

Environmental Justice and Title VI

Presidential Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires that each federal agency “shall make achieving EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”

**Environmental Justice
and Title VI**
Present in project area
No disproportionately high and
adverse impacts

The three fundamental principles of EJ are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or substantial delay in the receipt of benefits by minority and low-income populations.

EO 12898 mandates that federal agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of the programs on minority and low-income populations as defined by the following:

- Low-income means a household income at or below the Department of Health and Human Services (HHS) poverty guideline. The 2019 national poverty level is \$25,750 for a family of four or four persons in a household (HHS 2019).
- 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 would be similarly affected by a proposed FHWA program, policy, or activity. Unlike the CEQ guidance on minority population, no EJ order or guidance document contains a quantitative definition of how many low-income individuals constitute a low-income population. FHWA defines low-income as “a person whose household income level is at or below the HHS poverty guidelines.”
- Minority means a person who is:
 - Black (having origins from any of the black racial groups of Africa),
 - Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race),
 - Asian-American (having origins from any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands), and
 - American Indian and Alaskan Native (having origins from any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).
- Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that: is predominately borne by a minority population and/or a low-income population or would 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 would be suffered by the non-minority population and/or non-low-income population.

EO 12898 expands upon the initiatives of Title VI of the Civil Rights Act of 1964, 42 USC 2000d, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Additionally, EO 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires federal agencies to examine the services they provide and identify any need for services to those with limited English proficiency (LEP). The EO requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. Failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1987, 42 USC 2000d and Title VI regulations against national origin discrimination. LEP populations were identified based on Census information as individuals 5 years and older that speak English "not very well" or "not at all."

Identification

In order to determine the presence of Environmental Justice populations within the project area, the 2017 American Community Survey 5-year estimates, a dataset developed by the U.S. Census, was utilized to identify baseline demographic information within the project area. To supplement this information, discussions with the local community and field observations within the project area were conducted. Using the federal Council on Environmental Quality (CEQ) guidance document *Environmental Justice: Guidance Under the National Environmental Policy Act*, the community was considered a minority population when the minority population of the area exceeded 50-percent, or the minority population percentage of the area was meaningfully greater than the minority population percentage in the associated county.

Table 10 provides an overview of the racial and ethnic composition for population within the project area. Three (3) of the Census block groups contain minority populations that are meaningfully greater than the county populations. The three are all within Hanover Borough, York County and are generally located adjacent to Carlisle Road in the southeastern section of the project area, see Figure 21. The population in the area is generally comprised of Hispanic persons.

Table 1: Project Area Racial and Ethnic Composition

Census Tract/ Geography	Block	Total Population	White Alone	Black or African American	American Indian or Alaska Native	Asian Alone	Native Hawaiian and Other Pacific Islander Alone	Some Other Race Alone	Two or More Races Alone	Hispanic or Latino	Total Minority
Pennsylvania	-	12,790,505	77.2%	10.6%	0.1%	3.2%	0.0%	0.2%	1.6%	6.8%	22.8%
York County	-	442,216	84.3%	5.2%	0.1%	1.4%	0.0%	0.1%	1.9%	6.9%	15.7%
218.02	1	1,356	94.0%	0.0%	0.0%	4.4%	0.0%	0.8%	0.0%	0.9%	6.0%
221.00	1	1,550	59.0%	0.5%	0.0%	0.0%	0.0%	0.0%	3.0%	37.5%	41.0%
221.00	2	912	69.1%	0.0%	0.0%	0.0%	0.0%	0.0%	3.2%	27.7%	30.9%
221.00	3	603	86.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	13.4%	13.4%
222.00	2	1,405	97.9%	0.9%	0.0%	1.1%	0.0%	0.0%	0.0%	0.0%	2.1%
223.00	1	879	85.8%	1.4%	0.0%	10.5%	0.0%	0.0%	1.4%	1.0%	14.2%
223.00	2	980	94.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.4%	5.4%
223.00	3	892	69.6%	4.0%	0.0%	5.8%	0.0%	0.0%	3.7%	16.8%	30.4%
223.00	4	941	88.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	11.3%	11.3%
Adams County	-	101,589	89.5%	1.4%	0.0%	0.7%	0.0%	0.0%	1.6%	6.8%	10.5%
307.00	2	2,026	97.8%	1.0%	0.0%	0.0%	0.0%	0.0%	1.2%	0.0%	2.2%
309.00	3	2,431	93.5%	0.1%	0.0%	0.0%	0.0%	0.0%	2.3%	4.1%	6.5%
310.00	1	1,835	95.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	3.7%	4.1%
311.01	1	1,037	91.8%	0.0%	0.0%	1.4%	0.0%	0.0%	0.0%	6.8%	8.2%
311.01	2	2,007	93.5%	0.0%	0.0%	1.7%	0.0%	0.0%	2.3%	2.5%	6.5%
311.01	3	2,106	93.4%	1.6%	0.0%	2.0%	0.0%	0.0%	0.7%	2.3%	6.6%
311.02	1	3,175	91.8%	0.0%	0.0%	0.3%	0.0%	0.0%	4.7%	3.1%	8.2%
312.03	1	3,158	97.2%	0.0%	0.0%	0.1%	0.0%	0.0%	1.2%	1.4%	2.8%

Source: U.S. Census Bureau, ACS 2018 – B03002 – Hispanic or Latino by Race American Community Survey (ACS) 2017 5-year Estimates

Census block groups that exceeds or has a population meaningfully greater than the county average

Census block group that include encompasses Alternative 5C

Figure 1: Minority Populations

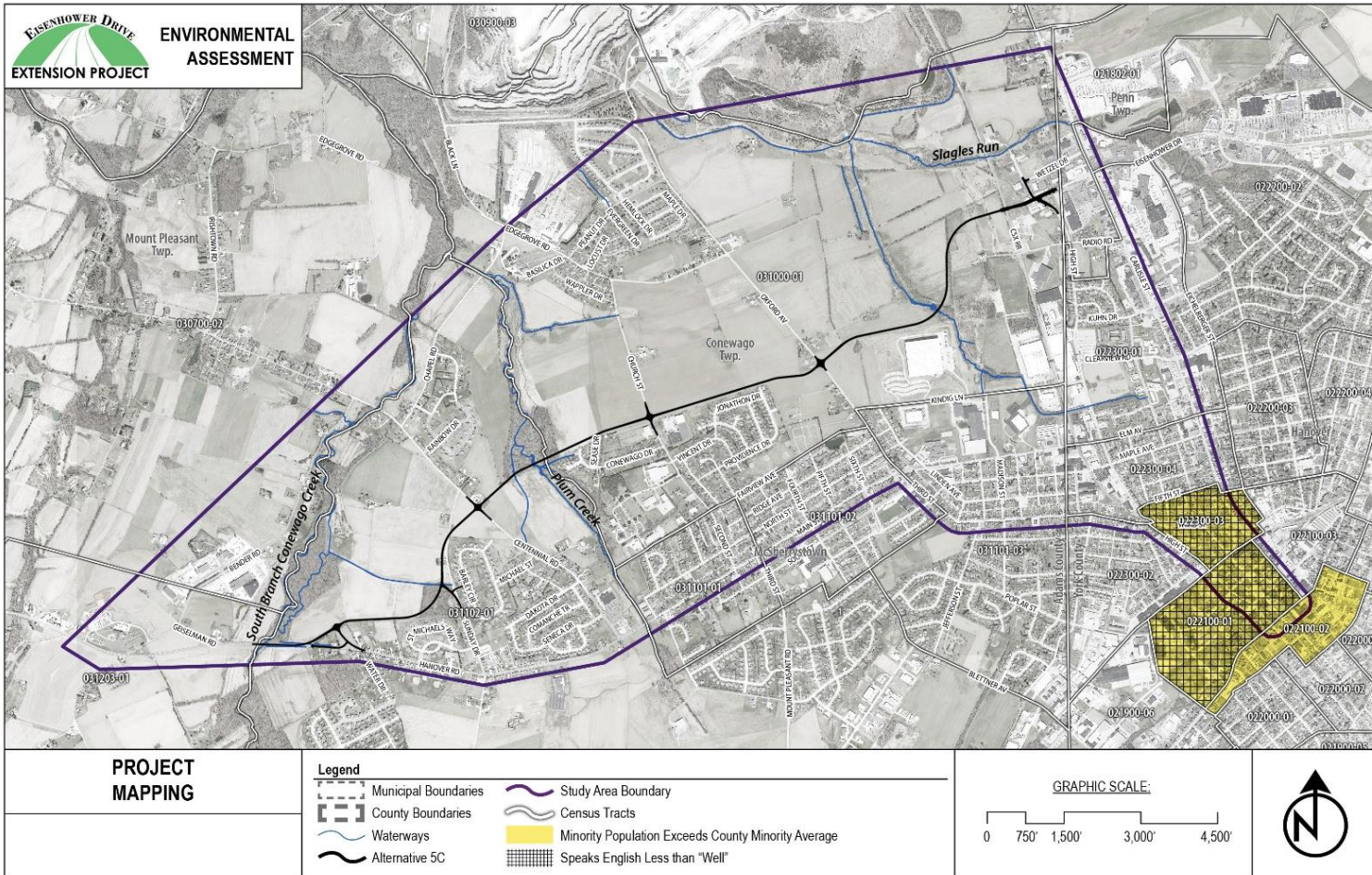


Table 11 identifies populations that speak English less than “Well” within the project area. Within the project area there are two (2) Census block groups where the population speaks English less than “Well,” both are within York County. At the intersection of Carlisle Road and Third Street, 9.4% of the population speaks predominately Spanish with limited English capabilities. Along Carlisle Road between Eisenhower Drive and Elm Avenue there is an “Asian Alone” population that also speaks English less than “Well” (8.9%).

During field studies in the project area, no community or commercial signs were noted in languages other than English and limited ethnic commercial establishments were noted and no minority places of worship were identified. During the public workshops held for the project, (See Section 9.0, Public and Agency Involvement, for details on workshops and outreach), accommodations were provided to enable persons that had limited English capabilities to discuss the project in other languages utilizing a provide phone translation services. Spanish speaking staff were also available at each of the workshops to directly speak to attendees about the project.


Table 2: Limited English Proficiency


Census Tract/ Geography	Block	Population 5 years or older	Speaks English Less than "Well"
Pennsylvania	-	12,078,858	2.0%
York County	-	416,859	1.8%
218.02	1	1,331	0.0%
221.00	1	1,274	3.8%
221.00	2	819	0.0%
221.00	3	592	0.0%
222.00	2	1,368	0.0%
223.00	1	840	8.9% ¹
223.00	2	902	0.0%
223.00	3	833	9.4% ²
223.00	4	862	0.0%
Adams County	-	96,493	2.1%
307.00	2	1,931	0.0%
309.00	3	2,295	0.0%
310.00	1	1,728	2.7%
311.01	1	997	1.1%
311.01	2	1,849	0.0%
311.01	3	1,969	0.7%
311.02	1	3,090	0.2%
312.03	1	3,015	0.0%

Source: U.S. Census Bureau, ACS 2018 – B16004 – Age by language spoken at home by ability to speak English for the population 5 years and over. ACS 2017 5-year Estimates

¹ Predominately Asian Languages

² Predominately Spanish Language

 Census block groups that exceed or has a population meaningfully greater than the county average

 Census block group that include encompasses Alternative 5C

The identification of low-income populations within the project area was conducted by evaluating two (2) Census metrics, households below poverty level in the last 12 months and median household income. Table 12 summarizes the number of households, percentage of households below the poverty level, and median household income for Census blocks within the project area.

Table 3: Poverty Status and Median Household Income

Census Tract/ Geography	Block	Households for Whom Poverty Level is Determined	Percent of Households Below Poverty Level	Median Household Income
Pennsylvania	-	5,007,442	12.7%	\$56,951
York County	-	169,667	9.4%	\$61,707
218.02	1	537	6.3%	\$82,986
221.00	1	474	45.4%	\$25,943
221.00	2	430	22.8%	\$21,976
221.00	3	249	11.6%	\$83,594
222.00	2	750	6.5%	\$49,500
223.00	1	533	10.9%	\$35,662
223.00	2	429	1.9%	\$58,919
223.00	3	291	20.6%	\$40,540
223.00	4	443	12.6%	\$46,088
Adams County	-	38,818	7.7%	\$62,661
307.00	2	900	0.0%	\$66,019
309.00	3	1,040	9.4%	\$35,763
310.00	1	661	11.3%	\$65,625
311.01	1	586	17.7%	\$27,218
311.01	2	806	6.6%	\$46,346
311.01	3	926	8.9%	\$59,032
311.02	1	1,306	4.5%	\$73,500
312.03	1	1,199	6.4%	\$73,884

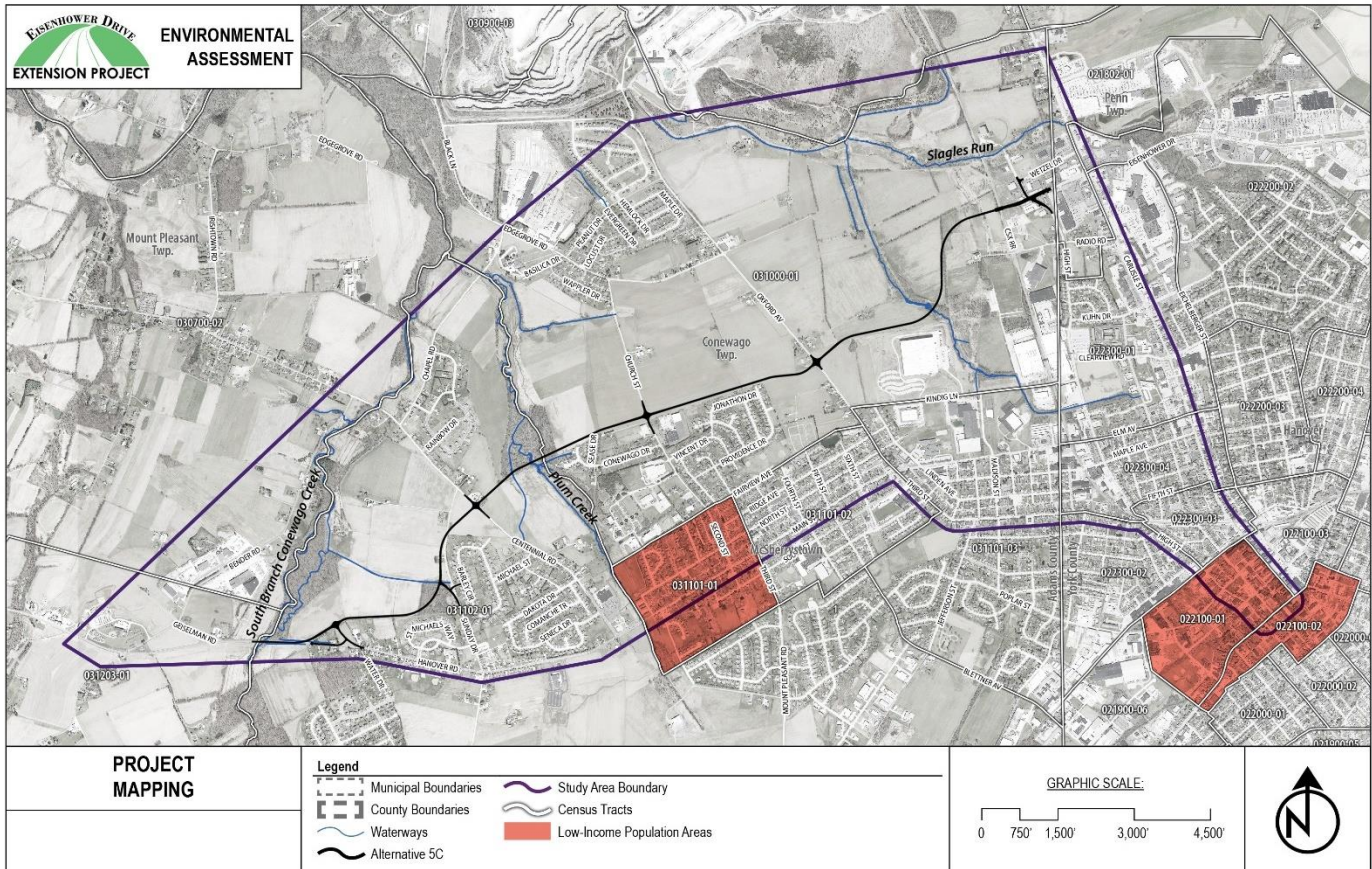
Source: U.S. Census Bureau, ACS 2018 – B17017 Poverty Status in the past 12 months by household S1903 and S19013 Median Income in the Past 12 Months (In 2017 Inflation-adjusted dollars) ACS 2017 5-year Estimates

- Census block groups that exceeds or has a population meaningfully greater than the county average
- Census block group that include encompasses Alternative 5C

Within the York County Census block groups, six (6) of the nine (9) block groups recorded household incomes below the poverty level, see Figure 22. These low-income block groups generally extend along Carlisle Road from near Elm Avenue to the southeastern portion of the project area at Exchange Place within Hanover Borough. Within the Adams County Census block groups, four (4) of the eight (8) block groups have household incomes below the poverty level. Two (2) of the block groups are within McSherrystown and two (2) are located in Conewago Township. The second income metric used to identify low-income populations was median household incomes. Median household income was compared to the HHS’s 2019 national poverty level (\$25,750 for four persons in a household) (HHS 2019). Only one (1) Census block group recorded a median household income below the HHS poverty level. This block group is in the southeasternmost portion of the project area within Hanover Borough, York County. Two (2) Census block groups had median household incomes that were within 10-percent of the HHS poverty level and were also considered a low-income community for this evaluation. The block group in York County is

located along Carlisle Road between Pennsylvania Avenue and Center Square which is adjacent to the block group with recorded median income below HHS poverty level. The other block group is located along SR 0311 from the western edge of McSherrystown to near S. Third Street.

Figure 2: Low-Income Population Areas



Impacts and Mitigation

According to the census data, field observations, and community outreach, Alternative 5C traverses through an area that does not contain a minority or non-English population that is meaningfully greater than the surrounding community. While Alternative 5C would traverse through an area that does have a higher percentage of households below poverty level, there would only be two (2) residential displacements in this area.

Overall, there are no notable adverse community impacts anticipated with this project and no Environmental Justice populations appear to be affected; thus, minority populations do not appear to be disproportionately high and adverse. Benefits and burdens resulting from the project are anticipated to be equitably distributed throughout the community. No disparate impacts are anticipated under Title VI and related statutes. No mitigation is required.

The No-Build Alternative would have no impacts on Environmental Justice populations.