December 1, 2011

Office of Civil Rights
Federal Transit Administration
1200 New Jersey Avenue SE, Room E54-422
Washington, DC 20590

Docket: FTA-2011-0055; Notice of Availability of Proposed Environmental Justice Circular and Request for Comments

To whom it may concern:

Enterprise Community Partners appreciates the opportunity to submit comments on the Federal Transit Administration’s (FTA) proposed Environmental Justice Circular (FTA C 4703.1). We commend FTA for its commitment to promoting environmental justice for low-income and minority populations throughout its activities.

At Enterprise, we create opportunities for low- and moderate-income people through fit, affordable housing and diverse, thriving communities. Since 1982, Enterprise has raised and invested $11.3 billion to help finance more than 280,000 affordable homes across the country. Enterprise supports environmental efforts through our Green Communities initiative, which supports the construction and rehabilitation of homes that are healthier, more energy efficient and better for the environment – without compromising affordability. Enterprise also works to ensure that the benefits of transit investments are shared equitably by investing in the development and preservation of affordable housing near transit. We are a founding partner in the Mile High Transit-Oriented Development Fund (Denver, CO) and the Bay Area Transit-Oriented Affordable Housing Fund (Northern California), and we work to expand transit-oriented development (TOD) financing opportunities throughout the country.

Enterprise supports FTA’s efforts to provide guidance on environmental justice to grantees, and offers the following specific comments:

Expand definition of adverse effect to explicitly include increased cost burden.
FTA C 4703.1’s definition of “adverse effect” includes “displacement of persons.” Enterprise applauds FTA for recognizing the effect that transportation investments can have on housing. While major transportation projects can directly displace people through property acquisition, residents can also be adversely affected through increased housing costs. Large transportation investments can lead to economic development benefits and increases in property values. While this is positive in many respects, the corresponding increase in housing costs can place increased financial strain on low-income populations, even if it does not necessarily lead to displacement. When displacement does occur, the household may move to a lower-cost area which may not have transit access; this could reduce transportation options and increase vehicle miles traveled (and associated emissions) among environmental justice populations. Therefore, we recommend that FTA explicitly list “increased housing cost burden” as an adverse effect. Potential mitigating activities include policies and/or investments designed to develop or preserve affordable housing near transit and lower the combined costs of housing and transportation.
Allow grantees to use Department of Housing and Urban Development (HUD) low-income, very low-income, and extremely low-income definitions when assessing whether an environmental justice population exists.

FTA C 4703.1 defines low-income persons according to the Department of Health and Human Services’ poverty guidelines. To encourage inter-agency cooperation and reduce administrative burden, FTA should allow grantees to utilize the HUD definitions of low-income, very low-income and extremely low-income to identify whether an environmental justice population exists. Utilizing these measures will be useful to grantees seeking to promote environmental justice through expanded affordable housing opportunities.

Continue to advance environmental justice through FTA discretionary programs and administrative actions

FTA can build on the progress of FTA C 4703.1 by further utilizing its administrative authority to promote environmental justice. Specifically, FTA should amend its discretionary grant competition criteria to provide incentives for the creation and preservation of affordable housing near transit. In addition, FTA can better serve environmental justice populations by releasing updated guidance on its joint development policies. Finally, FTA should amend its requirements for property disposition to allow transit agencies to donate (or sell at a discount) surplus property for a public purpose such as affordable housing or community development. Additional details on these proposals can be found in previous comment letters submitted by Enterprise and its partners (included as attachments).

Once again, thank you for the opportunity to provide comments on the FTA proposed Environmental Justice Circular. We commend FTA for its ongoing willingness to seek and respond to public input. Please contact Michael Spotts, Policy Analyst (mspotts@enterprisecommunity.org; 202-649-3902) with any questions or for further discussion.

Sincerely,

Peter Lawrence
Senior Director, Public Policy & Government Affairs
Enterprise Community Partners

Attachments:

- Docket Number: FTA-2010-0009; Comment on the Advanced Notice of Proposed Rulemaking for the New Starts/Small Starts Program, Enterprise Community Partners, Habitat for Humanity International, and the National Housing Conference
- Docket Number: DOT-OST-2011-0025; Review of Existing Department of Transportation Regulations – Regulatory Changes to Promote Affordable Housing and Community Development Near Transit Stations, Enterprise Community Partners and the National Housing Conference