

## **Appendix E Environmental Justice Analysis**

## Appendix E

# Environmental Justice Analysis

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, Section 1-101 Agency Responsibilities, states “...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marianas Islands.”

The President’s Council on Environmental Quality (CEQ) report, *Environmental Justice Guidance Under the National Environmental Policy Act* (1997), provides the following definitions:

**Low-Income Population:** Low-income populations in an affected area should be identified with the annual statistical poverty thresholds from the Bureau of the Census’ Current Population Reports, Series P-60 on Income and Poverty. In identifying low-income populations, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effect.

**Minority:** Individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

**Minority Population:** Minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. In identifying minority communities, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native American), where either type of group experiences common conditions of environmental exposure or effect. The selection of the appropriate unit of geographic analysis may be a governing body’s jurisdiction, a neighborhood, census tract, or other similar unit that is to be chosen so as to not artificially dilute or inflate the affected minority population. A minority population also exists if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds.

**Disproportionately high and adverse human health effects:** When determining whether human health effects are disproportionately high and adverse, agencies are to consider the following three factors to the extent practicable:

Whether the health effects, which may be measured in risks and rates, are significant (as employed by NEPA), or above generally accepted norms. Adverse health effects may include bodily impairment, infirmity, illness, or death; and

Whether the risk or rate of hazard exposure by a minority population, low-income population, or Indian tribe to an environmental hazard is significant (as employed by NEPA) and appreciably

exceeds or is likely to appreciably exceed the risk or rate to the general population or other appropriate comparison group; and

Whether health effects occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

**Disproportionately high and adverse environmental effects:** When determining whether environmental effects are disproportionately high and adverse, agencies are to consider the following three factors to the extent practicable:

Whether there is or will be an impact on the natural or physical environment that significantly (as employed by NEPA) and adversely effects a minority population, low-income population, or Indian tribe. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment; and

Whether environmental effects are significant (as employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those of the general population or other appropriate comparison group; and

Whether the environmental effects occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

**Environmental hazard and substantial environmental hazard:** For purposes of research, data collection, and analysis under Section 3-3 of the Executive Order, the term “environmental hazard” means a chemical, biological, physical or radiological agent, situation or source that has the potential for deleterious effects to the environment and/or human health. Among the factors that may be important in defining a substantial environmental hazard are: the likelihood, seriousness, and magnitude of the impact. The U.S. Department of Transportation (DOT) approved Order 5680.2 in April 1997, establishing policies that promote environmental justice. The order requires DOT and each operating Administration to develop specific procedures and incorporate the goals of environmental justice within the programs, policies, and activities, which they administer or implement. Order 5680.1 specifically addresses environmental justice for minorities (defined as Black, Hispanic, Asian American, American Indian or Alaskan Native) and low-income populations including whites (median household income below Department of Health and Human Services poverty guidelines). Pursuant to NEPA, all federally funded transportation planning and decisions must involve an environmental justice assessment process that explicitly considers adverse effects or the potential of adverse effects on these populations.

In compliance with the Executive Order, the Federal Highway Administration (FHWA) has promulgated its Final Environmental Justice Strategy and Proposed Order, which requires the agency to determine whether a proposed action would have an adverse impact on minority or low-income populations; if so, whether that impact is disproportionate; and, if so, whether measures to avoid, minimize or compensate are practicable. The following discussion evaluates the potential impacts on minority and low-income populations as a result of the proposed improvements to IH 30 and IH 35E.

In order to assess the presence of minority and low-income communities within the project area<sup>3</sup>, population demographics have been examined at the Census Block Group level of detail. **Figure E-1** provides a map of the Census geographies within the project area. **Tables E-1** and **E-2** show the ethnicity and income characteristics of the persons living in Block Groups that are adjacent to IH 30 and IH 35E within the project area. As an overview, numbers in bold indicate Block Groups in which minority populations approached or exceeded 50 percent of the population.

Of the 21 Block Groups located adjacent to IH 30 and IH 35E within the project limits, 15 had minority populations that approached or exceeded 50 percent of the Block Group population in 2000. With respect to income characteristics (**Table E.2**), five Census Block Groups were below the U.S. Department of Health and Human Services 2003 Poverty Guidelines of \$18,400. Census Block Group 1, Census Tract 21 had the lowest value of \$6,250. Therefore, the project area contains minority and low-income communities.

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<sup>3</sup> The project area is defined by the collection of Census Tracts that surround and incorporate the limits of the proposed improvements to IH 30 and IH 35E.

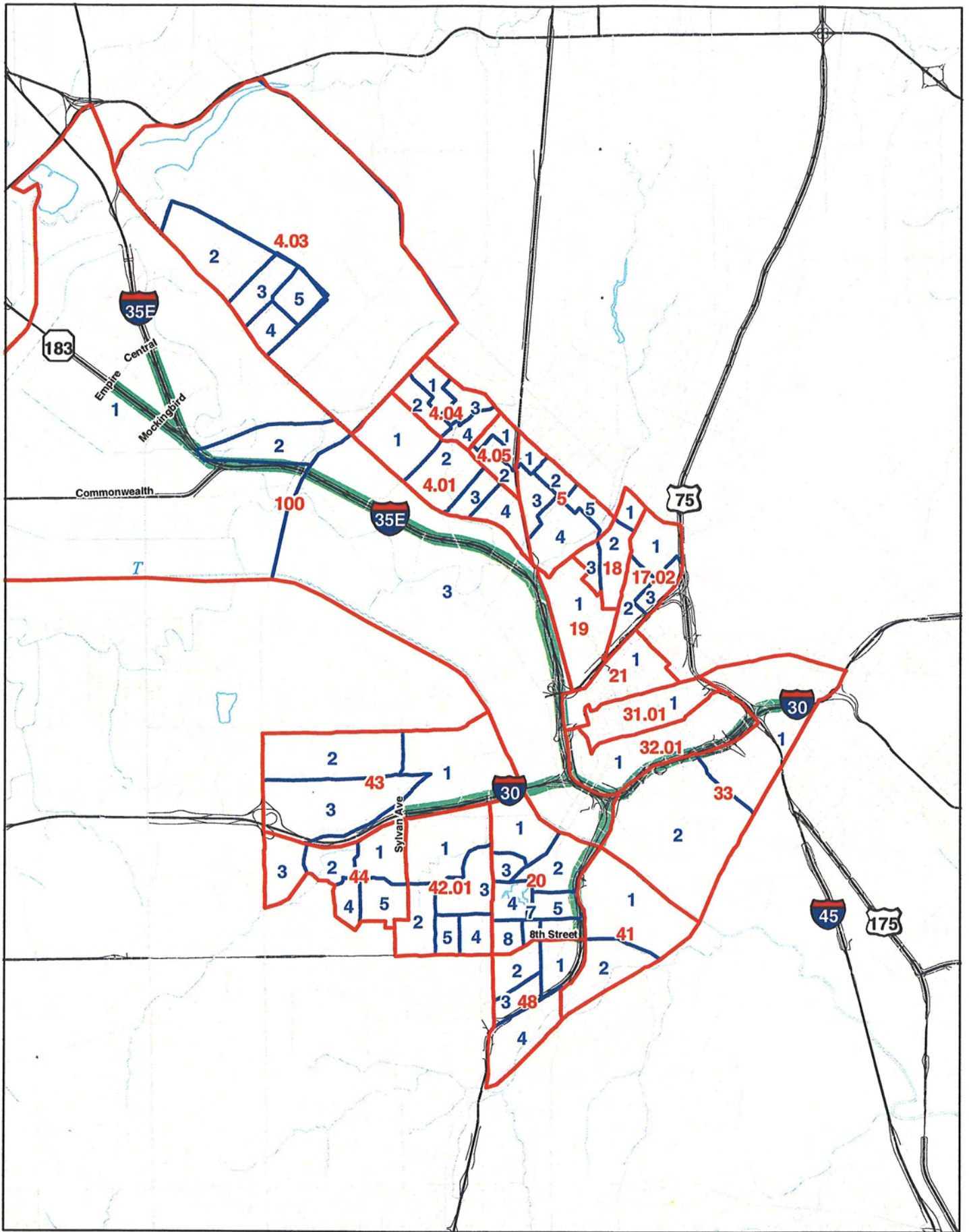



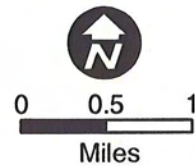


Figure E-1  
 Census Tracts and Block Groups  
 IH 30 and IH 35E Reconstruction  
 CSJ: 0009-11-181, 0196-03-199  
 0196-03-205, 0442-02-132, 1068-04-023

-  Census Tracts
-  Census Block Groups
-  Project Area



**Table E.1 Project Area Race and Ethnicity Characteristics**

Census Block Group	Total	White Alone	% White	Black or African American Alone	% Black or African American	Hispanic or Latino	% Hispanic or Latino	Other	% Other
<b>Block Group 2, Census Tract 4.01</b>	1,908	67	4%	80	4%	1,586	<b>83%</b>	175	9%
<b>Block Group 3, Census Tract 4.01</b>	931	29	3%	22	2%	732	<b>79%</b>	148	16%
<b>Block Group 4, Census Tract 4.01</b>	697	50	7%	16	2%	605	<b>87%</b>	26	4%
Block Group 4, Census Tract 5	852	644	76%	14	2%	173	20%	21	2%
Block Group 1, Census Tract 19	1,860	1,215	65%	340	18%	190	10%	115	6%
<b>Block Group 1, Census Tract 20</b>	305	8	3%	37	12%	256	<b>84%</b>	4	1%
<b>Block Group 2, Census Tract 20</b>	1,659	153	9%	414	25%	1,068	<b>64%</b>	24	1%
<b>Block Group 5, Census Tract 20</b>	2,384	63	3%	172	7%	2,135	<b>90%</b>	14	1%
<b>Block Group 6, Census Tract 20</b>	781	8	1%	46	6%	712	<b>91%</b>	15	2%
Block Group 1, Census Tract 21	9	9	100%	0	0%	0	0%	0	0%
Block Group 1, Census Tract 31.01	1,911	1,230	64%	336	18%	268	14%	77	4%
<b>Block Group 1, Census Tract 32.01</b>	277	94	34%	127	<b>46%</b>	36	13%	20	7%
<b>Block Group 1, Census Tract 33</b>	1,550	416	27%	195	13%	906	<b>58%</b>	33	2%
<b>Block Group 2, Census Tract 33</b>	516	93	18%	82	16%	323	<b>63%</b>	18	3%
<b>Block Group 1, Census Tract 41</b>	396	2	1%	302	<b>76%</b>	83	21%	9	2%
Block Group 1, Census Tract 42.01	765	644	84%	16	2%	86	11%	19	2%
<b>Block Group 1, Census Tract 43</b>	776	106	14%	107	14%	516	<b>66%</b>	47	6%
Block Group 1, Census Tract 44	585	531	91%	4	1%	37	6%	13	2%
<b>Block Group 1, Census Tract 100</b>	338	89	26%	183	<b>54%</b>	53	16%	13	4%
<b>Block Group 2, Census Tract 100</b>	1,021	76	7%	786	<b>77%</b>	142	14%	17	2%
<b>Block Group 3, Census Tract 100</b>	8,255	3,493	42%	3,056	<b>37%</b>	1,502	<b>18%</b>	204	2%

Source: US Census 2000

**Table E.2 Project Area Poverty and Income Characteristics**

<b>Census Block Group</b>	<b>Percent Living Below Poverty</b>	<b>Median Household Income (1999)</b>
Block Group 2, Census Tract 4.01	23%	\$ 30,192
Block Group 3, Census Tract 4.01	20%	\$ 36,583
Block Group 4, Census Tract 4.01	33%	\$ 23,571
Block Group 4, Census Tract 5	16%	\$ 77,230
Block Group 1, Census Tract 19	11%	\$ 58,929
Block Group 1, Census Tract 20	54%	\$ 20,500
Block Group 2, Census Tract 20	40%	\$ 15,877
Block Group 5, Census Tract 20	34%	\$ 24,968
Block Group 6, Census Tract 20	47%	\$ 17,986
Block Group 1, Census Tract 21	100%	\$ 6,250
Block Group 1, Census Tract 31.01	10%	\$ 51,838
Block Group 1, Census Tract 32.01	59%	\$ 200,000+
Block Group 1, Census Tract 33	46%	\$ 36,875
Block Group 2, Census Tract 33	37%	\$ 27,589
Block Group 1, Census Tract 41	31%	\$ 14,205
Block Group 1, Census Tract 42.01	3%	\$ 75,703
Block Group 1, Census Tract 43	35%	\$ 23,950
Block Group 1, Census Tract 44	1%	\$ 79,451
Block Group 1, Census Tract 100	26%	\$ 15,208
Block Group 2, Census Tract 100	19%	\$ 29,132
Block Group 3, Census Tract 100	77%	\$ 48,750

Source: US Census 2000

The Build Alternative would displace 18 commercial structures, one county-owned parking garage, and two residences (see **Appendix D** for a complete list). The two residences that would be displaced are located south of the Trinity River on the east side of IH 35E, north of 8<sup>th</sup> Street in Census Tract 41, Block Group 1. US Census data show that in this area Black or African American persons comprised 76 percent of the population compared to 12.1 percent nationwide and 20.1 percent in Dallas County in 2000. Hispanic persons comprised 21 percent of the population in this Block Group compared to 12.5 percent nationwide and 20.1 percent in Dallas County.

The proposed project would also require the displacement of 18 commercial structures and one parking garage (see **Appendix D**). **Table E.3** includes an estimate of the number of employees at each of these locations. Compared to the IH 30 and IH 35E project corridors as a whole, within which nearly 64,000 employees are located, these establishments represent a relatively small workforce. The establishments along Industrial Boulevard and IH 30 do not exhibit characteristics of a cohesive commercial district and offer only limited opportunities as places for social gathering and interaction.

**Table E.3 Estimated Number of Employees at Potential Commercial Displacements**

Address	Name or Type of Commercial Structure	Estimated Number of Employees
811 Akard Street	Vacant Building	0
1525 N. Stemmons	Service 911 Comm	Less than 100
1330 Hi Line	Vacant Building	0
212 Reunion Blvd.	Lucky Bail Bonds	Less than 50
350 S. Industrial Blvd.	Warehouse	Less than 100
352 S. Industrial Blvd.	SPCA of Texas	Less than 100
370 S. Industrial Blvd.	SPCA	Less than 100
378 S. Industrial Blvd.	Bob's Beverage	Less than 50
424 S. Industrial Blvd.	Midway Drive In	Less than 50
430 S. Industrial Blvd.	Welders Supply	Less than 50
538 S. Industrial Blvd.	Southwest Ind. Gases Inc.	Less than 50
600 S. Industrial Blvd.	Tejano Jam	Less than 50
244 Turnpike Avenue	Manor Industries/Landscape Service	Less than 50
240 Turnpike Avenue	Bob Rice Photo	Less than 50
228 Turnpike Avenue	Drive Shaft King	Less than 50
224 Turnpike Avenue	Drive Shaft King	Less than 50
202 Turnpike Avenue	Drive Shaft King (2 structures)	Less than 50



With regard to Limited English Proficiency (LEP) populations, Census Block Group data for “Ability To Speak English For The Population 5 Years And Over” indicate that only 16 percent of the project area population speaks English “Not Well” or “Not At All.” Most of these persons spoke Spanish. These data, combined with field reconnaissance and discussions with local officials at public meetings, suggest that there is a small “limited English proficiency” (LEP) population within the project area.

Public involvement efforts for this project included the use of Spanish language newspaper notices for the project’s public meetings, at which Spanish interpreters were available. In addition, public information packets (written in English) were distributed to all businesses along the project corridor by project representatives capable of providing Spanish translations for anyone needing assistance. Future public involvement activities would continue to solicit community input by interested persons with limited English proficiency.

Opportunities for active participation from the public are being provided throughout the duration of this project. These include Public Meetings and Hearings, project newsletters, project informational packets, presentations to community organizations upon request, meetings with property owners, mobile project display/kosks, and a project web site.

In conclusion, one of the primary objectives for the reconstruction of IH 30 and IH 35E was to maximize traffic carrying capacity with improvements that minimize the need for additional right-of-way. The design includes the use of retaining walls throughout the project. Another strategy for minimizing the need for right-of-way and displacements is the use of cantilevered structures; however, this strategy could not be used in all cases because of the numerous on- and off-ramps. The accomplishment of this objective resulted in the displacement of 18 commercial structures and one parking garage, and the relocation of two residences. Without a commitment to minimize the need for additional right of way, the number of relocations and displacements could have been much greater given the density of development along the roadways. In addition, while the 2000 Census data reveal the presence of minority and low-income populations within Block Groups that border IH 30 and IH 35E within the project limits, the displacements would not disrupt any existing socially cohesive neighborhoods or business districts. No minority or low-income community institutions would be damaged. Given the high density of development along these urbanized freeway corridors, the total number of displacements does not constitute a disproportionately high and adverse effect on minority and low-income communities. Any household or business that would be relocated or displaced would be eligible for assistance under the requirements of the Federal Uniform Relocation Act.