

Legislative Study on the Transportation Equity Framework

Act 55 of 2021, Section 41



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Legislation

This report addresses the requests posed by the Vermont General Assembly in Section 41 of Act 55 (2021) (*An act relating to the Transportation Program and miscellaneous changes to laws related to transportation*) related to the Transportation Equity Framework Report:

The Agency of Transportation, in consultation with the State’s 11 Regional Planning Commissions (RPCs), shall undertake a comprehensive analysis of the State’s existing transportation programs and develop a recommendation on a transportation equity framework through which the annual Transportation Program (the Agency Capital Program), and the Agency’s Annual Project Prioritization Process, can be evaluated so as to advance mobility equity, which is a transportation system that increases access to mobility options, reduces air pollution, and enhances economic opportunity for Vermonters in communities that have been underserved by the State’s transportation system.

In conducting the analysis required under subsection (a) of this section, the Agency, in coordination with the State’s 11 RPCs, shall seek input from individuals who are underserved by the State’s current transportation system or who may not have previously been consulted as part of the Agency’s planning processes. In order to aid the Agency in conducting the analysis required under subsection (a) of this section, the State’s 11 RPCs shall convene regional meetings focused on achieving equity and inclusion in the transportation planning process. Meeting facilitation shall include identification of and outreach to underrepresented local communities and solicitation of input on the transportation planning process pursuant to the transportation planning efforts required under 19 V.S.A. § 10l.

The Agency shall file a written report with its analysis and a recommendation on a transportation equity framework as required under subsection (a) of this section with the House and Senate Committees on Transportation no later than January 15, 2022.

Federal Executive Order

In January 2021, a Presidential Order was issued to direct several parts of the federal government to jointly publish guidance on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits of such investments flow to disadvantaged communities – the Justice40 Initiative. The Justice40 Initiative will impact the way the Vermont Agency of Transportation implements projects and programs.

Interim guidance¹ was published in July 2021. It included an interim definition of disadvantaged communities and interim guidance on where and how to apply the initiative. Final guidance has not yet been released.

Introduction

The Agency of Transportation has solicited a consulting team to assist in the evaluation of Agency mobility equity accomplishments to date, enhancements to existing practices, and gaps in programmatic delivery systems (including planning, outreach and engagement, project identification, project development, project delivery, transportation system maintenance, and services provided by the Department of Motor Vehicles), the evaluation of which could be enhanced through the engagement of historically under-served and/or under-represented Vermonters. The Agency retained a consulting team in the fall of 2021 and undertake this comprehensive analysis over the 15-month period through the winter 2023, resulting in a report that will outline recommendations and actions steps.

Over the past few years, Agency and RPC partners have been working to revamp the annual Vermont Project Selection and Prioritization Process (VPSP2) to develop a performance-based, data driven capital project selection and prioritization framework that maximizes the transportation value delivered to Vermont taxpayers as measured by eight criteria identified as critical including Safety, Asset Condition, Mobility/Connectivity, Environment, Resiliency, Economic Access, Community, and Health Access. Transportation equity is not currently a VPSP2 criteria but is necessary to ensure public funds are being allocated to projects that minimize burdens and maximize benefits, particularly to traditionally underserved populations.

Parties consulted/ participated

The following were involved in the development of the Scope of Work and selection of the consultant:

- Agency of Transportation staff, led by Michele Boomhower
- Vermont's Regional Planning Commissions through Chittenden County Regional Planning Commission Executive Director Charlie Baker
- Xusana Davis, State of Vermont Racial Equity Executive Director
- Tina M. Hooper, Civil Rights Specialist, Vermont Division and Massachusetts Division Federal Highway Administration

The following will be involved in the study in 2022:

- Project Advisory Committee – formed by VTTrans with internal and external participants
- Stakeholder interviews and focus groups
- Regional Planning Commissions (RPC) and their Transportation Advisory Committees (TACs)

¹ Interim Guidance is available at <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

- General public through direct community engagement, including intentional outreach to marginalized communities

Approach to the study topics

This project will create a framework for how equity can become embedded in the transportation planning process. It will be informed by national and local best practices, be informed by direct engagement with affected Stakeholders, account for the latest available data, tools, and methods, and develop an implementation plan with clear recommendations to achieve a vision of transportation social equity.

The project will be divided into the following tasks:

1. Project Initiation and Research
2. Existing Policies, Programming, and Assessment
3. Stakeholder and Public Involvement
4. Gap Analysis and Needs Assessment
5. Data and Tools
6. Recommendations and Implementation Plan
7. Draft and Final Transportation Equity Framework Report

Task 3 is a critical and essential task to bring new voices to the table and find new ways to elevate those previously marginalized or underrepresented in the planning process.

The framework will represent a new approach. Specifically:

- Equity will be a key component in each phase of the project development process: needs, identification, evaluation, prioritization, implementation, and performance measurement process.
- The approach embodied here will lay the groundwork for how comprehensive public involvement should occur in the future.
- This public involvement will determine tools, methods, and best practices in the Vermont context to fuse equity into the process.

The Presidential Order implementing the Justice40 Initiative will impact the way AOT implements projects and Programs. As part of Task 2, the consultant will address the impacts which may occur for AOT with the implementation of Justice40 and how AOT should prepare.

Status update

Through the Summer of 2021 AOT worked internally, and with external partners, to outline the scope of work which would be required to advance this initiative. In the Fall 2021 the Agency of Transportation finalized the Scope of Work in response to the legislation and released a Request for Proposals. The Scope of Work was further refined following review of the initial responses to the RFP. The consultant contract was executed in December 2021.

The consultant (RSG) will be starting the study in January 2022 and the final report, including outreach, analysis and recommendations for a transportation equity framework will be delivered in February 2023.