

26. Environmental Justice

26.1. Chapter Overview

26.1.1. Introduction

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, signed on February 11, 1994, requires that federal agencies, to the greatest extent allowed by law, administer and implement programs, policies and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations. The following section considers whether areas with high percentages of minority or low-income populations would experience disproportionately high impacts associated with the proposed project.

To expand upon and conform to Executive Order 12898 for purposes of federally-funded transportation activities, the U.S. Department of Transportation (USDOT) issued an *Order to Address Environmental Justice in Minority Populations and Low-Income Populations*, DOT Order 5610.2, in April 1997. This order puts forward guidance to best administer Executive Order 12898 under USDOT authority and procedures based on existing law, including Title VI of the Civil Rights Act of 1964 and the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and its successor laws. This guidance was further clarified in the USDOT 2000 circular, *Overview of Environmental Justice*, and in the U.S. Environmental Protection Agency’s 1998 *Guidance for Incorporating Environmental Justice in EPA’s NEPA Compliance Analyses*. This assessment also follows the parameters recommended in the Council on Environmental Quality’s *Environmental Justice Guidance Under the National Environmental Policy Act* and the *Memorandum of Understanding on Environmental Justice and Executive Order 12898*, dated August 4, 2011.

The U.S. Department of Transportation Final Order applies to all of its operating administrations, including the Federal Transit Administration (FTA). This order defines “disproportionately high and adverse effects” as adverse effects that are predominately borne by a minority population and/or low-income population or will be suffered by the minority and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effects that will be suffered by non-minority or non-low-income populations. This order also specifies that, “In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account.” The following analysis therefore focuses on any significant adverse impacts that cannot be mitigated.

26.1.2. Summary of Findings

From close examination of data on race/ethnicity and income and poverty levels in the project corridor, it is clear that modest concentrations of minority populations and more pronounced concentrations of low-income populations are located in proximity to the right-of-way. The data does not indicate that any significant disproportionate social, economic, human health or environmental impacts would accrue to target populations resident in the project corridor. Impacts to these target populations are expected to be comparable to those impacts experienced by other members of the general population who also live in significant numbers within close proximity of the right-of-way. It is expected that target populations will share equally with the general population in the benefits that would be generated by the proposed project. Additionally, off-site mitigation is not proposed in any predominantly minority or low-income community. Therefore, no environmental justice impacts would disproportionately accrue to environmental justice target populations.

During the public hearing process, specific outreach will be made to predominantly minority and low-income communities via newspaper advertisements and outreach to community representatives.

26.2. Methodology

Executive Order 12898 informs analysts that relevancy lies in the identification of disproportionate impacts to target populations, not in the size of these target populations. The U.S. Department of Transportation's clarifications in 2000 specifically caution that the size of target populations not be used as a governing factor in environmental justice analyses. Instead, impacts accruing to target populations must be compared with impacts accruing to non-target populations to determine whether a disproportionate impact exists. However, it is permissible for target population size to be identified and used as one factor of a larger analysis.

Based on analyses conducted for other impact assessments included in this document, an approximately one-half mile buffer area around the Northern Branch rail alignment was used to identify areas in which potential environmental justice impacts may occur. Data on race/ethnicity, median household income, poverty, elderly and disability status was compiled for census block groups located partially or completely within the buffer area using Census 2000 data. The compilation of census block group data for this study area is referred to as the "project corridor" population. For any census block groups that fall only partially within the one-half mile study area boundary, in considering the number of residents who are located within the study area, the total population in these tracts was adjusted proportionately. This adjustment allowed an estimate of the total number of residents within the study area but did not affect consideration of population characteristics for each block group, since the percent of population that is low-income or minority was not affected. Minority populations, pursuant to USDOT's *Order to Address Environmental Justice in Minority Populations and Low-Income Populations* include Black, Hispanic, Asian, American Indian and Alaskan Native and Native Hawaiian or Pacific Islander.

In addition to racial characteristics, the 2000 Census includes information on Hispanic origin, which is considered to be an ethnic rather than racial characteristic. The Census Bureau states "origin can be viewed as the heritage, nationality group, lineage or country of birth of the person or the person's parents or ancestors before their arrival in the United States. People who identify their origin as Spanish, Hispanic or Latino may be of any race." To obtain a true count of persons for each of the aforementioned minority groups and to avoid double-counting of Hispanic persons, the Census Data File P-7 was used to obtain Non-Hispanic and Hispanic persons by race categories: White, Black, Asian, American Indian/Alaskan Native, Native Hawaiian/Pacific Islander and also provides sensitivity to persons who are of Hispanic origin, regardless of their racial categorization.

The following sections document the characteristics of affected communities relative to their minority status and income. In order to assess for the potential presence of disproportionate impacts, interrelationships between the identified concentrations of minority and low-income individuals and the proposed project's significant adverse impacts were qualitatively assessed.

26.3. Environmental Review

As the Northern Branch project is a regional mobility project, environmental justice is best addressed in terms of the project's effect on the study area as a whole rather than by municipality. The following analysis considers the existing socio-demographic environment and the potential effect of the Northern Branch project on the entire study area.

26.3.1. Existing Conditions

Minority Populations

Seven municipalities and ten proposed station areas comprise the project corridor study area, which is defined as the area within one-half mile of the rail alignment. Census data was compared to data for the State of New Jersey, municipalities and counties within the study area, and the project corridor study area as a whole to identify those areas with a high percentage of minority or Hispanic populations. Population characteristics are described below and summarized in Table 26-1.

Table 26-1: Population Characteristics (Percent of Total Population)

| Area | Total Population | White | Black or African-American | Asian | Other ¹ | Hispanic or Latino (of any race) ² | Percent Minority |
|------------------------------------|------------------|--------------|---------------------------|--------------|--------------------|---|------------------|
| <i>New Jersey</i> | <i>8,414,350</i> | <i>66.0%</i> | <i>12.9%</i> | <i>5.7%</i> | <i>15.4%</i> | <i>13.3%</i> | <i>34.0%</i> |
| <i>Bergen County</i> | <i>884,118</i> | <i>72.1%</i> | <i>4.9%</i> | <i>10.6%</i> | <i>12.4%</i> | <i>10.3%</i> | <i>27.9%</i> |
| <i>Hudson County</i> | <i>608,975</i> | <i>35.3%</i> | <i>12.0%</i> | <i>9.3%</i> | <i>43.4%</i> | <i>39.8%</i> | <i>64.7%</i> |
| Municipalities | | | | | | | |
| North Bergen | 58,092 | 31.7% | 2.7% | 6.5% | 59.1% | 57.3% | 68.3% |
| Fairview | 13,255 | 71.4% | 1.8% | 5.1% | 21.7% | 37.3% | 28.6% |
| Ridgefield | 10,830 | 66.1% | 1.5% | 16.4% | 16.0% | 13.7% | 33.9% |
| Palisades Park | 17,073 | 38.3% | 0.7% | 41.0% | 19.9% | 16.3% | 61.7% |
| Leonia | 8,914 | 58.0% | 1.7% | 26.1% | 14.2% | 12.7% | 42.0% |
| Englewood | 26,203 | 31.7% | 37.3% | 5.3% | 25.7% | 21.6% | 68.3% |
| Tenafly | 13,806 | 73.8% | 1.1% | 18.7% | 6.3% | 5.0% | 26.2% |
| Total | 148,173 | 44.0% | 8.2% | 13.2% | 34.6% | 33.4% | 66.0% |
| Project Corridor Study Area | | | | | | | |
| North Bergen | 13,456 | 31.2% | 1.5% | 5.3% | 62.0% | 56.69% | 68.8% |
| Fairview | 1,595 | 56.0% | 1.7% | 12.8% | 42.3% | 42.3% | 44.0% |
| Ridgefield | 3,924 | 66.4% | 3.0% | 15.4% | 15.6% | 13.7% | 33.6% |
| Palisades Park | 6,006 | 33.5% | 2.0% | 41.2% | 23.7% | 20.0% | 66.5% |
| Leonia | 5,552 | 51.5% | 4.0% | 29.2% | 15.1% | 13.5% | 48.5% |
| Englewood | 12,824 | 27.3% | 32.0% | 7.2% | 33.8% | 29.6% | 72.7% |
| Tenafly | 5,550 | 67.2% | 0.5% | 22.9% | 9.3% | 7.1% | 32.8% |
| Total | 48,907 | 40.5% | 9.7% | 16.0% | 33.8% | 30.7% | 59.5% |

Notes:

¹ "Other" includes residents of American Indian, Alaskan Native, Native Hawaiian and Other Pacific Islander, as well as those respondents who did not identify with any listed racial groups (White, Black, Asian) or who indicated that they are of more than one race defined in the Census.

² The Hispanic category consists of those respondents who classified themselves in one of the several Hispanic Origin categories in the Census survey. People of this ethnic group may be of any race i.e. White, Black, Asian and Other.

Source: U.S. Bureau of Census, Census 2000 Data File 3 (SF 3)

Pursuant to Executive Order 12898, areas with high minority populations can be identified where the minority population exceeds 50 percent or the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population. In order to identify areas with high percentages of minority or Hispanic populations, each municipality and census block group within the project corridor study area was compared with the state average. Municipalities and census block groups with percentages greater than the state average were considered to have high percentages of minority or Hispanic populations.

Table 26-1 illustrates that all categories of minority residents are distributed across the entire project area, both at the project corridor and municipal levels. When aggregated, the total combined percentages of all

minority residents at the project corridor study area level compare similarly with the figures represented at the municipal level. Census block groups with a high percentage of Hispanic persons located within the project corridor area are found in North Bergen, Palisades Park and Englewood. While these percentages are higher than county and state levels, they are comparable to the percentages found at the municipal level.

In terms of concentrations of minority residents, African-American residents are best represented in Englewood, with residential levels above 27 percent at both the block group and municipal level. In Tenafly, Leonia and Palisades Park, Asians are the predominant minority community at both the municipal and block group level.

Although not detailed in Table 26-1, areas North of Tenafly generally have lower percentages of minority residents, with none of the block groups exceeding a 40% concentration of minority persons.

Low Income Populations

The median household income and percent of the population below the poverty level for the State of New Jersey, each county and municipality in the study area, and the project corridor study area as a whole are illustrated in Table 26-2.

Table 26-2: Economic Characteristics

| Area | Median Household Income ¹ | Low-Income ² | Percent of Population Below Poverty Level ³ | Greater Percentage than State Average ⁴ |
|---|--------------------------------------|-------------------------|--|--|
| <i>New Jersey</i> | \$55,146 | | 8.5% | |
| <i>Bergen County</i> | \$65,241 | No | 4.9% | No |
| <i>Hudson County</i> | \$40,293 | Yes | 15.5% | Yes |
| Municipalities | | | | |
| North Bergen | \$40,844 | Yes | 11.1% | Yes |
| Fairview | \$46,365 | No | 11.8% | Yes |
| Ridgefield | \$54,081 | No | 6.6% | No |
| Palisades Park | \$48,015 | No | 9.7% | Yes |
| Leonia | \$72,440 | No | 6.5% | No |
| Englewood | \$58,379 | No | 8.9% | Yes |
| Tenafly | \$90,931 | No | 5.2% | No |
| Average | \$58,722 | No | 8.5% | No |
| Project Corridor Study Area | | | | |
| North Bergen | \$41,182 | Yes | 11.0% | Yes |
| Fairview | \$48,500 | No | 13.7% | Yes |
| Ridgefield | \$45,461 | No | 5.0% | No |
| Palisades Park | \$45,038 | No | 11% | Yes |
| Leonia | \$64,012 | No | 7.0% | No |
| Englewood | \$62,075 | No | 9.2% | Yes |
| Tenafly | \$82,781 | No | 3.4% | No |
| Average | \$55,578 | No | 8.6% | No |
| <i>Notes: ¹ The project corridor median income was calculated by taking the weighted averages of the median household incomes of the census block groups within the project corridor.</i> ² Low-income is defined as median household income equal to or less than \$44,117, which represents 80% of the State of New Jersey median household income of \$55,146. ³ The U.S. Bureau of Census using its established income thresholds for poverty levels defines poverty levels. ⁴ The state average of persons below the 2000 federal poverty guidelines was reported as 8.5 percent for the State of New Jersey. | | | | |

Source: U.S. Bureau of Census, Census 2000 Data File 3 (SF 3)

Because the Council on Environmental Equality does not suggest a threshold to be used in identifying low-income populations, poverty guidelines from the U.S. Department of Housing and Urban Development defined as 80 percent or less of a county's median household income were utilized for this evaluation. For purposes of uniformity, as the project corridor bisects two counties, the New Jersey state median income of \$55,146 was multiplied by 80 percent, generating a low-income benchmark of \$44,117. Census block groups and municipalities with median household incomes of 80 percent of or less than the state average and those with percentages of population below the state poverty level were considered to be low-income.

As shown in Table 26-2, the median household income figure at the project corridor level of \$56,758 is slightly lower than the aggregate municipal level figure of \$60,782 but it remains higher than the state average of \$55,146. Within the project corridor study area, the median household income for Ridgefield, Palisades Park, Leonia and Tenafly are lower than at the respective municipal levels. However, Tenafly (\$82,781) and Leonia (\$64,012) retain the highest aggregate median household income figures both within the project corridor and at the municipal level (\$90,931 and \$72,440 respectively). North Bergen, with a median household income level of \$41,182, is the only municipality identified within the project corridor below the state low-income point of \$44,117, but it is above both the North Bergen municipal level figure of \$40,844 and the Hudson County level of \$40,293.

For the total project corridor study area, census block group figures for residents in poverty (7.8 percent) are slightly lower than poverty figures at both the aggregate municipal (8.0 percent) and state level (8.5 percent). The percentage of population living below the poverty level in Ridgefield and Tenafly are lower at the project corridor level than at the municipal level. Although the percentages are not significantly pronounced, Palisades Park, Englewood and North Bergen show poverty figures that are higher than the New Jersey state percentage of 8.5 percent at both the municipal and project corridor level. Poverty figures in Englewood are significantly pronounced in the area between West Demarest and West Hamilton Avenues (29 percent) and at Brownes Terrace near Englewood Hospital (15 percent), in contrast to the city poverty level of 8.9 percent. While the percentage of persons living below the poverty level in North Bergen (11 percent) exceeds the state average of 8.5 percent, it is lower than the Hudson County level of 15.5 percent.

Although not detailed in Table 26-2, areas North of Tenafly generally have lower percentages of low income residents. The area with the highest poverty rate is Cresskill, with 6.6%. Additionally, all of the block groups are above the state average of \$55,146.

26.3.2. Potential Impacts and Mitigation

26.3.2.1. No Build Alternative

The No Build Alternative would result in the fewest adverse effects and would have no foreseeable physical impacts specific to minority or low-income populations. However, within the corridor, traffic congestion related to natural growth would increase and the bolstering effect of rail transit on local economic development plans would not be realized. Under the No Build Alternative, minority and low-income populations would not attain the social and economic benefits associated with rail transit service including increased mobility and the provision of affordable means of transportation.

26.3.2.2. Light Rail to Tenafly (Preferred Alternative) and Light Rail to Englewood Route 4

The evaluation of Environmental Justice components requires an assessment of whether the project would result in any disproportionately high adverse environmental impacts to minority or low-income populations that would be more severe than adverse impacts relative to the general population. None of the properties anticipated to be acquired (see Chapter 5: Land Acquisition) represent social service facilities that cater to minority or low income populations.

Minority Populations

Impacts – The Northern Branch rail alignment is located adjacent to communities with varying concentrations of minority, Hispanic, elderly or disabled populations. Permanent impacts to the aforementioned populations associated with the long-term operation of the rail corridor include localized traffic near station sites and an increase in noise along the alignment resulting from the operation of rail vehicles. The implementation of the proposed project would also generate short-term noise impacts as well as potential short-term traffic restrictions related to construction activity. These impacts will be no greater than those experienced by non-minority members of the general population who also reside in significant numbers in close proximity to proposed station sites and the right-of-way. The impacts and benefits associated with the proposed project would accrue across the entire population of the project study corridor area. Generally, benefits resulting from the implementation of transit service along the Northern Branch and subsequent adverse impacts associated with construction would be distributed uniformly across the approximately 12-mile corridor, which includes minority, Hispanic and general populations.

Project impacts north of Tenaflly will be confined to changes to the freight service schedule, having freight trains operate at night for both Build Alternatives. This change would cause noise impacts predominantly associated with the horn blowing at the grade crossings during the night. Although the area North of Tenaflly would receive only impacts without the associated improvements to mobility provided by having nearby train stations, there is not a high percentage of minority persons located in the block groups near the alignment. Consequently, the change in freight service to the overnight hours for both Build Alternatives does not constitute an environmental justice impact.

Mitigation – Mitigation for traffic would include intersection improvements, additions of turning lanes and signal timing, as described in Chapter 9: Traffic and Parking. To mitigate the majority of noise impacts it is recommended that the municipalities between and including Ridgefield and Northvale request Quiet Zones. NJ TRANSIT will continue to work with the affected communities to encourage their participation and involvement in the public outreach process and to ensure that their concerns are addressed.

Low-Income Populations

Impacts – The Northern Branch rail alignment is located adjacent to both high-income populations and low-income populations consisting of high percentages of people below the poverty level and median household incomes below the state average. Low-income populations will experience similar impacts as those described above for minority populations. Construction impacts would be distributed evenly throughout the corridor and would not disproportionately affect low-income populations. Impacts occurring during construction of proposed station locations would eventually result in a substantial benefit. Both short-term and permanent impacts associated with the project will be equally distributed among members of the general population located near the right-of-way and station sites. As such, project impacts will not be discriminating towards low-income populations. These unavoidable impacts would generally not be disproportional to low-income populations since they would occur over the entire alignment.

Project impacts north of Tenaflly will be confined to changes to the freight service schedule, having freight trains operate at night for both Build Alternatives. This change would cause noise impacts predominantly associated with the horn blowing at the grade crossings during the night. Although the area North of Tenaflly would receive only impacts without the associated improvements to mobility provided by having nearby train stations, there is not a high percentage of low-income households located in the block groups near the alignment. Consequently, the change in freight service to the overnight hours for both Build Alternatives does not constitute an environmental justice impact.

Mitigation – Mitigation for traffic would include intersection improvements, additions of turning lanes and signal timing, as described in Chapter 9: Traffic and Parking. To mitigate the majority of noise

impacts it is recommended that the municipalities between and including Ridgefield and Northvale request Quiet Zones. NJ TRANSIT will continue to work with the affected communities to encourage their participation and involvement in the public outreach process and to ensure that their concerns are addressed.

26.4. Environmental Justice Outreach Plan

One of the guiding Environmental Justice principles followed by the USDOT is to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process. Public participation during the preparation of the DEIS was solicited for the Scoping Meeting and the Public Hearings, as well as regular Citizens Liaison Committee meetings. Additionally, project information and contact information has been available on the project website, and staff has had many conversations responding to questions and comments from the local community, including the identified target populations.

USDOT also seeks to ensure that communities with “Limited English Proficiency” populations have access to information to the fullest extent feasible and that their participation in providing input into decision-making is encouraged. Spanish and Korean are the dominant non-English languages identified in the study area. As such, advertisements for the Scoping Meeting and the DEIS public hearings have been placed in the Spanish newspapers, *El Especialito* and *El Nuevo*, and the Korean newspapers *Korean Bergen News* and *Segye Times*. In addition, the project website includes a notice of the availability of the DEIS and the public hearings in English, Spanish, and Korean.

26.5. Summary of Potential Environmental Effects

Though impacts may result under the Build Alternatives in low-income and/or minority communities throughout the corridor, these impacts are not disproportionate among race, origin or low-income populations. Proposed station locations were selected to minimize the number of property acquisitions and displacements and to be receptive to the needs of local communities.

The introduction of passenger rail service along the Northern Branch would generate substantial benefits to the general population as well as low-income and/or minority communities within northeastern Hudson County and southeastern Bergen County. The Build Alternatives would generate benefits for the project corridor in general by enhancing regional accessibility, improving bus connections, reducing traffic congestion and supporting local economic development plans. Additional benefits specific to the proposed project include increased access to jobs via passenger rail service, and the opportunity for an alternative means of transportation currently not available.