

Federal Interagency Working Group on Environmental Justice Impacts from Commercial Transportation Committee

Background

Commercial freight transportation activity and supporting infrastructure (i.e. goods movement) is a vital engine for the growth of the U.S. economy and the prosperity of its citizens. Goods movement activities are anticipated to increase significantly in the future¹, which may create environmental justice concerns for some minority, low-income, and indigenous communities. This factsheet provides a brief overview of the [Federal Interagency Working Group on Environmental Justice's](#) (EJ IWG) Impacts from Commercial Transportation Committee (hereinafter Committee) and describes some of the goods movement-related roles of agencies that participate on the Committee. This factsheet does not represent a comprehensive assessment of the roles and responsibilities related to goods movement for these or other federal agencies.



The Committee has adopted the [U.S. EPA National Environmental Justice Advisory Council's](#) definition of goods movement: the distribution of freight (including raw materials, parts and finished products) by all means of transportation including marine, air, rail, and truck. Goods movement facilities include seaports, inland ports, airports and land ports of entry (border crossings), rail yards, and rail lines, highways, highway truck traffic roads, pipelines, and warehouse and distribution centers.²

The Federal Interagency Working Group on Environmental Justice

The EJ IWG was established by Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” and provides a forum for Federal agencies to collectively advance environmental justice principles.

U.S. Environmental Protection Agency

[EPA](#) protects human health and the environment. EPA's environmental justice goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process.

The transportation sector includes industries providing transportation of cargo, warehousing and storage for goods, and support activities related to modes of transportation. This sector is affected by a number of major environmental statutes and regulations. For instance, the Clean Air Act mandates controls on air pollution from mobile sources by regulating both the composition of fuels and emission-control components on motor vehicles and non-road engines. The Clean Water Act establishes authority for regulating discharges incidental to the normal operation of commercial vessels operating as a means of transportation.

Federal Highway Administration

[FHWA](#) provides stewardship over the construction, maintenance and preservation of the Nation's highways, bridges and tunnels.

FHWA works on policy issues, conducts research, and coordinates with freight transportation stakeholders to ensure the reliable and efficient movement of goods. FHWA's freight efforts focus on data and analysis, including performance measures, vehicle size and weight issues, and freight professional development.

FHWA's air quality efforts include ensuring that Federal funding and approval goes to transportation activities that are consistent with State air quality goals and the Clean Air Act; providing Interim Guidance on when and how to analyze Mobile Source Air Toxics for proposed highway projects; and providing funding through the Congestion Mitigation and Air Quality Improvement Program to transportation projects in areas which are nonattainment or maintenance for the National Ambient Air Quality Standards for ozone, carbon monoxide and particulate matter.

¹ U.S. Department of Transportation, Bureau of Transportation Statistics projections show that freight tons moving on the nation's transportation network will grow 40 percent in the next three decades (2016), available at https://www.rita.dot.gov/bts/press_releases/bts013_16.

² U.S. EPA National Environmental Justice Advisory Council, *Reducing Air Emissions Associated with Goods Movement: Working Towards Environmental Justice* (Nov 2009). The Committee has added 'inland ports' and 'pipelines' to the definition of goods movement facilities.

The Goods Movement Committee

The EJ IWG established the Committee to address goods movement, which was identified as one of four areas of focus in the [Memorandum of Understanding on Environmental Justice and Executive Order 12898](#) (August 2011).

A number of Federal inter-agency working groups and advisory committees have been established to increase the capacity and efficiency of the Nation's goods movement systems. However, this Committee is principally focused on addressing the issues and concerns of overburdened communities impacted by goods movement.



The Committee works to support federal agencies' efforts to:

- identify and where possible mitigate environmental and human health effects of goods movement that would otherwise impact communities with environmental justice concerns, while ensuring efficient movement of goods; and
- assure that such communities are afforded opportunities to meaningfully engage with the Federal government on goods movement-related programs, policies and activities.



The Committee strives to meet the following goals:

- inform intra- and inter-agency understanding of, and response to, the potential adverse environmental and human health effects associated with goods movement;
- assist minority, low-income, and indigenous communities, where appropriate, with addressing adverse effects from goods movement activities, including accessing technical and other forms of assistance; and

Maritime Administration

[MARAD](#) promotes the development and maintenance of an adequate, well-balanced U.S. Merchant Marine.

MARAD also assists with:

- coordinating and managing port infrastructure projects for a variety of entities, including state, local, and territorial authorities;
- leading national efforts to reduce congestion on the Nation's highways and rails by promoting the use of waterways and ports; and
- coordinating and directing studies, surveys, and investigations of port and inter-modal facilities ... that make the entire transportation system more efficient and productive.

Pipeline and Hazardous Materials Safety Administration

[PHMSA](#) protects people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives.

PHMSA ensures safety in the design, construction, operation and maintenance, and spill response planning of America's 2.6 million miles of natural gas and hazardous liquid transportation pipelines. PHMSA also conducts compliance, incident and accident response and investigations, and performs safety, performance and regulatory adequacy and fitness determinations for hazardous materials.

Federal Railroad Administration

[FRA](#) enables the safe, reliable, and efficient movement of goods for a strong America, now and in the future. FRA accomplishes this mission primarily through the implementation of safety regulations.

FRA develops and implements safety rules and standards focusing on compliance and enforcement of Hazardous Materials; Motive Power and Equipment; Operating Practices; Signal and Train Control; and Track. FRA's Research program identifies opportunities to reduce the likelihood of accidents and incidents, and to limit the consequences of hazardous events should they occur on the nation's rail network.

- raise awareness of state and local governments, goods movement industry stakeholders and the general public about the potential adverse effects associated with goods movement activities in and around residential areas.



Potential Goods Movement Impacts

The Committee works to enhance federal efforts to address direct, indirect, and cumulative impacts from goods movement activities on minority, low-income, and indigenous communities, with specific focus on: 1) environment; 2) safety; 3) quality of life; and 4) meaningful engagement.

Environment - Environmental and human health impacts to communities in proximity to goods movement activities may manifest in numerous forms. For instance, air impacts (e.g., diesel particulate matter, nitrogen oxides) may occur from the operation and idling of diesel trucks, marine vessels, and trains. Water impacts may occur from marine vessel discharges (e.g. bilgewater) and stormwater runoff. With many goods movement-related facilities operating 24 hours per day, nearby communities may also be affected by noise and light impacts.



Safety - Communities near goods movement may also experience safety-related impacts (e.g., injuries, property damage). Pedestrians and residential vehicles may be at risk from accidents with heavy-duty trucks operating on neighborhood streets. Other safety-related risks associated with goods movement include train derailments, explosions and fires at facilities or along transportation routes (e.g., highways, railways, pipelines) and toxic chemical spills. Living in proximity to goods movement facilities may pose additional safety concerns from natural disaster-related

U.S. Coast Guard

[USCG](#) is one of five U.S. armed forces. USCG protects the maritime economy and the environment, defends our maritime borders, and saves those in peril. USCG has broad legal authorities associated with maritime transportation, hazardous materials shipping, oil spill response, bridge administration, pilotage, and vessel construction and operation.

U.S. Customs and Border Protection

[CBP](#) has responsibility for securing and facilitating trade while enforcing hundreds of U.S. regulations, including immigration and drug laws, and has direct responsibility for enhancing U.S. economic competitiveness by reducing costs for industry and enforcing trade laws against counterfeit, unsafe, and fraudulently entered goods.

Transportation Security Administration

[TSA](#) protects the nation's transportation systems to ensure freedom of movement for commerce. TSA works collaboratively with surface transportation operators, local, state and federal security partners to ensure appropriate security postures are employed. Along with industry partners, TSA safeguards all four general modes of land-based transportation: mass transit, freight rail, highway motor carrier and pipeline; and supports air transport and maritime security efforts.

U.S. Immigration and Customs Enforcement

[ICE](#) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, and trade. ICE is authorized to cross-designate other federal, state and local law enforcement officers to investigate and enforce customs laws.

National Protection and Programs Directorate

[NPPD](#) leads the coordinated national effort to manage risks to the nation's critical infrastructure and enhance the security and resilience of physical and cyber infrastructure through collaboration with the critical infrastructure community.

impacts, terrorist attacks, and insufficient emergency response procedures.

Quality of Life - Goods movement activities may impact the quality of life of nearby communities. Blight and other aesthetic impacts may occur near goods movement facilities due to the industrial nature of goods movement. Traffic congestion and lack of public transportation options are also commonplace. Communities in proximity to goods movement activity often lack green space and adequate recreational facilities. Housing impacts may include decreased property values and forced relocations (i.e. eminent domain) due to infrastructure expansion. Community cohesion can also suffer, as when a highway or railway bisects or physically isolates a neighborhood from the larger community.

Meaningful Engagement - Public participation in goods movement issues may be daunting for community members to navigate. Multiple levels of government involvement (e.g., federal, state, regional, and local), the numerous types of stakeholders (e.g., industries related to transportation, logistics, and warehousing, as well as first responders, local health officials, labor unions, small business owners, local schools etc.), and the various types of activities (e.g., project planning, project development, individual permits) all add to the opacity of the process, which may present obstacles to meaningful engagement. Communities may face additional hurdles to engaging in the process due to linguistic, cultural, economic, institutional or geographic barriers. Many communities also lack adequate resources to effectively engage decision-makers.



This material is not intended or offered as legal advice. It is nonbinding, informal, and summary in nature, and the information contained herein does not constitute rules or regulations. As such, it is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party, in any criminal, civil, or administrative matter.

February 2018

Department of Housing and Urban Development

[HUD](#) is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.

The nature of affordable housing is such that land cost is a critical determinant of project viability. Land adjacent to transportation facilities is frequently offered for HUD investment due to the accompanying problems of excessive noise, poor air quality, and soil contamination. HUD's environmental standards are quality control checks to ensure successful projects that serve as healthy environments in which residents can thrive.

General Services Administration

The mission of [GSA](#) is to deliver the best value in real estate, acquisition, and technology services to government and the American people. GSA is responsible for the Federal Management Regulations [Part 102-117—Transportation Management](#), [Part 102-118—Transportation Payment and Audit](#), educating the transportation community and chairing the Government-wide Transportation Policy Council.

GSA offers rate management services worldwide for general commodity freight and manages the Centralized Household Goods Traffic Management Program ([CHAMP](#)). GSA also identifies and recovers Transportation Service Provider overcharges and other debts relating to transportation bills paid by agencies around the world. The GSA is also responsible for the design and construction of land

U.S. Department of Justice

[DOJ](#) enforces the law and defends the interests of the United States to ensure fair and impartial administration of justice for all Americans. DOJ utilizes its authorities to fulfill the mandate of Executive Order 12898 through enforcement of environmental and civil rights laws and defending challenges to federal projects.

For More Information

To find out more about the EJ IWG Impacts from Commercial Transportation Committee call the EPA EJ Hotline: 800-962-6215 (Toll Free) or e-mail: EJHotline@epa.gov