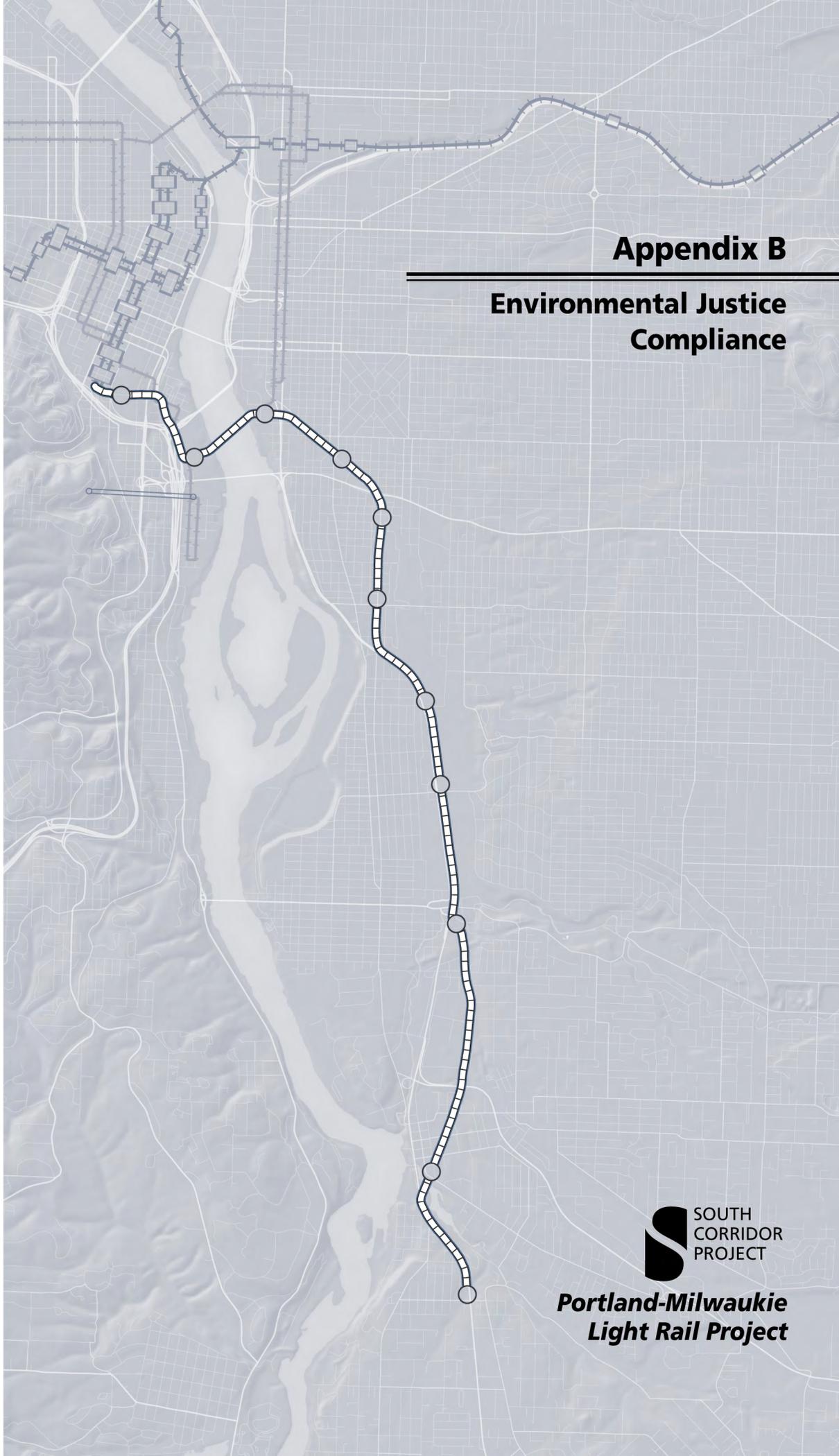


Appendix B

Environmental Justice Compliance



**Portland-Milwaukie
Light Rail Project**

APPENDIX B. ENVIRONMENTAL JUSTICE COMPLIANCE

This appendix describes the Portland-Milwaukie Light Rail Project's compliance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*, and the U.S. Department of Transportation (USDOT), *Order to Address Environmental Justice in Minority Populations and Low-Income Populations*. The USDOT offers the following definition of Environmental Justice:

The term environmental justice was created by people concerned that everyone within the United States deserves equal protection under the country's laws. Executive Order 12898, issued in 1994, responded to this concern by organizing and explaining in detail the Federal government's commitment to promote environmental justice. Each Federal agency was directed to review its procedures and to make environmental justice part of its mission by identifying and addressing the impacts of all programs, policies, and activities on minority populations and low-income populations. The U.S. Department of Transportation (DOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations in 1997. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have been working with their State and local transportation partners to make sure that the principles of environmental justice are integrated into every aspect of their transportation mission.

Principles of Environmental Justice are to:

- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Avoid, mitigate, or minimize disproportionately high and adverse human health and environmental impacts, including social and economic impacts, on minority and low-income populations.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

B.1 PUBLIC INVOLVEMENT AND OUTREACH PROGRAM

This section summarizes the Portland-Milwaukie Light Rail Project's public involvement processes addressing the project's efforts to ensure "full and fair participation by all potentially affected communities." For additional information, refer to Chapter 6, Community Participation, Agency Coordination, and Required Permits.

Metro and TriMet have been including potentially impacted minority and low-income populations in their public involvement activities throughout the evolution of the South/North, South Corridor, and Portland-Milwaukie Light Rail projects. Identifying and involving minority and low-income populations will continue through preliminary engineering and construction.

Early in the project, staff evaluated 2000 U.S. Census data and reviewed past documentation of the study area to identify concentrations of low-income, Hispanic, or minority residents. No significant concentrations of these groups were identified. However, since some limited low-income, Hispanic or minority populations were identified, areas with potential concentrations of these groups were targeted for door-to-door canvassing. Public involvement staff used these door-to-door visits to explain the project, discuss concerns, invite further involvement, and note concentrations of people who would require further specialized outreach, such as non-English speakers. These visits were also used as an opportunity to expand the project mailing list to ensure that residents would continue to be informed. Newsletters or information about upcoming meetings as well as staff contact information were left for residents who were not at home.

Outreach efforts to the public and to potentially protected populations were conducted as part of the *South/North Corridor Project Draft Environmental Impact Statement (DEIS)* in 1996 to 1998, for the *South Corridor Project Supplemental Draft Environmental Impact Statement (SDEIS)* effort in 2000 to 2002, and again when the *Portland-Milwaukie Light Rail Project SDEIS* was re-initiated in late 2006 and early 2007. Potentially affected communities have been included in the project's additional outreach and communications since the process. For the Portland-Milwaukie Light Rail Project SDEIS, U.S. Census 2000 and American Community Survey (ACS) 2005 poverty data were used to help identify changes to demographics, including low-income and minority communities. Project staff also consulted with local jurisdictions to help identify any potentially affected parties that should be invited to participate.

B.2 ANALYSIS OF PROJECT IMPACTS ON LOW-INCOME AND MINORITY POPULATIONS

This section summarizes the analysis of impacts on low-income and minority populations that could occur with the Portland-Milwaukie Light Rail Project. The discussion begins with definition of terms and thresholds used for the analysis, followed by findings of impacts and benefits of the project. This section concludes by identifying potential mitigation measures that could minimize impacts to low-income and minority populations.

B.2.1 Analysis Methods

The analysis methods used in this environmental justice analysis follow. They are based on guidelines for effective practices outlined by the USDOT through the Federal Highway Administration and Federal Transit Administration. These guidelines do not specify the thresholds that should be used to determine the location of minority, Hispanic, or low-income populations or communities, but do recommend using census data, especially if it represents the most up-to-date data available. In terms of size of population or community, the following guidance is given:

While the minority or low-income population in an area may be small, this does not eliminate the possibility of a disproportionately high and adverse effect of a proposed action. Environmental Justice determinations are made based on effects, not population size. It is important to consider the comparative impact of an action among different population groups.

The threshold of disproportionately high and adverse impacts requires impacts to be greater in magnitude or appreciably more severe for a low-income or minority community than those suffered by non-low-income or non-minority populations/communities.

Potential minority and Hispanic populations or communities for this project were identified by comparing the U.S. Census 2000 minority or Hispanic proportion of the population of each census block group with the minority or Hispanic proportion of the population for all census tracts within the Metro Urban Growth Boundary (UGB). Similarly, potential low-income populations or communities were identified by comparing the U.S. Census proportion of households below poverty level of each census block group with proportion of households below the poverty level within the Metro UGB.

In addition, the same U.S. Census data were used to estimate the probable number of minority, Hispanic, and low-income displacements and the characteristics of potential rider populations receiving improved transit service.

The analysis for the Portland-Milwaukie SDEIS and Final Environmental Impact Statement (FEIS) considers U.S. Census information, as well as 2005-2008 ACS data for changes in overall trends of population growth, poverty, and minority status at the county level. The ACS data was generally consistent with earlier U.S. Census data; however, as sample data it has a wider margin of error.

B.2.2 Findings

B.2.2.1 Overall Project Evaluation

According to the U.S. Census 2000, 18.7 percent of residents within the Metro UGB were members of a minority group, compared to 17.1 percent within the Tri-County area and 10.5 percent in the Portland-Milwaukie Light Rail Project Corridor (represented by block groups adjacent to the light rail project alignment). Residents of Hispanic origin comprise only 8.3 percent of the population within the Metro UGB population, 8.0 percent within the Tri-County area, and 4.3 percent in the census block groups of the Portland-Milwaukie Light Rail Project Corridor. A higher proportion of households within the Portland-Milwaukie corridor block groups (10.0 percent) had incomes below the federally defined poverty level¹ in 1999 than the proportion in either the Metro UGB (9.4 percent) or the Tri-County area (8.7 percent). ACS data from 2005 suggest little change in racial ethnic, and low-income make-up in the project area.

¹ The census compares household income to federal standards based on household size and composition in developing statistics to describe poverty rates by census tract (U.S. Census Bureau 2000, Summary File 3 Technical Documentation).

**Table B.2-1
Comparison of Environmental Justice Population Ratios**

Area	Population	% Minority	% Hispanic	% Poverty
Portland-Milwaukie Project Corridor Census Block Groups (2005)	23,404	10.6%	4.3%	10.0%
Metro UGB (2000)	1,190,993	18.7%	8.3%	9.4%
Tri-County area	1,444,219	17.1%	8.0%	8.7%

Source: Metro, U.S. Census 2000.

Note: Percent minority and percent Hispanic refer to proportion of populations, whereas percent poverty indicates the proportion of households below the poverty level.

Downtown Portland was the only neighborhood with a higher proportion of minority residents than average for the Metro UGB. None of the neighborhoods had a higher concentration of Hispanic residents than the average for the Metro UGB. Downtown Portland, Brooklyn, Hosford-Abernethy, Sellwood-Moreland, and Ardenwald neighborhoods had higher proportions of low-income residents than the Metro UGB average. See Section 1.2.2.2 for analysis regarding the Ruby Junction Maintenance Facility.

Up to 11 residential displacements are expected to result from the project. Ten of these are in the segment between SE Lake Road and SE Park Avenue, and would only occur with the LPA to Park Avenue. These displacements would occur in areas that have relatively low levels of minority, Hispanic, or low-income populations. Additionally, eleven residential displacements constitute a low impact overall, considering the length of new light rail corridor to be provided and the fact that displacement would be mitigated by relocation assistance. Therefore, no adverse and disproportionate impacts are anticipated for the project.

Section 3.1 of the FEIS discusses the number of displaced businesses and other buildings by the Portland-Milwaukie Light Rail Project. Determination of minority or Hispanic business ownership is not easily quantified or estimated. As a result, no quantitative estimate has been made. However, no predominantly minority or Hispanic business districts are known to be among those impacted by the light rail alignment. The affected properties and resulting displacements are also distributed throughout the corridor, with only one area (SE 17th Avenue) affecting multiple properties. Compared to other linear projects, including highways or other major public works facilities, this represents a low number of property and business impacts.

B.2.2.2 Neighborhood Impacts and Benefits

The Community Impacts Assessment in the FEIS (Section 3.3) identifies cohesion and livability impacts of the Portland-Milwaukie Light Rail Project by neighborhood. None of the neighborhoods, including those few with more minority or low income populations than the regional norm, were found to have adverse affects that significantly impacted quality of life factors such as access to public services, neighborhood cohesion, noise, traffic, or air quality.

Locally Preferred Alternative to Park Avenue, LPA Phasing Option and Minimum Operable Segment to Lake Road

An analysis of probable racial, ethnic origin, and income characteristics of individuals living within a quarter-mile radius of stations was performed for the South Corridor Alternatives in 2002 to identify characteristics of potential riders. Since this information was based on the U.S. Census 2000, the latest available detailed information on socioeconomic characteristics by area, it remains a good indication of the likely benefits anticipated for the project. These characteristics of potential riders were evaluated to determine who would benefit from each of the South Corridor alternatives. Although transit riders could live anywhere, those residing within walking distance (one-quarter mile of stations) are commonly considered to receive improved access to transit services. The FEIS analysis has also considered more recently available information, including American Community Survey information, to confirm that the comparison of the affected areas to local and regional populations remained reasonable.

Table B.2-2 illustrates the benefit of light rail to potential Environmental Justice populations in the Portland-Milwaukie Light Rail Project Corridor.

**Table B.2-2
Characteristics of Potential Rider Populations for Portland-Milwaukie Light Rail Project**

	Households	Probable Percent Minority	Probable Percent Hispanic	Probable Percent Below Poverty
LPA to Park Ave. and LPA Phasing Option (2008 households within 1/2-mile of stations)	17,750	13.2%	4.4%	12.6%
MOS to Lake Rd. (2008 households within 1/2-mile of stations)	16,000	13.5%	4.1%	12.9%
Metro UGB	620,675	18.7%	8.3%	9.4%

Sources: Metro, U.S. Census 2000.

Note: In order to determine the exact proportion of minority, Hispanic, or persons below poverty level, a survey of all residents within the station areas would be necessary. In lieu of a survey, an estimate of the probable proportion of residents within a quarter-mile radius of stations has been made. This has been done by taking a weighted average of representation of these groups within the census block groups that intersect the quarter-mile radius, applying it to the estimated population within the radius, summing results for stations for the LPA to Park Avenue and the MOS to Lake Road, and dividing it by total population within the station radii.

The light rail project would provide a direct transit benefit to low-income populations. The proportion of low-income households within one-quarter mile of a station area for the project is slightly higher than the average within the Metro UGB, likely because the project uses rights-of-way along several major existing transportation facilities, including the Union Pacific Railroad (UPRR). While the project would serve many minority and Hispanic people, it would not provide a direct transit benefit to areas with a higher concentration of minority or Hispanic residents than the average concentration within the Metro UGB.

Ruby Junction Maintenance Facility

TriMet's existing Ruby Junction Operations and Maintenance Facility in the Rockwood neighborhood of Gresham would be expanded to support the Portland-Milwaukie Light Rail Project and other expansions on the system. The expansion would require enlarging the existing

facility site, including the addition of new structures and storage tracks. Fifteen parcels would be impacted by the expansion of the Ruby Junction Maintenance Facility (nine parcels under the LPA Phasing Option: four residences, three businesses, and two parcels containing both a business and a residence), located in the Rockwood neighborhood in Gresham, Oregon. Within those fifteen parcels, six residences and ten businesses would be displaced. As described in Sections 3.1 and 3.3, these acquisitions and displacements would be mitigated by compensation and relocation assistance, in compliance with federal requirements.

Census data for the area surrounding the Ruby Junction Facility site indicate that 39 percent of the residents are minority and 35 percent have incomes below the poverty line. Given these data, initial observations at the time of the SDEIS had indicated that the expansion of the Ruby Junction Facility could result in a disproportionate impact to low-income or minority populations.

The project team then surveyed the properties that would be displaced or partially displaced by the expansion at Ruby Junction to determine whether those impacted by the project match the demographic characteristics of population in the area. The survey shows that the nine occupied residences that would be displaced differ somewhat from the characteristics of the census tract data as a whole, and more closely resemble those in Multnomah County. Only three of these nine residences (or 33 percent) reported Hispanic or Latino ethnicity. One residence indicated some other race, and five indicated Caucasian race. Additionally, only two of the nine residences (or 22 percent) potentially earn incomes below the poverty level, based on the number of occupants in the household and the total annual income reported. The survey indicated there are six people between 0 and 18 years of age, 17 people between 19 and 64 years of age, and three people aged 65 and older living in the Ruby Junction area residences.

These surveys indicate that fewer environmental justice populations will be impacted than would be expected from census data. However, Table B.2-3 shows that compared to Multnomah County population data, the minority composition is a little more than a third higher than the county. The proportion of the low-income population in the surrounding Rockwood neighborhood is nearly double that of Multnomah County. These findings indicate that, when assessed in isolation, the displacements at Ruby Junction would disproportionately impact environmental justice populations, even though the statistical sample size of the affected businesses and residences is low and the impacted properties are adjacent to an existing facility in an industrially zoned area. However, considering the overall displacements for the project, they do not represent a disproportionate impact. With the mitigation proposed that provides compensation and relocation assistance in accordance with federal regulations, impacts to Ruby Junction residents are not expected to be high.

**Table B.2-3
Ruby Junction Area Minority and Low-Income Populations**

Area	Residences Subject to Displacement	Multnomah County
Percent Minority	33%	24%
Percent Low-Income	22%	12%

Although displacements in the Rockwood neighborhood for the Ruby Junction expansion must follow the Uniform Relocation Act, the nature of some of the displaced residences and businesses may require special consideration. Several of the properties being impacted house both an industrial type of business and a residence. This unique setting allows for small industrial business owners to live and work at the same location, which may not be possible after standard relocation to a new neighborhood. The project could provide commute assistance if no suitable site will allow for a similar home occupation, or support for development of a new home occupation where appropriate. While a phased approach to expansion would reduce business and residential replacements, the remaining properties are concentrated in one area that is already bordered by industrial uses at the southern terminus at NW Eleven Mile Road. These remaining properties, which include one residence, would be in a similar setting to what they have today, although properties to the west and the northwest would be redeveloped to accommodate the expanded maintenance facility. On a weekly basis, the remaining properties would experience occasional delays due to the new light rail crossings of NW Eleven Mile Road. The remaining properties, as well as those that are nearby today, represent a mixture of uses that are not considered interdependent, particularly given the heavy industrial setting of the area. Other properties that are acquired whose uses are displaced would receive the same relocation assistance and compensation mitigation as described for the full expansion of Ruby Junction.

B.2.2.3 Conclusion

In evaluating whether the Portland-Milwaukie Light Rail Project would result in high and adverse environmental or health impacts being borne disproportionately by low-income, minority, and Hispanic populations, guidelines indicate that offsetting benefits, mitigation and enhancement measures, design, comparative impacts, and the number of similar existing system elements in non-minority and non-low-income areas may be taken into account. The light rail project would provide the offsetting benefit of direct transit service to those station areas² within neighborhoods containing concentrations of minority and low-income households that exceed the average concentration of low-income households in the corridor.

Adverse project-related impacts such as unmitigated noise impacts, traffic impacts, visual impacts, and displacements do not fall disproportionately on minority or Hispanic populations, because most of the affected neighborhoods have ratios of minorities below the ratios at the county, Metro UGB, and/or Tri-County level. Three of eleven neighborhoods have ratios of higher than the Multnomah County level but still lower than the Tri-County area. Only Downtown Portland and Rockwood (Gresham) neighborhoods are higher than the Multnomah County, Metro UGB, and Tri-County levels. All but one neighborhood (Historic Milwaukie) have lower ratios of Hispanic populations than all three larger geographies.

Adverse impacts such as unmitigated noise impacts, traffic impact, visual impacts, and displacements do not fall disproportionately on low-income communities. The light rail alignment would affect four out of eleven neighborhoods that have slightly higher ratios of low-income populations than Multnomah County. The Downtown Portland neighborhood has a noticeably higher proportion of low-income people than any of the three larger geographies.

² Station area is defined as one-quarter-mile radius of stations.

However, the area near the alignment does not appear to contain low-income housing or areas, and the project would provide offsetting benefits.

The exception to these conclusions is at the Ruby Junction Maintenance Facility (the twelfth affected neighborhood, but not part of the alignment itself), where there could be disproportional impacts to low-income and minority persons, although the number of affected parties remains low compared to the total population in Gresham. In addition, with compensation and relocation assistance, impacts are expected to remain low.

Therefore, according to the definition established in Executive Order 12898, the Portland-Milwaukie Light Rail Project would, in general, not result in high and adverse human health, environmental, social, and/or economic impacts.

B.3 MITIGATION AND ENHANCEMENTS

Potential impact-specific mitigation measures for the alternatives and design options are reviewed in Chapters 3 and 4 of this FEIS. The same mitigation measures described the general community would apply to Environmental Justice populations. These include the use of TriMet's public involvement programs that provide outreach and communications to a variety of populations, including populations whose primary language is not English, and the compensation and relocation programs offered as mitigation for displaced property owners, businesses, and residents.