

5.1 Introduction

This chapter of the EA considers whether minority populations and/or low-income populations would experience potential environmental or health impacts from the Build Alternatives and whether any such impacts would fall disproportionately on those populations. It also discusses the public outreach efforts undertaken to inform and involve minority and low-income populations who may be affected by the Build Alternatives.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), requires Federal agencies to identify and address disproportionately high and adverse effects of their actions on minority and low-income populations. Executive Order 12898 also requires Federal agencies to work to ensure greater public participation in the decision-making process. The CEQ, which has oversight of the Federal government's compliance with Executive Order 12898 and NEPA, has developed guidance to assist Federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as the USDOT has done. This environmental justice analysis was prepared to comply with the guidance and methodologies set forth in the USDOT's Final Environmental Justice Order,¹³⁰ FTA's environmental justice guidance,¹³¹ and the CEQ environmental justice guidance.¹³²

Consistent with those documents, this analysis involved four basic steps:

1. Identify the area where the Build Alternatives may cause adverse impacts (i.e., the study area);
2. Compile race and ethnicity and income data for the census block groups in the study area and identify minority and low-income populations;
3. Identify the potential adverse impacts of the Build Alternatives on minority and low-income populations; and
4. Evaluate the potential adverse effects of the Build Alternatives on minority and low-income populations relative to effects on non-minority and non-low-income populations to determine whether it would result in any disproportionately high and adverse effects on minority or low-income populations.

5.2 Delineation of the Study Area

The study area for environmental justice encompasses the area most likely to be affected by the Build Alternatives and considers the area where potential impacts resulting from construction and

¹³⁰ U.S. Department of Transportation, Final Environmental Justice Order 5610.2(a), *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, on May 2, 2012.

¹³¹ Federal Transit Administration's (FTA) Circular FTA C 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients, August 15, 2012.

¹³² Council on Environmental Quality, Environmental Justice Guidance under the National Environmental Policy Act, December 1997.

operation of the Build Alternatives could occur. The study area for environmental justice follows the ¼-mile study area used for the analyses of land use and social conditions. The study area includes two block groups in Albany, Albany County Census Tract 2 Block Group 1 and Census Tract 11 Block Group 1, and three block groups in Rensselaer, Rensselaer County Census Tract 515 Block Group 2 and Census Tract 516 Block Groups 1 and 2 (see **Figure 5-1**).

5.3 Identification of Environmental Justice Populations

Based on the 2015-2019 ACS of racial and ethnic characteristics and poverty status (shown in **Exhibit 5-1**) and the guidance documents described above, potential environmental justice areas were identified as follows:

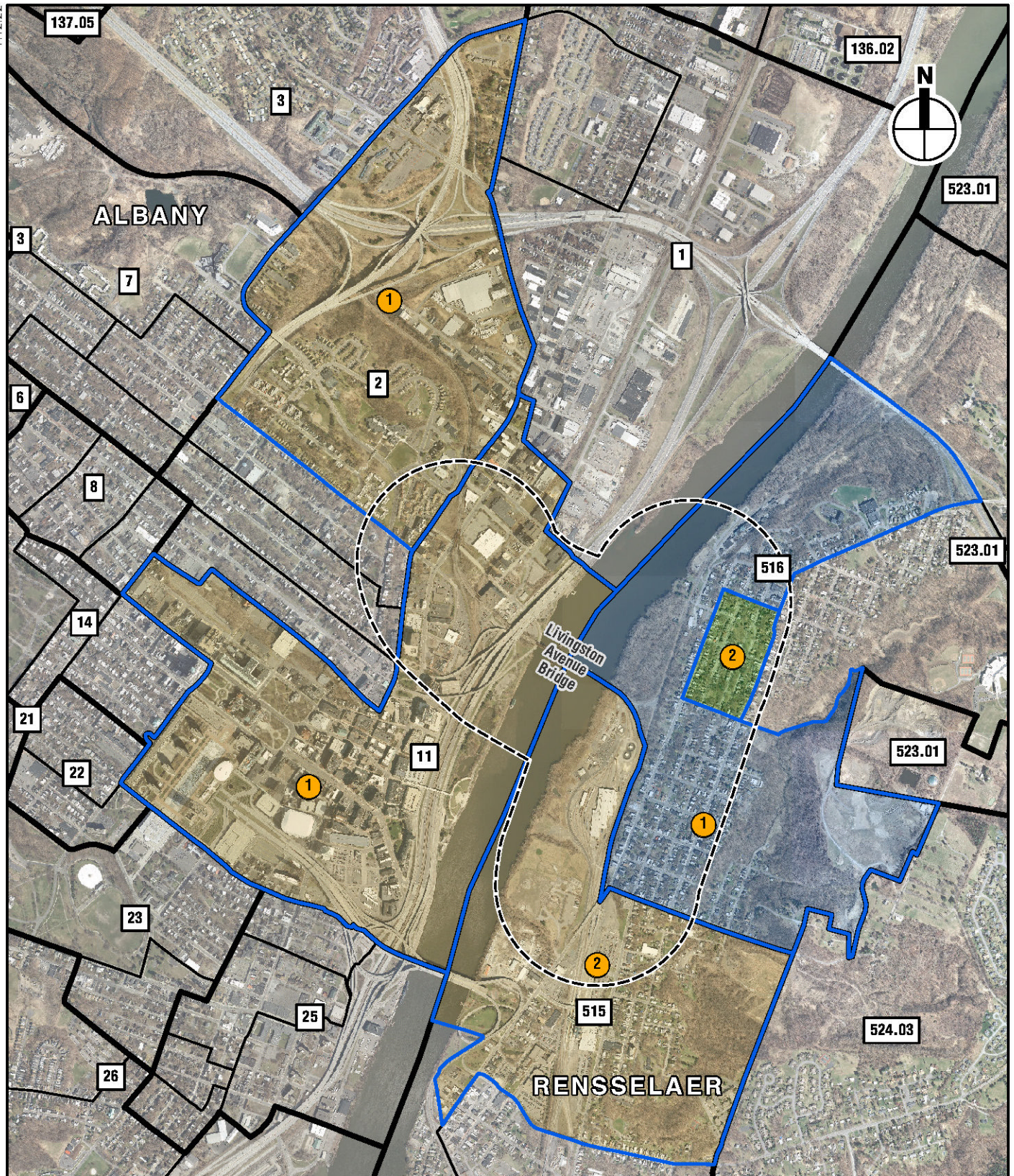
- *Minority communities:* FTA's Environmental Justice Circular 4703.1 defines minorities to include American Indians or Alaskan Natives, Asian, African Americans or Black persons, Hispanic or Latino persons, and Native Hawaiians or other Pacific Islanders. This environmental justice analysis also considers minority populations to include persons who identified themselves as being either "some other race" or "two or more races." Applicable guidance indicates that minority populations should be identified where either: (1) the minority population of the affected area exceeds 50 percent; or (2) 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. Using Albany County and Rensselaer County as the statistical reference areas, block groups in the study area that have a minority population percentage greater than that of their county (i.e., 27.8 percent for Albany County and 16.8 percent for Rensselaer County) are considered environmental justice areas.
- *Low-income communities:* According to the applicable guidance, low income means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.¹³³ Low-income population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed USDOT program, policy or activity. Using Albany County and Rensselaer County as the statistical reference areas, block groups with a percentage of individuals living below the poverty level of greater than 11.9 percent and 11.7 percent, respectively, are considered low-income communities.

5.4 Environmental Justice Populations in the Study Area

Exhibit 5-1 shows the minority and income characteristics for populations in the study area in comparison to Albany and Rensselaer Counties. As shown in the exhibit, with the exception of Rensselaer Tract 516 Block Group 2, each individual block group in the study area has a minority population higher than the percentages for the county in which the block group is located.

Exhibit 5-2 uses information from **Exhibit 5-1** and the definitions of minority and low-income communities provided above to identify environmental justice communities. As shown in **Exhibit 5-1** and illustrated in **Figure 5-1**, four of the five block groups in the study area have a minority population higher than the percentage for the county in which the block group is located and four of the five block groups have a low-income population higher than the percentage for the county in which the block group is located. Considered as a whole, the overall study area and all five individual block groups in the study area can be considered environmental justice communities.

¹³³ U.S. Census Bureau poverty data is used in the analysis, which provides the basis for the HHS poverty guidelines. The U.S. Census Bureau provides updated poverty thresholds annually, which vary by the number and age of adults and the number of children under age 18 in the family unit.



- 1/4-Mile Study Area
- Study Area Block Groups
- 515 Census Tract Boundary
- 2 Block Group Boundary
- Block Groups with Percent Minority Population Higher than County
- Block Groups with Percent Low-Income Population Higher than County
- Block Groups with Percent Minority and Low-Income Population Higher than County

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Environmental Justice
Communities in the Study Area

Exhibit 5-1**Study Area Population: Minority and Income Characteristics, 2019**

Geography	Total Population	Percent White ¹	Percent Black ¹	Percent Asian ¹	Percent Other ¹	Percent Hispanic ¹	Percent Total Minority	Percent Below Poverty Level ²
Study Area	7,710	48.8	32.6	6.9	5.6	6.1	51.2	25.9
Albany Census Tract 2 Block Group 1	2,188	4.6	82.6	0.0	9.4	3.4	95.4	35.5
Albany Census Tract 11 Block Group 1	1,573	47.7	33.5	4.1	5.0	9.7	52.3	42.4
Rensselaer Census Tract 515 Block Group 2	1,322	70.6	9.2	12.9	4.6	2.8	29.5	25.2
Rensselaer Census Tract 516 Block Group 1	2,118	72.1	1.8	14.0	2.5	9.6	27.9	7.5
Rensselaer Census Tract 516 Block Group 2	509	89.2	4.3	0.0	6.5	0.0	10.8	14.9
Bi-County Region	466,153	75.9	9.6	5.2	3.6	0.1	18.5	11.8
Albany County	306,968	72.2	11.5	6.6	3.7	6.0	27.8	11.9
Rensselaer County	159,185	83.2	6.0	2.7	3.2	4.9	16.8	11.7

Notes:

- ¹ The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; persons of Hispanic origin may be of any race). From U.S. Department of Commerce, Bureau of the Census, American Community Survey 2015-2019 Estimates.
- ² Percent of individuals with incomes below the U.S. Census Bureau's established income thresholds for poverty levels. From U.S. Department of Commerce, Bureau of the Census, American Community Survey 2015-2019 Estimates.

Exhibit 5-2**Environmental Justice Communities in the Study Area Population**

Geography	Total Population	Percent Minority	Percent Low-Income ²
Study Area*	7,710	51.2	25.9
Albany Census Tract 2, Block Group 1*	2,188	95.4	35.5
Albany Census Tract 11, Block Group 1*	1,573	52.3	42.4
Rensselaer Census Tract 515, Block Group 2*	1,322	29.5	25.2
Rensselaer Census Tract 516, Block Group 1*	2,118	27.9	7.5
Rensselaer Census Tract 516, Block Group 2*	509	10.8	14.9
Bi-County Region	466,153	18.5	11.8
Albany County	306,968	27.8	11.9
Rensselaer County	159,185	16.8	11.7

Notes:

* Environmental justice area. See also **Figure 5-1**.

- ¹ Minority population includes all racial and ethnic categories other than non-Hispanic Whites. From U.S. Department of Commerce, Bureau of the Census, American Community Survey 2015-2019 Estimates.
- ² Percent of individuals with household incomes below the U.S. Census Bureau's established income thresholds for poverty levels. From U.S. Department of Commerce, Bureau of the Census, American Community Survey 2015-2019 Estimates.

5.5 Identification of Disproportionate Adverse Effects

As set forth in USDOT's Final Environmental Justice Order, a disproportionately high and adverse effect on an environmental justice population is an adverse effect that is predominantly borne by

a minority and/or low-income population, or would be appreciably greater for the minority and/or low-income population than for the non-minority and/or non-low-income population. Effects that may occur as a result of a proposed action may be considered in the context of associated mitigation measures and offsetting benefits when determining whether disproportionately high and adverse effects would occur.

The Project is in an area that can be considered an environmental justice community, and therefore, any adverse impacts from the construction or operation of the Build Alternatives would occur in an environmental justice community.

As indicated in earlier sections of this EA, adverse effects would occur to historic resources in Albany and Rensselaer (related to the loss of the bridge itself) and to natural resources during bridge construction and demolition activities. The historic resource impacts would be mitigated through the Section 106 consultation process and the natural resource impacts would be mitigated through the applicable permitting processes. These adverse effects would not affect the environmental justice communities to a greater degree than the broader population, and therefore, these effects would not be disproportionately high and adverse to environmental justice communities.

While some localized adverse effects, such as noise and potential dust, would occur throughout the study area during the Project's construction in both environmental justice block groups and non-environmental justice block groups, these effects would be temporary and would end once construction is complete. Moreover, construction would be managed to minimize the potential for adverse effects through the use of best management practices such as dust control. Furthermore, environmental justice communities closest to the Project site would be buffered from construction by distance and intervening vegetation. Most construction activity would occur in the water, where the approach spans and movable span would be installed, working from limited onshore staging areas. This would limit the potential for disruption to nearby uses in Rensselaer and Albany, since the activities would not be immediately nearby. Some construction staging would occur on the east side of the bridge, which would be buffered from the residential community by distance and the presence of intervening vegetation that would block views of the construction. The reconfiguration of the approach tracks in Rensselaer would be the closest construction activity to the community, and it would occur over a short time period and, with only limited activity required, would not be intensely disruptive. Although environmental justice communities are located on both sides of the bridge, the Project would not result in construction impacts on these communities which would be buffered from construction as stated above, and therefore, there would be no disproportionately high and adverse effects on environmental justice populations from the Project's construction.

The potential adverse impacts associated with the Build Alternatives are not related to the built environment where the environmental justice communities are located and would not adversely affect the quality of life or public health conditions in the study area. Therefore, the Project would not result in disproportionately high and adverse effects on environmental justice populations. At the same time, the Build Alternatives would provide increased resilience for the Empire Corridor service and an ADA-compliant shared use path connecting the communities in Rensselaer and Albany via improved waterfront access, which is a permanent, long-term benefit to the local community.

5.6 Public Participation

A key component of environmental justice is engaging environmental justice populations as part of the transportation planning process. This allows project sponsors to understand the needs and priorities of environmental justice populations and to balance the benefits of a proposed project against its adverse effects. Public participation initiatives are being conducted for this Project in

accordance with the requirements of NEPA, as discussed in **Chapter 7, “Agency Coordination and Public Involvement.”**

To ensure that environmental justice populations in the study area are informed about the Project and the EA public outreach process, FRA and NYSDOT will distribute information about the Project by mail to all residential addresses in the environmental justice study area. The mailing will provide information on the Project and this EA, and will include details of the EA public outreach information session and opportunities to provide comments on the EA.