread failures in basic Title VI compliance by state highway agencies and lax enforcement by certain FHWA field offices – conditions that he inherited from his predecessors in previous Administrations.

Needed Improvements

You now have a historic opportunity to build on these initial steps by ensuring that U.S. DOT recipients honor their civil rights commitments not just on paper, but in fact. That

means ensuring both that recipients conduct an inclusive decision making process in which all communities have an equal voice, and that the outcomes of that process demonstrate substantive fairness.

We urge you to promote these goals by immediately taking three important actions:

1. Strengthen FTA's Title VI and EJ guidance.

Strong policies are the basis for strong compliance. FTA's Title VI and EJ Circular is a good start in its explicit requirement that recipients conduct equity analyses – an assessment of whether low-income and minority populations will share fairly in both the benefits and the burdens of proposed actions – and avoid disproportionate adverse impacts on those populations. FTA's Circular should be strengthened to ensure that these equity analyses are conducted in a meaningful manner that is calculated to actually identify, avoid and remedy inequities. We endorse the attached proposal to strengthen FTA's Circular. Several of us recently met with Administrator Rogoff to present it, and look forward to following up with his office.

2. Ensure that all of U.S. DOT's operating administrations adopt strong Title VI and EJ policies and guidance.

U.S. DOT is a leader among federal agencies in issuing a strong Secretary's Order implementing Executive Order 12898 on Environmental Justice. That important first step should be followed by the issuance of more detailed implementing policies and guidance by every operating administration. An improved FTA Circular could serve as a model for new or improved policies that should be put in place at FHWA, FRA, FAA and other operating administrations.

3. Prioritize strong and consistent Title VI and EJ enforcement.

Strong policies and guidance should be followed up by strong implementation. This will not only require implementing actions within individual operating administrations, but will also require that they break out of their silos with respect to ensuring civil rights compliance by their mutual recipients. For instance, metropolitan planning organizations are on the front lines of ensuring compliance in the metropolitan regions that they govern. FHWA and FTA jointly certify and monitor MPOs, yet Title VI and EJ guidance for MPOs is still far from adequate to the task of ensuring fairness throughout our metropolitan regions. The attached proposal to FTA includes specific recommendations for ensuring better compliance by MPOs.

As you work to bring about a coordinated Department-level approach to these important issues, we respectfully invite you to call upon our organizations for the perspective we bring on these matters, both nationally and at the local and regional levels. Again, we thank you for your work to craft solutions that will ensure that federal funds reshape our regions and communities in a way that benefits all of their residents.

Sincerely,



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Enclosures (2)

Cc: Camille Hazeur, DOT Director of Civil Rights (by electronic mail)
Peter Rogoff, FTA Administrator (by electronic mail)
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