



5.4 Environmental Justice

5.4.1 Introduction

All federal agencies must comply with Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order states that “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.” Pursuant to the Executive Order, FHWA has adopted FHWA Order 6640.23, FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, December 2, 1998.

In terms of transportation policy, environmental justice contains three fundamental principles:

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

Since the publication of the DEIS, the following discussions have been added to this section:

- A more detailed explanation of the methodology to be used in Tier 2; and
- An explanation of the applicability of environmental justice to the Amish and Mennonite communities.

5.4.2 Methodology

Compliance with environmental justice requirements was assessed by identifying and analyzing minority and low-income populations within the 26-county Study Area. Information and statistics were taken from the U.S. Census Bureau’s 2000 Census and the FHWA’s Environmental Justice web page.¹ Based on information from the 2000 Census, minority and low-income populations were mapped using the GIS to identify the specific locations in which these populations existed. For more information on the use of the GIS and on the methodology, see Sections 4.1, *The GIS Approach* and 5.1, *Methodology*, respectively. As noted previously in the DEIS, groups of low-income populations are located throughout the Study Area. Minority populations also exist throughout the Study Area; however, these populations are more concentrated (mainly in the larger cities) than the low-income populations.

In Tier 2, a more detailed analysis of minority and low-income populations will be included to determine specific effects to these populations. This approach would include basic information gathering such as data collection, participation with the public, GIS work, and map analysis. The analysis would include, at a minimum, a thorough assessment of communities (e.g., a Community Impact Assessment). This will come about by having individual, working offices with engineers, planners and environmental staff within the project area for each of the Tier 2 sections.

¹ Source: Federal Highway Administration Environmental Justice web page (www.fhwa.dot.gov/environment/ej2000.htm).



These conveniently located offices will be open to the public. As such, the engineers, planners, and environmental staff will be able to get to know the communities and their members. In conducting these assessments, available data on population demographics, taken from the U.S. Census and other sources, will be utilized. Similarly, public information meetings will be held that provide additional opportunities to learn more about the potentially affected communities and people along the corridor.

After the preliminary data collection, specific effects on minority and low-income populations will be evaluated. This will include field analysis and a more in-depth investigation of these populations and potential impacts to these populations. Because each of the Tier 2 sections are different based on geography (e.g., rural versus urban) and population makeup, it will be necessary to use different methodologies on different sections to determine if there will be any disproportionately high or adverse impacts to the minority or low-income populations in those sections. For example, while the following potential impacts will be investigated and discussed for each section, each section could have more or less information depending on the makeup of that section. For urban sections, the following changes and impacts will be investigated and discussed in the Tier 2 document:²

- **Changes (adverse or beneficial) in neighborhood or community cohesion as a result of the proposed action.** These changes may include, but are not limited to: displacement, splitting neighborhoods, isolating a portion of an ethnic group, new development, changed property values, or separation of residences from community facilities.
- **Changes in travel patterns, parking, and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian).** If any cross streets are eliminated or roads closed, the Tier 2 document will reflect the views of the city or county that is involved in the changes. If parking spaces are eliminated, it is necessary to evaluate the number of spaces that were eliminated, the number remaining and related impacts. On-street parking availability (existing and proposed) will also be discussed in the document.
- **Changes in public and private community services.** Highways have a noticeable impact on public and private community services and strongly affect settlement patterns. Impacts on school districts, recreation areas, religious and education institutions, and police and fire protection will be discussed in full detail.
- **Impacts upon highway and traffic safety and upon overall public safety.** The Tier 2 studies will discuss the safety impacts resulting from a new highway.

For rural sections, the changes and impacts that will be investigated and discussed in the Tier 2 document are approximately the same as those in urban sections; however, parking and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian) issues are limited to urban areas.

In Tier 2, particular effects on minority and low-income groups will be described to the extent these can be reasonably predicted. For example, where minority impacts may be a significant concern, the Tier 2 document will contain, when applicable, the following information: the population in the study area, the number of displaced residents, the type and number of displaced businesses, and the type and number of displaced employees. Changes in minority employment opportunities, other Federal actions that may serve or affect the minority population, and proposed mitigation measures to reduce or avoid impacts upon minority populations will also be discussed. This information will be included for low-income populations as well.

To ensure that programs, policies, and activities are in compliance with Executive Order 12898 requirements, the following principles in planning and project development will be applied:

² Source: Indiana Department of Transportation's "Procedural Manual for Preparing Environmental Studies, July 2003".



- Continue to use a strong public involvement process;
- Continue to use a systematic interdisciplinary approach; and
- Continue to identify, avoid, minimize, and mitigate adverse effects and impacts.

5.4.3 Minority Populations

Under FHWA Order 6640.23, the following minority populations must be addressed in an analysis of environmental justice issues:

Black - a person having origins in any of the black racial groups of Africa.

Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

American Indian and Alaskan Native - a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Native Hawaiian or Other Pacific Islander - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

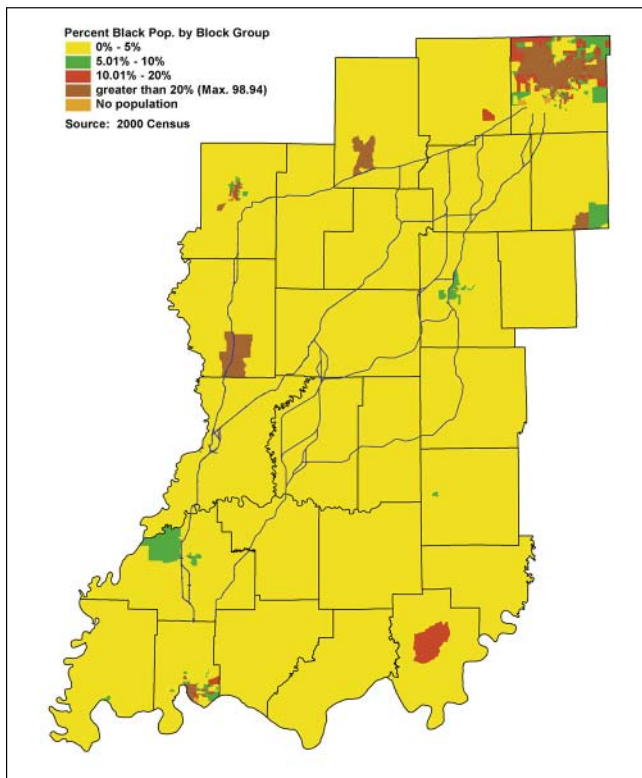


Figure 5.4-1: Percentage of Black Populations by Census Block Group, 2000 Census

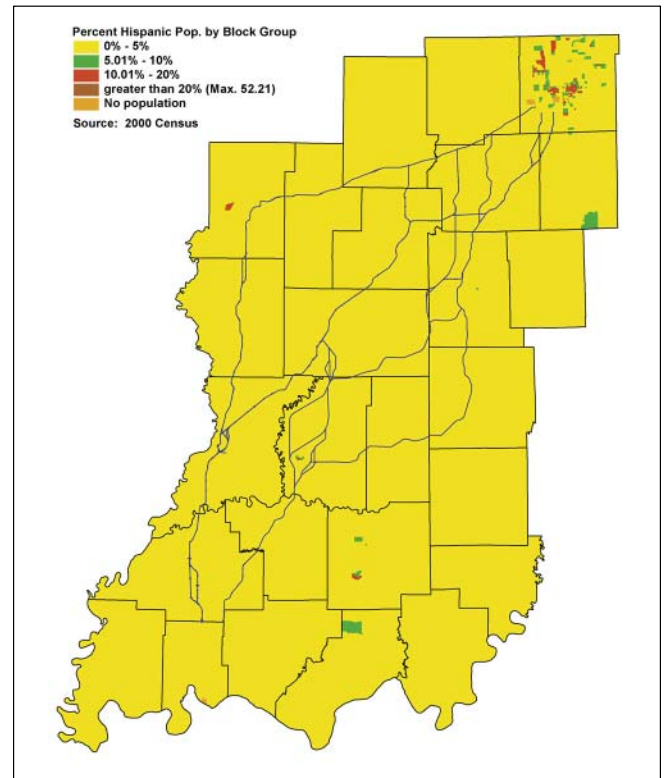


Figure 5.4-2: Percentage of Hispanic Populations by Census Block Group, 2000 Census

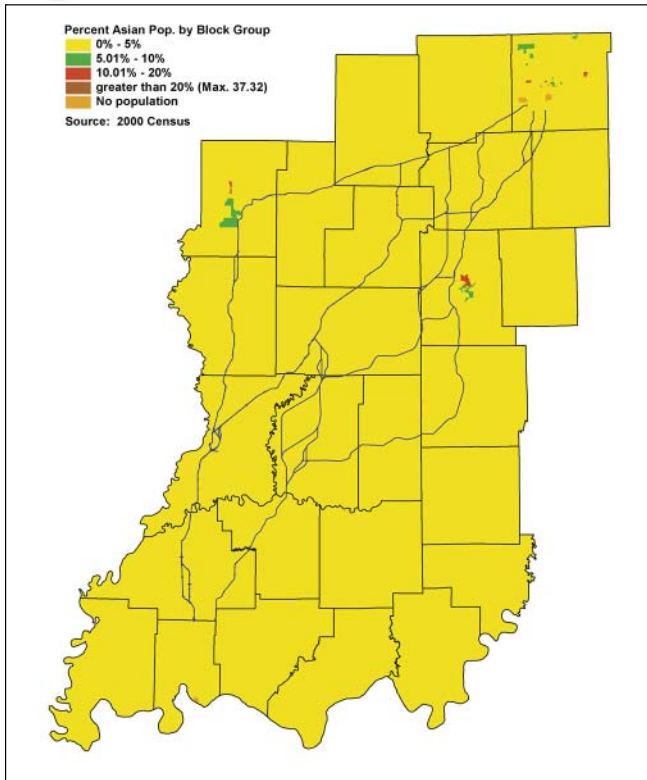


Figure 5.4-3: Percentage of Asian Populations by Census Block Group, 2000 Census

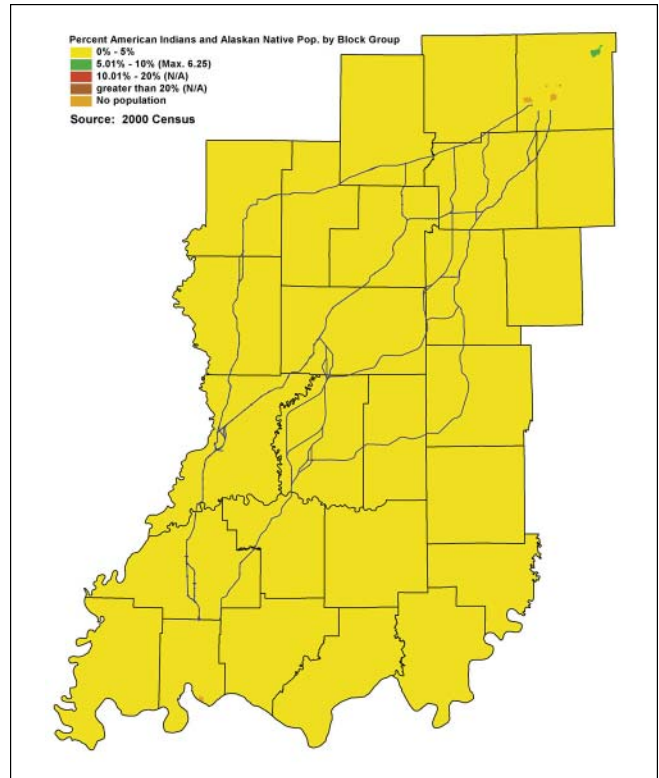


Figure 5.4-4: Percentage of American Indian and Alaskan Native Populations by Census Block Group, 2000 Census

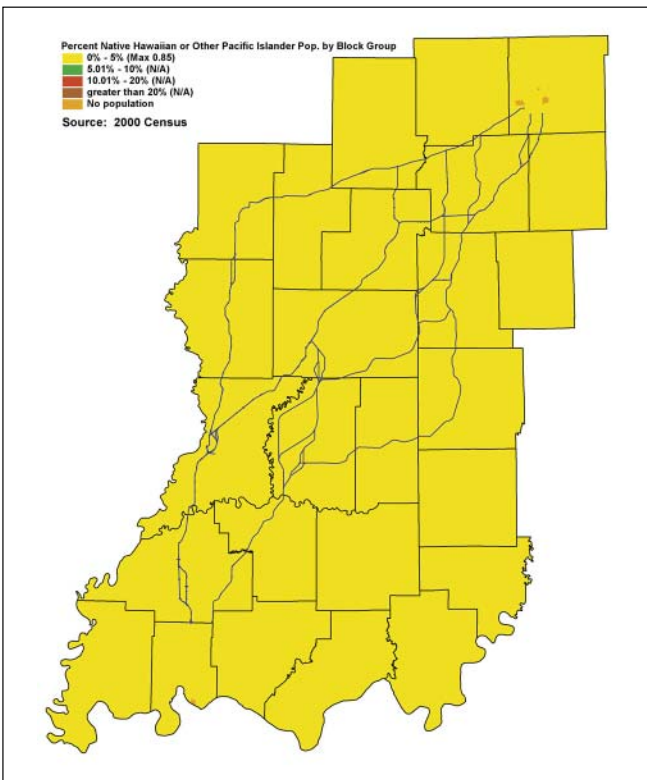


Figure 5.4-5: Percentage of Hawaiian or Pacific Islander Populations by Census Block Group, 2000 Census

The total number of each of the five minority groups in each block group within the Study Area was divided by the total population in that block group and multiplied by 100 to create a percentage. Figures 5.4-1 through 5.4-5 show the Study Area with the proposed alternatives and the percentage of each of the five minority groups by block group. On each figure, the maximum percentage of that minority group is noted in the legend. The maximum percentages of Black, Asian, and Hispanic populations are larger in the Study Area than the American Indian/Alaskan Native and Native Hawaiian/Other Pacific Islander population percentages. The highest concentrations of Black populations can be found in Marion, Putnam, and Sullivan counties. Marion County also houses the highest concentrations of Hispanic, Asian, and American Indian and Alaskan Native populations.

5.4.4 Low-income Populations

Low-income populations consist of those people living below the poverty level, as defined in the U.S. Department



of Health and Human Services Poverty Level Guidelines. Poverty by age data was used to determine overall poverty levels. For each block group, each age group (from 0 to 75+) of those living in poverty was added together, divided by the total block group population, and turned into a percentage. Figure 5.4-6 shows the 26-county Study Area with the proposed alternatives and the percentage of those living in poverty in each block group. The maximum percent of persons living in poverty in the Study Area is noted in the legend. The highest concentrations of poverty are found in Johnson, Knox, Marion, Vanderburgh, and Vigo counties. In addition, concentrations of poverty are found in Daviess County east of Washington; in Crawford County within the Hoosier National Forest; in Monroe County both within Bloomington and north of Bloomington along SR 37; and in Owen and Clay counties. It should be noted that some block groups had no population and are identified on Figure 5.4-6 accordingly. Other block groups had populations in which no person or persons qualified as living in poverty and are shown on Figure 5.4-6 as 0%.

5.4.5 Amish and Mennonite Populations

Comments on the DEIS requested a discussion of the Amish and Mennonite settlements under the relevant Council on Environmental Quality (CEQ) Guidelines, which require the National Environmental Policy Act (NEPA) review process to appropriately “analyze environmental effects on minority populations, low-income populations or Indian tribes, including human health, social, and economic effects.” These guidelines emphasize that the goal of NEPA and environmental justice are complementary, such as preserving “important historic, cultural, and natural aspects of our natural heritage.” CEQ guidance also recognizes that environmental justice concerns “may arise from the impacts on the natural and physical environment.” The environmental justice analysis in this FEIS complies with the FHWA Order 6640.23, FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Effects upon the historical expressions of Amish and Mennonite cultures are being considered in so far as they fall under the heading of Historic Impacts, (See Section 5.13, *Historic and Archaeology Impacts*). More generally, potential impacts to the Amish and Mennonite communities were evaluated in Section 5.3, *Social Impacts*. However, neither of these groups is a minority population for environmental justice consideration under Executive Order 12898. Impacts on low-income populations are considered without regard to religious or cultural affiliation.

5.4.6 Summary

After completing the initial environmental justice review, it was determined that none of the alternatives would have a disproportionately high or adverse effect on minority or low-income populations in the Study Area. In its comment letter on the DEIS, the USEPA concurred that “the initial environmental review shows that none of the alternatives would have a disproportionately high and adverse effect on minority and low-income populations in the Study Area.”

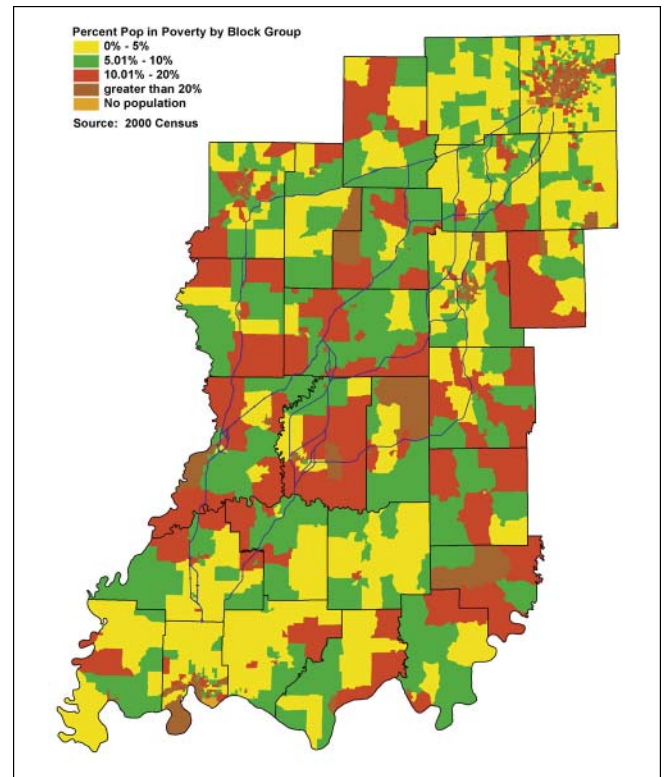


Figure 5.4-6: Percentage of a Population in Poverty by Block Group



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