



IIJA

INFRASTRUCTURE INVESTMENT AND JOBS ACT

TRANSPORTATION EQUITY SUPPORT GUIDE

Overview of California's Transportation Equity Efforts
to Aid with IIJA Investments and Implementation

NOVEMBER 2023

CONTENTS

Introduction	2
Purpose	2
Background	3
California's Commitment to Transportation Equity	4
Statewide Efforts to Advance Transportation Equity	6
Caltrans Strategic Plan 2020-2024	6
Climate Action Plan for Transportation Infrastructure	7
CTC Equity Advisory Roundtable	7
Interagency Transportation Equity Advisory Committee	8
California Climate Investments	8
Resources for Identifying Communities & Evaluating Benefits	8
Federal Resources:	9
State Resources:	10
Regional/Local Examples:	12
Equity Assessments	13
Conclusion	14
Appendix A	15
Federal Justice40	15
Appendix B	17
Justice40 Covered Programs:	17
Appendix C	18
IIJA Programs/Sections Specifically Relevant to Sovereign Tribal Nations	18
Some Specific IIJA Tribal Set Asides	18
Appendix D	20
Equity and Tribal Government Sub-Working Group Identified Priorities	20

INTRODUCTION

On January 20, 2021, President Biden signed [Executive Order: 13985](#) on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The policy states:

"... the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments, and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity."

In advancing equity across the Federal Government, improvements in communities that have been historically underserved and marginalized create opportunities for the benefit of everyone. On January 27, 2021, President Biden signed [Executive Order 14008](#), Tackling the Climate Crisis at Home and Abroad, creating the government-wide [Justice40 Initiative](#). The Justice40 framework documents how Federal agencies will work with states and local communities to deliver a minimum of 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities.

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58). This landmark law includes provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the U.S. Department of Transportation (US DOT). It also includes federal policy direction and funding in

the areas of climate action, zero-emission vehicle deployment, social equity, goods movement, and multi-modal transportation investment sought by the California State Transportation Agency (CalSTA), California Transportation Commission (CTC), California Department of Transportation (Caltrans), Tribal communities, and many regional and local transportation stakeholders.

PURPOSE

This document offers support for transportation entities to fully embrace and implement equity intentions by providing an overview of state transportation agencies' commitment to equity, examples of specific statewide efforts to advance transportation equity, and a comprehensive list of available federal and state tools and resources for identifying Justice40 communities and measuring the benefits and burdens of projects to these communities.

BACKGROUND

Since December 2021, Caltrans and CalSTA have convened the IIJA Transportation Implementation Working Group (Working Group), which is comprised of state and local transportation agencies, the Federal Highway Administration (FHWA), and other transportation stakeholders, to collaboratively implement the transportation-related provisions of the enacted IIJA legislation. Additionally, Caltrans staff are leading 12 Sub-Working Groups (SWGs) to have more in-depth discussions on specific policies. As of the end of October 2022, the Working Group has held 14 meetings with up to 400 participants per meeting, and the SWGs have had over 60 meetings, with hundreds of participants per meeting. The SWG policy areas include Tribal Government/equity and local hire/contracting.

The IIJA SWGs are engaged in efforts with state transportation departments and divisions, regional partners, Tribal communities, and

community-based organizations to increase transparency for all groups involved in building and operating California's transportation systems and work collectively to develop a common understanding of IIJA. These SWGs support the dissemination of program-specific information and facilitate questions and answers for the U. S. Department of Transportation (USDOT), discussing federal guidance and having in-depth discussions of specific policy areas.

SWGs include Safety; Fix-it-first; Reimagining Highway Investments/Carbon Reduction Program; Climate Resilience and Adaptation; Active Transportation Transition to Zero-Emissions; Local hire/Contracting/Workforce Development; Transit and Commuter Rail; Intercity Passenger Rail; Freight/Goods Movement; Overall funding split between state/local and across programs; and Tribal Government/Equity.

The Equity and Tribal Government SWG held two meetings in the spring of 2022. Two surveys were sent to all members of the larger Working Group (400 recipient list) to get a broader understanding of equity priorities. One survey was focused on broad transportation equity, while the other survey was focused on Tribal Governments and communities. SWG members submitted written priorities for consideration by transportation entities to further equity with IIJA funding and support the Justice40 Initiative (Appendix D). The input of the SWG members during the two meetings and through the surveys led to the development of this document to assist transportation entities with advancing transportation equity across all the IIJA funding opportunities.

CALIFORNIA'S COMMITMENT TO TRANSPORTATION EQUITY

California is already on the right path. Over the past decade, California has widely supported and prioritized projects that provide a direct and meaningful benefit to disadvantaged or underserved communities. More recently, CalSTA

made commitments to improving equitable outcomes with high-level transportation equity statements in 2020 and 2021 and has developed or is in the process of developing specific race and equity action plans and strategic approaches. In June 2020, CalSTA's former Secretary, David S. Kim, issued the following statement on racially inequitable policies and practices within transportation systems:

"Transportation systems are about people and improving their quality of life. Unfortunately, those improvements historically have disproportionately benefitted certain segments of the population. Far too often, past transportation decisions quite literally put-up barriers, divided communities, and amplified racial inequalities, particularly in our Black and Brown neighborhoods.

CalSTA strongly condemns systemic racism and discrimination in all forms, including those historically entrenched in transportation. Enhancing the lives of all Californians – particularly people of color and disadvantaged communities – by connecting individuals to jobs, healthcare, education, and other opportunities lie at the heart of what we do and why.

To that end, CalSTA firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, more accessible, and more connected future.

We will be part of the solution. We will promote policies and programs that reflect principles of diversity, equity, and inclusion, and will work with stakeholders to identify areas of improvement. Through these and other efforts, transportation systems have the potential to achieve their intended purpose – to provide safe and equitable access to opportunity and truly enhance the quality of life."

This statement set a precedent for all California statewide transportation efforts. The [Caltrans Strategic Plan 2020-2024](#) includes equity as a value, goal, and strategic imperative with equity-focused actions that make advancements in the areas of People, Programs and Projects, Partnerships, and Planet. As referenced in [Caltrans' Equity Statement](#):

People — *We will create a workforce at all levels that is representative of the communities we serve by improving our recruitment, hiring, contracting, and leadership development policies and practices.*

Programs & Projects — *We will meaningfully engage communities most impacted by structural racism in the creation and implementation of the programs and projects that impact their daily lives by creating more transparent, inclusive, and ongoing consultation and collaboration processes. We will achieve our equity commitments through an engagement process where everyone is treated with dignity and justice. We will reform our programs, policies, and procedures based on this engagement to avoid harm to frontline and vulnerable communities. We will prioritize projects that improve access for and provide meaningful benefits to underserved communities.*

Partnerships — *By leveraging our transportation investments, we also commit to increasing pathways to opportunity for minority-owned and disadvantaged business enterprises, and for individuals who face systemic barriers to employment.*

Planet — *We commit to combating the climate crisis and its disproportionate impact on the frontline and vulnerable communities — such as Black and Indigenous peoples, communities of color, the people experiencing homelessness, people with disabilities, and youth. We will change how we plan, design, build and maintain our transportation investments to create a more resilient system that more equitably distributes the benefits and burdens to the current and future generations of Californians.*

The CTC's equity statement vowed to create mobility opportunities for all Californians, especially those from underserved communities, to thrive in all aspects of life. The CTC will:

- Work to build and strengthen relationships with community-based organizations, non-profits, advocacy organizations, and other equity experts and practitioners;
- Empower the Commission's Equity Advisory Roundtable and future related efforts to help inform transportation decision-making;
- Strengthen understanding of community transportation needs and challenges through the forthcoming Community Listening Sessions;
- Ensure equity, public health, and robust public engagement via our planning and programming guidelines;
- Provide expanded opportunities for Commissioner and staff training related to diversity, equity, and inclusion; and
- Feature equity topics and elevate diverse perspectives in public meetings of the Commission.

CalSTA's commitment is aligned with many of the Equity Action Plans submitted by over 90 Federal agencies, including all Cabinet and Chief Financial Officer (CFO) Act Agencies, as well as more than 50 independent agencies that voluntarily participated in the development, in recognition of the value and urgency of applying an equity lens to improve agency performance and service delivery. The USDOT is committed to pursuing a comprehensive approach to advancing equity for all and highlights key actions they will undertake in their [Equity Action Plan](#) to expand access and opportunity to all communities while focusing on the underserved, overburdened, and disadvantaged communities. The USDOT actions fall under four focus areas – wealth creation, power of community, interventions, and expanding access.

Statewide Efforts to Advance Transportation Equity

Caltrans Strategic Plan 2020-2024

Advancing equity and livability in all communities is a prominent goal within Caltrans' Strategic Plan. One of the strategic imperatives of this goal is "avoid, and work to address, transportation-related disparities in underserved communities on

all new projects;" and outlines a leading action to "conduct direct and meaningful community engagement to identify and document the unique transportation preferences, desires, and needs for each community. This will support the Department in prioritizing communities most harmed and underserved—and establish implementable/ measurable improvements for new/revisited projects with regular updates to inform communities at all phases.

Goal: Advance Equity and Livability in All Communities

Strategy	Strategy 1: Address Disparities Avoid and work to address transportation-related disparities in underserved communities on all new projects.	Strategy 2: Project Planning Plan and design transportation facilities to support vibrant, livable places, focusing on addressing the needs and concerns of underserved communities.	Strategy 3: Collaboration Collaborate with partner agencies to make equity and inclusion central in funding decisions.
Priority Action 1	Equity S1-A1 Community Engagement Conduct direct and meaningful community engagement to identify and document the unique transportation preferences, desires, and needs of each community – prioritizing communities most harmed and underserved – and establish implementable/measurable improvement for new/revisited projects with regular updates to inform communities at all phases.	Equity S2-A1 Pre-PID Phase Engagement Beginning in the pre-PID planning phase, seek early and continual community input through engagement in project design, scope, and budget development to address community needs and include holistic elements such as lighting, landscaping, striping, sound walls, public art, colors, and textures that reflect the desires as well as cultural and aesthetic values of the community.	Equity S3-A1 Community Partners Lead, engage, align and expand our community and internal partners network to learn from community engagement and utilize equity indicators to instill equity considerations in all of our funding decisions.
Priority Action 2	Equity S1-A2 Equity Index Tool Create, pilot, implement, and refine a Transportation Equity Index Tool utilizing a set of indicators to support decision-making processes (i.e., pre-planning, planning, programming, project development, and delivery), to minimize burden or harm, and to improve transparency as well as community understanding of transportation impacts and benefits.	Equity S2-A2 Historical Context Documentation Document in the TIPSIS and PID the historical context for transportation system impacts on the local community at a project location, through collaboration and site visits with the community, to recognize and mitigate historical and present concerns.	Equity S3-A2 Equitable Investments Review, evaluate, and update our programs, plans, and project guidance to nominate equitable investments in underserved communities for award and approval through the CTC process.

Climate Action Plan for Transportation Infrastructure

The [Climate Action Plan for Transportation Infrastructure](#) (CAPTI) details a holistic investment framework and outlines accompanying strategies and actions on how the state should invest billions of dollars of transportation funding where state agencies play a role in project selection or nomination. The investment framework, strategies, and actions help the transportation sector aggressively combat and adapt to the climate crisis while supporting public health, safety, and social equity goals.

The CAPTI Investment Framework is a set of 10 cross-cutting guiding principles aimed at shaping future state transportation funding decisions. These guiding principles signal the state's intent for aligning state transportation infrastructure investments with state climate, health, and social equity goals, built on the foundation of the “fix-it-first” approach established in Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017.

The plan's strategies outline general approaches for implementing the guiding principles, while the actions detail specific commitments to needed changes to state transportation planning, project scoping, programming, and mitigation activities to align with the CAPTI Investment Framework. This includes the development of the Equity Index and supporting tools that would assist, when feasible, in analyzing funding program structures for the investment of competitive transportation funds in sustainable infrastructure projects that align with climate, health, and social equity goals. It also calls for the collaborative development of an equity-based advisory committee(s) to ensure ongoing commitment to confronting these longstanding inequities and focus on reducing harms and increasing benefits to disadvantaged, low-income, and Black, Indigenous, and other People of Color (BIPOC) communities.

CTC Equity Advisory Roundtable

The Commission convened an Equity Advisory Roundtable (Roundtable) to elevate diverse perspectives in the transportation process and enhance relationships with community-based partners. The Roundtable brought together equity experts, practitioners, and community leaders from throughout the state to collaborate with Commission staff over a series of virtual meetings to develop recommendations to the Commission related to specific equity activities. These activities include feedback on the Community Listening Sessions that the Commission will hold in partnership with Caltrans and the California State Transportation Agency, incorporating best practices for engagement with residents, community-based organizations, and Tribal Governments into the Commission's meetings and program guidelines. The Roundtable acted as a precursor to the [Interagency Equity Advisory Committee](#).

Interagency Transportation Equity Advisory Committee

In October 2022, CalSTA, CTC, and Caltrans selected membership for the interagency Equity Advisory Committee (EAC). The EAC will be used as a tangible tool to implement meaningful change and uphold each agency's commitment to equity. The EAC is intended to elevate diverse and historically marginalized voices to advise these agencies on how to achieve meaningful outcomes in transportation equity, environmental justice, and equitable economic opportunities, especially as related to transportation planning and programming. Committee membership consists of 15-20 members serving two-year staggered terms. Each member must be a resident of California and must clearly demonstrate a history of equity-centered personal or professional experience or community leadership or be actively engaged in transportation equity, policy, programming, advocacy, or related fields such as health, air quality, climate, housing justice, community development or socio-economic development.

California Climate Investments

[California Climate Investments](#) puts billions of dollars of Cap-and-Trade auction proceeds to work reducing greenhouse gas emissions, strengthening the economy, improving public health and the environment, and providing meaningful benefits to the most disadvantaged communities and low-income communities and households.

RESOURCES FOR IDENTIFYING COMMUNITIES & EVALUATING BENEFITS

Though referred to by different labels depending on the agency – priority populations, communities of concern, disadvantaged communities, environmental justice communities, under-resourced communities, areas of persistent poverty, equity priority communities, disinvested neighborhoods – these are populations who have historically been marginalized and who have been persisting in the face of institutional racism. Some terms put the focus on the decision makers that resulted in unjust conditions more so than the community members that were impacted. Importantly, the California State government now recognizes its duty to these communities.

This section provides links to tools and resources to assist with identifying priority populations, evaluating benefits and burdens to ensure equitable project design and outcomes. This section is organized by federal resources, state resources, local/regional examples and includes an equity assessment section with a few examples.

The local/regional tools section is not exhaustive. It is included to highlight that more localized resources may exist that can provide additional context and information. While many federal and state grants specify the tools that should be used to identify priority populations, data from local/regional tools can help strengthen responses

to grant application questions. The equity assessment examples are provided to highlight additional ways transportation entities can think through projects or programs to ensure they provide direct and meaningful benefits to priority populations and minimize harm.

Federal Resources:

- [Climate and Economic Justice Screening Tool](#). The purpose of this tool is to help Federal agencies identify disadvantaged communities that are marginalized, underserved, and overburdened by pollution. The current version of the tool provides socioeconomic, environmental, and climate information to inform decisions that may affect these communities. The tool identifies disadvantaged communities through publicly available, nationally consistent datasets. This is the primary mapping tool for the Justice40 Initiative, and the disadvantaged communities identified from this tool can be referred to as “Justice40 communities”. The tool will help provide 40 percent of the overall benefits of certain Federal investments in seven key areas to disadvantaged communities.
- The [USDOT Equitable Transportation Community \(ETC\) Explorer](#) is an interactive web application to explore the cumulative burden communities experience, as a result of underinvestment in transportation, in the following five components: Transportation Insecurity, Climate and Disaster Risk Burden, Environmental Burden, Health Vulnerability, and Social Vulnerability. It is designed to complement the White House Council on Environmental Quality (CEQ) Climate & Economic Justice Screening Tool (CEJST) by providing users deeper insight into the Transportation disadvantage component of CEJST.
- [USDOT Overburdened Communities](#). Overburdened communities are minority, low-income, Tribal, or Indigenous populations or geographic locations in the United States

that potentially experience disproportionate environmental and/or safety harms and risks. This disproportionality can be a result of greater vulnerability to environmental hazards, heightened safety risks, lack of opportunity for public participation, or other factors.¹

- [USDOT Benefit-Cost Analysis Guidance](#). USDOT's Justice40 initiative asks project sponsors to consider and speak to the benefits and burdens of projects in the areas of [Safety](#), [Jobs & Economic Competitiveness](#), [Resilience](#), [Access](#), and [Emissions](#). For measuring the benefits and the burdens of projects, review USDOT's "Benefit-Cost Analysis Guidance for Discretionary Grant Programs (2023 Update)."
- The [Electric Vehicle \(EV\) Charging Justice40 Map](#) is a tool to help EV charging planning efforts align with the Justice40 goal of 40% benefits of Federal investments of clean transportation going to disadvantaged communities (DACs). The map can display multiple data layers identifying DACs, FHWA designation EV Corridors, public DC fast charging stations, and electrical substations.

State Resources:

[SB 535 Disadvantaged Communities \(DAC\)](#)

Under SB 535, the California Environmental Protection Agency (CalEPA) is given the responsibility of identifying DACs based on geographic, socioeconomic, public health and environmental hazard criteria. Disadvantaged communities refer to the areas throughout California which most suffer from a combination of economic, health, and environmental burdens. These burdens include poverty, high unemployment, air and water pollution, presence of hazardous wastes as well as high incidence of asthma and heart disease.

[AB 1550](#)

AB 1550 amended SB 535, requiring California Climate Investments to allocate funds as follows:

- a minimum of 25% to projects located within, and benefiting individuals living in, disadvantaged communities,
- an additional minimum of 5% to projects located within, and benefiting individuals living in, low-income communities, or to projects that benefit low-income households located anywhere in the state, and
- an additional minimum of 5% either to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a 1/2 mile of, disadvantaged communities, or to projects that benefit low-income households that are outside of, but within a 1/2 mile of, disadvantaged communities.

[California Climate Investments Priority Populations](#)

California Climate Investments are focused on providing benefits to the state's disadvantaged communities and low-income communities and households, collectively referred to as priority populations. As described above, SB 535 and AB 1550 require that at least 35 percent of California Climate Investments must benefit priority populations. Visit the [Priority Populations map](#) to view disadvantaged communities and low-income communities as defined for California Climate Investments:

In 2022, CalEPA released an updated designation of disadvantaged communities and currently defines disadvantaged communities as:

- the top 25 percent of census tracts experiencing disproportionate amounts of pollution, environmental degradation, and socioeconomic and public health conditions according to the Office of Environmental Health Hazard Assessment's [CalEnviroScreen 4.0](#) tool.

¹ US DOT Equity Action Plan PG 12

- census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps but receiving the highest five percent of CalEnviroScreen 4.0 Pollution Burden composite scores;
- census tracts identified in 2017 as disadvantaged, regardless of their scores in CalEnviroScreen 4.0; and
- lands under the control of federally recognized Tribes.
 - » Low-income communities and households are those with incomes either at or below 80 percent of the statewide median or below a threshold designated as low-income by the Department of Housing and Community Development.

California Climate Investment Benefit Criteria Tables

California Climate Investments are required to meet minimum levels of investments that benefit Priority Populations as described above. All projects counting toward statutory investment minimums must provide direct, meaningful, and assured benefits to priority populations and meet an important community need, as defined in the California Climate Investments benefit criteria tables. These tables enable an objective “yes” or “no” decision on whether a particular project provides a benefit to a priority population. California Climate Investments programs must use the criteria table that is applicable to their specific project types. Complex projects may need more than one applicable criteria table. The following criteria tables are available for transportation projects:

- [Sustainable Transportation](#)
- [Clean Transportation and Equipment](#)
 - » [Technical Assistance and Capacity Building](#)
 - » [Planning](#)
- [Transit](#)
- [Active Transportation](#)
- [Energy Efficiency and Renewable Energy](#)
- [Affordable Housing and Sustainable Communities](#)
- [Job Training and Workforce Development](#)
- [Technical Assistance and Capacity Building](#)
- [Planning](#)

CalEnviroScreen (4.0)

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. The scores also take into account groups of people that are especially sensitive to pollution's effects, such as young children and people with asthma, and socioeconomic factors, such as poverty and education. CalEnviroScreen ranks communities based on data that are available from state and federal government sources.

Caltrans Transportation Equity Index (EQI)

The EQI is a screening tool that utilizes transportation-specific and socioeconomic indicators at the census block level to identify transportation priority populations. Transportation specific indicators include transportation burdens such as traffic and crash exposure and transportation benefits such as access to work and non-work destinations. The goal is to provide guidance to improve the analysis of project impacts and identify opportunities to

advance equitable outcomes during project planning, development, and design. (Version 1.0 is anticipated to be available late 2023.)

Healthy Places Index

The Healthy Places Index (HPI) includes a composite score for each census tract in the State. The higher the score, the healthier the community conditions based on 25 community characteristics. The scores are then converted to a percentile to compare it to other tracts in the State. Within the Healthy Places Index, a census tract must be in the 25th percentile or less to qualify as a disadvantaged community. HPI was developed by the Public Health Alliance of Southern California. While not developed by the State, the tool is used by the State with some funding programs.

Regional/Local Examples:

OakDOT Geographic Equity Toolbox

Oakland Department of Transportation (OakDOT) Geographic Equity Toolbox was created as a way for the City of Oakland to prioritize neighborhoods based on concentrations of people with demographic factors determined to have experienced historic and current disparities. The goal of the OakDOT Geographic Equity Toolbox is to inform our work and guide our investments to advance DOT's Racial Equity Goals and Citywide efforts.

Metropolitan Transportation Communities Equity Priority Communities

Equity Priority Communities are census tracts that have a significant concentration of underserved populations, such as households with low incomes and people of color. A combination of additional factors helps define these areas.

LA METRO Equity Focus Communities Tool

This map identified concentrations of demographics most aligned with opportunity

gaps and lack of access to resources in Los Angeles County. The first EFC Map identified tracts with the highest concentrations of: low-income households; BIPOC residents; and households with no access to a car. In 2022 the Office of Equity and Race (OER) updated the agency's EFC Map by creating the Metro Equity Need Index (MENI) that uses the same three sociodemographic criteria (income, race/ethnicity, vehicle ownership). The MENI is an analysis that allows for a more nuanced understanding of equity needs across the county. The MENI includes five tiers of equity need (Very High Need, High Need, Moderate Need, Low Need, and Very Low Need). Within this index, only the top two tiers ("High Need" and "Very High Need") are designated as EFCs.

Equity Assessments

Draft SB 1 Transportation Equity Supplement

To enhance equitable outcomes through SB 1 Competitive Programs, a supplement was developed by the Commission through collaboration with stakeholders as a resource for applicants preparing project nominations for the SB 1 Competitive Programs (Local Partnership Program, Solutions for Congested Corridors Program, and Trade Corridor Enhancement Program). The purpose of this document is to provide information on key statistics, benefits, and communicate strategies that may be used during project development to yield more equitable outcomes. The information and strategies presented in this document may be used to help document how a project incorporates transportation equity.

LA Metro Rapid Equity Assessment

This Rapid Equity Assessment tool is a set of questions to assist Metro staff in identifying and prioritizing equity opportunities. An "Equity Opportunity" is a decision that is designed to enhance positive impacts or reduce negative impacts for historically marginalized communities or others facing disparities in access to opportunities.

Greenlining's Equity Evaluation Methodology

Greenlining's Six Standards for Equitable Investment and Greenlining's Making Equity Real Framework are the two major components that form the basis of how to evaluate clean mobility equity programs. The six standards are:

- Emphasize Anti-Racist Solutions
- Prioritize Multi-Sector Approaches
- Deliver Intentional Benefits
- Build Community Capacity
- Be Community-Driven at Every Stage
- Establish Paths toward Wealth-Building.

These standards are complex and multifaceted, meaning that many different approaches can be used to adhere to them, especially depending on where an entity is starting from. It is also critical to further analyze whether and how these standards show up from start to finish throughout a program. To understand this, the equity evaluation methodology integrates Greenlining's Making Equity Real Framework. The Making Equity Real Framework seeks to uncover how equity shows up across a program's:

- Mission, Vision and Values
- Process
- Outcomes
- Measurement and Analysis

CONCLUSION

IJA is a landmark opportunity to build a safe, resilient, and equitable transportation future. This document is intended to serve as an aid to transportation entities to ensure California's commitment to an equitable transportation future is realized. Program and project sponsors should use the resources linked to in this document to identify priority populations and as a starting point for evaluating the benefits and burdens of projects. In addition to these resources, transportation entities need to work with priority populations and engage them in defining the issues and improvements they need and want in their community.

APPENDIX A

Federal Justice40

The USDOT will assess the negative impacts of transportation projects and systems on disadvantage communities. It will also consider if local community members and leaders have been consulted and engaged meaningfully during the project's development. This is in alignment with many ongoing efforts at Caltrans to incorporate engagement across all phases of work. The EAC could review and provide feedback on engagement activities and best practices as a continued effort to evaluate and enhance concerted efforts.

In April of 2023, USDOT updated the Justice40 covered programs list, and the links to the programs are listed below; please note some are still under development.

Federal Highway Administration (FHWA)

1. [Carbon Reduction Program \(CRP\)](#)
2. [Charging & Fueling Infrastructure Grants](#)
3. [Congestion Mitigation and Air Quality Improvement Program \(CMAQ\)](#)
4. [Congestion Relief Program](#)
5. [Disadvantaged Business Enterprise Supportive Services \(DBE/SS\) Program](#)
6. [National Electric Vehicle Infrastructure \(NEVI\) Competitive Program](#)
7. [National Electric Vehicle Infrastructure \(NEVI\) Formula Program](#)
8. [Nationally Significant Federal Lands and Tribal Projects \(NSFLTP\)](#)
9. [On the Job Supportive Services](#)

10. [Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation \(PROTECT\) Formula Program](#)
11. [Protect Grants](#)
12. [Reduction of Truck Emissions at Port Facilities](#)
13. [Transportation Alternatives \(TA\) \(Surface Transportation Block Grant set-aside\)](#)
14. [Tribal High Priority Projects Program](#)
15. [Tribal Transportation Facility Bridges \(Bridge Investment Program Set Aside\)](#)
16. [Tribal Transportation Facility Bridges \(Bridge, Replacement, Rehabilitation, Preservation, Protection and Construction Set Aside\)](#)
17. [Tribal Transportation Program](#)

Federal Railroad Administration (FRA)

18. [Consolidated Rail Infrastructure and Safety Improvements Program](#)
19. [Federal-State Partnership for Intercity Passenger Rail](#)
20. [Railroad Crossing Elimination Grant program](#)

Federal Transportation Administration (FTA)

21. [All Stations Accessibility Program](#)
22. [Buses and Bus Facilities Competitive Program](#)
23. [Buses and Bus Facilities Formula Program](#)
24. [Electric of Low Emitting Ferry Pilot Program](#)
25. [Fixed Guideway Capital Investment Grants \(CIG\)](#)
26. [Low or No Emission Vehicle Program](#)
27. [Passenger Ferry Grant Program](#)

- 28. Innovative Coordinated Access and Mobility Pilot Program
- 29. Public Transportation on Indian Reservations Program; Tribal Transit Competitive Program
- 30. Transit-Oriented Development Planning Program

Maritime Administration (MARAD)

- 31. America's Marine Highway Program
- 32. Port Infrastructure Development Program

Office of the Secretary of Transportation (OST)

- 33. National Infrastructure Project Assistance Program - Mega Grant Program
- 34. Nationally Significant Multimodal Freight & Highway Projects- INFRA Grants Program
- 35. Rebuilding America's Infrastructure with Sustainability and Equity- RAISE Discretionary Grants
- 36. Reconnecting Communities Pilot Program
- 37. Safe Streets and Roads for All (SS4A) Grant Program
- 38. Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program
- 39. Thriving Communities Program

APPENDIX B

Justice40 Covered Programs:

A "covered program" is a Federal Government program that makes covered investment benefits in one or more of the following seven areas:

- Climate change
- Clean energy and energy efficiency
- Clean transportation
- Affordable and sustainable housing
- Training and workforce development
- Remediation and reduction of legacy pollution
- Critical clean water and waste infrastructure

Example:

Category	Example Benefits When Applied for (or within) Disadvantaged Communities
Clean Transportation	Improvement in public transportation accessibility, reliability, and options; Reduction of exposure to harmful transportation-related emissions; Access to clean, high-frequency transportation; Access to affordable electric vehicles, charging stations, and purchase programs; Increased bicycle and walking paths

APPENDIX C

IIJA Programs/Sections Specifically Relevant to Sovereign Tribal Nations

IIJA provides more than \$13 billion in funding to directly support Tribal communities and federally recognized Tribes are eligible to apply for or request billions of dollars of discretionary, formula, and other funding. In addition, [IIJA includes more than 150 programs](#) for which Tribal governments are eligible to apply to directly. IIJA substantially increases investments in transportation-related Tribal infrastructure to rebuild and upgrade these critical transit systems, including the estimated 145,000 miles of roads passing through Tribal lands.

Finally, IIJA includes specific benefits or flexibilities for Tribes, including waivers for Federal matching requirements for Tribal Nations that apply for competitive funds and enhanced benefits under existing programs for Tribal Government applicants. This June 2023 [Federal Highway Administration guide to Transportation Funding Opportunities for Tribal Nations](#) provides more information on programs and who to work with at the federal level.

Rebuilding Roads, Bridges, and Public Transportation in Indian Country

Rampant underinvestment in Tribal roads and bridges has placed hardships on Tribal communities, negatively harming connectivity, economic development, and community safety. IIJA substantially increases investments in transportation-related Tribal infrastructure to rebuild and upgrade these critical transit systems, including the estimated 145,000 miles of roads passing through Tribal lands.

Some Specific IIJA Tribal Set Asides

This is not an exhaustive list but provides an overview of some of the specific Tribal set asides in IIJA.

Tribal Transportation Program

IIJA includes nearly \$3 billion in funding for the Tribal Transportation Program (TPP). TPP provides funds for the planning, design, construction, and maintenance of public roads. Funding is deployed through several vehicles toward transportation projects that increase safety, mobility, and access for Tribal communities.

Tribal High Priority Projects Program

IIJA sets aside \$45 million of Tribal Transportation Program funds over five years for a competitive grant program to fund a Tribe's highest priority transportation project, if other funds received under the Tribal Transportation Program are insufficient to cover total costs. Funds can also flow to Tribes that experience disasters that render transportation facilities unusable.

Tribal Transportation Facility Bridges

IIJA sets aside a proportion of funds under the Bridge Formula Program for Tribal bridges. Over four years, the Department of Transportation will invest \$825 million in planning, designing, engineering, replacing, improving, or constructing bridges on Tribal lands. In addition, Tribal Governments are also eligible for a \$200 million set-aside from the Bridge Investment Program to improve the condition, safety, efficiency, and reliability of bridges on the National Bridge Inventory. More information, including regulations, a recorded webinar, and contact information for program staff is available [here](#).

Nationally Significant Federal Lands and Tribal Projects

IIJA allocates \$275 million over five years to an existing program offered by the Department of Transportation. The funding goes toward construction, reconstruction, and rehabilitation of nationally significant projects within, adjacent to, or accessing Federal and Tribal lands. All applicants eligible to receive funding under the Tribal Transportation Program—which includes

Tribal Governments — are eligible to apply. In addition, Tribal governments are eligible for 100% cost share. More information, including program status, resources, and a webinar schedule, can be found [here](#).

Tribal Transit Program

IIJA includes approximately \$230 million to the Public Transportation on Indian Reservations program. This includes over \$180 million to a formula grant issued to Federally recognized Tribes and Alaska Native Village for public transportation on Tribal lands, as well as more than \$45 million in competitive funding for the same purpose. More information is available [here](#).

Railroad Crossing Elimination Program

IIJA invests \$3 billion for making improvements to highway and pathway rail crossings. At least 20 percent of funds are reserved for projects in rural areas or on Tribal lands. For Fiscal Year 2022, \$600 million will be made available to states, Tribes, local governments, and regional/local transportation bodies. More information is available [here](#).

Tribal Climate Resilience – Adaptation Planning

IIJA allocates \$86 million for Tribal Governments to pursue climate-resilient planning. These funds can be deployed towards a variety of activities related to risk assessment, monitoring, and coastal management, among other eligible purposes. More information, including details about the 2022 Request for Proposals, can be found [here](#).

Energy Efficiency and Conservation Block Grant

IIJA funds a \$550 million investment in a new grant program at the Department of Energy for state, local, and Tribal Governments to reduce their fossil fuel footprint and bolster conservation efforts. Funds can go toward a wide array of uses energy-efficient uses, ranging from standing up inspection services for efficiency certification to funding methane capture projects to installing renewable energy technology. The program sets aside 2% of funds—or \$11 million—exclusively for grants and technical assistance to Tribal applicants. More information can be found [here](#).

APPENDIX D

Equity and Tribal Government Sub-Working Group Identified Priorities

Below are some of the written priorities submitted by the Equity and Tribal Government sub-working group members in response to the two surveys conducted in 2022. These priorities are for consideration by transportation entities to further equity with IIJA funding and support the Justice40 Initiative:

Centering the needs of the user

Transportation systems should be designed around the needs of the rider/pedestrian. A successful transportation system is one that allows every person to get where they need to go, safely, efficiently, and affordably. Transportation should facilitate—not impede—access to healthcare, housing, education, employment, and other critical components of people's lives, while not burdening communities with transportation impacts.

Nondiscrimination.

Transportation services and systems must comply with state and federal disability rights laws, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the California Disabled Persons Act, the Unruh Civil Rights Act, and Government Code section 11135. These laws and their regulations articulate the minimum standards necessary for providing equitable, nondiscriminatory service to the disability community. They are the floor, not the ceiling, and should not be treated as aspirational.

Responsive and transparent action.

Transportation systems should be responsive to the needs of the public. Transportation entities, operators, and policymakers must adopt equitable community engagement practices to collect qualitative and quantitative data on

a regular basis from the communities in which they operate and incorporate that data into their decision-making and planning documents with full transparency.

Accessibility.

All transportation systems should be useable by all people, especially centering those with disabilities, aging, and youth populations. New systems, programs, and projects must be accessible from inception. Older systems should improve access by removing barriers wherever possible and, when barrier removal is infeasible, develop strategies to ensure equitable service.

Service enhancement and integration.

Transportation agencies should collaborate with other service providers to develop programs and policies that meet needs of everyone, particularly the unique needs of underserved groups and those who are from and identify with multiple priority populations (Black, Indigenous, and People of Color, rural communities, women, lesbian, gay, bisexual, transgender, queer, intersex, and asexual individuals, older adults, youth, disabled, low-income, unhoused, etc.). Collaboration across transportation entities should result in a seamless network of public and private transportation providers.

Climate and community sustainability.

Transportation investments should be targeted to improve and promote climate resilience. Investments should be made in cleaner air, expanded and more reliable transit service, safe and dignified places to wait for public transportation, walking/rolling, and biking to desired destinations. Investments should minimize transportation-related pollutants and associated burdens, reduce VMT, enhance and increase the bike and pedestrian network, prioritize zero-emission infrastructure in priority populations, etc. Investments should also focus on climate-vulnerable communities' transportation safety and resilience.

Minimizing negative impacts.

The state, in partnership with local governments, should mitigate the potential negative effects of increased investments in priority populations by, for example, adopting anti-displacement protections for tenants and negotiating community-benefit agreements. Investment in a community's transportation system should not result in "pricing out" or displacing the lowest-income residents, who are most reliant on public transportation and active transportation infrastructure (sidewalk networks, bike lane networks, etc.), nor should it result in increased traffic in communities already burdened by transportation related pollution.

Addressing the legacy of underinvestment.

IIJA demands equity in transportation. Recipients of IIJA funds should acknowledge California's legacy of underinvestment in accessible transportation services for the disability community. Where the public sector has fallen short, community-based providers have worked to fill the need. IIJA projects should recognize the unmet needs of the disabled community and develop collaborative, consumer-driven plans to address those needs.

Increasing access to the contract selection process for small businesses and Disadvantaged Business Enterprise (DBEs).

Maximize small business and DBE participation in state and federal contracting processes by increasing opportunities from meaningful statewide outreach and engagement. Set a statewide DBE goal of 22.2% for federal contracting; establish requirements for reporting on DBE and small business participation.

Creating set-asides and reducing participation barriers for federally recognized Tribal Governments.

Program administrators should look for opportunities to create Tribal set-asides for programs and consider waiving the local match for Tribal Nation applicants whenever possible.

Collaborating and partnering with Tribal Governments.

The IIJA is the single largest investment in Tribal infrastructure ever, and that undergirds the importance of collaborating with Tribal Nations in the development of programs; partnering with Tribal Governments to address Tribal transportation needs; developing coordinated Tribal, statewide, regional, and local transportation plans and programs; and considering Tribal transportation needs and priorities when creating policies/guidelines and implementing programs. The requirements for Tribal consultation and inclusion in statewide planning, programming, and delivery found in the Bipartisan Infrastructure Law are a floor, not a ceiling, and transportation agencies should consider how to go beyond this minimum threshold for Tribal inclusion when implementing IIJA.

