

# Civil Rights & Affirmative Action

Kwincy Brown





# AM<sup>2019</sup> TRB ANNUAL MEETING

CONVENING THE TRANSPORTATION COMMUNITY FOR 98 YEARS

January 13–17, 2019 > Washington, D.C.

## Civil Rights

Kwincy Brown

Shivani D. Patel

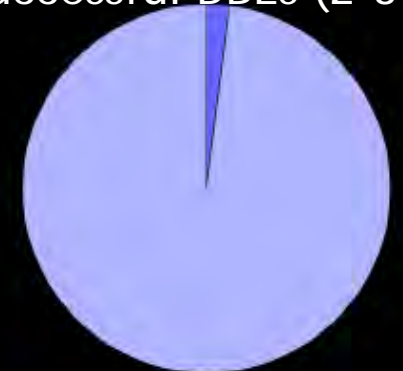




# Successful DBEs

- State DOTs' successful DBEs are small share of all DBEs
  - National DBE Directory contained about 41,000 DBEs in July 2018
  - 749 successful DBEs certified as of summer 2018 (data for 45 states)
  - Successful DBEs (that are certified) are about 2% of total certified DBEs
  - In highway construction NAICS code, successful DBEs are 3% of all DBEs

Successful DBEs (2-3%)



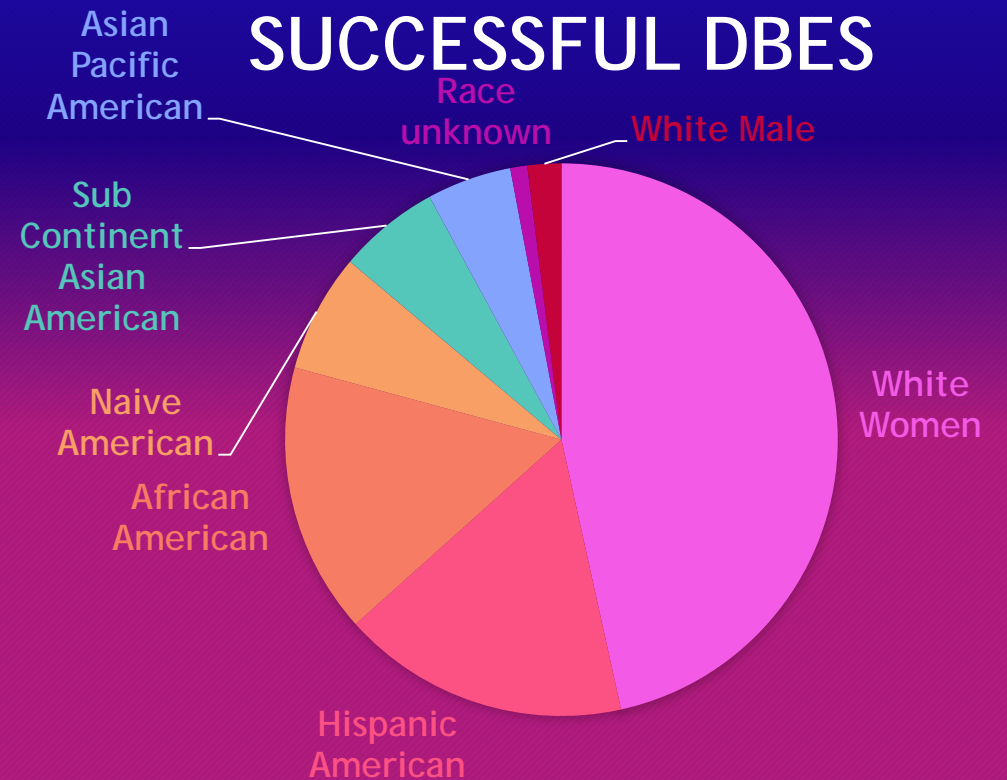
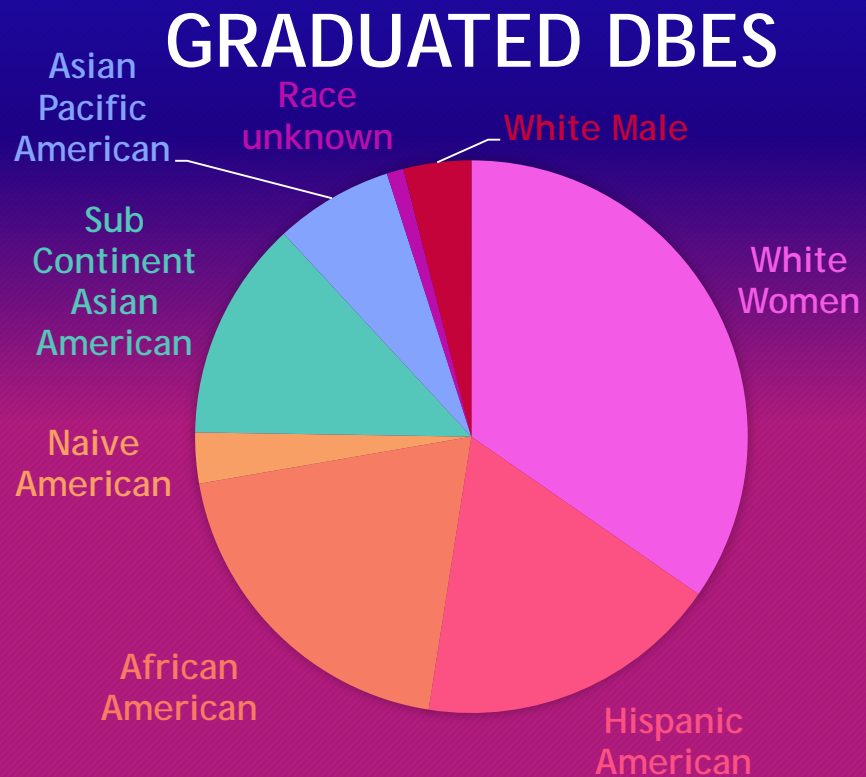
# Successful DBEs

“Graduation” temporary for some companies

- One-third of DBEs identified as “graduated” appeared in DBE directories as of summer 2018
- Some DBEs appear to return because of lower revenue once graduated and some return because restructured business
- State DOTs reported that some firms appealed decertification
- Some successful DBEs say they worry about their future if they graduate from the program

# Successful DBEs

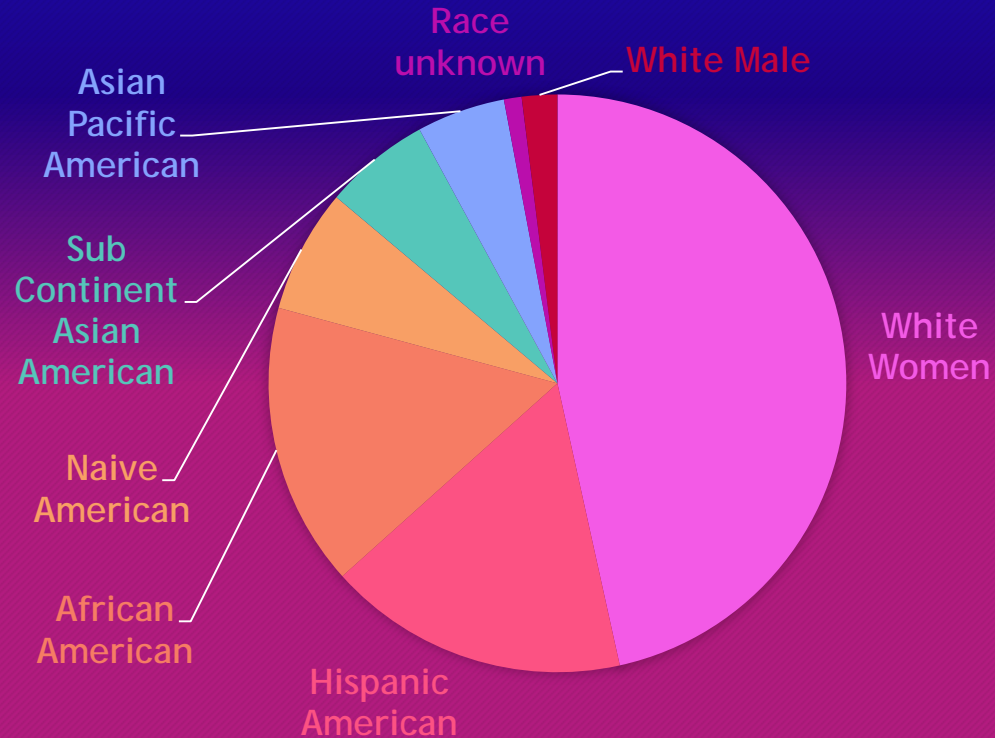
About one-half of successful DBEs owned by white women



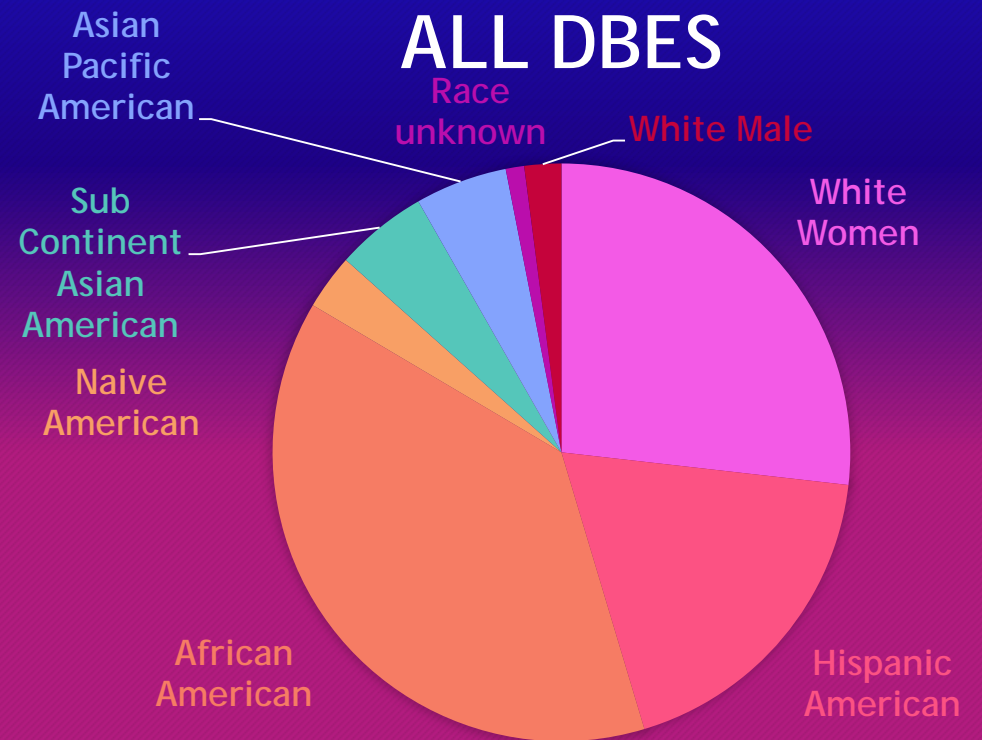
# Successful DBEs

African American-owned DBEs half as likely as other DBEs to be identified as successful

## SUCCESSFUL DBES



## ALL DBES



# More Information

- When asked how things would be different if never been DBE certified ...
  - 66% say annual revenue would be lower
  - 42% say profit margins would be lower
  - 32% say would not be competitive in their field; 42% say they still would be competitive
  - 23% say would have failed
  - 10% say would work more as prime and less as a sub
  - 19% say would do more work on non-goals contracts and less on contracts with goals
  - 14% say would specialize in a different field

# Commercial Useful Function

- If the C.U.F is not being done correctly make sure that the Inspectors in the field are trained and know what the red flags are.
- A lot of DBE Program fraud is seen in the regular dealer/supplier work classification, nationwide.
- Noticing a strong correlation between high DBE goals and failure in C.U.F reviews



“Goal set is just a cover for the racial barrier in the market until we can figure out a way to fix discrimination. Don't be reactive but find a way to be proactive.”

# Civil Rights & Affirmative Action

Shivani Patel





# TRB Annual Meeting

SHIVANI PATEL



# Safety and Health in Environmental Justice Communities

- ▶ Identification of common issues in EJ communities

- Example issue: wide roads with fast moving traffic near residential areas where car ownership rates are low (areas where people are more likely to walk)

- Recommendation: consider systematic safety measures to slow traffic in communities of concern. Not all solutions (bump outs, crossings, etc.) work best for all communities

- \*Engage the public to understand their needs (**importance of public involvement in all phases of the decision-making process**)

- ▶ Who's at risk? (Older adults, lower-income, women, minority race)

- ▶ Why? (intersection with poverty; delayed care and missed care; geographic proximity; mental health impacts)



# Study: Documenting Transportation Inequities

- ▶ Custom-designed an app, MyAmble, to measure transportation disadvantage among populations whose transportation needs historically have been neglected in transportation planning
- ▶ Based on concept of social exclusion
- ▶ MyAmble features: daily trip planner, travel buddy, travel story, challenge logger

-User would log on and plan a trip.

-Document where, when, how, importance and impact on life

-At the end of the day, document whether trip was completed or cancelled



# Study: Documenting Transportation Inequities cont.

- ▶ Study setting: Tarrant County, TX (high density suburbs; avg. commute time is 27 minutes; contains largest municipality in the country lacking a public transit system)
- ▶ Sample demographics: older adults and female survivors of intimate partner violence
- ▶ Health data: older adults reported lower self-reported physical health and higher prevalence of health conditions compared to survivors of IPV (pain and arthritis).
- ▶ Transportation data summary: groups logged similar total number of trips. Survivors of IPV travel more frequently.
- ▶ Implications
  - Rideshare
  - On-demand, door-to-door service is preferred
  - Myth of personal vehicle still strong



# National Environmental Policy Act Documentation

## Effects of Current Presidential Executive Orders

- ▶ NEPA and Climate Change

Obama-CEQ guidance on addressing climate change under NEPA

Trump-CEQ guidance rescinded

- ▶ Floodplain Risk Management

Obama-Issued EO 13690 on flood-risk standards for fed projects

Trump-EO 13690 revoked; implementation of guidelines halted

- ▶ USFWS Mitigation Policies

Obama-memo directing revision of USDOl mitigation policies

Trump-mitigation policies withdrawn; reinstates prior mitigation policies issued in 1981

# NEPA Updates

## ▶ Executive Orders

EO 13766 (Jan. 24, 2017)

-Calls for expediting environmental reviews of designated “high priority” infrastructure projects

EO 13807 (Aug. 15, 2017)

-Creates “One Federal Decision” policy for infrastructure projects that require an EIS

-No exception made for USDOT projects; must comply with 23 USC 139 and EO 13807



# The Equity Equation: Meaningful and Innovative Strategies That Define and Address Unmet Needs in Underserved Communities

- ▶ Elder and low-income populations unlikely to adopt new technologies such as autonomous vehicles
- ▶ Fleet transportation such as Uber and Lyft not accessible to certain neighborhoods
- ▶ Multiple factors contribute to their inability to use services that may be beneficial
  - Cellphone access/literacy
- ▶ Study on SFMTA/Muni (Muni Service Equity Strategy)
  - Promotes transit equity
  - Discount program for youth, low and moderate income individuals, seniors and people with disabilities
- ▶ The use of policy leverage to ensure services are provided to areas of concern
- ▶ Equity requires the guiding principles of transparency, accountability, trust and social inclusive
- ▶ Citizen engagement is key



# Sub-committee on Environmental Justice

## ▶ EJ Analysis focus areas

- Providing opportunities for meaningful public involvement (building relationships; tailoring public involvement; measuring effectiveness)
- Identifying EJ populations (high concentrations of EJ residents; dot-density mapping; understanding demographic change; customized approaches)
- Understanding EJ needs and concerns (informing needs assessment with EJ input; regional scale needs; mapping transit access and gaps; neighborhood scale needs)
- Assessing benefits and burdens of plans and programs (assessing investment distribution; differentiating by project type, per capita and usage)
- Assessing whether adverse effects are disproportionately high (qualitative approaches)
- Deploying strategies to address disproportionately high and adverse effects (technical assistance, partnerships, specific goals and measures)