

Appendix G
Environmental Justice

G.1 INTRODUCTION

In order to satisfy Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), this environmental justice analysis has been prepared to identify and address any disproportionate and adverse impacts on minority or low-income populations that could result from the Proposed Action.

Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. For the Proposed Action, this requirement has been satisfied by the review process for this Environmental Assessment (EA) under the National Environmental Policy Act (NEPA).

This appendix analyzes the Proposed Action's potential impacts in terms of their effects on minority and low-income populations, to determine whether the Proposed Action would result in disproportionately high and adverse impacts on those populations. This environmental justice analysis assesses the potential effects of the Proposed Action over the full range of impacts on minority and low-income populations.

In summary, the principal conclusion of the analysis is that the Proposed Action would not result in any disproportionately high and adverse effects on minority and low-income populations, and no environmental justice concerns are anticipated with the Proposed Action.

G.2 METHODOLOGY

The environmental justice analysis for the Project follows the guidance and methodologies recommended in the federal Council on Environmental Quality's *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997) and the United States Department of Transportation's *Final Order on Environmental Justice* (April 1997). These are summarized below.

G.2.1 CEQ GUIDANCE

The federal Council on Environmental Quality (CEQ), which has oversight of the federal government's compliance with Executive Order 12898 and NEPA, developed its guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as the United States Department of Transportation (USDOT) has done.

The CEQ methodology involves collecting demographic information on the area where the project may cause significant and adverse effects; identifying low-income and minority populations in that area using census data; and identifying whether the project's adverse effects are disproportionately high on the low-income and minority populations, in comparison to those on other populations. Mitigation measures should be developed and implemented for any disproportionately high and adverse effects. Under NEPA, the potential for disproportionately

high and adverse effects on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on a project and issuing a Finding of No Significant Impact (FONSI) or a Record of Decision (ROD).

G.2.2 USDOT'S FINAL ORDER ON ENVIRONMENTAL JUSTICE

USDOT's *Final Order on Environmental Justice* establishes the procedures for USDOT to use in complying with Executive Order 12898. The order applies to all of USDOT's operating administrations, including the Federal Transit Administration (FTA). Following the procedures set forth in the order, the consideration of environmental justice begins with a determination of whether the project would have an adverse impact on minority and low-income populations and whether that adverse impact would be disproportionately high. Disproportionately high and adverse effects on minority and low-income populations are adverse effects that are predominantly borne by a minority population and/or low-income population or that are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority or non-low-income population. In making determinations regarding disproportionately high and adverse effects, mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design, comparative impacts, and relevant number of similar existing system elements in non-minority and non-low-income areas.

Federal agencies must ensure that a project that will have a disproportionately high and adverse effect on minority populations or low-income populations will only be carried out if (1) further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable; and (2) a substantial need for the program, policy, or activity exists, based on the overall public interest, and alternatives that would have fewer adverse effects on protected populations that would still satisfy that need would either have other adverse social, economic, environmental, or human health impacts that would be more severe, or would involve increased costs of extraordinary magnitude.

G.2.3 METHODOLOGY USED FOR THIS ASSESSMENT

The assessment of environmental justice for the Proposed Action was based on CEQ guidance, as described above. It involved four basic steps:

1. Identify the area where the project may cause significant and adverse effects (i.e., the study area);
2. Compile population and economic characteristics for the study area and identify potential environmental justice areas (i.e., minority or low-income communities);
3. Identify the Proposed Action's potential adverse effects on minority and low-income communities; and
4. Evaluate the Proposed Action's potential adverse effects on minority and low-income communities relative to its overall effects to determine whether any potential adverse impacts on those communities would be disproportionate.

G.2.3.1 DELINEATION OF STUDY AREA

The study area for environmental justice encompasses the area most likely to be affected by the Proposed Action and considers the area where potential impacts resulting from construction and operation of the Proposed Action could occur. The study area for environmental justice includes the census block groups that are at least 50 percent within the area of potential effect, which is

generally the area within ½ mile of the project site, based on the other impact analyses included in this EA. As shown in **Figure G-1**, the study area includes 4 census block groups.

G.2.3.1 IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS

Data on race and ethnicity and poverty status were gathered from the U.S. Census Bureau's *Census 2000* for the census block groups within the study area, and then aggregated for the study area as a whole. For comparison purposes, data for the City of White Plains and Towns of Greenburgh and North Castle were also compiled. Based on Census data on racial and ethnic characteristics and poverty status and the guidance documents described above, potential environmental justice areas were identified as follows:

- **Minority communities:** The guidance documents define minorities to include American Indians or Alaskan Natives, Asian and Pacific Islanders, African Americans or Black persons, and Hispanic persons. 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 the Census 2000. Following CEQ guidance, minority populations were identified where either: (1) the minority population of the affected area exceeds 50 percent; or (2) 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 project, the City of White Plains was used as the project's primary statistical reference area. Since the minority population of White Plains is 52.64 percent, the CEQ's 50 percent threshold was used to identify minority communities in the study area.
- **Low-income communities:** The percent of individuals below poverty level in each census block group, also available in Census 2000, was used to identify low-income communities. In this analysis, any census block group having a low-income population greater than the percent of the total population living below poverty level in White Plains is considered a low-income community. Therefore, the threshold for identifying low-income communities is a low-income population of more than 9.85 percent.

G.3 ENVIRONMENTAL JUSTICE POPULATIONS

The environmental justice study area includes 4 census block groups (**see Figure G-1**). **Table G-1** shows population and economic characteristics in terms of race, ethnicity, and poverty status. The study area had a population of 2,325 in 2000. Approximately 18 percent of the study area's population identified themselves as black, making up the largest racial or ethnic group. Overall, approximately 32 percent of the residents of this study area are minority. This is lower than both the City of White Plains (53 percent) and Westchester County as a whole (44 percent). Only one of the individual block groups in the study area has a minority population that exceeds the 50 percent threshold Census Tract 109.02—Block Group 2.

Two of the block groups in the study area (CT 89.01 BG 3 and CT 123.01 BG 2) have low-income population percentages that are greater than the study area as a whole, ranging from 11 to 14 percent. Overall, the study area has a low-income population of approximately 8 percent.

Minority representation of the study area is below the CEQ's 50 percent threshold as well as the total minority population of White Plains. As noted above, the study area also has a lower percentage of low-income residents than the City of White Plains, and one block group has a higher percentage of minority residents than the City of White Plains and two have a higher proportion of low-income residents. Therefore, although individual block groups are considered

environmental justice communities, the study area as a whole is not considered an environmental justice community. The conclusions of the environmental justice analysis are provided below in Section F.5, “Identification of Disproportionate Adverse Impacts.”

Table G-1
Study Area Population and Economic Characteristics

Census Tract and Block Group	Total Population	Percent by Race						Percent Below Poverty Level
		White	Black	Asian	Hispanic or Latino	Other	Total Minority	
CT 89.01 BG 3	860	94.65%	1.51%	1.05%	9.07%	2.79%	14.42%	13.84%
CT 90 BG 1	699	40.49%	4.86%	10.87%	3.72%	0.86%	20.31%	3.58%
CT 109.02 BG 2	438	4.57%	83.79%	2.28%	2.28%	9.36%	97.72%	0.00%
CT 123.01 BG 2	328	90.24%	0.00%	0.00%	6.71%	9.76%	16.46%	11.28%
Study Area	2,325	60.77%	17.81%	4.09%	5.85%	4.43%	32.17%	7.87%
Town of Greenburgh	86,764	72.30%	12.81%	9.01%	8.95%	5.70%	36.47%	3.90%
Town of North Castle	10,849	92.40%	1.80%	4.00%	4.10%	0.60%	10.60%	3.00%
City of White Plains	53,077	65.16%	15.40%	4.14%	23.78%	9.32%	52.64%	9.85%
Westchester County	923,459	71.37%	13.96%	4.52%	15.65%	9.85%	43.98%	8.75%

Notes: Percentages in **bold** indicate minority or low-income communities.
Sources: U.S. Bureau of the Census, *Census 2000* (Accessed in September 2009 and January 2010).

G.4 PUBLIC PARTICIPATION

EO 12898 requires federal agencies to work to ensure greater public participation in the decision-making process. In addition, CEQ guidance suggests that federal agencies should acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation.

Public outreach was initiated in May 2009, when Metro-North sent a status report to community groups and local repositories and posted the status report on the MTA web site. Metro-North and Westchester County offered to meet with all interested parties. In response, the North Broadway Citizen’s Association requested that Metro-North meet with them on regarding the project, which occurred on May 27, 2009. The public will also have the opportunity to comment on this EA during the 30-day public review period. FTA has circulated a notice of the availability of this EA to community groups in the affected area, and will consider any public comments that are received prior to issuing a statement of findings for the project.

G.5 IDENTIFICATION OF DISPROPORTIONATE ADVERSE IMPACTS

As discussed throughout this EA, the Proposed Action would not result in any significant adverse impacts. Therefore, the Proposed Action is not expected to result in any disproportionately high and adverse effects on minority and low-income populations. In addition, the Proposed Action would be in compliance with all applicable NEPA and FTA regulations related to environmental justice protections. Therefore, the Proposed Action would not result in any disproportionately high and adverse effects on environmental justice communities..

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