

4.0 INTRODUCTION

This environmental justice analysis has been prepared in accordance with the Federal Transit Administration's (FTA) Circular FTA C 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, August 15, 2012. Consistent with that guidance, this analysis determines whether minority populations and/or low-income populations will experience potential environmental or health impacts from the Preferred Alternative and whether any such impacts would fall disproportionately on those populations. It also discusses the public outreach efforts undertaken to inform and involve minority and low-income populations who may be affected by the Preferred Alternative.

4.1 METHODOLOGY

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), requires federal agencies to identify and address disproportionately high and adverse effects of their actions on minority and low-income populations. Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. The federal Council on Environmental Quality (CEQ), which has oversight of the federal government's compliance with Executive Order 12898 and the National Environmental Policy Act (NEPA), has developed guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed (*Environmental Justice Guidance under the National Environmental Policy Act* (December 1997)). Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as FTA has done.

USDOT revised its Environmental Justice Strategy on March 2, 2012 and issued a Final Environmental Justice Order 5610.2(a), *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, on May 2, 2012, which updates USDOT's original Environmental Justice Order published on April 15, 1997. These orders and guidance documents establish policies and procedures for the agencies to use in complying with Executive Order 12898 and emphasize the importance of incorporating environmental justice concerns into transportation planning and implementation of Title VI of the Civil Rights Act of 1964 (Title VI) and/or NEPA. In accordance with the updated USDOT Order, FTA issued its 2012 environmental justice guidance document.

To better address concerns related to public transit ridership and Limited English Proficient populations, in April 2007 FTA issued *Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers*.

This environmental justice analysis was prepared to comply with the guidance and methodologies set forth in the USDOT's Final Environmental Justice Order, FTA's environmental justice guidance, and CEQ's environmental justice guidance.

Consistent with those documents, this analysis involved four basic steps:

1. Identify the area where the Preferred Alternative may cause adverse impacts (i.e., the study area);
2. Compile race and ethnicity and income data for the census block groups in the study area and identify minority and low-income populations;
3. Identify the Preferred Alternative's potential adverse impacts on minority and low-income populations; and
4. Evaluate the Preferred Alternative's potential adverse effects on minority and low-income populations relative to its effects on non-minority and non-low-income populations to determine whether the Preferred Alternative would result in any disproportionately high and adverse effects on minority or low-income populations.

4.2 DELINEATION OF THE STUDY AREA

As shown in **Figure 4-1**, the study area for the environmental justice analysis comprises seven 2010 Census block groups. Five of the block groups were chosen because 50 percent or more of their area lies within 1,000 feet of the alignment of the Preferred Alternative. Two other block groups that do not fall 50 percent within that distance were added: block group 48.3 was added because of its proximity to the proposed alignment, and block group 54.1 was added because it encompasses the existing Society Hill development, which is a large residential area near the alignment.

4.3 IDENTIFICATION OF ENVIRONMENTAL JUSTICE POPULATIONS

The CEQ and the USDOT provide guidance to determine the presence or absence of "environmental justice" communities in areas where federal actions are being studied. The guidance defines minority and low-income communities (collectively, environmental justice communities) as follows:

- **Minority communities:** FTA's Environmental Justice Circular 4703.1 defines a minority population as a group of minority residents who live in geographic proximity. Minority includes persons who are American Indians or Alaskan Natives, Asian, African Americans or Black persons, Hispanic or Latino persons, and Native Hawaiians or other Pacific Islanders. This environmental justice analysis also considers minority populations to include persons who identified themselves as being either "some other race" or "two or more races" in Census 2010. The USDOT does not identify a threshold for determining whether an area's population is considered minority. CEQ guidance defines minorities the same way, and indicates that minority populations should be identified where either: the minority population of the affected area exceeds 50 percent; or 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. For this analysis, the CEQ's threshold was used since it is more conservative in identifying EJ communities than the citywide average would be.

- Low-income communities: Low-income is defined by FTA to be people whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. A low-income population is a readily identifiable group of low-income persons who live in geographic proximity. FTA also encourages the use of local poverty threshold or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines. Because individual household incomes are not available to determine how many households in the study area may fall below the HHS poverty guidelines, this analysis uses instead the information on individuals in households below the poverty level as defined by the U.S. Census. The percent of individuals below poverty level in each census block group, available in 2006-2010 ACS data, was used to identify low-income residents. To determine whether a low-income population is present, the analysis considers any block group with 17.5 percent or more of its residents living below poverty level, which is the poverty rate for Jersey City as a whole.

As shown in **Table 4-1**, all block groups within the study area can be considered minority communities since their minority population is greater than 50 percent, however, none of the block groups can be considered low-income communities when compared to the poverty level in Jersey City as a whole.

Table 4-1
Study Area Population and Economic Characteristics

Census Block Groups	2010 Total	Race and Ethnicity*										Total Minority (%)	Individuals Below Poverty Level (%)**
		White		Black		Asian		Other		Hispanic			
		No.	%	No.	%	No.	%	No.	%	No.	%		
CT 48 BG 1	1,068	164	15.4	328	30.7	255	23.9	59	5.5	262	24.5	84.6	0.0%
CT 48 BG 2	1,515	232	15.3	357	23.6	517	34.1	71	4.7	338	22.3	84.7	12.0%
CT 48 BG 3	1,625	299	18.4	334	20.6	597	36.7	87	5.4	308	19.0	81.6	6.2%
CT 49 BG 1	1,092	128	11.7	227	20.8	432	39.6	60	5.5	245	22.4	88.3	11.0%
CT 49 BG 2	979	28	2.9	611	62.4	83	8.5	47	4.8	210	21.5	97.1	5.9%
CT 49 BG 4	753	83	11.0	299	39.7	183	24.3	51	6.8	137	18.2	89.0	2.2%
CT 54 BG 1	3,067	762	24.8	699	22.8	1,125	36.7	93	3.0	388	12.7	75.2	1.2%
Study Area	10,099	1,696	16.8	2,855	28.3	3,192	31.6	468	4.6	1,888	18.7	83.2	4.8%
Jersey City	247,597	53,236	21.5	59,060	23.9	58,106	23.5	8,939	3.6	68,256	27.6	78.5	17.5%
Hudson County	634,266	195,510	30.8	71,315	11.2	83,825	13.2	15,763	2.5	267,853	42.2	69.2	15.1%
Notes:													
* The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).													
** Percent of individuals with incomes below established poverty level. The U.S. Census Bureau's established income threshold for poverty level defines poverty level.													
Sources: U.S. Census Bureau, Census 2010 and 2006-2010 American Community Survey.													

4.4 IDENTIFICATION OF DISPROPORTIONATE ADVERSE EFFECTS

The Preferred Alternative is located in an area that can be considered an environmental justice community, and therefore, any adverse effects from the construction or operation of the Preferred Alternative would occur in an environmental justice community. However, as discussed in Chapter 3 of this EA, the Preferred Alternative would not result in any adverse impacts in the study area. The construction of the Preferred Alternative would create a temporary disruption to Route 440 and other streets along the alignment of the Preferred Alternative; however, these disruptions are not anticipated to be severe and would be mitigated by various measures that maintain traffic and pedestrian flow. In the long-term, the Preferred Alternative would result in a benefit to the study area by providing new public transit access to western Jersey City, particularly points west of Route 440. The extension of HBLR service would be consistent with the study area's public policies on redevelopment which encourage economic revitalization and development of western Jersey City. In addition, the Preferred Alternative would provide access to new parkland proposed as part of the Bayfront plan and would improve access to existing destinations west of Route 440, such as Hudson Mall.

As defined in FTA's guidance, based on the USDOT Order, a disproportionately high and adverse effect on an environmental justice population is an adverse effect that is predominantly borne by a minority and/or low-income population, or will be appreciably greater for the minority and/or low-income population than for the non-minority and/or non-low-income population. Effects that may occur as a result of a proposed action may be considered in the context of associated mitigation measures and offsetting benefits when determining whether disproportionately high and adverse effects would occur.

As the Preferred Alternative would not result in any adverse impacts in the study area, no disproportionately high and adverse effects on environmental justice populations would be created.

4.5 PUBLIC PARTICIPATION

As noted in FTA's environmental justice guidance, a key component of environmental justice is engaging environmental justice populations as part of the transportation planning process. This allows project sponsors to understand the needs and priorities of environmental justice populations and to balance the benefits of a proposed project against its adverse effects.

As outlined in this chapter, the Proposed Project would be located within an area that is an environmental justice community, and therefore public outreach related to the Proposed Project is particularly important. Public participation initiatives have been conducted for this project from its inception during the Alternatives Analysis phase and are continuing through the environmental review phase. These initiatives are described in Chapter 5 of this Environmental Assessment.

To date, comments raised about the Proposed Project have included the following:

- Commenters asked about the visual effect of the project on adjacent residential buildings
- Commenters asked how the area beneath the elevated rail right-of-way would be secured to keep vandals from that area.

HBLR Route 440 Extension Environmental Assessment

- Some Commenters, residents of the area close to the proposed alignment, raised concerns about the noise impact on their residences.
- Commenters asked about green design, and the effects of the electric train on the health of the surrounding community.
- One commenter asked about whether the West Side Avenue Station could have an additional access point from the east, which has now been added to the Preferred Alternative.

These issues have either been addressed in the environmental analysis conducted for the Proposed Project or will be addressed during future design efforts. *