

Sheila Lockett

From: Matthew White
Sent: Wednesday, April 17, 2024 9:23 AM
To: Jennifer Milele
Cc: Kenny Martin; Sheila Lockett; Gino Marchetti
Subject: RE: SS4A (Grant)

Commissioner,

See my answers below in Red. I was able to get some of these answered by FHWA.

Safe Streets Grant (SS4A)

Purpose: To develop an equitable Data-driven Safety Action Plan and “approve the agreement” by FHWA and understand the respective “obligations” related to the “management” of the project.

Overall concerns have do to with Federal/Global DEI agenda, programs/plan/policies.

Article 1

USDOT General Terms and Conditions

The City agrees that it is required to comply with all Federal laws and regulations including the Uniform Administrative Requirements, Cost Principles, Audit Requirements for Federal Awards, National Environmental Policy Act, and Build America/Buy America Act.

Question/Concern: Since the City is required to comply, not only with this Federal grant agreement, but to all the above Federal agencies, do all of these Federal agencies have DEI policies already in place? My concern is this would be pushed/mandated on the City at some point in the future.

Answer: USDOT will not require the City to change their current policies. This agreement is project specific and doesn't affect any other aspect of the City and their policies.

*Page 14, 14.5 Program Evaluation Article 14: Performance Reporting

**As a condition, the City may be required to participate in an evaluation by USDOT, or another agency or partner, which may take different forms such as an implementation assessment.

Question/Concern: Who are these other agencies/partners? Different forms could be what exactly? To what extent?

Answer: This is saying that USDOT or other agencies/partners (likely a consultant hired by USDOT) may evaluate the Safety Action Plan that we develop.

*Page 15, 15.1 Noncompliance Determinations Article 15: Noncompliance and Remedies

**If USDOT determines that the City may have failed to comply with the U.S. Constitution, Federal law, or terms and conditions, the USDOT may notify the City of noncompliance.

Question/Concern: My concern would be if the Federal government/agencies pushed/mandated DEI policies and the City did not comply. It sounds like they could just make that determination. What are the chances of that happening under this or any other grants?

Answer: USDOT will not require the City to change their policies. This agreement is project specific and doesn't affect any other aspect of the City and their policies.

*Page 24, 21.3 USDOT Unilateral Modifications Article 21: Agreement Modifications

**The USDOT may unilaterally modify this agreement to comply with Federal law, including the Program Statute.

Question/Concern: The way this is worded, it sounds like the Federal government would have the authority to change the agreement whenever they wanted to, and therefore the City would not have a say if USDOT decided to enforce DEI policies, even though we didn't have the opportunity to agree or disagree. Could that be a possibility?

Answer: Again, the federal government cannot and will not require the City to change their policies.

*Page 24, 22.1 Climate Change and Environmental Justice Article 22: Climate Change and Environmental Justice

Consistent with EO 14008, Attachment C documents the consideration of climate change and environmental justice impacts of the project.

Question/Concern: Not sure what Attachment C is? When the Federal government says "consider" do they actually mean comply? What does EO 14008 mean for the City?

Answer: Environmental Justice consideration is a part of all federally funded projects. Environmental Justice review and documentation is a required part of the NEPA process when developing projects. So all of our sidewalk, greenway, and road widening projects that are federally funded are required to produce a NEPA document. One portion of the NEPA process is Environmental Justice. One example of how to consider climate change and the environment when developing the safety action plan, is to consider alternative modes of transportation when proposing a safety project. If we identify an intersection that has a high crash rate and we are proposing a safety improvement to reduce crashes at that intersection, we will also need to consider pedestrian and bicycle infrastructure to promote active transportation to reduce vehicle emissions. That doesn't mean we have to include sidewalks at every location. We just have to consider if it makes sense at that particular location and if it is an opportunity to close a gap in pedestrian/bicycle infrastructure.

* Page 24, 23.1 Racial Equity and Barriers to Opportunity Article 23: Racial Equity and Barriers to Opportunity

**Consistent with EO 13985, Attachment D documents activities related to the Project to improve racial equity and reduce barriers to opportunity.

Question/Concern: Not sure what Attachment D is? What do they mean by activities? Does the City have areas where there are more accidents/fatalities based on race? Does the City have barriers that deny certain racial groups any kind of opportunity? EO 13985 is a mandate for racial equity through a comprehensive approach to all government. What does this mean for the City?

Answer: The equity analysis completed as part of the Safety Action Plan should identify underserved communities in the study area through data and other analyses, such as looking at population characteristics and assessing the impacts of the proposed projects and strategies. Through this, multiple factors will be considered (including race, income level, persons with disabilities, etc.). Race is one factor in helping identify those underserved communities and ensuring there is no adverse impact on these communities from the proposed projects and strategies. We would just have to ensure that the proposed safety projects in our plan don't have a negative impact on underserved communities.

*Page 25, 24.1 Uniform Administrative Requirements for Federal Awards Article 24: Federal Financial Assistance, Administrative, and National Policy Requirements

**The City shall comply with the obligations on non-Federal entities

Question/Concern: Not sure what the obligations are in reference to non-Federal entities and what authority they would have over the City?

Answer: I'm not sure what this means. Maybe Gino can address.

1) Eliminating roadway fatalities and serious injuries by 2050

* The description of the grant specifically says:

** reversal of disproportional impacts of crashes on people of color and mitigates (relieves) neighborhood bifurcation (two-part division).

Question/Concern: Does the City have disproportional impacts that need reversing and/or neighborhood bifurcation?

Answer: The goal of the plan will be to eliminate fatalities and serious injuries in Mt. Juliet by the year 2050. Where are you referencing this language about reversing impacts on people of color and neighborhood bifurcation? I'm not finding it

2) Resolution Executive Summary

The project: High Injury Network (HIN) will be developed to identify specific and targeted locations.

Question/Concern: Wondering who funds the HIN and if they are tied to global DEI agendas?

Answer: The consultant that we hire will establish HINs based off the crash data that they review. HIN has nothing to do with global DEI agendas. HIN is simply a specific corridor in Mt. Juliet that experiences a high number of crashes resulting in injury.

3) Page 83 Attachment A
Equity

*Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT.

Question/Concern: Does the City have underserved communities today? What percent of funds would be applied there? Would the City be responsible for providing transportation opportunities in the future two these communities?

Answer: Yes, there are areas of Mt. Juliet that are considered underserved. That doesn't mean the City underserves them. Underserved means communities that have lower income, people without vehicles, people with disabilities, and older adults. At the conclusion of the Safety Action Plan, we will just have to report the percentage of roads that we analyzed that were in underserved areas. That is all this is saying. It is simply just reporting the percentage of roads in underserved communities. USDOT provides tools for our consultant to use to identify underserved areas.

4) Page 85 Attachment C

Racial Equity and Barriers to Opportunity

*"X" The City has not yet taken..., but intends to take relevant actions to improve racial equity.

Question/Concern: I'm not sure what Attachment C is? Does the City have barriers to opportunity for any group/class of people? The narrative says the City "intends" to take relevant actions. What exactly does this mean in reference to Racial Equity and Barriers of Opportunity the City doesn't already have?

Answer: The equity analysis completed as part of the Safety Action Plan should identify underserved communities in the study area through data and other analyses, such as looking at population characteristics and assessing the impacts of the proposed projects and strategies. Through this, multiple factors will be considered (including race, income level, persons with disabilities, etc.). We would just have to ensure that the proposed safety projects in our plan don't have a negative impact on underserved communities.

5) Page 86-87 Attachment D

Climate Change and Environmental Justice Impacts

*"X" The City has not yet taken..., but will take relevant actions to consider.

Question/Concern: The narrative says the City "will" take relevant action. What exactly does that mean in reference to Climate Change? Can we define Climate Change and Environmental Justice? Would the City be required to fund electric vehicle charging stations in the future? Not sure what Attachment D is?

Answer: Environmental Justice consideration is a part of all federally funded projects. Environmental Justice review and documentation is a required part of the NEPA process when developing projects. So all of our sidewalk, greenway, and road widening projects that are federally funded are required to produce a NEPA document. One portion of the NEPA process is Environmental Justice. One example of how to consider climate change and the environment when developing the safety action plan, is to consider alternative modes of transportation when proposing a safety

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6) Page 88-89 Attachment E
Labor and Workforce

*"X" The City has not yet taken..., but will take relevant actions to create good paying jobs and incorporate strong labor standards.

Question/Concern: The narrative says the City "will" take relevant action. What exactly does that mean in reference to Labor and Workforce the City does not already have in place? Could the Federal government push/mandate the right for all government employees in the City to join a union? In reference to underrepresented groups such as childcare/transportation/peer networking, what are the chances the Federal government could push/mandate Affirmative Action in the City?

Answer: The federal government cannot and will not require the City to change their policies with regard to unions and affirmative action. After talking with FHWA, I was able to change my selection on this Attachment E, because we already have a Title VI and Equal Employment Opportunity (EEO) Policy at the City. These policies just say that we don't discriminate in our hiring practices, that we monitor the consultants and contractors that we hire to ensure they don't discriminate, and that we educate our employees non-discriminatory practices. Therefore, I selected a different box on Attachment E and gave the following response at the bottom:

"The City of Mt. Juliet has established a Title VI Compliance Manual, which includes Equal Employment Opportunity (EEO) policies. The Mt. Juliet Title VI compliance manual sets policies to remove barriers to EEO, policies to ensure no one is discriminated against, efforts to ensure contractors comply with Title VI, employee education requirements, and complaint procedures. The City is assessed by the State of Tennessee every 3 years on our Title VI program and the City received a letter of compliance from the State in 2023. Furthermore, the City establishes a Disadvantaged Business Enterprises (DBE) goal for all projects that have Federal Funding."



Matthew White, P.E.

Director | Public Works

e: mwhite@mtjuliet-tn.gov

p: 615.773.7957

a: 115 Clemmons Rd | Mt. Juliet, TN 37122

From: Jennifer Milele <jmilele@mtjuliet-tn.gov>

Sent: Monday, April 15, 2024 1:10 AM

To: Matthew White <mwhite@mtjuliet-tn.gov>

Cc: Kenny Martin <kmartin@mtjuliet-tn.gov>; Sheila Luckett <sluckett@mtjuliet-tn.gov>; Gino Marchetti <gmarchetti@tpmmlaw.com>

Subject: SS4A (Grant)

Matt

Please see below for my questions and concerns regarding the grant. Thanks

Jennifer Milele

MJ City Commissioner

District 4

615-393-4356

jmilele@mtjuliet-tn.gov

JenniferMilele.com

Sent from my iPhone

Begin forwarded message:

From: Jennifer Milele <jlynmilele@comcast.net>

Date: April 15, 2024 at 1:06:04 AM CDT

To: Jennifer Milele <jmilele@mtjuliet-tn.gov>

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