

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on
B25-0564. “Environmental Justice Amendment Act of 2023”,
and
B25-0547, the “Food Access by Public Transit Study Amendment Act of 2023”

Testimony of
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District Department of Transportation

Before the
Committee on Transportation and the Environment
Council of the District of Columbia

March 18, 2024
9:30 a.m.
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, D.C. 20004

Good morning, Chairperson Allen, members of the Committee, staff, and District residents. My name is Anna Chamberlin, and I serve as the Associate Director with the Planning and Sustainability Division at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Acting Director Sharon Kershbaum and Mayor Muriel Bowser regarding the following bills:

- B25-0564, “Environmental Justice Amendment Act of 2023”, and
- B25-0547, the “Food Access by Public Transit Study Amendment Act of 2023”

Environmental Justice Amendment Act of 2023

Among other things, B25-0564, the “Environmental Justice Amendment Act of 2023”:

- Amends the District of Columbia Environmental Policy Act of 1989 to include a “cumulative impact statement” (CIS) process that must be completed to obtain District permits and other relief for environmentally harmful actions in overburdened communities;
- Establishes a “modified cumulative impact statement” process to assess District agency plans that impact the siting of significant sources of environmental harm in overburdened communities, and;

- Institutes additional forms of accountability to ensure that these processes are enforceable and result in meaningful progress for overburdened communities.

Specifically, the bill requires DDOT to develop a modified cumulative impact statement (MCIS) at least 60 days prior to implementation of a proposed cumulative impacts plan (CIP). A CIP is needed for a plan or policy that impacts the siting or operation of applicable facilities in the District, or when a concept analysis or design of an interstate, freeway, expressway, or arterial road is proposed that is inconsistent with the District's climate commitments.

DDOT is committed to providing environmentally sustainable transportation solutions for all District of Columbia residents and visitors. Sustainability is a key goal of moveDC, the agency's long-range transportation plan. DDOT prioritizes environmental stewardship in our planning and policy efforts, including minimizing adverse environmental impacts in neighborhoods and wards that are most vulnerable.

DDOT recognizes the importance of the issues that this bill considers. However, we would encourage the Council to work with our staff to consider how the proposed CIP and MCIS do not integrate existing analyses we perform under the National Environmental Policy Act (NEPA), and if there are opportunities to

build on or supplement this existing process instead of creating a new, parallel requirement.

Pursuant to the project development and environmental review process for meeting categorical exclusion under NEPA, DDOT identifies whether an identified project area contains concentrations of minority, low-income, or other populations protected by Title VI of the Civil Rights Act, assesses whether public involvement activities raise environmental justice issues, and identifies if the project has historical environmental justice issues. Significant findings of environmental inequity and vulnerable populations inherently trigger heightened levels of review under the NEPA process. Given that at least 90% of DDOT projects are subject to this process, we would encourage Council to identify whether there are opportunities to defer to or leverage existing Federally mandated processes like NEPA, rather than implementing a process designed for another state.

This bill is modeled after a New Jersey law and a subsequent rulemaking that was published after that law was passed. New Jersey's approach established broad parameters for environmental justice considerations, considered a robust community engagement component, and set up an Office with the authority and the resources to conduct the necessary analysis to develop rulemaking. Once that office was established and had done significant work—including stakeholder engagement—detailed rules published, three years later. That said, the timeline for

implementing this legislation with accompanying rulemaking is greatly curtailed in comparison to the approach taken by New Jersey. This is one example of how the District would benefit from having components not considered by this bill in place *before* significant requirements are memorialized. We would encourage Council to consider the accompanying processes, offices, resources and timelines necessary to make the changes contemplated by this bill.

Moreover, as DDOT assesses the criteria prompting environmental assessment under this legislation, we request clarity on several key areas. First, we ask Council to define “significant impact,” and specify how a project “substantially affects the public health, safety, or welfare,” as described in the “Major action” definition included in section 3a. Defining these terms will assist in identifying whether a cumulative impacts action is required, as later defined in that section. Second, we encourage the Council to clarify the standards for meeting its approval for required “cumulative impacts plans” and any associated deadlines for their review. More clearly defining these terms would greatly assist DDOT’s assessment of the impact of integrating these new processes in our operations. Lastly, we ask that streetscape projects and routine road maintenance projects, such as street repaving, drainage, and water main installation, are exempt from requiring a CIP and MCIS. As currently written, our agency has significant concerns about how these requirements may negatively affect the cost and timelines for the essential

projects our agency delivers that are in line with the overall goals presented in this legislation.

Food Access by Public Transit Study Amendment Act of 2023

Next, I'd like to discuss B25-0547, the "Food Access by Public Transit Study Amendment Act of 2023", which amends the Department of Transportation Establishment Act of 2002, and requires DDOT to conduct a study on public transportation access to supermarkets in low food access areas.

Washington Metropolitan Area Transit Authority (WMATA) is currently undertaking a Better Bus Network Redesign, an initiative to rethink, redesign, and revitalize bus service to better serve the needs of customers in the region. The Network Redesign effort will consider where, when, and how people travel and will result in a new network that can better serve communities.

DDOT believes much of the information required in this bill is already being gathered by WMATA during their Network Redesign. We believe the ability to benefit from the extensive outreach already being completed by WMATA will allow for more robust data and an efficient use of resources. Additionally, current fiscal and time constraints would not allow DDOT to complete a study by September 1, 2024 as required by the bill.

DDOT looks forward to working collaboratively with Council and our District partners to address environmental hazards in overburdened communities

and to ensure equitable food access through our planning processes. Thank you for the opportunity to testify today. I am available to answer any questions that you may have.