

## Technical Report: Environmental Justice

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### ENVIRONMENTAL JUSTICE AUTHORITY

Presidential Executive Order 12898 (EO 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Clinton on February 11, 1994, directs federal agencies to incorporate environmental justice considerations into the NEPA planning process. The purpose of EO 12898 is to ensure that federal activities that affect human health or the environment are administered in a way that identifies and avoids disproportionately high and adverse effects on minority and low-income populations as compared to the surrounding non-minority and non-low-income community.

Executive Order 12898 reinforces Title VI of the Civil Rights Act of 1964 which states “No person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

As an entity utilizing federal funds for the development of the SH 16 EA, the Colorado Department of Transportation (CDOT) is responsible for successfully integrating environmental justice into its program and planning activities. This analysis has been carried out in accordance with the CDOT Title VI and Environmental Justice Guidelines for NEPA projects (October 2005).

### MINORITY POPULATIONS

The discussion of minority populations is based upon information from 2000 Census data at the block level. Minority populations are comprised of ethnic and/or racial minorities. As defined in FHWA Order 6640.23, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, December 2, 1998, a minority is a person who is Black, Hispanic, Asian American, or American Indian or Alaskan Native. It is important to note that 2000 Census data accounts for Hispanic or Latino heritage as an ethnicity and not a separate racial category. A person of Hispanic or Latino origin can identify with any racial group. To avoid double counting, the total population of a geographic area is subtracted from the total White, Non-Hispanic population to

generate the total minority population. The percentage of minorities in the study area is then compared to the percentage of minorities in El Paso County.

According to 2000 Census data, El Paso County contains a minority population of 23.8 percent. Census Blocks with a higher percentage of minority populations than the rest of El Paso County were evaluated for disproportionately high and adverse impacts.

There are 34 Census blocks within the study area. Of these, nine have minority populations above the county average. According to the 2000 Census data, five of these blocks contain more than 20 persons. One of these (the census block west of I-25), contains a population of 1,451 persons, none of which are located within the study area. The Skyline Mobile Home Park, north of SH 16 along Southmoor Lane, contains 20 persons, nine of whom are minorities. All five census blocks east of US 85 are partially located within in the study area. Analysis of aerial photography indicates that most residents of these blocks live outside of the study area. Census blocks with a higher percentage of minorities than the county are shown in **Figure 1**.

Information regarding minority business enterprises within the study area is derived from the Colorado Minority Business Office. According to the state office at the time of this writing, there are no known minority owned business enterprises in the study area. The majority of businesses in the study area employ small numbers of people. It is likely that some of the employees within the study area are minorities. Due to the sensitive nature of the data, more detailed information about minority owned businesses or minority employees is not available at this time.

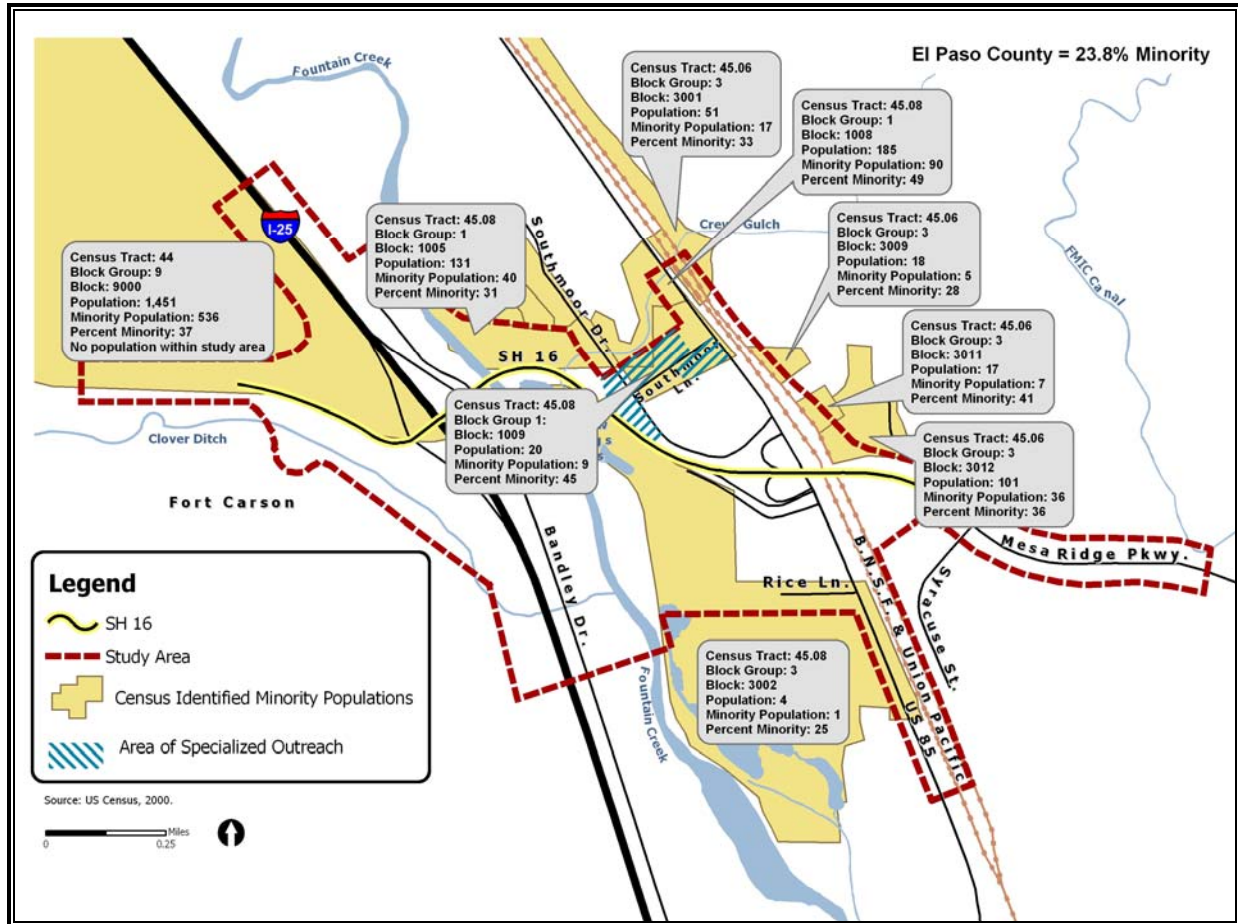
### LOW-INCOME POPULATIONS

For purposes of privacy, the census block group is the most detailed level of data that displays income information. CDOT's recommended approach for determining low-income populations is to utilize income thresholds set annually by the U.S. Department of Housing and Urban Development (HUD) for the distribution and allocations of Community Development Block Grant (CDBG) funds.

The median family income in the Colorado Springs Metropolitan Statistical Area (MSA) is \$63,400 (2005 HUD Section 8 Housing Income Limits). The average household size for El Paso County is 2.61 persons. For a household of this size, the income limits for 30 percent of average median income (AMI) is \$16,359. Because census income statistics are divided into increments of \$5,000, the income threshold of \$19,999 is used in this analysis. This is comparable to the poverty threshold of \$19,350 for a family of four in

2005 used by the U.S. Department of Health and Human Services. Households in the study area with average household incomes below \$19,999 were evaluated for disproportionately high and adverse impacts.

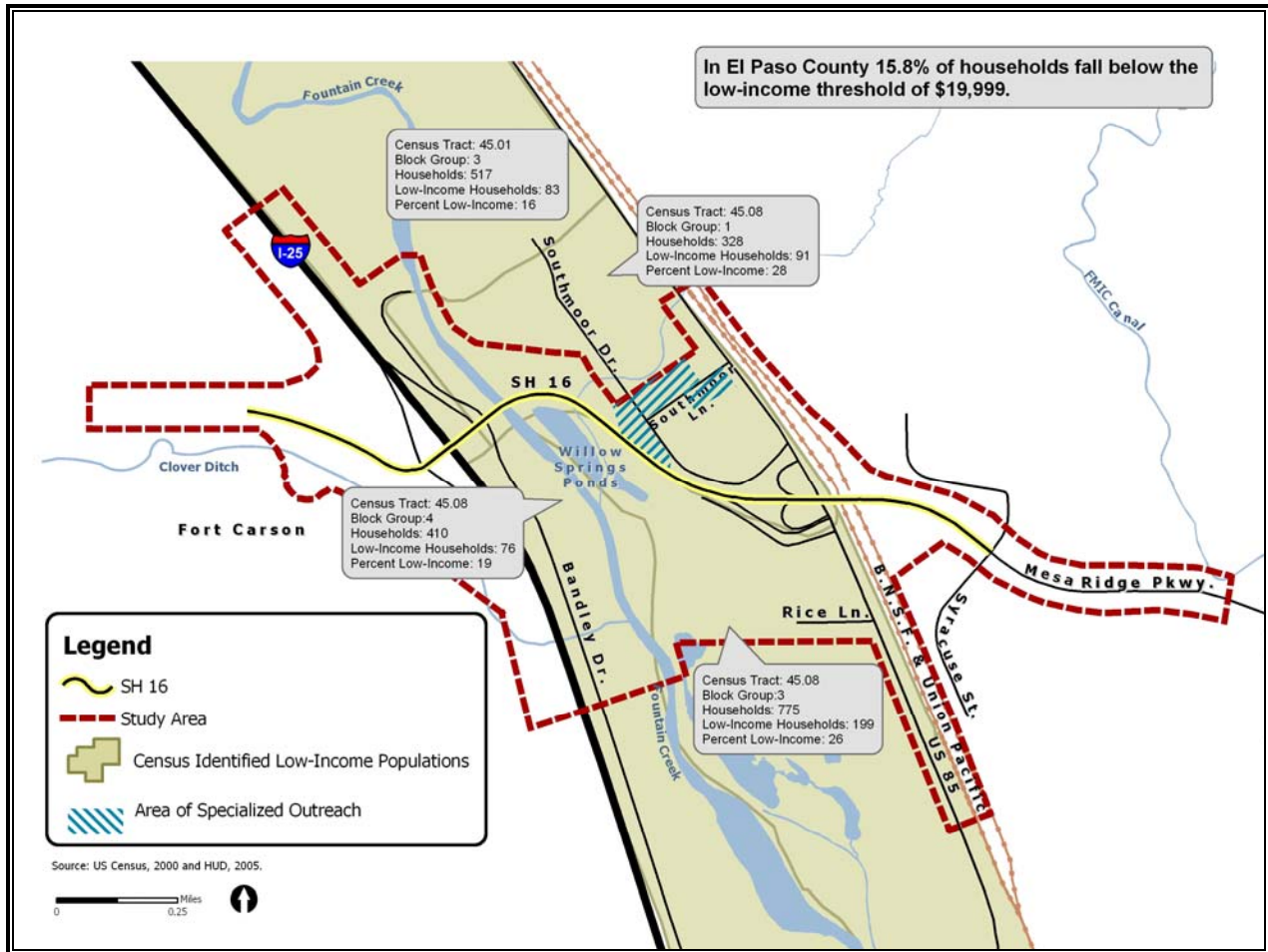
**Figure 1**  
**Census-Identified Minority Populations in and Adjacent to the Study Area**



According to 2000 census data at the block group level, 15.8 percent of the households in El Paso County fall below the \$19,999 low-income level. There are four block groups within the study area that fall below this threshold. In these block groups between 16 and 28 percent of households earn less than \$19,999 per year. Together these block groups contain over 2,030 households. Because the geographic boundaries of the block groups extend well outside of the study area, most of these households are not found within the study area. South of SH 16 there are three residential structures. Two of

these are businesses and one is a residence. Block groups with a higher percentage of low-income households than the county are shown in **Figure 2**.

**Figure 2**  
**Census Identified Low-Income Populations in and Adjacent to the Study Area**



**SPECIALIZED OUTREACH**

Specialized outreach to residents and businesses was conducted as part of the EA process. This outreach included a series of small group and one-on-one property owner and tenant meetings to review potential options for Southmoor Drive. The only residential populations in the study area are located between Southmoor Drive and US 85. Invitees included residential property owners along Southmoor Lane and other

business and residential property owners within the area defined by both sides of Southmoor Lane, US 85, and both sides of Southmoor Drive. The area where specialized outreach occurred is shown in Figures 1 and 2 above.

Prior to Open House #1 (March 6, 2003), a project newsletter announcing the open house was mailed to study area residents and business owners for receipt on February 17. The mailing list included 3,978 names and addresses. One week later, a reminder postcard was sent for receipt on February 24. On February 20 a news release announcing the open house was published in the Fountain Valley News (FVN), the main local newspaper in the area. A news release also was sent to the Colorado Springs Gazette (the leading newspaper in the Colorado Springs metropolitan area), Hispania News (the local Spanish newspaper), and main television and radio stations for public service announcements. Display ads were published in FVN and the Gazette on March 5, 2003. Media advisory reminders were sent to all media a week prior. Local elementary, junior high, and senior high schools sent home with students a copy of the project newsletter as an insert in school newsletters. From February 28 through March 5, telephone calls were made to local area businesses and residents, property-owners and tenants. In addition, there were follow-up summary news releases for television, radio, and newspapers.

Prior to Open House #2 (August 14, 2003), a project newsletter was mailed to study area residents and business owners for receipt on July 31. Reminder postcards were sent for receipt on August 6. In the first week of August, a news release announcing the open house was published in local newspapers including the Mountaineer (Fort Carson) and Hispania News, and was broadcasted on major radio and television stations. A display ad was placed in the Mountaineer, El Paso County News (Fountain Valley News), and the Colorado Springs Gazette on August 8 and 13. A media advisory was broadcasted on television and radio on August 14.

Small group and one-on-one meetings were conducted from mid-July to mid-August with local area businesses, residents, property owners, and tenants to discuss project processes, alternatives and evaluation, and the need to attend the open house. Open house information was posted on the Widefield School District website. Follow-up summary news releases were broadcasted on television and radio, and published in newspapers.

Prior to Open House #3 (January 28, 2004), a project newsletter was mailed to the study area residents and businesses for receipt on January 1. On January 7, open house

information was posted on the Widefield School District website as well as the Fort Carson School District website. A news release was published in local newspapers and was broadcasted on television and radio stations on January 21. Display ads and media advisories were published on January 23 and 28. Between January 22 and 28, individual telephone calls as well as door-to-door contacts were made with individual residents, businesses, property-owners and tenants in order to encourage their attendance. For door-to-door visits that did not result in personal contact, informational materials were left at the door. Follow-up summary news releases were on television and radio stations and in local newspapers.

Spanish language interpretation was never requested at these meetings. No verbal or written comments in received in Spanish.

### **IMPACTS ON MINORITY AND LOW-INCOME POPULATIONS**

As defined in FHWA Order 6640.23, a disproportionately high and adverse effect on minority and low-income populations means an adverse effect that: (1) is predominantly borne by a minority population and/or a low-income population; or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non minority population and/or non low-income population.

Potential impacts associated with the alternatives are assessed in terms of their relationship to property acquisitions or relocations; changes in access to employment areas; and changes in low-income and minority communities based upon changes in the physical environment, such as increases in noise levels, air pollution levels, and the presence or introduction of hazardous materials. These impacts can result from the acquisition of properties needed to construct improvements, the displacement of low-income and minority households based upon property acquisitions, or a change in low-income and minority neighborhoods based upon the placement of facilities or improvements.

### **No-Action Alternative**

The No-Action Alternative would result in increased traffic congestion and travel time delays on existing arterials. This congestion would hinder access to housing, businesses, community facilities and the provision of emergency services for minority and low-income populations, as well as the overall community.

Planned improvements to US 85 that are not part of this project include widening of US 85 near SH 16. The acquisition of five existing businesses along US 85 is anticipated to result from these improvements. Those impacts and their associated mitigation have been fully documented in the approved Environmental Assessment for the US 85 project.

**Proposed Action**

Under the Proposed Action approximately 0.1 acres would need to be acquired from one residential property. This acquisition would consist of land only and would not result in relocation. Acquisition of portions of larger parcels would result in the relocation of personal property owned by 5 businesses. Adequate remaining property exists so that businesses would not be displaced and would be able to continue to operate on remaining property. Observations and interviews with property owners and their business tenants, yielded information that did not indicate any anticipated adverse impact to minority employees.

Under the Proposed Action, the existing Southmoor Drive would be realigned just south of the Skyline Mobile Home Park. Traffic counts indicate that there are approximately 40 to 50 vehicles per peak hour using the existing Southmoor Drive alignment. The relocation of this traffic would not noticeably increase noise levels for residents of the mobile home park. Noise analysis conducted for receptors within the Skyline Mobile Home Park predict noise levels resulting from the Proposed Action to increase by 1 to 4 dBA over the noise levels predicted for the No-Action Alternative and exceed CDOT's Noise Abatement Criterion of 66 dBA. Noise mitigation was not analyzed for R14. This residence is located in a mobile home park that is non-compliant with current zoning. Six mobile homes were currently inhabited, with the other remaining mobile homes non-habitable. The property owner is under court order to bring the property into compliance or face a forced sale of the property with a deduction for cleanup costs. Given the non-compliance with current zoning, noise mitigation is not reasonable at this location.

Minority and/or low-income as well as non-minority and/or non low-income residents in the study area would experience short-term construction related impacts, such as noise, dust, visual disturbances and traffic delays, as would all other travelers throughout the study area.

In the long-term, residences and commercial establishments in the study area would benefit from improved mobility and reduced congestion along SH 16 and surrounding roadways and direct access to US 85.

The Proposed Action benefits minority and low-income populations by reducing congestion and improving access and mobility. Impacts caused by the relocation of existing access roads would be minimized through the addition of alternative access points. Access to businesses on Southmoor Drive would be moved from the southern end of the properties to the northern end of the properties. Businesses with existing access from Willow Springs Road would receive access from Rice Lane. Existing access to the Skyline Mobile Home Park is from Southmoor Lane, an unpaved road to the west off of US 85. Under the Proposed Action, this existing access would be maintained.

The Proposed Action would not cause disproportionately high and adverse effects on minority or low-income populations because no displacement of minority or low income residents or businesses would occur and other project impacts would affect general project populations as well as minority and low income populations. This Environmental Justice Analysis was carried out in accordance with the CDOT Title VI and Environmental Justice Guidelines for NEPA projects (October 2005).

## **MITIGATION**

Since the Proposed Action would not cause disproportionately high and adverse effects on minority or low-income populations, no mitigation is required.

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