

APPENDIX N: Environmental Justice Technical Report

Introduction

On February 11, 1994, President Bill Clinton signed Executive Order 12898: “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. The Executive Order requires that each Federal agency, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations.

In order to clarify and expand upon Executive Order 12898 for purposes of federally funded transportation activities, in April 1997 the U.S. Department of Transportation issued an *Order to Address Environmental Justice in Minority Populations and Low-Income Populations*. The U.S. Department of Transportation Order offers guidance to best administer Executive Order 12898 under USDOT authority and procedures based on existing law, including Title VI of the Civil Rights Act of 1964 and the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and its successor laws. The USDOT order addresses persons belonging to five minority classifications: Black; Hispanic; Asian; American Indian and Alaskan native; and native Hawaiian or other Pacific islander. This guidance was further clarified in the U.S. Department of Transportation 2000 circular, *Overview of Environmental Justice*.

This chapter analyzes the proposed Lackawanna Cut-Off Rail project’s potential impacts in terms of their effects on minority and low-income populations to identify any disproportionately high and adverse impacts on those populations. This chapter follows the guidance of the U.S. Department of Transportation 1997 Final Order and 2000 clarifications, as well as the U.S. Environmental Protection Agency’s 1998 *Guidance for Incorporating Environmental Justice in EPA’s NEPA Compliance Analyses*.

The U.S. Department of Transportation Final Order specifies that, “In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, 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.” This chapter therefore focuses on identifying any significant adverse impacts, which cannot be mitigated.

N.1 Impact Assessment Methodology

Executive Order 12898 informs analysts that relevancy lies in the identification of disproportionate impacts to minority and low-income populations, not in the size of these target populations. The U.S. Department of Transportation’s clarifications in 2000 specifically caution that the size of minority and low-income populations not be used as a governing factor in environmental justice analyses. Instead, impacts accruing to low-income and minority populations must be compared with impacts accruing to non-target populations to determine whether a disproportionate impact exists. However, it is permissible for target-population size to be identified and used as one factor of a larger analysis.

In order to identify relative concentrations of minority and low-income individuals, data on race/ethnicity, median household income, and poverty were examined for census block groups within an approximately 1,000-foot radius of sites proposed for stations areas and the yard facility. These data were compared with data on race/ethnicity, median household income, and poverty for the entire project corridor, for each of the seven municipalities in the project area, and for Lackawanna, Monroe, Warren and Sussex Counties. For purposes of the environmental justice impact analysis, the project corridor was defined as the aggregate of the census block groups identified within approximately 1,320 feet (1/4 mi) of proposed

sites for stations and the yard facility. Based on the total length of the project corridor and the representative location of proposed station and yard facility locations along the alignment, it was determined that analyzing populations proximate the proposed stations and yard facility would provide a definitive indication of whether a disproportionate share of impacts would affect environmental justice target populations with the reactivation of rail service. If it were determined that any environmental justice target population was disproportionately impacted in relation to all other populations along the rail corridor, further analysis would be conducted. Bureau of the Census 2000 data were used in all cases (see Table N.1).

Because minority and low-income populations were found to be widely present in the project area, for purposes of comparison target-population concentrations were taken to be cases in which 50 percent or more of residents were reported to belong to a minority or low-income category. This is based on guidance provided by the Council on Environmental Quality in the document titled *Environmental Justice, Guidance Under the National Environmental Policy Act*.

In order to probe for the presence of disproportionate impacts, interrelationships between the identified concentrations of minority and low-income individuals and the proposed project's significant environmental effects, as identified in Section 3.0 of this document, were then qualitatively assessed. As recommended in the U.S. Department of Transportation 2000 clarifications, this assessment dealt with minority and low-income populations separately.

N.2 Existing Conditions

Minority Populations

Population characteristics of the study area are summarized in Table N.1. As shown in the table, white residents comprise the largest racial group across the entire project area, both at proposed station and yard facility sites, as well as at the town level. The percentage of white residents within the block groups proximate to the eight proposed station areas and one yard facility range from a high of 96.6 percent near the proposed Blairstown Station to a low of 68.9 percent near the proposed Tobyhanna Station. When aggregated, the racial composition at the station area level is similar with total combined figures at the town level. However, the racial composition of block groups located within 1,000 feet of the proposed Tobyhanna, Analomink, East Stroudsburg and Blairstown Station areas are slightly higher than the figures reported at the aggregate town level.

Black residents are generally the largest component of the minority populations living within close proximity to proposed station areas. Proximate to the proposed Tobyhanna and Analomink Station areas, black residents represent 16.0 percent and 11.5 percent of the block groups' populations respectively. The largest number of Hispanics reside near the proposed Tobyhanna and Analomink Station areas. They comprise 17.9 percent and 12.1 percent of the block groups in close proximity of these respective proposed station sites. As seen in Table N.1, Asians represent a small percent of the proposed station area and town populations.

Table N.1 Project Area 2000 Population Characteristics

Area	Population	Race and Ethnicity (Percent)					Economic Profile	
		White	Black	Asian	Other ¹	Hispanic or Latino Origin (of any race ²)	Median Household Income	Individuals Below Poverty Level (Percent)
Scranton Yard Facility	3,062	96.2	1.4	0.8	1.6	1.5	\$ 18,470	23.4
Scranton Station Area	3,001	95.2	1.4	2.4	0.9	1.8	\$ 20,750	23.5
Total City of Scranton	76,415	93.7	2.7	1.0	2.5	2.5	\$ 28,805	14.2
Pocono Mountain Station Area	1,735	85.4	4.8	3.9	5.9	6.6	\$ 46,625	8.4
Tobyhanna Station Area	7,603	68.9	16.0	1.3	13.9	17.9	\$ 46,359	12.6
Total Coolbaugh Township	15,205	72.1	14.5	1.2	12.1	15.4	\$ 46,684	11.7
Analomink Station Area	5,242	78.1	11.5	1.6	8.9	12.1	\$ 63,699	5.6
Total Stroud Township	13,977	87.0	7.4	1.3	4.3	7.4	\$ 53,428	7.1
East Stroudsburg Station Area	3,573	82.9	9.8	1.4	5.9	6.3	\$ 30,931	20.8
Total Borough of East Stroudsburg	9,888	86.9	6.1	2.0	5.0	5.4	\$ 36,601	11.8
Delaware Water Gap Station Area	2,672	89.0	6.0	2.2	1.9	4.6	\$ 43,314	8.9
Total Smithfield Township	5,672	87.6	5.5	1.0	6.0	7.2	\$ 51,607	8.9
Blairstown Station Area	1,442	96.6	0.6	1.4	1.4	4.1	\$ 65,000	6.0
Total Blairstown Township	5,748	98.0	0.2	1.0	0.8	1.7	\$ 64,809	4.5
Andover Station Area	3,297	95.7	1.4	1.0	2.0	2.2	\$ 83,583	2.5
Total Andover Township	6,033	94.6	0.8	3.3	1.4	2.4	\$ 75,748	3.1
Total Station Areas	31,627	83.8	8.2	1.6	6.5	8.5	\$ 46,359	12.5
Total Towns in Project Corridor	135,680	89.8	4.9	1.2	4.1	5.0	\$ 49,146	11.8

1. Other includes American Indian and Alaska Native alone; Native Hawaiian and Other Pacific Islander alone; Some other race alone; Two or more races

2. Caucasian, African American, Asian and Other may also be Hispanic

Low-Income Populations

As with minority populations, low-income populations do not appear to be concentrated in block groups adjacent to the proposed station areas. As seen in Table N.1, median household income figures at the proposed Analomink, Blairstown and Andover Station areas exceed their respective town levels, ranging from \$63,699 at the proposed Analomink Station area to \$83,583 near the proposed Andover Station area. The proposed Scranton, Pocono Mountain, Tobyhanna, East Stroudsburg and Delaware Water Gap Station areas and Scranton Yard Facility have populations with lower median household incomes than their municipalities as the population proximate to the proposed Scranton Station area and Yard Facility have median household incomes of \$20,750 and \$18,470 respectively, compared to \$28,805 for the City of Scranton. The Delaware Water Gap Station site has a median household income of \$43,314 compared to \$51,607 for Smithfield Township. Similarly, the median household income of \$30,931 near the East Stroudsburg Station area is \$5,670 less than the municipality's overall median household income of \$36,601. While the median household income levels within close proximity to the two proposed Coolbaugh Township station areas are below those reported for the entire municipality, the difference is minimal as seen in Table N.1.

Similar to conditions experienced for low-income population distribution in the project corridor, poverty figures are greatest near the proposed Scranton and East Stroudsburg Station areas, as well as the proposed Scranton Yard Facility. Only the proposed Scranton, Tobyhanna, East Stroudsburg and Blairstown Stations and the Scranton Yard Facility show poverty figures greater at station and yard areas than at the respective town level. However, poverty figures are significantly pronounced at the proposed Scranton (23.5 percent) and East Stroudsburg (20.8 percent) Station areas, compared to their town poverty levels of 14.2 percent and 11.8 percent respectively. Similar to the station area, 23.4 percent of the population proximate the proposed Scranton Yard Facility is below the poverty level. As seen in Table N.1, the poverty rate of the remaining four stations is equal to or less than the same rate for the municipality as a whole.

N.3 Environmental Effects

The potential effects of the proposed project, including those that can and cannot be mitigated, are described and summarized in Section 3.0 of the Environmental Assessment. While the minority and low-income population levels near proposed station areas and the yard facility reach 16 percent and 23.5 percent respectively, populations do not reach the *Environmental Justice, Guidance Under the National Environmental Policy Act* threshold of 50 percent utilized for identifying target populations. Therefore no target populations are present within the delineated study areas.

The proposed project would generate benefits for the project area in general by enhancing regional accessibility, improving access to employment, improving bus connections, reducing traffic congestion, and supporting local economic development plans. It would generate short-term impacts such as noise, vibration, dust, and temporary street restrictions and closures during construction for which mitigation measures have been identified (see Section 3.19). Permanent impacts include increased traffic at proposed station sites, increased noise and vibration from the operation of passenger trains, and increased noise and overnight illumination at proposed station and yard sites.

Specific impacts to minority and low-income populations from the proposed project are discussed below.

N.3.1 Adverse Impacts on Minority Populations

Varying concentrations of minority populations are resident in block groups adjacent to all proposed station sites. These populations will experience increased local traffic and those residents closest to the right-of-way will receive operational noise, vibration, and illumination impacts. However, minority populations do not reach target population levels and these impacts will be no greater than those experienced by non-minority members of the general population who also reside in significant numbers in close proximity to proposed station sites. In addition, all project generated benefits would be shared equally by all members of the general population.

N.3.2 Adverse Impacts on Low-Income Populations

Low-income populations are heavily concentrated in block groups adjacent to two proposed station sites and the proposed yard facility. While the low-income populations proximate the proposed Scranton and East Stroudsburg Station areas are 23.5 percent and 20.8 percent respectively and reach 23.4 percent near the proposed Scranton Yard, these levels do not reach the 50 percent target population threshold. However, as with minority populations resident in the same areas, these populations will experience increased local traffic and those residents closest to the right-of-way will receive operational noise, vibration, and illumination impacts. However, these impacts will be no greater than those experienced by non-low-income members of the general population who also reside in significant numbers in close proximity to proposed station sites. Given the downtown nature of these areas, as well as the past utilization of these sites for rail services, implementation of the proposed project would not represent a significant change in area character.