

4.8 ENVIRONMENTAL JUSTICE

Environmental Justice is a concept intended to avoid the use of federal funds for projects, programs, or other activities that generate disproportionate or discriminatory adverse impacts on minority or low-income populations. Even though the term “environmental justice” is not in federal legislation, the concept and its application have been developed through a succession of court cases, transportation regulations, agency memoranda, and Executive Orders. Under Title VI of the Civil Rights Act of 1964, any agency receiving federal money cannot discriminate on the basis of race, color, or national origin. Title VI was augmented in 1994 by then President Clinton’s Executive Order 12898, which was directed toward preventing disproportionately high and adverse environmental impacts of federal actions on both low-income and minority people. Each federally-funded agency is required to identify any disproportionately high and adverse health or environmental effects of its programs on minority populations and low-income populations. In turn, Metropolitan Planning Organizations (MPOs), as part of the United States Department of Transportation’s certification requirements, are charged with evaluating their plans and programs for environmental justice sensitivity, including expanding their outreach efforts to low-income, minority, and other disadvantaged populations. environmental justice seeks to ensure that the disadvantaged:

1. Have access to the decision-making process;
2. Realize benefits from investments that are commensurate with the population as a whole;
3. Do not shoulder a disproportionate share of the negative effects and burden resulting from the implementation of transportation projects; and,
4. Do not incur a disproportionate share of the financial cost.

ENVIRONMENTAL JUSTICE POPULATIONS

The Office of Management and Budget (OMB) issued Policy Directive 15, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, in 1997, establishing five minimum categories for data on race. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following groups:

- **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.
- **Low-Income** - a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

Note: OMB, in its Bulletin No. 00-02, "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement," issued March 9, 2000, provided guidance on the way Federal agencies collect and use aggregate data on race. Added to the previous standard delineations of race/ethnicity was the category of:

CALCULATING THRESHOLDS FOR MAPPING

Race and ethnicity thresholds are calculated to determine if the population qualifies as a “protected population”. DOT and FHWA do not specify thresholds for determining whether a target population qualifies as “minority” and/or “low income.” In fact, FHWA policy states that even if the minority or low-income population in a project, study, or planning area is very small, that does not eliminate the possibility of a disproportionately high and adverse effect on this population (<http://www.fhwa.dot.gov/environment/ejustice/facts/#QA>). In contrast, the Council on Environmental Quality (CEQ) under NEPA recommends that “minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.” (Environmental Justice: Guidance Under the National Environmental Policy Act, p. 25)

The HPMPO chose to base the threshold for minority populations on the overall minority percentage of general HPMPO population. Demographic data comes from the United States Census bureau and is provided at various geographic levels (from nationwide down to a neighborhood block). The smallest geography (census block) would allow for more precise location of disadvantaged populations in relation to transportation projects. However, not all demographic data is provided at the block level, so the next smallest geographies available are the census block and even larger census tract. Race and ethnicity data are available at the block group level from the 2010 Census, but not from the more current American Community Survey (ACS) Estimates. Therefore, the choice was made to use block groups from the 2010 Census, instead of census tracts from the ACS estimates. However, income data is only available at the tract level from both the 2010 Census and ACS Estimates, so the more current data was preferred in this instance.

Using any data from the U.S. Census Bureau has several unavoidable limitations:

- **Units of geographic analysis driven by census units**— The Census geographic “building blocks” are census blocks, block groups (BG), and tracts. Those boundaries do not coincide with the HPMPO boundaries, so entire census units are included if even a portion of the HPMPO is within them. Based on which building block must be used, population totals and percentages vary.
- **Smallest scale analysis: limited data**— Although census blocks are the smallest building blocks and would seem to be the best solution when trying to match the HPMPO boundary, block boundaries are not permanent between decades so long-term comparison becomes difficult. Therefore, the block group is the preferred census units for analysis if the data is available. Furthermore, low-income (below poverty) data is only available at the tract data level through the American Community Survey (ACS) which estimates data based on small samples of the population.
- **Data “decay”**—The U.S. Census is only conducted every 10 years. In addition, some of the most detailed data files do not become available until several years after the census has been conducted. Although the ACS is conducted annually, it produces estimates based on data from a population sample.

To make matter more complicated, census data for ethnicity and race are in separate tables, so percentages were calculated based on the group’s corresponding total population estimate. However, to calculate the total minority threshold percentage, the total population estimates for all groups were averaged.

If the population of interest comprised more than the overall percentage for the HPMPO area, those particular block groups or census tracts were mapped to show the percentages of population above the established thresholds, broken down into 4 classes based on equal interval breaks. For example, 17.5% of the HPMPO’s total population is African American. Therefore, any block group having more than 17.5% African Americans in its population was mapped. The other thresholds set were 6.8% for Hispanic/Latino, 3.5% for Asian American, 1% for American Indian/Alaska Native, 0% for Native Hawaiian/Pacific Islander, and 15.8% for low-income/below-poverty.

| DATA SOURCE | CENSUS/ACS GEOGRAPHY | TOTAL MPO POPULATION | HISPANIC/ LATINO | BLACK | ASIAN | AMERICAN INDIAN / ALASKA NATIVE | NATIVE HAWAIIAN/ PACIFIC ISLANDER | TOTAL MINORITY | LOW-INCOME / BELOW POVERTY |
|--------------------------|----------------------|----------------------|------------------|----------------|---------------|---------------------------------|-----------------------------------|----------------|----------------------------|
| 2010 CENSUS | BLOCK GROUPS | 302,047 | 20,611 (6.8%) | | | | | 88,477 (29%) | |
| 2010 CENSUS | BLOCK GROUPS | 307,795 | | 53,747 (17.5%) | 10,667 (3.5%) | 3,211 (1%) | 241 (0%) | | |
| 2018 ACS 5-YEAR ESTIMATE | TRACTS | 303,529 | | | | | | | 49,720 (16.4%) |

It must be stressed that Environmental Justice screening is intended to identify projects in the MTP that have the potential to affect communities of special interest, not to quantify specific impacts. When individual studies begin as part of project implementation a more detailed analysis, including field surveys, will be needed to identify and minimize specific community impacts.

ENVIRONMENTAL JUSTICE MAPS

The following Environmental Justice maps show the High Point MPO transportation projects by horizon year in relation to the minority or low-income population.













