

20. Environmental Justice

This chapter evaluates whether minority and/or low-income populations would experience potential environmental or health impacts from the Proposed Project and whether any such impacts would disproportionately affect those populations. This chapter includes an assessment of existing conditions, the No Action Alternative, and potential consequences of the Proposed Project.

20.1 KEY CONCLUSIONS

Based on both minority and low-income thresholds, environmental justice communities are located along the HGL Corridor and within the station areas. Key conclusions from the analysis of the Proposed Project include the following:

- The Proposed Project would benefit residents in the study area, including the surrounding minority and low-income populations, by providing new passenger rail service and increasing regional accessibility to the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North's NHL.
- The Proposed Project would increase ambient noise levels by 1 to 3 decibels over existing levels and create severe (or significant) noise impacts at 17 buildings (34 dwelling units) and moderate impacts at 270 buildings (765 dwelling units) along the existing HGL Corridor. Severe noise impacts would be abated by constructing noise barriers (noise walls), assuming space is available for installation, and improved windows at the impacted receptors. The Proposed Project would result in vibration impacts at 40 buildings (84 dwelling units) along the HGL Corridor. Vibration impacts would be abated by using under-rail pads and resilient fasteners in track construction. Therefore, since the severe noise impacts and vibration impacts would be abated, the Proposed Project would not result in a disproportionately high and adverse impact on environmental justice populations.
- While construction of the Proposed Project would result in some short-term adverse environmental effects, these would be minimized by an environmental compliance plan to be employed during construction. Considering the short duration of construction activities and measures to reduce the effects of construction, the Proposed Project would not result in a disproportionately high and adverse impact on environmental justice populations.
- While the Proposed Project would require property taking for station access and infrastructure construction, no business relocations or residential acquisitions would be required. Therefore, the Proposed Project would not result in a disproportionately high and adverse impact on environmental justice populations.



20.2 METHODOLOGY

Pursuant to Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 11, 1994), federal agencies are required to identify and address disproportionately high and adverse effects of their actions on minority or low-income populations that lie within the study area for the Proposed Project. In addition, Executive Order 12898 requires federal agencies to provide minority and low-income communities access to public information and public participation.

This environmental justice analysis was prepared to comply with the following guidance and methodologies:

- FTA Circular 4703.1 Environmental Justice Policy Guidance for Federal Transit Administration Recipients, August 2012
- USDOT Final Environmental Justice Order 5610.2(a), May 2012
- CEQ Environmental Justice Guidance Under National Environmental Policy Act, December 1997

The study area for the environmental justice analysis encompasses the populations that would be directly affected by the construction of the Proposed Project. Consistent with the study area used in Chapter 4, “Socioeconomic Conditions,” MTA defined the study areas as the census tracts that intersect the ½-mile radii for the four proposed station areas and the 500-foot radii for the HGL Corridor. MTA compiled race, ethnicity, and income data for the census tracts that fall within the study areas using the 2013–2017 American Community Survey 5-Year Estimates. Data compiled for the study areas were compared with pertinent county data to provide a broader demographic context for the study areas.

Based on FTA’s Environmental Justice Circular 4703.1, minority populations include persons who identify as American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and Other Pacific Islander. This environmental justice analysis also considers minority populations to include persons who identified themselves as “some other race” or “two or more races.”

CEQ guidance defines minorities the same way and indicates 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 of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. For conservative purposes, this analysis uses a threshold of 50 percent to define an environmental justice community based on minority population. Data for Queens County, New York County, Bronx County, and Westchester County were used as a proxy to provide a broader demographic context for the study areas.

Low-income populations are defined by FTA to be people whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines. FTA also encourages the use of a locally developed 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. The 2018 HHS poverty threshold is \$25,100 for a family of four in the 48 contiguous states and the District of Columbia. Since HHS poverty guidelines are not available for geographies below the state level, this analysis instead used the 2013–2017 American Community Survey 5-Year Estimates for individuals below the poverty level to identify low-income populations at the census tract level. Census tracts with a poverty rate greater than in their respective counties were considered low-income

communities. The percentage of individuals below the poverty level in Queens, New York, Bronx, and Westchester Counties are approximately 14 percent, 17 percent, 30 percent, and 9 percent, respectively.

Consistent with the aforementioned guidance documents, this environmental justice analysis identified the potential of the Proposed Project to affect minority and low-income populations and evaluated whether any such impacts would disproportionately affect those populations as compared to non-minority and non-low-income populations. Pursuant to the USDOT Order, for any actions that are found to have a disproportionately high and adverse effect on minority or low-income populations, these actions will be carried out only for the following:

- Further measures to minimize impacts or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a measure or alternative is practicable, the social, economic (including cost), and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
- A substantial need for the action exists, based on overall public interest, and alternatives that would have less adverse effects on protected populations (and that still satisfy the need for the project) would have other adverse social, economic, environmental, or human health impacts that are severe; or would involve increased costs of extraordinary magnitude.

20.3 EXISTING CONDITIONS

As described in Chapter 2, “Project Alternatives,” for the purposes of this analysis, the HGL is divided into four corridor segments. Race, ethnicity, and poverty-level data for the census tracts are included in Appendix L, “Environmental Justice.”

20.3.1 Minority and Low-Income Characteristics

20.3.1.1 Segment 1 (Corridor)

The population associated with the Queens portion of Segment 1 is approximately 48 percent minority, which is one of the lowest percentages of minorities along the entire study area. Individuals in this portion of the segment have a poverty level of approximately 12 percent, which is below that of Queens County (approximately 14 percent). As shown in Figure 20-1, based on the minority and low-income thresholds described above, nine census tracts in Queens are considered to be potential environmental justice communities, of which seven are considered to be minority populations and five are considered to be low-income populations; these census tracts are located in the Woodside and Astoria neighborhoods.

The population associated with the portion of Segment 1 in New York County is approximately 80 percent minority. Individuals in this portion of the segment have a poverty rate of approximately 88 percent—the highest along the entire study area—while New York County has a poverty level of approximately 17 percent. This census tract, which is made up of Randall’s and Wards Islands and includes several public facilities, such as homeless shelters, exceeds both the minority and low-income thresholds; therefore, it is considered to be a potential environmental justice community.

Nearly all (approximately 97 percent) of the population in the Bronx County portion of Segment 1, which is located in the Port Morris neighborhood, identifies as a minority population. Individuals in this portion of the



segment have a poverty rate of approximately 43 percent, which is higher than that of Bronx County (approximately 30 percent). This portion of the study area has one of the highest percentages of minorities as well as individuals below the poverty level compared to the study area. All four census tracts in this portion of Segment 1 exceed the minority threshold and three also exceed the low-income threshold. Therefore, all four census tracts are considered potential environmental justice communities.

20.3.1.2 Segment 2 (Corridor and Hunts Point Station Area)

This portion of the study area has one of the highest percentages of minorities as well as individuals below the poverty level compared to the entire study area. Individuals in Segment 2 have a poverty level of approximately 35 percent, which is higher than that of Bronx County. All census tracts in this segment, located in portions of the Port Morris, Woodstock, Foxhurst, and Hunts Point neighborhoods of the Bronx, have minority populations that exceed the threshold. In addition, except for three census tracts, all census tracts have a poverty rate that exceeds the poverty level for Bronx County. Therefore, as shown in Figure 20-2, all 20 census tracts in Segment 2 are considered to be potential environmental justice communities.

20.3.1.3 Segment 3 (Corridor and Parkchester-Van Nest, Morris Park, and Co-op City Station Areas)

In the portion of Segment 3 that includes the corridor and Parkchester-Van Nest Station area, approximately 92 percent of the population identifies as minority. Individuals in this portion of Segment 3 have a poverty level of approximately 24 percent, which is below that of Bronx County. As indicated in Figure 20-3, all census tracts in this portion of the segment have minority populations that exceed the threshold. In addition, six census tracts have a poverty rate that exceeds the low-income threshold. Therefore, all census tracts in the Parkchester-Van Nest Station area, which includes portions of the West Farms, Van Nest, Parkchester, and East Bronx neighborhoods, are considered potential environmental justice communities.

The Morris Park Station area has a lower minority population compared to the rest of the study area (approximately 64 percent). Individuals in this portion of Segment 3 have a poverty level of approximately 15 percent, which is below that of Bronx County. As indicated in Figure 20-3, six of the 10 census tracts in this segment have minority populations that exceed the threshold, but one also exceeds the low-income threshold. Therefore, six census tracts in the Morris Park Station area, which includes portions of Morris Park, Middletown, and Pelham Bay neighborhoods, are considered potential environmental justice communities.

In the Co-op City Station area, approximately 91 percent of the population identifies as minority. The Co-op City Station area has a poverty level of approximately 8 percent, which is below that of Bronx County and is one of the lowest percentages of individuals below the poverty level along the entire study area. As indicated in Figure 20-3, although none of the census tracts exceed the poverty level in Bronx County, all but one census tracts in this segment have minority populations that exceed the threshold. Therefore, four census tracts in the Co-op City Station area, including portions of Baychester, Co-op City, and Pelham Bay, are considered potential environmental justice communities.

20.3.1.4 Segment 4 (Corridor)

In the Bronx portion of Segment 4, approximately 82 percent of the population identifies as minority. This portion of the study area has a poverty level of approximately 6 percent, which is below that of Bronx County and is the lowest along the entire study area. Both census tracts in this portion of Segment 4 have minority populations that exceed the 50 percent threshold, and one census tract exceeds the low-income threshold. Therefore, both census tracts in the Bronx portion of Segment 4, including portions of Pelham Bay and Eastchester, are considered potential environmental justice communities.

In the Westchester portion of Segment 4, approximately 64 percent of the population identify as minority, which is one of the lowest percentages of minorities along the entire study area. This portion of Segment 4 has a poverty level of approximately 14 percent, which is higher than that of Westchester County (approximately 9 percent). As shown in Figure 20-4, seven of the eight census tracts in this portion of Segment 4 exceed the minority and low-income thresholds, and are considered potential environmental justice communities.

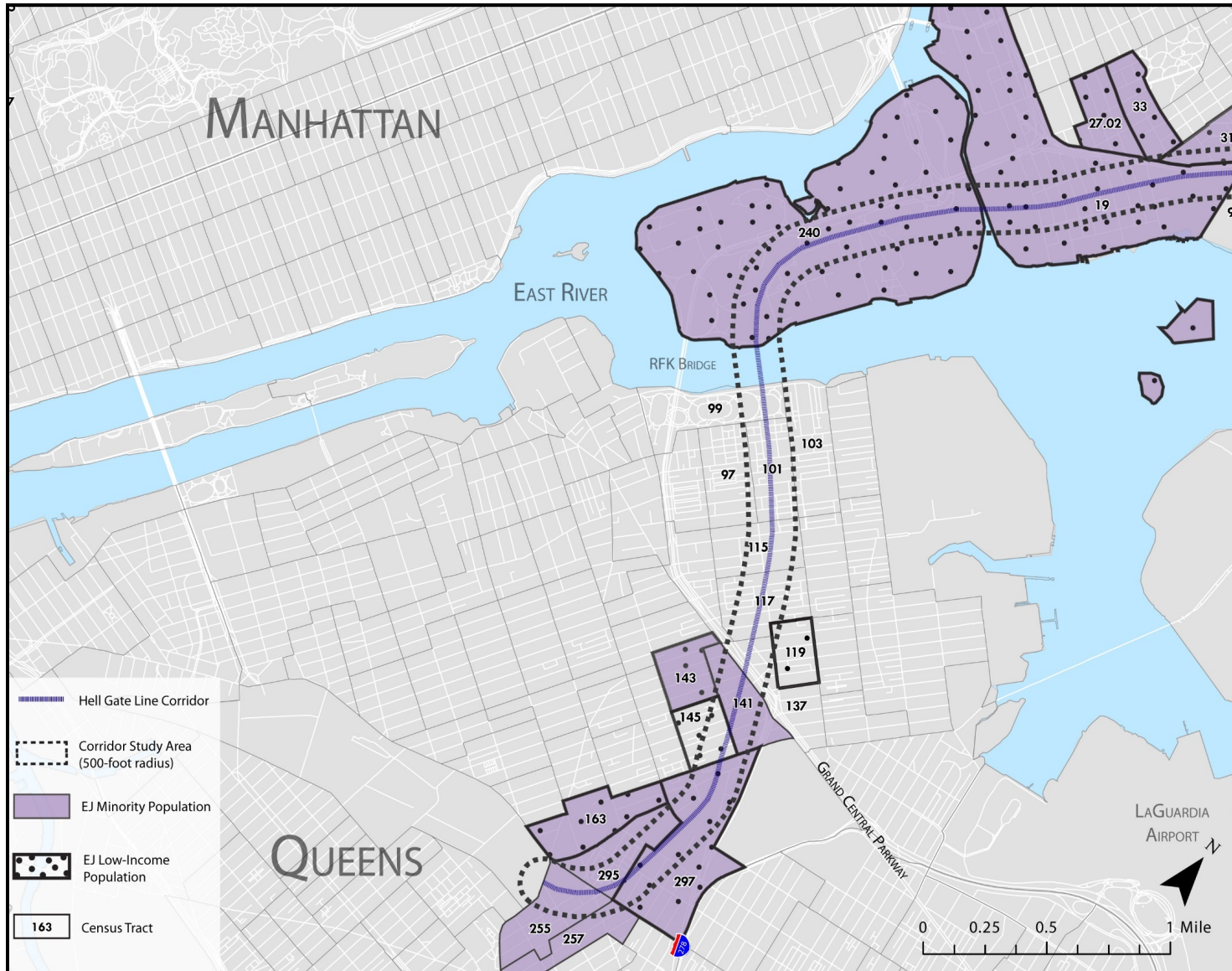
20.4 NO ACTION ALTERNATIVE

Under the No Action Alternative, the HGL will continue to operate as it does today. The No Action Alternative will not provide new passenger rail service, enhance network resiliency, or support faster recovery from rail service disruptions. The No Action Alternative will not bring increased regional accessibility to the existing environmental justice communities in the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North's NHL.

As described in Chapter 3, "Land Use, Zoning, and Public Policy," by 2025, some future programmed or committed development projects are anticipated the study area. However, none of these projects are anticipated to change racial and ethnic characteristics or income characteristics of the surrounding area.

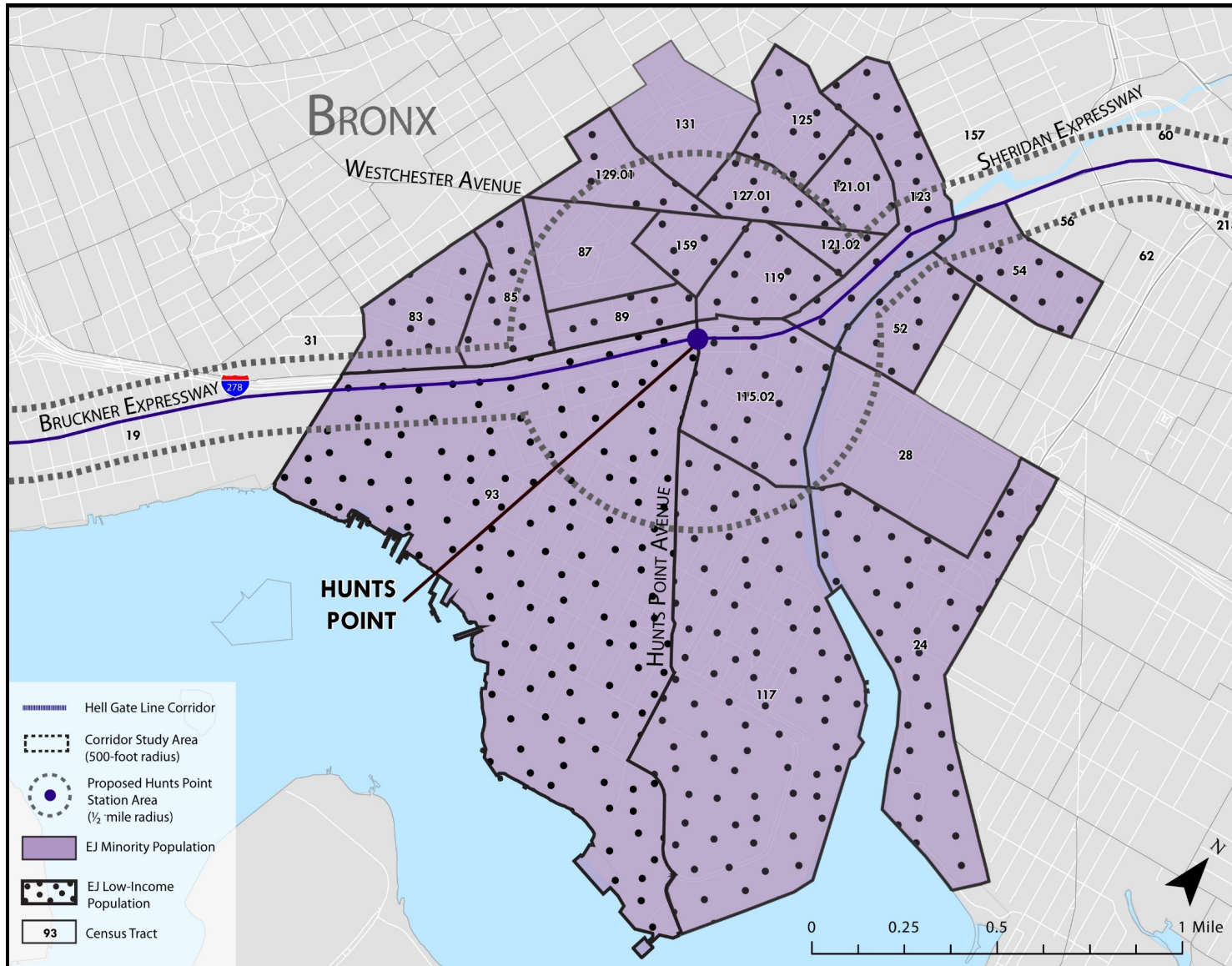


Figure 20-1. Environmental Justice Communities – Segment 1



Source: New York City Department of City Planning; WSP; and U.S. Census, 2019

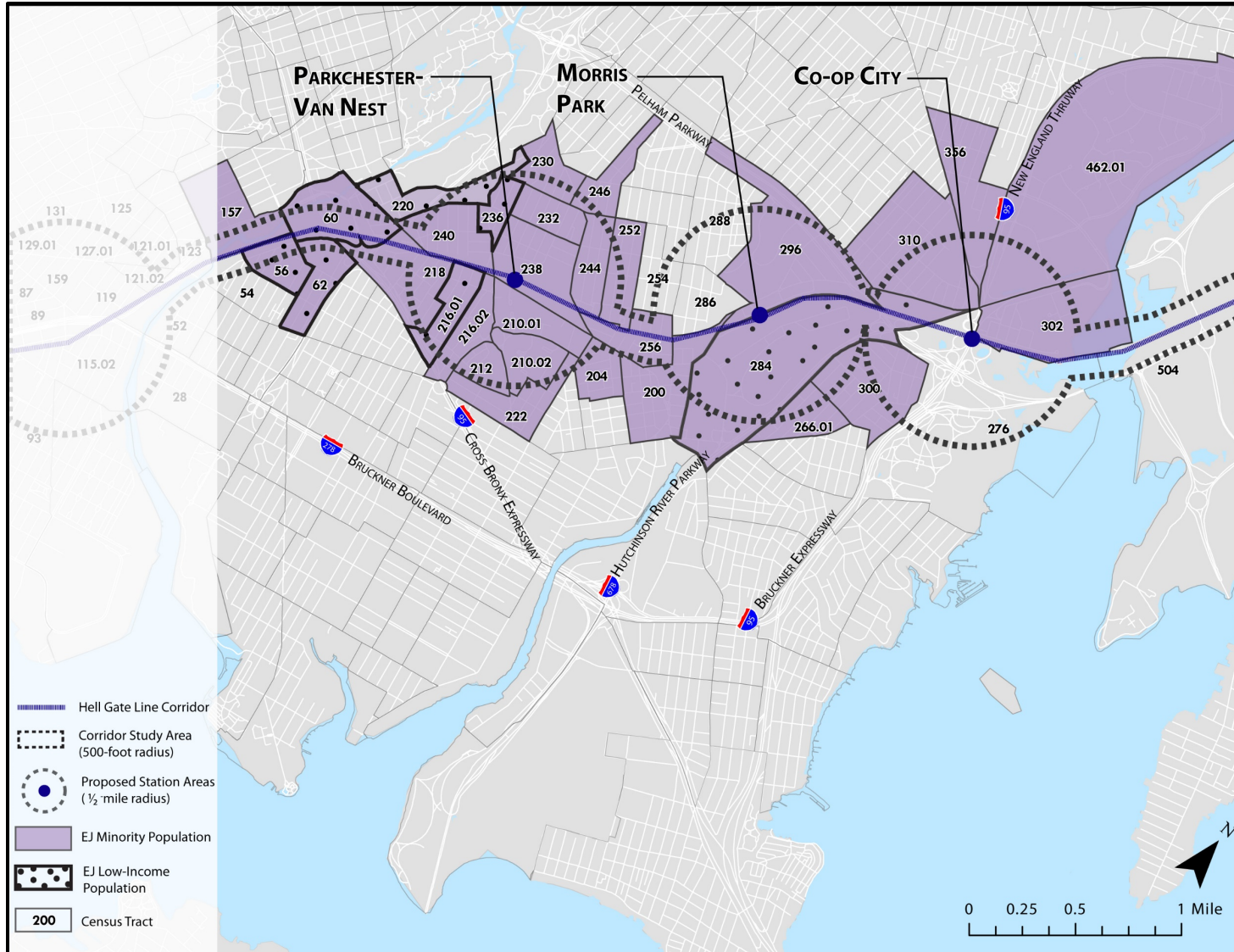
Figure 20-2. Environmental Justice Communities – Segment 2



Source: New York City Department of City Planning; WSP; and U.S. Census, 2019

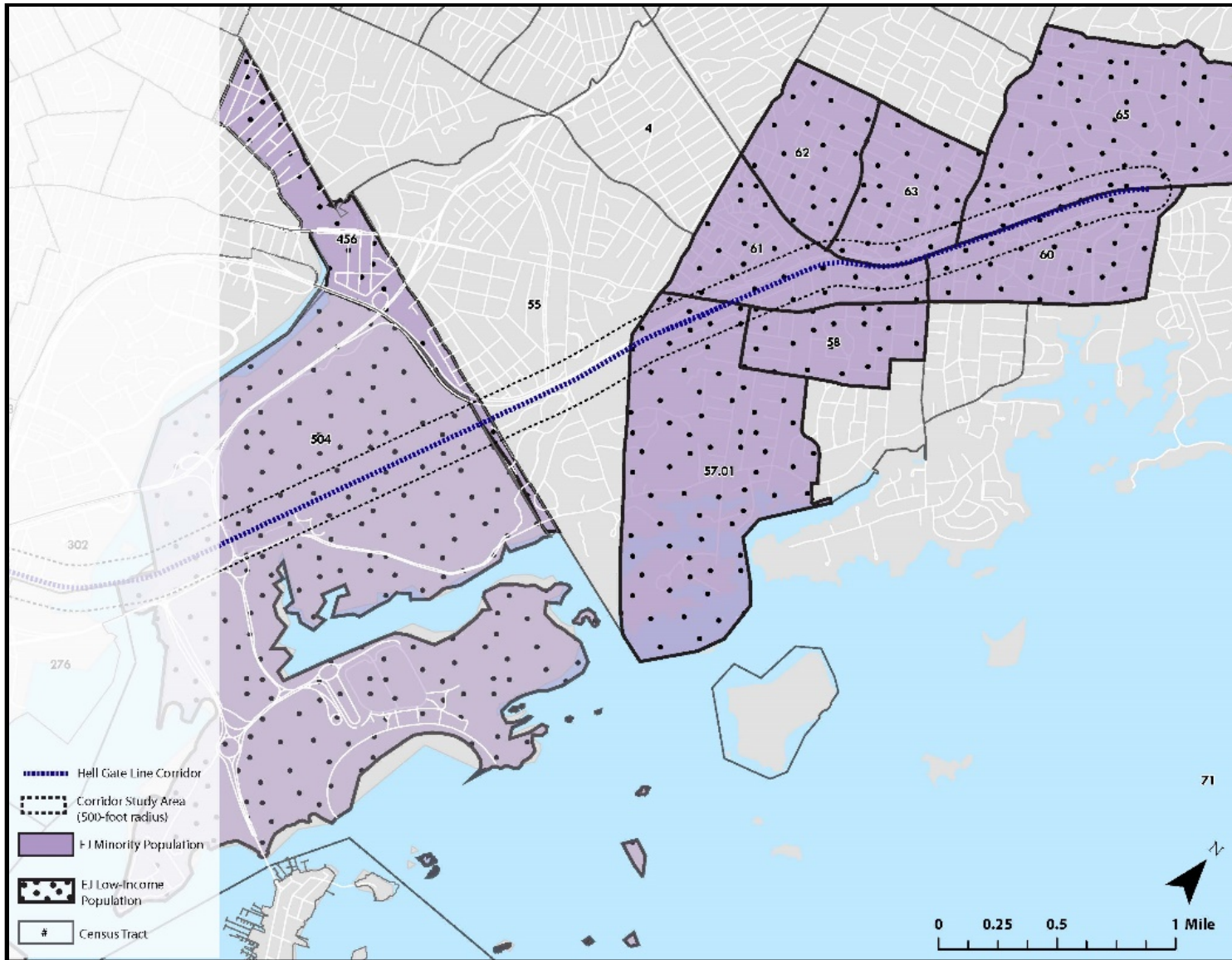


Figure 20-3. Environmental Justice Communities – Segment 3



Source: New York City Department of City Planning; WSP; and U.S. Census, 2019

Figure 20-4. Environmental Justice Communities – Segment 4



Source: New York City Department of City Planning; WSP; and U.S. Census, 2019



20.5 PROPOSED PROJECT

The Proposed Project would construct infrastructure along the HGL Corridor that would support the operation of Metro-North trains along the HGL that would stop at four new stations within the Bronx. Based on existing conditions, most of the Proposed Project would be within environmental justice communities.

The Proposed Project would benefit residents in the study area—including the surrounding minority and low-income populations—by providing new passenger rail service and increasing regional accessibility to the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North’s NHL. Specifically, the introduction of new stations in these areas would bring substantial benefits to the residents in the study area. This benefit would occur by introducing new transit service in neighborhoods that are under-served and are primarily environmental justice communities. The Proposed Project would greatly improve transit access for the environmental justice communities in the Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City neighborhoods. The proposed stations would provide better access to employment opportunities, shopping, and entertainment for the environmental justice communities. The enhancement of transportation options for residents, workers, and visitors is anticipated to support future business and employment growth near the proposed new stations.

As discussed in each relevant section of this EA, no significant adverse impacts are anticipated to occur with respect to the following resource categories: socioeconomics; land use, zoning, and public policy; community facilities and services; open space and recreation; visual resources; natural resources; air quality; energy; greenhouse gases; and safety and security. Therefore, the Proposed Project would not have the potential to result in disproportionately high and adverse effects on environmental justice communities for those resources.

There are potential adverse impacts for the following seven technical areas: historic architectural resources, archaeological resources, Section 4(f) resources, transportation, noise and vibration, contaminated materials, and construction and construction impacts. The effects to historic architectural resources, archaeological resources, Section 4(f), transportation, and contaminated materials are highly localized and therefore would not have the potential to result in disproportionately high and adverse effects on environmental justice communities. Potential impacts from noise and vibration and construction have the potential to affect multiple residences. Therefore, these two areas were assessed to determine if they would result in disproportionately high and adverse effects on environmental justice populations within the study area and are described below in more detail.

20.5.1 Noise and Vibration

As described in Chapter 16, “Noise and Vibration,” existing noise levels in the study area are relatively high at almost all locations in the study area during almost all hours of the day. Noise levels reflect high traffic volumes throughout the study area because of close proximity to major roadways as well as the presence of the existing intercity passenger rail service provided by Amtrak. Nevertheless, even with these relatively high noise levels, the Proposed Project would increase noise and vibration modestly in each segment. As shown in Table 16-18, under the Proposed Project, 270 buildings (765 dwelling units) would experience moderate noise impacts, and 17 buildings (34 dwelling units) would experience severe impacts. While these impacts are categorized as severe based on the FTA criteria, the noise levels due to the Proposed Project would increase by a maximum of one to three decibels, which is defined by FTA as barely perceptible.

Measures to abate the severe impacts at the 34 dwelling units were assessed. At some locations, the severe impacts could be abated by noise barriers (7 buildings, 17 dwelling units). The constraints of the railroad right-of-way may preclude installing these barriers at some of the areas with severe impacts (10 buildings). Individual building attenuation (new sound transmission classification rated windows of 40) would be installed for the remaining buildings with severe impacts (10 buildings, 17 dwelling units) as part of the Proposed Project.

As described in Chapter 16, “Noise and Vibration,” the Proposed Project would result in vibration impacts on three of the nine receptors within Segment 3. The impacts represent locations where residences on Van Buren, Sackett and Hone Avenues are directly adjacent to the railroad right-of-way. The impacts at Van Buren and Sackett Avenues are at the lower range of the impact threshold and all impacts would be eliminated with appropriate vibration measures to minimize impacts. These measures include using under-rail pads and resilient fasteners in track construction, which would not affect other rail operations.

Therefore, through the incorporation of abatement strategies, it is not anticipated that the noise and vibration impacts associated with the Proposed Project would result in a disproportionately high and adverse impact to environmental justice populations.

20.5.2 Construction and Construction Impacts

As described in Chapter 19, “Construction and Construction Impacts,” the construction of the Proposed Project would result in temporary adverse effects along the railroad right-of-way and in areas adjacent to sections of the right-of-way where passenger stations, rail bridge superstructure modifications, and other Proposed Project elements are proposed. Based on the current conceptual plans and schedule, construction of the Proposed Project would last approximately four to five years. However, as described previously, construction in most areas would last less than one year except in areas where stations are proposed, which could experience some level of activity for up to 18 months, in areas where some substations are proposed, which could experience some construction activity for up to 24 months, and at the New Rochelle Yard, which would experience some construction activity for 24 to 36 months, phased throughout the overall project construction period.

The Proposed Project would be located predominantly in environmental justice communities and some short-term construction-period effects would occur. These effects would be temporary and best construction practices would be used to minimize dust, construction noise, and other construction issues. With these measures, no significant and adverse construction-related effects would occur and the Proposed Project would not result in a disproportionately high and adverse impact on environmental justice populations.

20.6 PUBLIC PARTICIPATION

Executive Order 12898 requires federal agencies to provide minority and low-income communities access to public information and public participation. FTA guidance suggests that public engagement strategies should be designed to eliminate barriers to allow for active participation by all members of the community, including environmental justice communities. Similarly, CEQ regulations require agencies to make diligent efforts to involve the public throughout the NEPA process. Participation of low-income populations, minority populations, or tribal populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of federal agencies under customary NEPA procedures.



Chapter 22, “Public Participation and Agency Coordination,” describes the Proposed Project’s public outreach efforts. Public outreach for the Proposed Project was initiated in November 2011, which has included open house-style public information meetings in the four proposed station area communities and meetings with the Bronx Borough President’s office and other key elected officials and stakeholders representing community and business constituencies in the eastern Bronx.

Additional public participation initiatives will be conducted as part of the NEPA process. This EA will be made available for public review and comment. Notices will be published in local newspapers and on MTA and FTA websites. Copies of the document will be available upon request. FTA, in consultation with MTA, will respond to any comments received and a final EA will be prepared that addresses the comments received.

After completion of the environmental review process, the community coordination and outreach would continue through the design and construction phases. Public meetings would be held at key Proposed Project milestones. Environmental justice communities would be invited to all public meetings and translations would be provided, where appropriate. Future outreach in the design and construction phases would continue to involve environmental justice communities in the study area.

20.7 CONCLUSION

The Proposed Project would benefit residents in the study area, including the surrounding minority and low-income populations, by providing new passenger rail service and increasing regional accessibility to the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North’s NHL. Due to measures incorporated into the Proposed Project’s design and construction, there would not be a disproportionately high and adverse impact upon the surrounding environmental justice communities.