



NORTHEAST OHIO AREA WIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Board of Directors

FROM: Grace Gallucci, Executive Director

DATE: September 4, 2015

RE: **Urbanized Area Funding Policies: Resolution No. 2015-055 Urban Core Communities Policy and Resolution No. 2015-056 Environmental Justice Communities Policy**

ACTION REQUESTED

The Board of Directors is asked to approve two items, each of which would be a separate resolution:

1. A policy that updates the designation and uses of Urban Core Communities; and,
2. A policy to designate Environmental Justice Communities and identify applicable uses.

The Policy Committee recommends this action. A third policy regarding funding alignment will not be considered for action as it was tabled for future discussion at the Policy Committee. It will be discussed under presentation items later on the agenda.

BACKGROUND

The Urban Core Communities Policy from 1999 is being updated and amended as three separate policies to reflect specific and unmet needs in the NOACA region. These policies, grouped together as the Urbanized Area Funding Policies are the:

- Funding Alignment Policy
- Urban Core Communities Policy
- Environmental Justice Communities Policy

This memo focuses exclusively on the Urban Core Communities Policy and the Environmental Justice Communities Policy, which support reinvestment in these communities.

1. Revised Urban Core Communities Policy

The classification of "Urban Core Communities" was adopted by the NOACA Board of Directors in 1999, as contained in NOACA's *Framework for Action 2025* long-range transportation plan. The policy was created to foster reinvestment in defined urban core areas in the region, with the intention that these communities would receive special consideration for federal assistance through NOACA-attributable funding programs. The 1999 list of Urban Core Communities was based on data from the 1990 Census, as well as other outdated information. Therefore, the policy warranted updating of its criteria in terms of current opportunities, agency goals and

priorities, and modern data, as well as a new look at uses of the designation. Through the analysis, updated criteria and uses of the designation were developed as follows:

Criteria

To be a designated Urban Core Community, a community must meet all six of the following. Criteria as detailed further in the attached policy.

- population that is 100% urbanized;
- street density of at least 10 street miles per square mile;
- population density of at least 2,175 people per square mile, exclusive of land used for airfields and protected uses;
- the median year of housing structures constructed is 1970 or prior;
- an intersection density of at least 100 per square mile, exclusive of land used for airfields and protected uses; and,
- property value per capita at or below \$95,488.

Uses of the Designation

Designated Urban Core Communities would be eligible for special programs.

- a. Funding of Additional project phases:
 1. The Urban Core Preliminary Engineering Program through which communities are eligible to apply for financial assistance for preliminary engineering for their transportation projects.
 2. The Urban Core Right-of-Way Program through which communities may apply for federal funds for right-of-way acquisition, less the initial \$50,000 right of way investment typically required.
(The Urban Core Preliminary Engineering Program and the Urban Core Right-of-Way Program are existing NOACA programs of the 1999 Urban Core Communities program.)
- b. Use of toll credits to reduce local match requirements (pending the adoption of NOACA's toll credits policy). Projects sponsored by, and located within, designated communities are eligible for 90% NOACA funding participation, utilizing 10% funding from Toll Credits.

2. Environmental Justice Communities Policy

Environmental justice is a framework to ensure that the benefits and burdens of regional transportation investments are shared by all socioeconomic groups. In pursuance of Objective 2.2 of NOACA's Regional Strategic Plan¹, the designation of, and development of programs for, Environmental Justice Communities helps create proactive mechanisms to evaluate and address the social equity and environmental justice aspects of infrastructure investments in the NOACA region.

As previously stated, the classification of "Urban Core Communities" was adopted by the NOACA Board of Directors in 1999. The policy, developed in part to support environmental justice concepts, was created to foster reinvestment in defined urban core areas in the region, with the intention that these communities would receive special consideration for federal assistance through NOACA attributable funding programs.

The concept of environmental justice is rooted in the 14th Amendment: "All citizens are created equal and entitled to equal protection." Fair treatment means that "no group of people...should

¹ Goal 2.2: "Create mechanisms to monitor the condition of existing regional transportation assets and evaluate the social equity/environmental justice impacts of infrastructure investments." *NOACA Strategic Plan: Going Forward, Together*, Page 20.

bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state and local, and tribal programs and policies.”² As an agency administering funds from federal programs, NOACA thus has to ensure environmental justice. Since NOACA’s adoption of the initial policy in 1999, changes have occurred in terms of opportunities, agency goals and priorities, community demographics and socio-economic profiles, and renewed environmental justice policies and goals of the U.S. Department of Transportation.

In support of environmental justice principles, NOACA follows the fundamental environmental justice goals set out by the US Department of Transportation. These are:³

- To avoid, minimize, or mitigate disproportionately high and adverse human health, socioeconomic and environmental effects, of transportation projects on minority populations and low-income populations.
- To ensure the full and fair participation of all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Furthermore, the intent of the policy is to address potential financial hardships of the community given its population composition and, in accordance with Title VI of the Civil Rights Act and Presidential Executive Order 12898, to place additional emphasis on avoiding, minimizing, or mitigating disproportionately high and adverse human health, socioeconomic, and environmental effects of transportation projects on such communities. Accordingly, this policy outlines the criteria to so designate “Environmental Justice Communities” and outlines applicable programs for these communities.

Criteria

An “Environmental Justice Community” designation must meet the following conditions. Criteria are detailed further in the attached policy.

1. The community must be an “Urban Core Community” as defined by the NOACA Urban Core Communities Policy, above; and,
2. The community must obtain any 3 of 6 points from the following.
 - a. a minority population rate at or above the regional rate of 25.4% (1 point);
 - b. a poverty level rate at or above the regional rate of 15.4% (2 points);
 - c. an elderly rate at or above the regional rate of 15.5% (1 point);
 - d. a disability rate at or above the regional rate of 13.3% (1 point); or,
 - e. a “Low English Proficiency” rate at or above the regional rate of 3.5% (1 point).

Uses of the Designation

Designated Environmental Justice Communities would be eligible for:

1. Use of toll credits to reduce local match requirements (pending the adoption of NOACA’s toll credits policy). Projects sponsored by, and located within, designated communities are eligible for 100% NOACA funding participation, utilizing 20% funding from Toll Credits.
2. Additional special programs that may be conceived of in the future.

LIST OF DESIGNATED COMMUNITIES

² U.S. EPA, Office of Inspector General, Evaluation Report; Report No. 2004-P-00007, March 1, 2004

³ See http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/.

Cleveland Hts.
East Cleveland
Elyria
Euclid

Linndale
Lorain
Maple Hts.
Newburgh Hts.

Seven Hills
Shaker Hts.
Warrensville Hts.

FINANCIAL IMPACT

Implementation of the new designations of communities would result in four communities (Woodmere, Oberlin, Chagrin Falls, and Lodi, which are being removed from the 1999 list) being ineligible funds for right of way acquisition and preliminary engineering; and the communities on the updated Urban Core Communities list and the newly-designated Environmental Justice Communities being eligible for additional funding and/or reduced match requirements.

CONCLUSION/NEXT STEPS

With Board approval, the draft revised Urban Core Communities Policy and Environmental Justice Communities Policy will be implemented accordingly.

ATTACHMENTS:

Urban Core Communities Policy
Environmental Justice Communities Policy

GG/mz/2863b

September 11, 2015

NOACA URBAN CORE COMMUNITIES POLICY

POLICY STATEMENT

The Northeast Ohio Areawide Coordinating Agency's (NOACA) Urban Core Communities Policy seeks to foster reinvestment in defined urban core areas while minimizing a currently increasing regional infrastructure cost burden given stagnant regional population growth and outstanding needs within areas of existing infrastructure. The policy designates Urban Core Communities based on community characteristics that shape the urban qualities of a place and develops specific programs, for these communities.

AUTHORITY

United States Code, Title 23, Section §134
United States Code, 49 CFR Part 21

PURPOSE

This policy is a revision to the Urban Core Communities Policy adopted by the NOACA Board in 1999 as contained in NOACA's *Framework for Action 2025* long range transportation plan. The policy was created to foster reinvestment in defined urban core areas in the region, with the intent that these communities would receive special consideration for federal assistance through NOACA attributable funding programs. The policy is updated herein to reflect the current fiscal environment, updated Agency goals and priorities, recent data including the 2010 Census, and potential uses of the policy for designated communities.

The Policy allows for NOACA to support reinvestment in the urban core areas. Through the designation of specific communities as Urban Core Communities, specific programs may be developed and targeted to support these communities and to ensure that these communities are not negatively impacted by transportation projects.

CRITERIA

The Urban Core Communities (UCC) designation considers the urban form, physical aspects and character of a community. As such, six criteria shall be applied to each community, and a community must meet all criteria to obtain the UCC designation. The intent of the criteria is to measure the extent to which the current infrastructure network serves the population at a cost-effective density supporting a sustainable multi-modal network. The criteria and current thresholds are as follows:

Category	Criteria	Current Threshold
Urbanization of population	Minimum percentage of population living in an urbanized area as defined by the US Census Bureau	100%
Street density	Minimum number of streets per square mile	10
Population density	Minimum population density at or above the regional density of communities that are at least 50% urbanized* by population. The land area used in the calculation is exclusive of airfields and other protected areas (e.g., parks, cemeteries, and flood plains).	2,175
Age of housing stock	Median year of housing structures built is on or prior to the year that the region's population peaked. Data used for this criterion, if survey-based, shall incorporate the margin of error for each community.	1970
Intersection density (Walkability)	Minimum number of intersections per square mile at or above the regional intersection density of communities that are at least 50% urbanized* by population. The land area used in the calculation is exclusive of airfields and other protected areas (e.g., parks, cemeteries, and flood plains).	100
Property value per capita	Maximum per capita value of all real estate at or below the regional average of communities that by area are at least 50% urbanized*.	\$95,488

*as defined by federal regulations

Upon analyzing each community against the established criteria, a list of designated Urban Core Communities shall be established.

USES

Designated Urban Core Communities would be eligible for special programs, as follows:

- The Urban Core Preliminary Engineering Program, through which communities are eligible to apply for financial assistance for preliminary engineering for their transportation projects.
- The Urban Core Right-of-Way Program, through which communities may apply for federal funds for right-of-way acquisition, less the initial \$50,000 right of way investment typically required.
- The use of toll credits to reduce local match requirements (pending the adoption of NOACA's toll credits policy): projects sponsored by, and located within, designated communities are eligible for 90% NOACA funding participation, utilizing 10% funding from Toll Credits.
- Other programs that may be conceived of in the future.

FUTURE UPDATES OF DESIGNATED COMMUNITIES

The list of designated Urban Core Communities shall be updated, as necessary, following each decennial census.

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, NOACA's current urban core communities program was created to foster reinvestment in defined urban core areas in the region; and

WHEREAS, NOACA's current urban core communities policy was adopted in 1999, based on agency priorities and fiscal resources at that time and on 1990 Census data, creating the need to update it to conform with the current fiscal environment and Agency goals and priorities and to incorporate 2010 Census data; and

WHEREAS, new criteria that focused on the urban form, physical aspects and character of a community were developed to determine designated "urban core communities," for which special programs will be available.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1. The revised Urban Core Communities Policy, as attached, is adopted.

Section 2. The Executive Director is authorized to implement NOACA's investment policies to reflect the revised Urban Core Communities Policy.

Section 3. The Executive Director is authorized to transmit certified copies of this resolution to the appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the
Northeast Ohio Areawide Coordinating Agency Board of
Directors adopted this 11th day of September 2015.

Secretary: Michael J. Gannon

Date Signed: September 11, 2015

