

# **Appendix 5: Civil Rights and Environmental Justice**

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### TITLE VI REQUIREMENTS

As the designated Metropolitan Planning Organization and Regional Transportation Planning Authority for the Butte County region, BCAG is responsible for receiving federal funding and allocating it to efforts that improve land use and transportation outcomes in the region. Title VI of the 1964 Civil Rights Act specifically prohibits discrimination by recipients of federal funds “on the basis of race, color, or national origin.” Specifically, Title VI and its implementing regulations (49 CFR § 21.5) state that the recipient of federal funds “may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

1. Deny a person any service, financial aid, or other benefit provided under the program
2. Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program
3. Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program
4. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program
5. Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program
6. Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or
7. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

Title VI also requires recipients to demonstrate that they are actively pursuing efforts to ensure that all groups in their jurisdiction, including historically underserved and disenfranchised minority groups, are included in planning processes and benefit from projects that receive federal funds. Specifically, Federal Transit Administration (FTA) Circular 4702.1B requires MPOs, as the region’s transit coordinators, to submit a Title VI Program report every three years certifying compliance with Title VI with regard to any transit developments, like new transit services or setting of transit fares. MPOs must also conduct equity studies if proposing significant service or fare changes. MPOs must include the following information in their Title VI Program reports according to FTA Circular 4702:

1. All general requirements set out in Section 4 of Chapter III of the Circular.

2. A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate
3. A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
4. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient
5. An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

This Appendix 5 primarily addresses requirements pertaining to the equitable distribution of benefits from federally funded projects. Appendices 2 and 3 discuss public engagement efforts that affirmatively engage historically underserved and disenfranchised tribal and minority populations.

## **EJ REQUIREMENTS**

U.S. Department of Transportation (DOT) EJ Order 5610.2(c) and Federal Transit Administration (FTA) EJ Circular 4703.1 govern the environmental justice responsibilities of MPOs as recipients of federal funds. There are three federally established guiding EJ principles, summarized in FTA Circular 4703.1, to consider throughout transportation planning, public outreach and participation efforts conducted in development of the RTP:

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

The EJ and Title VI analysis summarized here partially addresses the first requirement by analyzing the relative investments in roadway projects versus modes of transportation with fewer associated air pollution impacts. In addition, the goal of the RTP/SCS overall is to reduce miles traveled by single-occupancy vehicles through land use and transportation planning policies that, together, help make trips shorter and provide the region with more options besides driving. The RTP/SCS is also subject to air pollution requirements, independently of GHG

requirements, under the Clean Air Act. Appendix 1 discusses BCAG's current air quality status and efforts that BCAG is taking to improve air quality in the Butte County region.

The second requirement regarding full and fair participation is covered in Appendix 3: Public Participation.

This subsequent subsections in this Appendix detail how BCAG's EJ analysis meets the third requirement to ensure that minority and low-income populations receive the benefits from transportation improvement projects included in the RTP. The following subsection describes how Title VI and EJ communities are identified, followed by a description of the analysis and results. Appendix 3 in the SCS details BCAG's efforts to meet the second EJ-related requirement summarized in FTA Circular 4703.1.

## **TITLE VI AND EJ COMMUNITY IDENTIFICATION**

Identifying Title VI and EJ communities is important for ensuring these communities are equitably served while not being disproportionately burdened with negative transportation-related impacts. It is also important to identify and distinguish between Title VI and EJ areas because many transportation funding grants require that funded projects serve disadvantaged communities specifically, and different grant sources have different definitions for 'disadvantaged'. Some grants require that projects serve communities disproportionately affected by pollution, while others, like the Active Transportation Program, allow for more regionally specific definitions of disadvantaged communities, such as basing the measure of 'low-income households' on percentage of regionwide median income.

To identify communities of color in the BCAG region per Title VI requirements, BCAG staff used demographic data from the United States Census and American Community Survey (ACS), and the Cal EPA CalEnviroScreen 4.0 cumulative index score, which ranks California Census tracts based on pollution exposure, health outcomes, and demographic factors. Staff categorized Title VI communities as Census Block Groups with 40% or more of the population identifying as anything other than 'White Alone' in the 2020 U.S. Census.

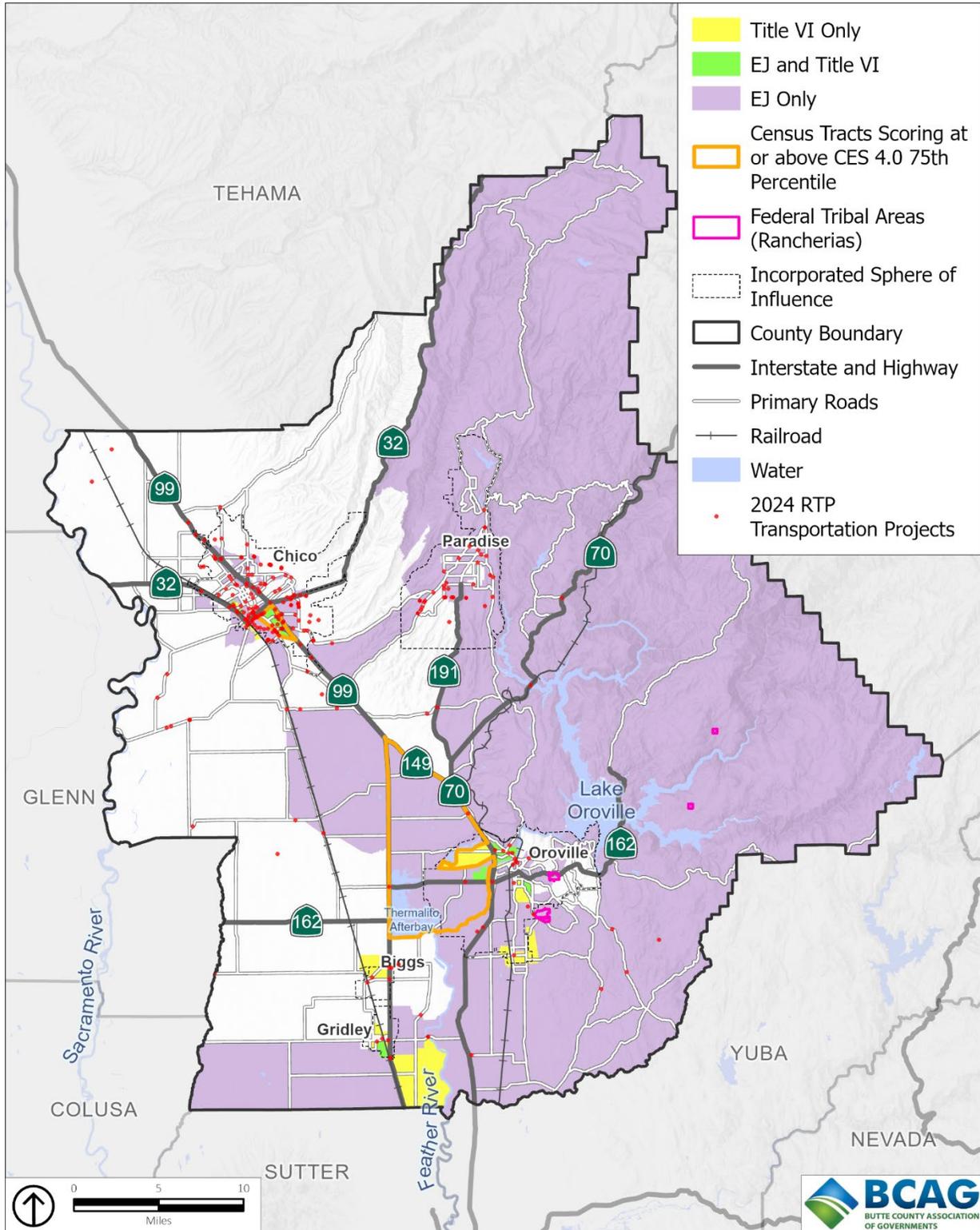
EJ communities include all of the following:

- All Title VI Census Block Groups,
- Census Block Groups with 45% or more of the population living at or below 200% of the Federal Poverty Line (FPL), according to 2022 ACS estimates,
- Tribal rancherias in Butte County,
- Butte County Census Tracts (2) that score at or above the 75<sup>th</sup> percentile for the Cumulative CalEnviroScreen (CES 4.0) score, and

- Census Block Groups with a median income that is 75% or less of the Countywide median income of \$66,000 according to 2022 ACS estimates (although the 200% FPL indicator already includes all Block Groups that meet this specification).

Figure 1 maps Title VI and Environmental Justice Communities and planned transportation projects in the BCAG RTP/SCS.

Figure 1: Title VI and EJ Communities in the 2024 RTP/SCS



Source: BCAG, 2024; Caltrans, 2024; Esri, 2024; PlaceWorks 2024

As Figure 1 shows, most of the Block Groups considered to be EJ communities are those with 45% or more of the population living on household incomes that are 200% or less of the Federal Poverty Line (FPL), with some overlap with Title VI communities.

The FPL is also a figure calculated nationwide, and therefore does not incorporate relatively higher costs of living in California compared to other states. BCAG uses the 200% FPL threshold for this reason—many Butte County residents making more than FPL are still experiencing poverty, housing, and food insecurity.

Only two Census Tracts in Butte County score above the 75<sup>th</sup> percentile for the CalEnviroScreen 4.0 cumulative score.

Table 1 shows the racial distribution of Title VI and EJ communities compared to the County as a whole:

*Table 1: Population by Race in Title VI and EJ Communities*

	Total Population	White Alone*	Hispanic or Latino*	Black or African American Alone*	American Indian and Alaska Native Alone*	Asian Alone*	Native Hawaiian and Other Pacific Islander Alone*	Some Other Race Alone*	Two or More Races*	Total Minority (Anything Besides White Alone)
Title VI Communities	37,831	47.1%	31.2%	2.5%	1.9%	10.1%	0.3%	0.5%	6.2%	52.9%
Non-Title VI Communities	173,801	70.1%	16.3%	1.4%	1.3%	3.7%	0.2%	0.6%	6.4%	0.0%
<b>EJ Communities</b>										
EJ Communities	120,771	67.9%	17.2%	1.6%	1.7%	4.0%	0.3%	0.6%	6.8%	32.1%
Non-EJ Communities	90,861	67.4%	18.7%	1.2%	1.1%	5.0%	0.2%	0.5%	5.9%	32.6%
<b>Butte County Total</b>	211,632	66.0%	19.0%	1.6%	1.4%	4.9%	0.2%	0.6%	6.4%	34.0%

\*Non-Hispanic or Latino

Although the population of Butte County is primarily (66%) 'White Alone' according to the U.S. Census and ACS estimates, significant populations of residents identify as something other than 'White Alone' in northern Biggs area, Gridley and the unincorporated area southeast of Gridley, Oroville, and in some areas of western Chico. In these areas, 'Hispanic or Latino of any race' is the second most populous race category after 'White Alone.'

### **Comparison with 2020 RTP/SCS Title VI and EJ Communities**

Table 2 compares population estimates by race used in the 2020 RTP/SCS (2012-2017 estimates), and population by race estimates used in the 2024 RTP.SCS (2020 Decennial Census counts).

Table 2: Population Comparison between 2020 and 2024 RTP/SCS

	Total Population	White Alone*	Hispanic or Latino*	Black or African American Alone*	American Indian and Alaska Native Alone*	Asian Alone*	Native Hawaiian and Other Pacific Islander Alone*	Some Other Race Alone*	Two or More Races*	Total Minority (Anything Besides White Alone)
2024 Title VI Communities	37,831	47.1%	31.2%	2.5%	1.9%	10.1%	0.3%	0.5%	6.2%	52.9%
2020 Title VI Communities	51,157	49.6%	28.9%	2.8%	1.2%	10.2%	0.2%	0.2%	6.8%	50.4%
2024 Non-Title VI Communities	173,801	70.1%	16.3%	1.4%	1.3%	3.7%	0.2%	0.6%	6.4%	0.0%
2020 Non-Title VI Communities	174,050	79.7%	11.86%	1.1%	0.6%	2.7%	0.2%	0.2%	3.8%	20.3%
2024 EJ Communities	120,771	67.9%	17.2%	1.6%	1.7%	4.0%	0.3%	0.6%	6.8%	32.1%
2020 EJ Communities	126,649	-	-	-	-	-	-	-	-	34.9%
2024 Non-EJ Communities	90,861	67.4%	18.7%	1.2%	1.1%	5.0%	0.2%	0.5%	5.9%	32.6%
2020 Non-EJ Communities	98,558	-	-	-	-	-	-	-	-	17.2%
<b>2024 Butte County Total</b>	<b>211,632</b>	<b>66.0%</b>	<b>19.0%</b>	<b>1.6%</b>	<b>1.4%</b>	<b>4.9%</b>	<b>0.2%</b>	<b>0.6%</b>	<b>6.4%</b>	<b>34.0%</b>
<b>2020 Butte County Total</b>	<b>225,207</b>	<b>72.9%</b>	<b>15.74%</b>	<b>1.5%</b>	<b>0.7%</b>	<b>4.4%</b>	<b>0.2%</b>	<b>0.2%</b>	<b>4.5%</b>	<b>27.1%</b>

\*Non-Hispanic or Latino.

**Note:** 2020 RTP did not break out EJ communities by individual race/ethnicity category but did differentiate between residents who are 'White Alone' and the total minority population, or residents identifying as anything other than 'White Alone'.

The 2020 population counts show an overall decrease in the population countywide compared to 2017, and a larger portion of population loss occurs in Title VI communities compared to the population lost in non-title VI communities between 2017 and 2020. For EJ communities, the overall population has also declined, but to a similar degree as non-EJ communities, although the proportion of the Butte County population in EJ communities compared to not in EJ communities has risen since 2020. These results indicate that people of color in Butte County have moved away in higher proportion to white residents in Butte County since the previous RTP, and that the decline in EJ populations is not the result of residents who were lower income during the 2020 RTP earning higher incomes for the 2024 RTP but is instead likely the result of these residents also moving out (although at more equal proportion to non-EJ residents compared to the difference for Title VI communities). These results highlight the importance of facilitating the development of housing for all income levels in areas close to transit and jobs, per the regional goals stated in the BCAG RHNA. BCAG strives to support these goals as much as possible by:

- Completing the BCAG RHNA and allocating new housing growth to member jurisdictions based on a formula that prioritizes areas with existing jobs, transit, and utility infrastructure, like transit, and
- Allocating the region’s growth primarily to ‘Corridor’ and ‘Established’ areas that are job and transit rich.

## **TITLE VI AND EJ ANALYSIS AND RESULTS SUMMARY**

To assess Title VI and EJ impacts of the RTP/SCS policies, plans and projects, BCAG staff analyzed the spatial distribution of planned transportation projects within or outside of Title VI/EJ Communities, the level of financial investments made in Title VI and Environmental Justice areas, and the share of active transportation and transit projects versus roadway expansion or improvement projects in these communities. While roadway improvement and expansion projects benefit communities in terms of facilitating vehicle circulation, they can potentially also create adverse health impacts on communities by increasing roadway traffic in residential locations, which in turn increases exposure to harmful air pollutants that cause asthma and other respiratory illnesses among residents, especially children. Driving may also be too expensive or not available to individuals with limited or no access to a vehicle and/or with a disability that impacts their ability to drive. Transit and active transportation modes are more affordable and are associated with much lower levels of air pollution and GHG emissions compared to driving.

Tables 3 and 4 show the distribution of projects, and project funding by mode and by Title VI or EJ Community. Note that the totals for both Title VI and EJ communities are inclusive of the overlap between the two communities.

*Table 3: Title VI and EJ Distribution of Projects by Location and Mode*

	Bicycle and pedestrian Projects		Roadway Capacity Increasing Projects		Roadway Maintenance and Safety Projects		Passenger Rail Projects		Transit Projects		Total
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	
Title VI Communities	14	18.7%	5	12.8%	15	12.5%	0	0.0%	1	12.5%	<b>35</b>
Non-Title VI Communities	61	81.3%	34	87.2%	105	87.5%	4	100.0%	7	87.5%	<b>211</b>
<b>EJ Communities</b>	<b>58</b>	<b>77.3%</b>	<b>33</b>	<b>84.6%</b>	<b>94</b>	<b>78.3%</b>	<b>4</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>197</b>
Non-EJ Communities	17	22.7%	6	15.4%	26	21.7%	0	0.0%	0	0.0%	<b>49</b>
<b>Butte County Total</b>	<b>75</b>	<b>100.0%</b>	<b>39</b>	<b>100.0%</b>	<b>120</b>	<b>100.0%</b>	<b>4</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>246</b>

*Table 4: Title VI and EJ Distribution of Projects by Funding Shares*

	Bicycle and pedestrian Projects		Roadway Capacity Increasing Projects		Roadway Maintenance and Safety Projects		Passenger Rail Projects		Transit Projects		Total
	\$	%	\$	%	\$	%	\$	%	\$	%	
Title VI Communities	\$23,649	7.9%	\$18,470	3.2%	\$75,779	15.7%	-	0.0%	\$32,000	25.7%	\$149,898
Non-Title VI Communities	\$276,846	92.1%	\$559,690	96.8%	\$406,041	84.3%	\$88,000	100.0%	\$92,300	74.3%	\$1,422,877
<b>EJ Communities</b>	\$253,176	84.3%	\$527,640	91.3%	\$360,207	74.8%	\$88,000	100.0%	\$124,300	100.0%	\$1,353,323
Non-EJ Communities	\$47,319	15.7%	\$50,520	8.7%	\$121,613	25.2%	-	0.0%	-	0.0%	\$219,452
<b>Butte County Total</b>	\$300,495	100.0%	\$578,160	100.0%	\$481,820	100.0%	\$88,000	100.0%	\$124,300	100.0%	\$1,572,775

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## Results Discussion: Title VI

Title VI areas in Butte County constitute 18% of the County's population. If only considering the spatial distribution of projects (Table 3) and not the financial investment (Table 4), the allocation of active transportation projects in Title VI communities is commensurate with the population share, while roadway projects and transit projects (including passenger rail) are all located in Title VI communities at a smaller proportion compared to the share of population.

If considering the allocation of transportation project by funding (Table 4), Title VI communities have a relatively smaller share of investment in bike and pedestrian improvements (8% of bike/ped project funding) but receive a relatively larger share of transit project funding compared to the regional population share (26%). Title VI communities receive a share of roadway operations, maintenance, and safety funding (16%) that is close to but less than the Title VI population share (18%), with relatively lower shares of roadway capacity expansion project funding (3%) compared to the Title VI population share.

These results indicate that, although bike and pedestrian project funding is allocated to Title VI communities at a much lower share compared to the share of population in these areas, transit funding, which has a larger benefit in terms of accessibility and connectivity to job and education opportunities, is allocated at a much higher share than the population in Title VI communities. Additionally, the share of active transportation projects geographically located within Title VI communities is commensurate to the population share, even if the funding total for these projects is disproportionately less than the population share. BCAG will continue to support member jurisdictions in pursuing funding opportunities for and identifying active transportation improvements that benefit Title VI communities in their jurisdiction to increase the share of active transportation funding being invested in Title VI communities.

The result that roadway safety, maintenance, and operations funding is nearly commensurate with the population share but that capacity expansion project funding shares are commensurately lower is a positive outcome from both a Title VI and EJ perspective. The primary goal of the RTP/SCS is to reduce GHG emissions and improve air quality by reducing vehicle travel, and although roadway capacity expansion projects help facilitate critical evacuation procedures and increase economic opportunity, these projects increase vehicle traffic, which is counter to GHG and AQ goals stated in the RTP/SCS. Providing a disproportionately higher share of transit investment in Title VI communities alongside a disproportionately lower share of roadway investment, particularly for capacity increasing projects, demonstrates a commitment to improving transportation opportunities in Title VI areas in equal measure to or more than the rest of the region, while simultaneously reducing the harmful air quality impacts associated with roadway capacity expansion and increased vehicle traffic in Title VI communities.

### **Results Discussion: Environmental Justice**

As previously mentioned, more than half (57%) of Butte County's population lives in a block group where 40% or more of the population lives at 200% or less of FPL. These areas also constitute more than half of the County's total land area.

Funds for transportation projects and the geographic locations of transportation projects are in EJ communities at a higher proportion than the share of population in these areas, including 100% of transit and rail projects. This also includes roadway capacity expansion projects, however, which could potentially affect air quality in EJ areas. This outcome highlights the importance of implementing the Electric Vehicle Incentive program included as an off-model strategy in the 2024 BCAG SCS, as well as pursuing other efforts to incentivize EV purchases, and carpooling/vanpooling in the region to reduce the harmful air quality impacts of increased vehicle traffic resulting from roadway expansion projects in EJ communities.