

Oregon Department of Transportation



Environmental Justice 2023

Office of Equity and Civil Rights
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On the cover: the Saint John's Bridge over the Willamette River as photographed by ODOT staff.

AGENCY INTRODUCTION

ODOT Mission Statement

Oregon Department of Transportation Mission Statement: We provide a safe and reliable multimodal transportation system that connects people and helps Oregon's communities and economy thrive.

Agency Leadership

The **Oregon Transportation Commission** establishes state transportation policy. The commission also guides the planning, development and management of a statewide integrated transportation network that provides efficient access, is safe, and enhances Oregon's economy and livability. The governor appoints five commissioners, ensuring that different geographic regions of the state are represented. One member must live east of the Cascade Range; no more than three members can belong to one political party.

A team of experienced administrators manages ODOT's daily operations, led by **Director Kris Strickler** manages ODOT's daily operations.

Environmental Justice Personnel

ODOT's **Office of Equity and Civil Rights (OECR)** is responsible for ensuring the agency's environmental justice, federal civil rights and other nondiscrimination policies are incorporated into all agency programs, policies, and activities. Because ODOT is a large agency with a variety of funding streams and divisions, OECR coordinates with staff across the agency to integrate EJ into their projects.

Key personnel who manage OECR's EJ functions include:

- Angela Crain, Manager, Office of Equity and Civil Rights
- David Morrissey, Equity Manager
- Brenda Gessner, Title VI, ADA and EJ Program Manager

Agency Programs

ODOT's programs support Oregon's system of

- Highways, roads, and bridges.
- Railways.
- Public transportation services.
- Transportation safety programs.
- Driver and vehicle licensing.
- Motor carrier regulation.

Agency Budget and Revenue Sources

The money used to preserve, improve, and operate Oregon's transportation system comes from several major sources including but not limited to motor vehicle registration and title fees; driver license fees; motor vehicle fuel taxes; weight-mile tax and federal funding. The agency produces a variety of revenue forecasts and economic reports on a regular basis, available [here](#). ODOT's Audit Section provides an essential audit and oversight service to management to improve accountability and protect the public. ODOT also assists local governments across Oregon with transportation project funding and grant opportunities.

EXECUTIVE SUMMARY

As the state transportation agency, ODOT plays a critical role in decisions and actions that have potential impacts on the environment and people of Oregon. This report of ODOT's 2023 environmental justice activities reflects intentional efforts, through multiple levels of the organization working together as *One ODOT*, to implement environmental justice considerations into its operations. It accomplishes this through identifying disproportionately affected communities, creating opportunities for meaningful public participation from these communities, and advancing the communities' interests through project planning, implementation, analysis, and accountability.

ODOT is a large agency with a variety of funding streams and divisions, The Office of Equity and Civil Rights coordinates with staff across the agency to integrate environmental justice into their projects. ODOT meaningfully involves the public in important decisions by providing for early, open, continuous, and effective public participation in, and access to, key planning and project decision-making processes. Outreach and engagement efforts are tailored specifically to environmental justice communities that could be impacted by projects. ODOT documents such outreach, feedback and input received, and the disposition of that feedback. ODOT sponsors key public engagement activities throughout the various phases of a project, including pre-scoping, scoping, preconstruction, construction, and project debriefs with community members and other key partners.

ODOT's EJ strategy reflects its ongoing commitment to promoting equity in programs, policies, and activities that affect human health and the environment. This includes economic and social conditions consistent with all applicable planning and environmental statutes and regulations. ODOT's commitment includes the recognition that infrastructure choices that are made at the state and local levels can strengthen communities, create pathways to jobs, and improve the quality of life for individuals and communities across the state. By empowering communities to have a meaningful voice in transportation decisions, ODOT ensures that EJ is an integral and effective part of all its activities.

ODOT welcomes continued partnership with Oregon's Environmental Justice Council in 2024 to advance statewide EJ strategies and goals, including through continued participation in the initiative for development of Oregon's environmental justice mapping tool.

EJ IMPLEMENTATION UNDER ORS 182.550

Section One: Addressing Environmental Justice Issues.

As the state transportation agency, ODOT plays a critical role in decisions and actions that have potential impacts on the environment and people of Oregon. In Oregon, Environmental Justice is defined in ORS 182.535 Section 3 as:

“the equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn and practice spirituality and culture.”

ODOT must ensure that negative effects of transportation projects do not disproportionately impact traditionally underrepresented populations. Additionally, ODOT receives federal financial assistance, requiring the agency to comply with certain nondiscrimination laws and regulations, including the *Civil Rights Act of 1964* and *Executive Order 12898 on Environmental Justice*. US Department of Transportation (USDOT) outlines fundamental principles of EJ that guide ODOT actions:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

This report of ODOT’s 2023 EJ activities reflects intentional efforts, through multiple levels of the organization working together as *One ODOT*, to implement environmental justice considerations into its operations. It accomplishes this through identifying disproportionately affected communities, creating opportunities for meaningful public participation from these

communities, and advancing the communities' interests through project planning, implementation, analysis, and accountability.

ODOT's **Transportation Planning Unit** supports the development, refinement, and implementation of statewide multi-modal transportation plans. In performing these functions, the unit complies with state and federal rules and regulations tied to environmental justice, including Land Use Goal 1: Citizen Involvement, and federal regulatory compliance around environmental justice, including *Title VI of the Civil Rights Act*. The unit incorporates a robust public engagement program when performing major updates to statewide plans.

The recent update to the *Oregon Transportation Plan (OTP)* is a prime example. Unit staff led the public engagement processes throughout development of the plan. The OTP public outreach effort made a commitment from the onset to reflect the voices and perspectives of people and communities who have been historically excluded and underserved by transportation investments. The Oregon Transportation Commission officially adopted the final Oregon Transportation Plan on July 13, 2023.

ODOT's **Climate Office** mission is to identify and pursue actions that reduce transportation greenhouse gas (GHG) emissions. The office is also charged with helping the agency understand, prepare, and respond to the impacts of climate change and extreme weather. The impacts of transportation emissions and climate change often disproportionately impact disadvantaged communities, including increased health risks and exposure to extreme weather events such as flooding and wildfires.

ODOT's **Climate Friendly and Equitable Communities (CFEC)** program requires cities and counties within metropolitan areas to use an equity-focused public engagement program for transportation system planning work and to plan for a more equitable multimodal transportation system. To get to these end goals, jurisdictions must recognize ways that planning policies and climate change have harmed or are likely to harm underserved populations. Jurisdictions must also integrate equity considerations into how transportation projects are prioritized for funding. The CFEC team in 2023 supported the development of guidance, technical tools, and a funding program to support this work at the local level. This work includes:

- Scenario planning and greenhouse gas reduction target setting at the regional and local levels.
- Updating the Transportation System Guidelines.

- Updating the Analysis Procedures Manual transportation demand modeling guidance.
- Establishing a new funding program to support local Transportation System Plan updates along with a statement of work template that implements guidance updates.
- Developing a statewide multimodal inventory database for planning purposes.

ODOT's **National Environmental Policy Act (NEPA) Program** collaborates regularly with FHWA (both the Oregon Division as well as the national Project Delivery Office EJ subject matter experts) regarding FHWA EJ compliance for ODOT projects in the NEPA phase of project development. The NEPA Program develops and maintains the appropriate FHWA guidance to ensure ODOT FHWA-nexus projects comply with the latest FHWA EJ and NEPA expectations. The NEPA Program serves as the "FHWA EJ and NEPA" subject matter expert to ODOT region offices, consultants, and local agencies when questions arise or during any FHWA NEPA document review. Current FHWA EJ and NEPA guidance for Categorical Exclusion (CE) NEPA documents is up-to-date and located in the ODOT NEPA Manual in Section 426.3-4. This guidance covers, in general, about 94% of all FHWA-nexus projects developed through the NEPA phase at ODOT each year.

ODOT's Urban Mobility Office (UMO) is a key implementer of environmental justice through a variety of high profile, high impact projects in the Portland metropolitan area, including the I-5 Rose Quarter Improvement Project, The I-205 Improvements Project, the Regional Mobility Pricing Program (RMPP) and others, as described here.

I-5 Rose Quarter Improvement Project is far along in the NEPA process and meeting requirements of Executive Orders 12898 and 14906. To meet NEPA requirements, ODOT is preparing a Supplemental Environmental Assessment. As part of the project, ODOT seeks to help repair past harms to the Historic Albina community stemming from the original construction of Interstate 5 through Albina. Albina is the business, cultural and social center of Portland's Black community, which comprises 5.6% of the city's population (2021 American Community Survey data). ODOT is centering the voices of historic Albina residents in decisions concerning the design and construction of the project, especially the highway cover. This will support jobs, development and wealth creating opportunities for community members.

I-205 Improvements Project is currently in the NEPA process and meeting the requirements of Environmental Justice Executive Orders 12898 and 14906. To meet NEPA requirements, ODOT is working with FHWA to prepare a Supplemental Environmental Assessment. ODOT

has identified minority and low-income populations potentially affected by the project and applied extensive effort to engage these populations, provide project information, explain potential impacts, and elicit input. As part of the environmental review, ODOT will identify environmental justice issues related to access to community resources; neighborhood connectivity; effects of noise, traffic, and air quality on neighborhoods; and effects of tolling on low-income populations. ODOT will then examine project impacts on these populations to determine whether the effects are disproportionate and adverse and will recommend mitigation to avoid or reduce the impacts.

Regional Mobility Pricing Project is currently in the NEPA process. To meet NEPA requirements, ODOT is preparing an Environmental Assessment.

For the **Regional Mobility Pricing Program (RMPP)**, the **I-205 Toll Project** and development of the **Oregon Toll Program**, UMO applies an Equity Framework to guide the outcome and the process for equity related to environmental justice communities. The Oregon Toll Program's Equity Framework is guiding the entirety of both projects, including the technical analysis, environmental review, and community engagement strategies. The goals of the Toll Program's Equity Framework include: 1) Gaining better outcomes for communities that were historically and are currently underrepresented and underserved by transportation projects; and 2) Focusing on inclusivity and being intentional when engaging communities in solutions.

Historically and currently underrepresented and underserved communities experience negative impacts from the existing transportation system due to past investment and development patterns. Many low-income communities were priced out of centrally located neighborhoods by high housing costs and are now living farther away from employment and services. These same individuals often have less flexibility with travel times and may not have access to other transportation options. The Toll Program's Equity Framework provides the foundation and direction for engagement of these underserved communities.

Key to the Equity Framework is the establishment of the **Equity and Mobility Advisory Committee (EMAC)**. EMAC advises the Commission by:

- Supporting the Oregon Toll Program in development and implementation of an equity framework to guide project development and public engagement.
- Providing input to ODOT at the start of the technical and environmental review process to ensure project development is grounded in the Equity Framework, including the

development and refinement of performance measures to evaluate alternatives for I-205 and I-5 tolling.

- Providing input on mobility and equity strategies that should be considered as toll projects are developed, including:
 - Availability of transit and other transportation options.
 - Transportation needs of and benefits for historically underrepresented communities, people with disabilities, people experiencing low incomes, and people with limited English proficiency who live near or travel through the project areas.
 - Better understanding of neighborhood benefits and impacts near the tolled facilities (e.g., changes to cut-through traffic, pedestrian and bicycle options, transit access).
- Providing input on ODOT's equitable engagement plan that guides engagement with communities that have been historically underrepresented in transportation planning.
- Supporting the implementation of the equitable engagement plan by hosting or cohosting events and other activities as determined by the engagement plan.

EMAC members provide an important link in regional public involvement and education by informing and assisting with outreach to their constituents and communities. Members help to identify partners and interest groups within their respective communities and networks and help facilitate contact and information sharing with those groups and individuals.

I-5 Boone Bridge Replacement Project is in a Planning and Environmental Linkages (PEL) process, which uses a collaborative approach to transportation decision-making. This approach gathers community and agency input early in project development to fully establish the needs and goals of the project, and identify possible solutions, before conducting analysis under the NEPA process. Although it is in an earlier phase, ODOT is applying NEPA practices for outreach to meet the intent of the environmental justice Executive Orders by using census data and working with local agencies and non-governmental organizations to identify and engage the environmental justice populations that surround the Boone Bridge.

Westside Multimodal Improvement Study (WMIS) has worked with two local Community Based Organizations (APANO and Centro Cultural) to conduct focus groups in Spanish, Vietnamese, and Chinese to gain input from the populations most significantly represented in the study area.

Section Two: Increasing public participation of individuals and communities affected by the agency's decisions.

ODOT meaningfully involves the public in important decisions by providing for early, open, continuous, and effective public participation in, and access to, key planning and project decision-making processes. Outreach and engagement efforts are tailored specifically to environmental justice communities that could be impacted by projects. ODOT documents such outreach, feedback and input received, and the disposition of that feedback. Any analysis of impacts to environmental justice communities considers benefits and mitigation, as well as impacts, to determine the environmental justice finding for the project.

The recent major update to the **Oregon Transportation Plan (OTP)** serves as a prime example of how the Transportation Planning Unit increases public participation to include individuals and communities, particularly those who in the past were often left out of agency decision-making in the past. As part of the engagement process, the OTP project includes a variety of strategies to provide accessible opportunities to create awareness and encourage participation:

- Broad, diverse membership, including new voices, on project committees and in work groups.
- In-language outreach and translated materials supported by Community Engagement Liaisons (CEL) who speak Spanish, Vietnamese, Russian, and Chinese.
- Compensating qualifying participants for their time and effort through the ODOT Equitable Engagement Compensation Program (EECP). While many communities face a variety of barriers to participate, providing financial incentives is one way to welcome more voices to the table.
- Engaging community-based organizations.
- Video series highlighting the stories and voices of underserved community members around their lived experiences with transportation.
- Clearly communicating how feedback shapes outcomes throughout the project.

ODOT's NEPA practitioners reside in all five regions across the state. They are responsible for capturing the public participation for each FHWA-nexus project and providing a summary of that participation, including any substantive comments, in FHWA NEPA documents. As per the FHWA environmental justice guidance, the ODOT NEPA Program advises region NEPA staff, consultants, and local agencies to encourage project leaders and communication officials to follow the Guide when determining their public, agency, and partner engagement

plans for each FHWA-nexus project. The relevant sections of the ODOT NEPA Manual that cover public participation requirements for FHWA-nexus projects are 412; and 426.3-4,9,16-17,19.

ODOT's Climate Office conducts tailored engagement with the public, environmental groups, and community organizations to increase participation and to inform key decisions and outcomes for projects. In addition, Climate Office uses GovDelivery to provide regular updates to stakeholder groups. In coordination with the Department of Land Conservation and Development, the **Climate Friendly and Equitable Communities (CFEC)** program is developing guidance for equitable engagement in transportation system planning. This guidance will be incorporated into the Transportation System Plan Guidelines. Additionally, an equity-focused public engagement plan is required for all local planning projects funded through CFEC.

Projects implemented through **ODOT's Urban Mobility Office (UMO)** utilize data driven methods to identify environmental justice populations located within the project or study area. UMO staff also listen to community members and leaders to identify environmental justice populations that have been historically underrepresented in transportation planning.

To reach these communities, ODOT invites community engagement through individual briefings; in-person events; traveler surveys; on-line open houses; webinars; traditional and social media activities; and public committee meetings. UMO also actively engage non-English speakers in project areas through dual lingual online open houses; community engagement liaison outreach to groups speaking Spanish, Russian, simplified and traditional Chinese, and Vietnamese; and translated print and online materials. ODOT additionally contracts Community Based Organizations (CBOs) with relationships and in direct communication with environmental justice communities. To compensate eligible participants for their time, UMO projects utilize ODOT's Equity Engagement Compensation Program (EECP).

The **I-5 Rose Quarter Improvement Project** team continues to intentionally prioritize, listen to, inform, engage, and empower Portland's Black community as the primary community impacted and displaced by past public and private development decisions in the project area. The main vehicle for this is with the **Historic Albina Advisory Board (HAAB)**. ODOT formed the HAAB in December 2020 based on the project's values and direction from community advocates to create such a committee. The purpose of the HAAB is to elevate voices in the

Black community to ensure that project outcomes reflect community interests and values, and that historic Albina directly benefits from the investments of this project.

The HAAB brings community perspectives concerning elements that most directly support community connections, urban design, and wealth generation in the Black and historic Albina community into the project's decision-making process. The HAAB advises on project design and informs potential partnerships between ODOT and other agencies, businesses and organizations. Board members review project information, discuss and deliberate, and provide interest- and value-based advice and recommendations to project leadership to substantively inform its recommendations to the Oregon Transportation Commission.

For the **I-205 Toll Project and Regional Mobility Pricing Project (RMPP)**, ODOT has partnered with the ODOT's Community Engagement Liaisons Program to conduct focused, meaningful engagement with historically excluded and underserved groups. Trusted leaders from various communities held discussions with individuals and groups who identify as youth, people with disabilities, Native American, Latin American, Russian/Slavic, Chinese, Vietnamese, Black/African American, and Black, indigenous, and people of color (BIPOC). Participants were asked for their perspectives on how to make ODOT's toll program more equitable, options for the low-income toll program, preferences for the enrollment and application process, and potential barriers to participating in the program.

For the I-205 Toll Project and RMPP, ODOT holds ongoing discussion groups with community-based organizations serving Equity Framework communities. These discussion groups provide community members with information and an opportunity to weigh in about their community's needs and concerns around tolling. The Toll Program has increased understanding and relationships with CBOs through these discussions. In 2023, thirteen one-hour interviews were held with CBOs to support stronger relationships and better understanding of how to engage with the community. During summer 2023, the Toll Program participated in 30 community events, partnering with community-based organizations and community engagement liaisons and providing outreach in Spanish, Russian, Chinese, and Vietnamese.

ODOT is also implementing new internal guidance under the **Community Engagement Program** to ensure that 100% of new, non-maintenance projects by 2025 are using the Engagement Toolkit for community outreach. The Equitable Engagement Compensation Policy (EECP) was designed to reduce participation barriers that have prevented historically

excluded populations and others from participating in public engagement and advisory activities with the department.

Additional ways ODOT seeks public input about project scope, public interest levels, and potential for adverse effects, public input is sought during the development of projects include:

- ODOT involves the public in important decisions by providing for early, open, continuous, and effective public participation in, and access to, key planning and project decision-making processes. Outreach and engagement efforts will be targeted specifically to EJ communities that could be potentially impacted by federal-aid projects. ODOT will document outreach, feedback and input received, and the disposition of that feedback. Any analysis of impacts to EJ communities will consider benefits, impacts and mitigation to determine the EJ findings for the project.
- Low literacy and limited English proficiency populations, older adults, disabled persons, low-income populations, and other identified disadvantaged people are offered alternative accommodations (e.g., interpretation services, transportation, childcare), and EECF to participate in project development activities, as appropriate.
- Public outreach, including public meetings, are used for projects where there are several practical project alternatives and/or where the project would involve potential relocations of residences, businesses, and/or institutions.
- Public meetings are held in ADA-accessible facilities.
- ODOT provides advisory notices to the public and any potentially affected EJ communities for upcoming construction activities that could affect the local transportation system including detours, public road and access restrictions, and delays.
- Local agencies applying for **Transportation Growth Management** funds must include public involvement throughout the project, with special emphasis on engaging populations that have not been engaged in the past. Applicants must describe how they identify historically and currently underserved communities, how impacts to those communities will be addressed and how public participation will be encouraged.

Section Three: Determining the effect of the agency's decisions on EJ communities.

To gauge potential EJ and other negative impacts, ODOT engages the public and its partners throughout the entire project process. ODOT sponsors key public engagement activities throughout the various phases of a project, including pre-scoping, scoping, preconstruction, construction, and project debriefs with community members and other key partners.

Examples include:

- Project presentations at community gatherings, community events, online and at in-person open houses.
- Public hearings.
- Interviews, discussion, surveys, and focus groups.
- Door-to-door business canvassing outreach, breakfasts with community leaders and partners, website updates and newsletters, tabling at community events, project mailers, newspaper ads, social media content, and project videos.
- Community briefings, including briefings with local business organizations.
- Tabling at over five fairs, festivals, and community events.
- Industry Forum events like “Meet the Primes.”
- Website updates, e-newsletters, and project information mailers.

A key component of statewide plan implementation - including policies and actions connected to environmental justice - is monitoring and reporting on progress towards their achievement. The statewide **Transportation Planning Unit** and the **Transportation Planning Analysis Unit** - both under the **Statewide Policy and Planning Section** - will continue to develop the means of monitoring and reporting progress such as performance metrics and web-based dashboard tools.

The Climate Office applies the ODOT social equity lens to program and project development to help understand the needs, benefits, and burdens of agency actions on historically excluded communities. Climate Office also utilizes the *State of Oregon Climate Equity Blueprint* to inform policies, processes, and programs to address climate change. The Social Equity Index Map is used to identify environmental justice communities for investments, benefits or possible mitigation by Climate Office projects and programs.

The ODOT **Toll Program** is developing a low-income benefit that would be included in the Program and available on the first day of tolling, as prioritized in the I-205 Toll Project draft Environmental Assessment to mitigate impacts to environmental justice communities. ODOT formed and works with the Equity and Mobility Advisory Committee (EMAC) to help determine the income threshold benefit level, geographic extent, and the process for accessible, inclusive enrollment. This work is also informed by analysis and engagement with environmental justice communities, some of whom will be future customers in this program. UMO engagement activities to inform the low-income program have included:

- Seven interviews to gather information from social service providers and state, local, and federal programs that serve people with low income. The purpose of the interviews was to help inform implementation practices for determining eligibility and design an accessible, inclusive low-income toll program.
- Partnerships with the Community Engagement Liaisons Program to conduct focused, meaningful engagement with historically excluded and underserved groups. Trusted leaders from various communities held two sets of eight discussion groups with individuals or groups who identify as youth, experiencing disabilities, Native American, Latin American, Russian/Slavic, Chinese, Vietnamese, Black/African American, and Black, indigenous, and people of color (BIPOC). Participants were asked for their perspectives on options for the low-income toll program, preferences about the enrollment and application process, and potential barriers to participating in the program.
- Two discussion groups with community-based organizations serving Equity Framework communities. Participants were asked about potential barriers to participation in a low-income toll program and best practices for enrollment from other programs for people experiencing low incomes.
- An online survey, which was publicly available from April 28 to May 16, 2022, received over 12,000 responses. ODOT advertised the survey as an opportunity for the public to share feedback to shape congestion pricing and advance equity, including developing a toll discount or credit for people experiencing low incomes. The survey included two multiple-choice questions related to the Low-Income Toll Report, asking who should be eligible for the low-income discount or credit and the level of agreement with options for a low-income toll program.

Section Four: Improving plans to progress environmental justice in Oregon.

Two of ODOT's core values drive the agency's continual improvement in furthering environmental justice in Oregon: **Excellence and Equity**. The agency expresses Excellence as using our skills and expertise to continuously strive to be more efficient, effective and innovative. Equity is expressed as embracing diversity and fostering a culture of inclusion.

ODOT's EJ strategy reflects its ongoing commitment to promoting equity in programs, policies, and activities that affect human health and the environment. This includes economic and social conditions consistent with all applicable planning and environmental statutes and regulations. ODOT's policy requires adherence to EJ goals throughout all its activities, including transportation planning and project development, and to promote those goals through public outreach efforts conducted by ODOT and its subrecipients.

ODOT's commitment includes the recognition that infrastructure choices that are made at the state and local levels can strengthen communities, create pathways to jobs, and improve the quality of life for individuals and communities across the state. By empowering communities to have a meaningful voice in transportation decisions, institutionalizing "best practices" internally and externally across ODOT programs, continually pursuing excellence, ODOT ensures that EJ is an integral and effective part of all its activities.

ODOT's statewide **Transportation Planning Unit** leads the development of periodic updates to statewide plans and their implementation. This unit coordinates with the ODOT Office of Equity and Civil Rights to ensure statewide plans are compliant with state and federal environmental justice regulations and consistent with Office of Equity and Civil Rights policies and programs. **Transportation Growth Management** funds local planning projects that set the policy direction for a community; these local projects are expected to address equity both in purpose and approach.

The **Carbon Reduction Program** is a new federal program created by the Bipartisan Infrastructure Law. It will provide Oregon \$82 million over five years to fund a variety of projects that reduce greenhouse gas emissions from transportation. The Justice40 Initiative set a goal that 40% of the overall benefits of transportation federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened. To achieve ODOT's equity and the Justice40 goals, equity considerations were incorporated into the scoring criteria for project identification. In addition to climate benefits and engagement, projects were assessed on the ability to mitigate impacts from emissions or reduce barriers and increase benefits to historically disadvantaged communities. Climate Office also worked

through the agency's tribal liaisons to ensure Oregon's nine Tribes were aware of the funding opportunity. ODOT estimates that more than 65% of the funding from the Carbon Reduction Program funds allocated to date will benefit disadvantaged communities as defined by the Justice40 and the Climate and Economic Justice Screening Tool.

The **Climate Adaptation and Resilience Roadmap** provides ODOT with policy guidance and actionable strategies for integrating climate change considerations into ways the agency plans for, invests in, builds, manages, maintains, and supports the multi-modal transportation system. The roadmap includes a Climate Equity guiding principle to prioritize protection and resilience within marginalized, low-income, indigenous and Tribal communities, who are most at-risk of harm from climate hazards. Climate change is fundamentally tied to social equity and justice. ODOT recognizes that the negative consequences of a changing climate are not endured the same way across the Oregon public. Low income and disadvantaged communities are not on equal or fair footing when it comes to preparing for or coping with the negative effects of climate change. The roadmap incorporates ODOT's statewide climate hazards risk analysis, drawing from corridor-scale risk maps that include the Statewide Equity Index.

The **Community Charging Rebates** program supports EV charging in communities with up to \$7 million available for Level 2 charging stations at strategic locations, particularly public parking sites and multi-family housing. Seventy percent (70%) of rebate funds are reserved for projects located within priority communities, defined as disadvantaged and rural communities. ODOT used the statewide equity map to determine disadvantaged communities and the Office of Rural Health's designation as non-urban to determine rural communities. The remaining funding (30%) is for projects located anywhere in Oregon.

The **Urban Mobility Office** continually strives for expansive community engagement to inform and solicit input from the public and agency partners. The HAAB and EMAC committees exemplify a high level of direct engagement and input from environmental justice communities. In July 2022, the Oregon Transportation Commission, as Oregon's tolling authority, accepted EMAC's recommended actions, providing strategic direction to ODOT to center equity using these actions as the basis for future decisions. These actions include supporting a toll equity accountability committee or other structure to ensure long-term accountability.

A primary goal of **ODOT's Toll Program** is to ensure that the benefits of tolling (reduced congestion and improved mobility) are shared across all demographics. As part of the I-205 Toll Program and RMPP environmental review processes in combination with the low-income

program development, ODOT is collaborating with community partners and collecting data to work towards an equitable distribution of the benefits of reduced congestion. One unique effort is the **Low-Income Toll Program**. As part of program development, UMO has been working with other state departments and social service providers that offer income verified services. The agency's intent is to leverage those existing programs to ensure easy access to enrollment for people with low incomes while keeping administration costs low. We are also pursuing an exception for Tribal members and government vehicles in Oregon. Oregon's program would be the first in the nation to apply this comprehensive approach.

Section Five: Development of Environmental Justice Mapping Tool.

With the passage of HB 4077 and the direction for agency participation to develop a statewide EJ mapping tool, ODOT staff formed an **EJ Mapping Working Group** in 2023 to participate in interagency mapping coordination. This group provided analyses of ODOT resources for this initiative. Representatives from ODOT's Climate Office, Research Office, Geographic Information Services Unit, Office of Equity and Civil Rights, and Transit Section have attended meetings to inform the EJ mapping tool methodology development and the statewide EJ data inventory. An agency-wide effort was made to provide EJ-relevant ODOT data that could contribute to the tool's development.

In September 2023, the **ODOT EJ Mapping Working Group** successfully completed a foundational activity for development of the statewide EJ mapping initiative: inventorying existing ODOT data sets that could be considered for applicability to a statewide EJ mapping tool. ODOT staff identified over 40 data indicators for consideration, spanning topics such as:

- Crash Data
- Statewide Strategic Investment Locations
- Highway Performance Monitoring
- Multi-Hazard Risk
- Sea Level Rise
- Coastal Flooding and Erosion Risks
- Resilience Corridors

ODOT staff bring unique expertise in this area due to the agency's regular use of Geographic Information Services (GIS) and through the development of ODOT's Social Equity Index Map in recent years.

ODOT's **Social Equity Index Map** is a tool to assist staff in applying the social equity lens to ODOT's work and holding us accountable in prioritizing equity. This *ArcGIS Online*-based online interactive tool applies the Five-Year American Community Survey Data from 2017 to 2021 at the block group level to identify and acknowledge where Oregonians' vulnerable populations reside to assist ODOT project and program planning and implementation. The map illustrates community-level prevalence of inequity predictors that have been linked to inequitable transportation outcomes like pedestrian injury, air pollution, as age, disability,

Limited English Proficiency, poverty rate, race/ethnicity, vulnerable populations and zero-vehicle households. The map provides a disparity index that measures intersectionality; those places where predictors of social vulnerability overlap show potential levels of inequity. The Social Equity Index Map information supports a better understanding of the communities who have been historically marginalized and how ODOT's work impacts these populations directly.

Additional ODOT programs engaged in map development and analyses include:

- The **Transportation Planning Section** provides support to the other groups within the Policy, Data, & Analysis Division and the agency's region-level staff in the utilization of mapping tools like the Oregon Social Equity Index Map. The Transportation Planning Unit and the Transportation Planning Analysis Unit both support these efforts. The Transportation Planning Section is well suited to help develop evaluation criteria for high-level decision making such as prioritizing transportation system investments.
- The **Transportation Data Section** provides GIS support and mapping services to other groups within ODOT. The section also manages motor vehicle crash data, traffic volume information and other roadway asset data per Federal Highway Administration requirements.
- The **Public Transportation Division** uses the Social Equity Index to prioritize investments from discretionary grant funding in transportation disadvantaged areas of the state.
- The **Carbon Reduction Program** provided funding applicants with the ODOT Statewide Equity Index map and FHWA Justice40 tools to assist with identifying environmental justice communities.
- The **Community Charging Rebate** program created the Community Charging Priority Type Locator map using the ODOT Statewide Equity Index map to determine disadvantaged communities and assist program applicants.
- The **Climate Adaptation and Resilience Roadmap** includes development of the ODOT Climate Hazard Risk Map which incorporates ODOT Statewide Equity Index as part of the Corridor Risk Analysis.

- The **Climate-Friendly and Equitable Communities** program guidance and resources specifically developed reference tools such as FHWA's EJ mapping tool and ODOT's Equity Index Map as resources for local planning efforts.

In accordance with the Oregon Transportation Plan, ODOT has committed to prioritizing social equity. This will require using the best available EJ information. When the mapping tool is complete, ODOT will apply and evaluate it from a transportation perspective. For instance, ODOT's current Social Disparity Index (SDI), which includes transportation-specific equity measures, could be updated to integrate new data from the tool or a protocol for concurrent use of the SDI and the tool could be developed.

The **Urban Mobility Office** anticipates using the mapping tool to identify environmental justice populations and characterize existing socioeconomic and environmental benefits and burdens in these communities. For purposes of NEPA compliance, this will help project teams to understand and describe the Affected Environment, i.e., the potentially affected environmental justice populations, the community resources important to environmental justice communities, and the issues affecting them. Determining project impacts in this context helps determine the need for design improvements, avoidance and minimization measures, or the need for compensation. Environmental justice mapping has been used in ongoing projects such as the I-205 draft Environmental Assessment and the RMPP Planning and Environmental Linkages work.

ODOT staff continue to participate in the interagency EJ Mapping Tool Methodology work group, including evaluating the appropriateness of similar tools that have been developed in other states and nation-wide, as well as assessing different methodologies for aggregating indicators into an overall EJ index. Staff monitors discussions of the Oregon Environmental Justice Council Mapping Tool Subcommittee and anticipates meaningful participation in the effort throughout the interagency initiative.

EJ COUNCIL QUESTIONS

Question One: What is the process of analysis your agency uses to determine environmental justice considerations per ORS 182.535 Section 5? Please describe your progress towards implementing this analysis and provides examples such as policies, rulemaking, etc.

Summary

Equity is a core value at ODOT. Since 2020, the Assistant Director for Social Equity leads development of programmatic strategies to implement equity goal setting and processes across ODOT. Demographic and other data analyses, public participation actions, and an equitable engagement toolkit all support ODOT programs in conducting equity analyses.

In Detail

Foundational analytical processes that ODOT conducts to address the agency's equity strategic priority include:

1. Identify community demographics, with attention to minority, low-income, and limited English proficiency communities in the project area.
2. Develop and implement public involvement plans with strategies for reaching out to diverse communities.
3. Identify potential adverse impacts to minority and low-income communities resulting from the project (including impacts both to those displaced and those remaining). Assess cumulative impacts resulting from other activities in conjunction with ODOT projects.
4. Determine, in consultation with the Federal Highway Administration as appropriate, whether the project would have a disproportionately high and adverse effect on minority or low-income populations.
5. Identify and evaluate ways to avoid or reduce adverse and/or disproportionate impacts to EJ communities. Work with community members and leaders to suggest mitigation and enhancement measures that could avoid or offset potential adverse impacts.

ODOT is now implementing new internal guidance under the **Community Engagement Program** to ensure that 100% of new projects (not maintenance) are using components of the

Equitable Engagement Toolkit for community outreach by 2025. Tools in this program include:

- The Equity Lens
- Community Engagement Contractors (CEC)
- Equitable Engagement Compensation Program
- Interpretation and Transition Guidance
- Social Equity Index Map

ODOT continually reviews and improves these resources in the actively ongoing Engagement Toolkit training. The Interview Toolkit was designed to increase transparency with job candidates, foster consistency in the hiring process, enhance accessibility for system users, and increase fairness in the interview process. The Engagement Toolkit is to utilize the viewpoints of those who reside in the communities ODOT serves and who are likely to be affected by the decisions that ODOT makes.

The **Equitable Engagement Compensation Policy (EECP)** was designed to reduce barriers that have systematically prevented historically excluded populations and others from participating in public engagement and advisory activities with the department.

As a core function of ODOT's equity priority, as well as implementation of Governor Brown's Executive Order 22-15, the agency continues its efforts to **diversify its workforce as well as the agency's contractor and consultant community**. ODOT is implementing various toolkits to support diversifying the agency's workforce and increasing engagement with Black, Tribal, and women-owned contractors, consultants, and community partners.

Projects implemented through **ODOT's Urban Mobility Office (UMO)** utilize data driven methods to identify environmental justice populations located within the project or study area. UMO staff listen to community members and leaders to identify environmental justice populations that have been historically underrepresented in transportation planning.

ODOT projects are subject to the National Environmental Policy Act, which includes environmental justice considerations. ODOT's **NEPA Program** collaborates regularly with FHWA (both the Oregon Division as well as the FHWA national Project Delivery Office EJ subject matter experts) regarding FHWA EJ compliance for ODOT projects in the NEPA phase of project development.

Regional Mobility Pricing Program (RMPP), the **I-205 Toll Project** and development of the **Oregon Toll Program**, ODOT utilizes an Equity Framework to guide the outcome and the process for equity related to environmental justice communities. The Oregon Toll Program's Equity Framework is guiding the entirety of both projects, including the technical analysis, environmental review, and community engagement strategies. The goals of the Toll Program's Equity Framework include gaining better outcomes for communities that were historically and are currently underrepresented and underserved by transportation projects and focusing on inclusivity and being intentional when engaging communities in solutions.

Historically and currently underrepresented and underserved communities experience negative impacts from the existing transportation system due to past investment and development patterns. Many low-income communities were priced out of centrally located neighborhoods by high housing costs and are now living farther away from employment and services. These same individuals often have less flexibility with travel times and may not have access to other transportation options. The Toll Program's Equity Framework provides the foundation and direction for engagement of these underserved communities.

Key to the Equity Framework is the establishment of the **Equity and Mobility Advisory Committee (EMAC)**. EMAC advises the Commission by:

- Supporting the Oregon Toll Program in development and implementation of an equity framework to guide project development and public engagement.
- Providing input to ODOT at the start of the technical and environmental review process to ensure project development is grounded in the Equity Framework, including the development and refinement of performance measures to evaluate alternatives for I-205 and I-5 tolling.
- Providing input on mobility and equity strategies that should be considered as toll projects are developed, including:
 - Availability of transit and other transportation options.
 - Transportation needs of, and benefits for, BIPOC communities, people with disabilities, people experiencing low incomes, and people with limited English proficiency who live near or travel through the project areas.
 - Better understanding of neighborhood benefits and impacts near the tolled facilities (e.g., changes to cut-through traffic, pedestrian and bicycle options, transit access).

- Providing input on ODOT's equitable engagement plan that guides the ongoing engagement with communities that have been historically underrepresented in transportation planning.
- Supporting the implementation of the equitable engagement plan by hosting or cohosting meetings, events and/or other activities as determined by the engagement plan.

EMAC members provide an important link in regional public involvement and education by informing and assisting with outreach to their constituents and communities. Members help to identify partners and interest groups within their respective communities and networks and help facilitate contact and information sharing with those groups and individuals.

ODOT's **Climate Friendly and Equitable Communities (CFEC)** program requires cities and counties within metropolitan areas to use an equity-focused public engagement program for transportation system planning work and to plan for a more equitable multimodal transportation system. To get to these end goals, jurisdictions must recognize ways that planning policies and climate change have harmed or are likely to harm underserved populations. Jurisdictions must also integrate equity considerations into how transportation projects are prioritized for funding. The CFEC team in 2023 supported the development of guidance, technical tools and a funding program to support this work at the local level. This work includes:

- Scenario planning and greenhouse gas reduction target setting at the regional and local levels.
- Updates to the Transportation System Guidelines.
- Updates to the Analysis Procedures Manual transportation demand modeling guidance.
- Establishing a new funding program to support local Transportation System Plan updates along with a statement of work template that implements guidance updates.
- Developing a statewide multimodal inventory database to be used for planning purposes.

Question Two: What is the extent of meaningful involvement your agency facilitates in decision making and implementation of agency programs as defined by ORS 182.535 Section 7?

Summary

ODOT involves the public in important decisions by providing for early, open, continuous, and effective public participation in and access to key planning and project decision-making processes. Outreach and engagement efforts are tailored specifically to EJ communities that could be potentially impacted by projects. ODOT documents outreach, feedback and input received, and the disposition of that feedback. Any analysis of impacts to EJ communities considers benefits and mitigation, as well as impacts, to determine environmental justice findings for a project.

In Detail

ODOT's **Transportation Planning Unit** supports the development, refinement, and implementation of statewide multi-modal transportation plans. In performing these functions, the Unit complies with state and federal rules and regulations tied to environmental justice, including Land Use Goal 1: Citizen Involvement, and federal regulatory compliance around environmental justice and *Title VI of the Civil Rights Act*. The Unit incorporates a robust public engagement program when performing major updates to statewide plans.

The recent update to the *Oregon Transportation Plan (OTP)* is a prime example. Unit staff led the public engagement processes throughout development of the plan. The OTP public outreach effort was a commitment from the onset to reflect the voices and perspectives of people and communities who have been historically excluded and underserved by transportation investments. The Oregon Transportation Commission officially adopted the final draft Oregon Transportation Plan on July 13, 2023.

As part of the engagement process, the OTP project used a variety of strategies to provide accessible opportunities to create awareness and encourage participation, including:

- Broad, diverse membership, including new voices, on project committees and work groups.
- In-language outreach and translated materials supported by Community Engagement Liaisons (CEL) who speak Spanish, Vietnamese, Russian, and Chinese.

- Compensating qualifying participants for their time and effort to participate through the ODOT Equitable Engagement Compensation Program (EECP). While many communities face a variety of barriers to participate, providing financial incentives is one way to welcome more voices to the table.
- Engaging community-based organizations.
- Video series highlighting the stories and voices of underserved community members around their lived experiences around transportation.
- Collaboration with the ODOT Office of Social Equity.
- Clearly communicating how feedback shaped outcomes throughout the project.

Other notable initiatives for meaningful involvement in ODOT activities include:

- **Transportation Options:** ODOT encourages the public and its employees to maximize their transportation options for commuting and all travel activities. ODOT's related goal is to reduce single occupancy vehicle trips and lower the vehicle miles traveled from commute and other vehicle trips.
- **The Sustainability Program** also provides required updates to the Oregon Sustainability Board every two years. The Oregon Sustainability Board was created in 2001 and encourages activities that best sustain, protect and enhance the environment, economy, and community for the present and future benefit of Oregonians. The Governor appoints Board members who represent a variety of partners in Oregon.
- **Equitable workforce development** is an essential component in the creation of a sustainable transportation system that makes access to the system and employment opportunities available for all demographics and all geographic areas of the state.
- **ODOT's Office of Equity and Civil Rights (OECR)** is committed to ensuring Oregon small business enterprises can contract across ODOT business lines. OECR administers and implements a wide variety of state and federally funded programs to build the capacity of small business to compete for ODOT contracts to advance the economy and strengthen communities across the state.
- The **Climate Office** seeks to provide meaningful involvement in decision making and implementation through engagement and outreach as part of program and project development, and through reporting on progress towards outcomes and goals. In CFEC, the updated Transportation Planning Rule requires meaningful involvement of underserved populations and external partners as a regular part of transportation system planning and ODOT provides technical support for this work.

ODOT's [VisionEval model](#) supported the two-year, statewide collaborative effort to develop Oregon's guiding document for reducing transportation greenhouse gas emissions, the [2013 Statewide Transportation Strategy \(STS\)](#). The STS quantifies a mix of actions needed to achieve the state's required emission reductions. This effort applied the [award-winning](#) strategic planning model, originally developed at ODOT. VisionEval has been adopted and applied by the Federal Highway Administration and several agencies across the United States. In 2023, ODOT and partners released the [Oregon Transportation Emissions website](#), which used VisionEval to track greenhouse gas emissions reduction progress relative to the STS roadmap.

Sustainability is an ODOT priority that guides decision-making. Managers and section crews routinely look for ways to utilize sustainable products and fuels, reduce energy and water consumption, and reuse and recycle materials and equipment. Sustainable practices are incorporated into how ODOT plans, designs and builds transportation programs and projects. Agency actions have increased efficiencies, lowered costs, and lessened the impact on the environment.

ODOT is preparing for the infrastructure deployment for the National Electric Vehicle Infrastructure (NEVI). The Plan will ensure compliance with State and Federal civil rights laws, including title VI of the Civil Rights Act and accompanying USDOT regulations, the American with Disabilities Act, and Section 504 of the Rehabilitation Act. Title VI of the Civil Rights Act of 1964 mandates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Key activities to effectively address title VI concerns includes conducting meaningful public participation and engagement throughout the project planning and development process and evaluating the impacts and benefits of programs considering the demographics of affected communities, to avoid disparate impacts and provide equitable access to benefits. The existing ADA standards address many aspects of accessibility for buildings and sites applicable to EV charging stations but do not specifically address EV charging stations. To address this gap, in July 2022, the U.S. Access Board issued Design Recommendations for Accessible Electric Vehicle Charging Stations 21. Charging stations should be designed and constructed according to the Access Board's Recommendations to demonstrate ADA compliance and optimize usability for persons with disabilities.

Question Three: Please share agency impacted legislation from the last legislative session where Environmental Justice Council or Environmental Justice Task Force engagement is cited in the legislation.

No bills were proposed or passed in the 2023 Oregon Legislative Session that would affect ODOT's engagement with the Oregon Environmental Justice Council. House Bill 3409, the 2023 climate omnibus bill, has several provisions impacting ODOT and names the Environmental Justice Council throughout the measure. However, the Environmental Justice Council is not named in any provisions of the measure that impact ODOT. The measure establishes the *Community Green Infrastructure Program*, in which the Department of Land Conservation and Development (DLCD) will consult with ODOT for technical advice concerning state transportation facilities and rights of way as they relate to the design and implementation of the Program. The measure also establishes the *Zero-Emission Medium and Heavy-Duty Vehicle Incentive Fund* at DEQ, focused on vehicle purchase rebates and not vehicle charging. The measure renames and expands the membership of the Oregon Global Warming Commission, now renamed the Oregon Climate Action Commission, and ODOT is a named member.

Question Four: How would your agency like to engage with Environmental Justice Council in 2024?

ODOT welcomes continued partnership with Oregon's Environmental Justice Council in 2024 to advance statewide EJ strategies and goals. The Council and environmental justice liaisons from across Oregon's state agencies can count on ODOT's participation and collaboration to fulfill its responsibilities under ORS 182.535, 182.538, 182.542, 182.545 and 182.550.

Specific ODOT activities for engaging with the Council and agencies in 2024 may include:

1. Responsiveness to the Council's inquiries regarding ODOT programs, projects, and achievements, as well as participation or monitoring of Council meetings and events.
2. Collaboration and support for Council-directed agency coordination efforts implemented by the Department of Environmental Quality's environmental justice program and staff.
3. Continued participation in the Council and interagency initiative for development of Oregon's environmental justice mapping tool.
4. Contributing ODOT staff expertise in transportation development to any initiatives of the Council that include transportation data, goals or strategies such as public participation or environmental impact evaluations.
5. Participation in shared learning with the Council and peer agencies for continual improvement of environmental justice programming in Oregon, including those requirements under state law for natural resource agencies to address and further progress on EJ issues, increase public participation, and determine the effect of agencies' decisions on traditionally underrepresented communities.