



Defining “Communities of Concern” in Transportation Planning

A Review of How Planners Identify Underserved Communities

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Access to transportation helps connect people to jobs, schools, hospitals, and more. Without accessible and affordable transportation options, people are less likely to achieve a high standard of living. But accessible and affordable transportation is not available to everyone in the United States. Communities of color, older adults, and people experiencing poverty, people with disabilities, and people with limited English proficiency have historically had difficulty accessing affordable transportation. According to the Federal Transit Administration, transportation is the second-largest expense for families after housing (Zhao and Gustafson 2013). The average US household spends about 18 percent of its income on transportation, and families with lower incomes spend as much as 33 percent. Furthermore, Black and Latinx communities are more likely than their white counterparts to be negatively affected by a lack of affordable transportation (Federal Highway Administration 2014).

Providing equitable transportation access is an urgent matter for transportation departments and public transit agencies. Federal law, as detailed in Title VI of the 1964 Civil Rights Act, requires them to consider the needs of underserved communities by conducting environmental justice analyses. The departments and agencies must first identify the location and demographics of areas where these communities live, which are called “communities of concern” and are defined by census tracts or blocks. A look across the different departments and agencies, however, reveals varying definitions and procedures for these analyses. Although Title VI—which protects people from discrimination based on race, color, and national origin in programs and activities that receive federal financial assistance¹—provides some guidance, the myriad approaches across metropolitan planning organizations (MPOs), state departments of transportation, and public transit agencies make finding a standard definition of a “community of concern” challenging.

This brief aims to highlight the various approaches that transportation agencies take to conducting environmental justice analyses in transportation planning. The approaches have the following three components:

- defining “communities of concern” in transportation planning
- defining criteria that can be used to identify groups of people or geographic areas as underserved
- understanding needs, priorities, and preferences of underserved communities through secondary data and community engagement

This brief also presents a history of transportation policy planning in the US, shares results from a review of how regional, state, and transit agencies identify underserved communities, and provides recommendations for supporting equitable transportation access. We reviewed Title VI implementation reports from MPOs, state transportation departments, and public transit agencies to provide a scan of the state of practice for addressing federal requirements for providing equitable access to transportation services to “communities of concern.”² The review revealed several consistencies, as well as some differences, across the agencies in defining a “community of concern.”

History of “Communities of Concern” in Transportation Planning

Transportation agencies seldom considered the needs of low-income communities and communities of color before the Civil Rights Act. After its passage, agencies were mandated to make those communities a priority, and their strategies have changed over time.

Federal-Aid Highway Act of 1956 and Urban Renewal

Planners initially conceived of federally subsidized transportation development as a way to aid cities struggling to ease growing intracity traffic (Sherman 2014). Rapid increases in annual highway expenditures from the 1920s through the 1940s led to the passage of the Federal-Aid Highway Act of 1956, which tasked the federal Bureau of Public Roads with routing freeways. This protocol dramatically shifted planning oversight from local governments to federal and state transportation officials (Fainstein 1983). Planners used the authority granted to them by the law to ameliorate urban automobile congestion. Although city feedback mechanisms to review plans did exist, city officials quickly accepted funding without providing opportunities for meaningful municipal review, as the federal government covered 90 percent of the cost of highway construction. Planners prioritized routes that were the least expensive and the most efficient, implementing their plans without input from the communities through which highways were being routed. The boom in highway construction fostered sprawl to the suburbs and left underserved communities such as low-income communities and communities of color in the inner cities subject to urban decay.

The highway construction had a significant effect on Black neighborhoods. Restrictive racial covenants and redlining prohibited Black residents from owning homes in certain areas (notably, the suburbs), thus concentrating Black residents in city centers that were the object of intentional disinvestment. Urban renewal, or using federal funds to “clean up” and rebuild impoverished neighborhoods, was facilitated by the Highway Act, as well the Housing Act of 1949 and the Housing Act of 1954 (Ammon 2016). But the legacy of urban renewal is not investment in marginalized communities; it is the widespread displacement, demolition, and economic disenfranchisement of communities of color in the US. In cities across the country, planners used the Highway Act to strategically chart highways through majority-Black urban neighborhoods to expedite their aims of rebuilding city centers to serve the needs of suburban, white residents while displacing Black communities. These new highways—along with the demolition of housing units in the urban core, facilitated by the Housing Acts of 1949 and 1954—physically and culturally disrupted communities (Karas 2015). Experts conservatively estimate that as a result of the Housing Acts, 910,000 units were demolished—580,000 units under federal slum clearance programs and an additional 330,000 for highway building (Talen 2014). This spatial reconstruction via transportation planning further formalized and naturalized structural racism³ and created persistent patterns of segregation that remain today (Karas 2015).

Environmental Justice and Transportation Planning

Starting in the 1970s, grassroots protests led by Black activists pushed environmental justice into the public consciousness, forcefully asserting that communities of color were disproportionately burdened by the violence associated with exposure to environmental pollution and that all people were entitled to a clean environment (Bullard 1990). Activists and scholars organized around principles of environmental justice and developed essential fields of study related to environmental racism and justice, elucidating the origins and impacts of the structural violence. When considering the impacts of interstate highway development policy and urban renewal on communities of color, it is undeniable that many key transportation programs and policies are major drivers of environmental racism.

Environmental justice advocates assert that transportation facilities and undesirable development are intentionally and disproportionately located in low-income communities and communities of color (Bullard 1990). Because of the siting of transportation facilities near their homes, these communities are exposed to elevated levels of air, water, and noise pollution, resulting in racial health disparities. This distribution of negative externalities alters the socioeconomic networks of the surrounding area (Schweitzer and Valenzuela 2004). Some scholars assert that, more than siting, environmental racism is entwined in the foundations of modern social, economic, and government institutions, resulting in extralegal discriminatory outcomes that extend beyond traceable decisionmaking (Pulido 2017). Also, marginalized populations benefit less from transportation system improvements than the general population does and, as a result of poor planning, have less access to certain destinations (Grengs 2015). Under a distributive framework, environmental justice advocates work toward equitable protection from environmental degradation as well as access to benefits across demographic groups (Rowangould, Karner, and London 2016).

New Regionalism and Development of Metropolitan Planning Organizations

During the mid-20th century, local advocates in the US were instrumental in advocating for “new regionalism,” asserting that because highways made cities and suburbs interdependent, these areas should be served by regional planning agencies. In 1954, federal funds were made available to develop entities that could coordinate and supervise communities within a given geographic jurisdiction, encouraging local officials to organize regionally and create planning boards to become eligible for funding. These entities, which came to be known as metropolitan planning organizations, were seen as a possible solution to the fragmentation of local governments and inequities caused by macro-level federal planning (Vogel and Nezelkewicz 2002).

Regionalism declined in the 1980s, however. MPOs were de-emphasized during President Ronald Reagan’s push toward new federalism, which used block grants to channel federal funds to states. In the 1990s, Congress moved to reinvigorate regionalism through the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the 21st Century, which strengthened requirements for community involvement in regional transportation planning and formalized equity considerations in US transportation policy (Vogel and Nezelkewicz 2002).

Current guidance from the US Department of Transportation requires that MPOs be formed to represent localities in all urban areas with populations over 50,000. In recognition of the transportation complexities faced by large urban areas, urbanized areas with a population over 200,000 are deemed transportation management areas and are granted more influence in setting planning priorities.⁴ The US currently has 405 MPOs, 39 of which are multistate entities.⁵

Implementation of Title VI and Executive Order 12898

Although using legal challenges to hold actors accountable for environmental racism has had limited success, the adoption of Title VI of the Civil Rights Act in 1964 and Executive Order 12898 by President Bill Clinton in 1994 are considered by many to be the movement’s most notable policy achievements. Importantly, these measures also formalized the need to provide opportunities for all residents/communities to participate in the planning process.

Transportation agencies and state/regional departments must comply with federal regulations and law as dictated by the US Department of Transportation. For the purposes of defining, engaging, and addressing underserved communities, they must act in accordance with

- Title VI, which states that “no person in the United States shall, on the ground 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,”⁶ and
- Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” which amplifies the requirements of Title VI and states that federal agencies must identify and address “disproportionately high and adverse human health or environmental effects...of its programs, policies, and activities on minority populations and low-income populations.”⁷

Definition of “Community of Concern” via Title VI and Executive Order 12898

As specified by Title VI and Executive Order 12898, transportation agencies were mandated to define areas of high populations of underserved communities such as people with low incomes and people of color. Our analysis showed that the definitions vary widely depending on the agency.

State Transportation Departments

State transportation departments have their own requirements and procedures for identifying “communities of concern.” The definitions of people who are from low-income communities and/or communities of color are generally consistent with those in the *Federal Highway Administration Environmental Justice Reference Guide* (Federal Highway Administration 2015). The guide is a reference for highway administration staff members to ensure compliance with environmental justice requirements when developing and evaluating projects, engaging in transportation planning, developing or revising policies, and creating programs.⁸ The guide aims to define an “underserved population” as “a broad category that includes minority and low-income populations but may also include many other categories that face challenges engaging with the transportation process and reaping equitable benefits, such as children, the elderly, and the disabled.” The guide also cites data sources and tools that can be used to quantify environmental justice impacts.⁹

State transportation departments typically define “low income” as family income that is below the federal poverty level. Most state agencies designate low-income areas as those where people with low incomes live in geographic proximity. (The Massachusetts Department of Transportation, however, defines a low-income area as “a block group¹⁰ with a median household income of less than 60 percent of the statewide median household income.”¹¹) They also frequently define people who are part of a community of color based on specific racial or ethnic identities, including people who are Black, Hispanic, Asian, American Indian and Alaska Native, and Native Hawaiian or other Pacific Islanders. Similar to disproportionately low-income communities, these areas are usually defined as those where groups of people who meet the definition of “minority” live in geographic proximity. (MassDOT again has a slightly different definition; it identifies a relevant area as a “block group with a minority population exceeding the statewide average of 25.7 percent.”¹²)

In addition, some states recognize “geographically dispersed/transient persons,” a group that can include people of Native American ancestry and workers who migrate. People in this group, as well as areas with relatively high numbers of geographically dispersed or transient persons, may also be a focus for equitable access to transportation services. States like South Dakota—where 62 percent of people of color live in counties where the Indian reservations, tribal trust lands, and tribal headquarters are located—must ensure that these communities have adequate transportation access (South Dakota Department of Transportation 2019).

Because of the importance of language access in transportation equity, state transportation departments are also required to ensure that they are equitably serving people with limited English proficiency. To further emphasize the importance of language access, the US Department of Transportation has established a four-factor analysis that agencies should use to assess the need for steps to ensure meaningful access to programs and activities by people with limited English proficiency.¹³ The four factors are specific information that states should analyze when assessing a new program or the performance of a state grantee that receives federal transportation funds:¹⁴

- the number or proportion of people with limited English proficiency eligible to be served or likely to be encountered by the program or grantee
- the frequency with which people with limited English proficiency come into contact with the program
- the nature and importance of the program, activity, or service provided by the program to people's lives
- the resources available to the grantee/recipient or agency and costs

The first three factors indicate the relative size and importance of the language access challenge. The fourth factor is intended to help with the development of a feasible response. Agencies are further encouraged to localize their four-factor analyses by collecting limited English proficiency information at the county, city, and census tract levels, allowing them to “target the particular project or program they are considering and tailor their language services to that particular community.”¹⁵

Some state plans cite the Environmental Protection Agency's EJSCREEN (Environmental Justice Screening and Mapping) tool as a resource for identifying populations for environmental justice purposes.¹⁶ EJSCREEN provides users with a nationally consistent dataset from public sources and an approach for combining environmental and demographic indicators for chosen geographic areas into indices. Demographic indicators include the share of people who are low income (defined as the percentage of a block group's population that lives in a household whose income is less than or equal to twice the federal poverty level), who are members of a community of color, who have less than a high school education, who are linguistically isolated, and who are younger than 5 or older than 64.¹⁷

Metropolitan Planning Organizations

All MPOs must provide a plan for identifying environmental justice communities using the guidance in Title VI and Executive Order 12898. Communities of concern are geographic areas of analysis that MPOs construct to identify populations that (1) are more likely to face negative consequences from infrastructure development and/or (2) are less likely to have equitable access to transportation services. This definition is usually found in an MPO's long-range transportation plan, a 20-year planning document that states the MPO's transportation vision, goals, and metrics for project prioritization.¹⁸ Broad federal guidance leads to variance in how MPOs engage and measure environmental justice communities. According to suggested guidance from the US Department of Transportation, the process

for identifying and addressing environmental justice communities across MPOs includes the following steps:

1. creating a demographic profile of low-income residents and people of color
2. documenting the level of community engagement
3. conducting the analysis and subsequent mapping
4. determining disproportionate/adverse impact on low-income residents and people of color
5. if those impacts are present, demonstrating how suggested plans, programs, and projects can mitigate them

For this brief, we conducted a scan of the 98 largest metropolitan statistical areas and their corresponding MPOs and tracked how the entities define communities of concern based on the following factors and descriptors. Through this scan, we identified key points of divergence and convergence. (A list of MPOs can be found in the spreadsheet attached to the landing page on the report.)

MPOs use many terms to define what we broadly categorize as “communities of concern” or “environmental justice communities.” Although terminology is not an explicit indicator of how an MPO engages with these populations, it notes how the MPO chooses to communicate the defining characteristics of these communities to the public. For example, 58 MPOs chose a term that incorporated the phrase “environmental justice” (e.g., “environmental justice populations,” “environmental justice communities,” “environmental justice zones”). Activists and community advocates may decry this use of “environmental justice” if they perceive it as an attempt by an MPO to signal publicly that it is aligned with environmental justice without making substantive progress on addressing the needs of these communities. Other MPOs chose terms that could be read as vague or obscuring (e.g., “target populations,” “priority populations,” “areas of analysis”).

Federal guidance gives MPOs autonomy over how to geographically define a community. Scales of analysis include census tracts, census block groups, census blocks, and traffic analysis zones (TAZs). TAZs are common in transportation analysis, and many MPOs that use smaller scales of analysis (census block groups and TAZs) explicitly note that they chose these units because the smaller scale facilitates more specific analysis and exact community identification. For the most accurate data to be collected, increased communication between the Census Bureau and transportation planners is necessary. Some MPOs used two or more scales of geographic analysis. In our scan, 42 MPOs used census tracts, 36 used census block groups, 24 used TAZs, and 12 used census blocks.

Although we identified variation among MPOs on the geographic level of analysis used, the data sources used are relatively consistent. All MPOs use US Census Bureau data, including information from the decennial census and American Community Survey estimates. Data from the Bureau of Labor Statistics and Bureau of Transportation Statistics are also used at the discretion of the MPO.

We also noted the factors and thresholds that MPOs chose to identify communities of concern. A basic starting point for most definitions of a community of concern is any geographic unit with a population of people of color and/or a population experiencing poverty that is higher than a certain threshold. For most MPOs, the threshold is the regional average, but some MPOs designated other thresholds. For example, the Kentuckiana Regional Planning and Development Agency’s environmental justice areas are block groups where the share of people of color or low-income residents is at least 200 percent of the regional average, and the Durham-Chapel Hill-Carrboro MPO in North Carolina uses county averages because of the widely varying demographics of the eight counties governed by the MPO.

All MPOs other than El Paso MPO in Texas and Space Coast Transportation Planning Organization in Florida include people of color and people with low incomes in their primary analysis. People of color are a majority of El Paso’s population, and the MPO’s justification for not including them in the analysis is that the high concentration of Hispanic/Latinx residents across the region means that nearly all TAZs would be environmental justice zones. Space Coast TPO does not include people of color as a primary indicator but incorporates the indicator in secondary scales of analysis for more specific identification. As the US population continues to diversify, this distinction could become more common. An interesting model can be found in the Southern California Association of Governments (SCAG), which serves three metropolitan statistical areas in our scan (Los Angeles-Long Beach-Anaheim, Riverside-San Bernardino-Ontario, and Oxnard-Thousand Oaks-Ventura). SCAG explicitly identifies three areas of analysis in its planning process:

- environmental justice areas, which are TAZs that have a higher concentration of populations of people of color or households with low incomes than the region as a whole
- Senate Bill 535 disadvantaged communities, which are census tracts that the California Environmental Protection Agency identified as disadvantaged communities based on requirements in SB 535 that seek to identify places disproportionately burdened by and vulnerable to multiple sources of pollution
- communities of concern, which are census-designated places and City of Los Angeles community planning areas that fall in the upper third of all communities in the SCAG region based on the concentration of populations of people of color and households with low incomes

Considering the large and racially diverse population that SCAG serves, combining three analyses that use varied scales and indicators allows the MPO to gain a nuanced view of the transportation needs and burdens of the communities it serves.

More indicators that some MPOs consider are seniors, people without a high school diploma, people with disabilities, people with limited English proficiency, single-parent households, and zero-car households (households that do not own or lease a car). The US Department of Transportation does not require these indicators, but many MPOs identify them as key indicators of transportation barriers that facilitate a more comprehensive understanding of affected communities and allow for more specific interventions. Zero-car households, which were explicitly identified by 25 MPOs, can affect planning

choices around public transportation access and shared mobility technologies such as micromobility and ride-sharing.

Once communities of concern are identified, MPOs outline how they affect the rationale for transportation project prioritization and present a plan for engaging these communities and gathering their input in transportation planning and project implementation.

Recommendations for State and Regional Transportation Departments and Agencies

As transportation planners face the evolving challenges of aging infrastructure, funding constraints, climate change, and perception shifts for multimodal transportation systems, environmental justice analyses must become more multifaceted. MPOs, state departments of transportation, and public transit agencies are bound by law to consider the needs of residents with low incomes, communities of color, people with limited English proficiency, and other groups when developing transportation plans. And community engagement must be part of that process. By law, any government agency with a transportation focus must submit a plan to reach out to the community or develop a public participation plan. These plans must identify the groups being targeted, the mechanisms being used for outreach, and steps for conducting follow-up. Current methods often fall short of true engagement, but improving the level of engagement and ensuring that underserved communities have a voice in how their neighborhoods will look are possible. The following are some examples of how to involve these communities:

- MPOs often conduct environmental justice analyses that do little to elucidate the problems that underserved communities face. Building off the Intermodal Surface Transportation Efficiency Act and the Transportation Equity Act for the 21st Century, MPOs are changing their engagement practices to provide more opportunities for residents to speak with policymakers. To help push progress in planning processes, MPOs can meet residents in their neighborhoods, pay people to participate in engagement, and cover expenses such as transportation to meetings and child care during meetings. Reframing MPOs from neutral to equity-focused actors can help drive meaningful public involvement and foster the development of a shared agenda across diverse stakeholders (Marcantonio and Tepperman-Gelfant 2015).
- Federal requirements and guidance on identifying communities of concern—which must be able to be implemented in all locations—rely on national data sources such as the American Community Survey. But this overlooks the possibility of using local data that would provide more detailed or richer information on communities of concern. For instance, local and regional agencies could survey communities to determine their needs or use local administrative data, such as the locations of assisted housing projects and unemployment filings, to identify other communities of concern. To gain a more nuanced picture of transportation challenges, they could overlay the survey information with data on job accessibility by transportation mode and transit times and the average travel time to the nearest hospital.

- When determining communities of concern, most agencies focus on identifying census tracts with concentrations of people who are low income, people of color, have limited English proficiency, or have other characteristics that may be relevant to the equitable provision of transportation services. However, if a person who has one or more of the relevant characteristics lives in an area without a concentration of others who share the characteristic, that person may still face accessibility challenges or be subject to disparate impacts of particular programs or policies, and therefore should be considered as well.

Toward True Community Engagement

Transportation planning has historically harmed marginalized communities. For decades, these communities were left out of the decisionmaking process for new transportation infrastructure, and as a result, governments built highways that dissected their neighborhoods. Despite the development of regulations and executive orders that mandate their involvement in transportation planning, marginalized communities continue to struggle with access to adequate transportation options. Identifying these communities, reaching out to them, and involving them in the planning process are imperative for realizing the ideal of an equitable, accessible transportation system. MPOs, state departments of transportation, public transit agencies, and other organizations must continue to prioritize engagement. By doing so, they can truly address the transportation needs of the community, and a more equitable and accessible transportation system can be realized.

Notes

- ¹ “Title VI of the Civil Rights Act of 1964,” Federal Transit Administration, accessed May 10, 2010, <https://www.transit.dot.gov/title6>.
- ² For this project, we reviewed Title VI plans for all 50 state transportation departments and for the transit agencies of the 50 largest metropolitan statistical areas.
- ³ “Structural Racism in America,” Urban Institute, accessed April 20, 2020, <https://www.urban.org/features/structural-racism-america>.
- ⁴ “Metropolitan Planning Organization (MPO),” Federal Transit Administration, last updated March 11, 2019, <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo>.
- ⁵ “Number of Metropolitan Planning Organizations,” Bureau of Transportation Statistics, accessed July 17, 2020, <https://www.bts.gov/metropolitan-planning-organizations-state>.
- ⁶ “The Department of Transportation Title VI Program,” US Department of Transportation, last updated November 4, 2019, <https://www.transportation.gov/mission/department-transportation-title-vi-program>.
- ⁷ “Department of Transportation Order 5610.2(a),” US Department of Transportation, last updated May 2, 2012, <https://www.transportation.gov/transportation-policy/environmental-justice/department-transportation-order-56102a>.
- ⁸ As noted in the guide’s introduction, however, the guide does not establish new requirements or replace existing guidance.

- ⁹ Public transit agencies follow a similar process, but they also include information from surveys given to riders to get necessary demographic data.
- ¹⁰ Block groups are statistical areas defined by the US Census Bureau that consist of clusters of blocks within a census tract.
- ¹¹ “Massachusetts Rail & Transit Division Title VI Compliance Program,” Massachusetts Department of Transportation, accessed June 21, 2020, <https://www.mass.gov/service-details/massachusetts-rail-transit-division-title-vi-compliance-program>.
- ¹² “Massachusetts Rail & Transit Division Title VI Compliance Program,” Massachusetts Department of Transportation.
- ¹³ “LEP Four Factor Analysis,” Federal Highway Administration, last modified April 5, 2019, https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm.
- ¹⁴ Other federal agencies have similar requirements based on US Department of Justice guidance on limited English proficiency, which includes the four-factor analysis. See [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#), 67 Fed. Reg. 41455 (June 18, 2002).
- ¹⁵ “LEP Four Factor Analysis,” Federal Highway Administration.
- ¹⁶ “EJSCREEN: Environmental Justice Screening and Mapping Tool,” US Environmental Protection Agency, <https://www.epa.gov/ejscreen>.
- ¹⁷ The EJSCREEN website notes that the tool is updated annually and that the 2019 version uses the 2013–17 American Community Survey five-year estimates summary file data.
- ¹⁸ “Long Range Transportation Plans (LRTPs),” Federal Highway Administration, updated January 8, 2020, <https://highways.dot.gov/federal-lands/programs-planning/lrtps>.

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