

4.17 Environmental Justice

On February 11, 1994, President William J. Clinton signed Executive Order 12898: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". The Executive Order requires that each Federal agency, to the greatest extent allowed by law, administer and implement its 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.

In order to clarify and expand upon Executive Order 12898 for purposes of federally funded transportation activities, in April 1997 the United States Department of Transportation (USDOT) issued an *Order to Address Environmental Justice in Minority Populations and Low-Income Populations*. The USDOT Order offers guidance to best administer Executive Order 12898 under its 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. The USDOT Order addresses persons belonging to five minority classifications: Black; Hispanic; Asian; American Indian and Alaskan native; and native Hawaiian or other Pacific islander. This guidance was further clarified in the USDOT 2000 circular, *Overview of Environmental Justice*.

This section analyzes the proposed Project's potential impacts in terms of their effects on minority and low-income populations to identify any disproportionately high and adverse impacts on those populations. This chapter follows the guidance of the USDOT 1997 Final Order and 2000 clarifications, as well as the U.S. Environmental Protection Agency's 1998 *Guidance for Incorporating Environmental Justice in EPA's NEPA Compliance Analyses*, and the State of New Jersey's *Executive Order No. 96*, adopted on February 18, 2004.

The USDOT Final Order 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." This chapter therefore focuses on identifying any significant adverse impacts that cannot be mitigated.

4.17.1 Impact Assessment 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 USDOT'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.

In order to identify relative concentrations of low-income and minority individuals, data on race/ethnicity, median household income, and poverty were examined for census block groups within the study area. These data were compared with data on race/ethnicity, median household income, and poverty for the entire study area, the municipality within which the study area is located, the municipalities within a one-quarter mile radius of the study area and Bergen County. For purposes of this environmental justice impact analysis, the study area was defined as the aggregate of the census block groups identified within or partially within the project study area and a one-quarter mile radius of the project study area. Data from Census Tract 50, Block Group 6 will not be included in this analysis because its population (3) is less than one percent of the total study area population.

In order to probe for the presence of disproportionate impacts, interrelationships between the identified concentrations of minority and low-income individuals and proposed project's significant environmental effects, as identified in Section 4.17.3 of this document, were then qualitatively assessed. As recommended in the USDOT 2000 clarifications, this assessment dealt with minority and low-income populations separately.

4.17.2 Existing Conditions

4.17.2.1 Minority Populations

Population characteristics of the study area are summarized in Table 4.17-1. As shown in the table, white residents comprise the largest racial group across the entire study area, both at the block group level and at the municipal level. Approximately 76 percent of the study area's population is white, with Asian residents constituting approximately nine percent of the study's area's population, Blacks or African-Americans constituting almost three percent, and residents of other races comprising about three-tenths of a percent. The percentage of white residents within the block groups range from a high of 86.5 in Census Tract 514, Block Group 5 to a low of 63.6 in Census Tract 120, Block Group 9. When aggregated the racial composition at the study area level is similar with the total combined figures at the municipal level.

Consistent with the figures at the municipal and county level, Asian and Hispanic residents are generally the larger components of the minority population living within the study area. However, as shown in Table 4.17-1, the racial composition in Census Tract 120, Block Group 9 does not reflect this pattern. While there is a significant percentage of white residents (63.6 percent), the number of Black or African-American (33.9 percent) residents is larger than the other block groups, the study area, the municipalities and the county. Also, unlike the other block groups, the municipalities, and Bergen County, there are neither Asian residents nor residents of other races present in Census Tract 120, Block Group 9.

Table 4.17-1: Project Area 2000 Population Characteristics

Area	Total Population	Target Populations (Percent of Total Population)					Economic Profile	
		White; Not Hispanic or Latino	Black or African-American; Not Hispanic or Latino	Asian; Not Hispanic or Latino	Other; Not Hispanic or Latino ¹	Hispanic or Latino Origin (of any race ²)	Median Household Income (estimate ³)	% of Households Below Poverty Level
Census Tract 50, Block Group 4 (<i>Carlstadt</i>)	1,349	82.3	1.9	6.2	0.7	8.2	\$ 65,234	4.8
Census Tract 50, Block Group 6 (<i>Carlstadt</i>)	-	-	-	-	-	-	-	-
Census Tract 120, Block Group 4 (<i>East Rutherford</i>)	1,648	68.8	4.9	13.1	0.4	11.4	\$ 50,106	11.4
Census Tract 120, Block Group 6 (<i>East Rutherford</i>)	1,427	69.7	2.6	10.6	0.7	14.6	\$ 32,188	13.0
Census Tract 120, Block Group 9 ⁴ (<i>East Rutherford</i>)	123	63.6	33.9	0	0	1.7	-	-
Census Tract 311, Block Group 4 (<i>Lyndhurst</i>)	642	84.0	0.2	4.7	0	10.7	\$ 49,375	5.6
Census Tract 311, Block Group 5 (<i>Lyndhurst</i>)	85	86.0	0	7.1	0	3.5	\$ 101,168	0
Census Tract 514, Block Group 1 (<i>Rutherford</i>)	830	67.4	5.9	10.6	0.1	12.8	\$ 51,786	5.1
Census Tract 514, Block Group 3 (<i>Rutherford</i>)	718	72.7	0.6	9.9	0.8	14.8	\$ 93,843	2.5
Census Tract 514, Block Group 4 (<i>Rutherford</i>)	1,199	81.6	1.1	8.4	0.3	8.1	\$ 72,000	1.1
Census Tract 514, Block Group 5 (<i>Rutherford</i>)	813	86.5	0	6.8	0.1	6.2	\$ 90,758	3.3
Study Area	8,834	75.8	2.8	9.1	0.3	10.6	\$ 67,384	7.0
<i>Carlstadt</i>	5,917	84.0	1.1	6.2	0.2	8.0	\$ 55,058	5.0
East Rutherford	8,716	73.5	3.4	10.7	0.2	10.6	\$ 50,163	8.6
Lyndhurst	19,383	83.4	0.5	5.4	2.1	0.2	\$ 53,375	5.5
Rutherford	181,10	75.6	2.7	11.3	0.3	8.6	\$ 63,820	4.7
Study Area Municipalities	521,26	79.1	1.8	8.4	0.3	9.0	\$ 55,604	5.7
<i>Bergen County</i>	884,118	72.3	5.0	10.6	0.3	10.3	\$ 65,241	5.3

Source: United States Bureau of the Census, Census 2000

¹Other includes American Indian and Alaska Native alone; Native Hawaiian and Other Pacific Islander alone; some other race alone.

²White, Black or African American, Asian, and Other may also be Hispanic or Latino.

³The study area's median income was calculated by taking the weighted averages of the median income of the census tracts within each study area. The study area municipalities' median income was calculated by taking the weighted average of the median incomes of all municipalities within the study area.

⁴There are no households present in Census Tract 120, Block Group 9, thus household income and poverty data are not available.

4.17.2.2 Low-Income Populations

As with minority populations, low-income populations do not appear to be concentrated in block groups within the study area. As seen in 4.17-1, median household figures at Census Tract 50, Block Group 4, Census Tract 311, Block Group 5, and Census Tract 514, Block Groups 3, 4, and 5 exceed their respective municipal median incomes, ranging from \$72,000 in Census Tract 514, Block Group 4 in Rutherford to \$101,168 in Census Tract 311, Block Group 5 in Lyndhurst. Despite the small residential population living in within Census Tract 120, Block Group 9, there are no households present thus median household income and household poverty figures are not available.

Census Tract 120, Block Groups 4 and 6, Census Tract 311, Block Group 4, and Census Tract 514, Block Group 1 have populations with lower median household incomes than their respective municipalities. The study area population within the Borough of East Rutherford has an average median household income of \$41,147, which is lower than the median household income for the entire Borough (\$50,163). Census Tract 514, Block Group 1 has a median household income of \$51,786 compared to \$63,829 for the Borough of Rutherford. While the median household income in Census Tract 514, Block Group 4 is below the figure reported for the Township of Lyndhurst, the difference is minimal as seen in Table 4.17-1.

Similar to the conditions experienced for low-income population distribution in the study area, poverty figures are greatest in the block groups located in the Borough of East Rutherford. In addition to Census Tract 120, Block Groups 4 and 6, only Census Tract 311, Block Group 4 in the Township of Lyndhurst, and Census Tract 514, Block Group 1 in the Borough of Rutherford, show poverty figures greater at the block group level than at the respective municipal level. However, in the Borough of East Rutherford, the block group poverty figures are more pronounced (11.4 percent and 13.0 percent), in contrast to the Borough of East Rutherford figure of 8.6 percent.

The overall study area poverty figure of 7.0 percent of the households below the poverty level is slightly higher than the combined study area municipalities' figure of 5.7, and Bergen County's figure of 5.3 percent.

4.12.3 No-Action Alternative

It is anticipated that socioeconomic characteristic conditions examined in the environmental justice analysis under the No-Action Alternative will be similar to existing conditions.

4.12.4 Preferred Alternative Impacts

The proposed Project would generate benefits for the study area in general by reducing traffic congestion, enhancing accessibility and supporting local economic development plans. The project would generate short-term impacts such as noise, vibration, dust, and temporary street restrictions and closures during construction for which mitigation measures have been identified.

Permanent impacts include increased noise and vibrations from the operation of passenger trains, and increased noise and overnight illumination at the proposed station site.

Specific impacts to minority and low-income populations from the proposed project are discussed below.

4.17.4.1 *Adverse Impacts on Minority Populations*

The study area does not contain at least 50 percent “minority” population; therefore, there are no environmental justice issues. Varying concentrations of minority populations are resident in block groups within the study area. It is expected that these populations would experience the above-mentioned short-term impacts. However, these impacts would be no greater than those experienced by non-minority members of the general population who also reside in the study area. In addition, all members of the general population would share all project-generated benefits on an equal basis.

4.17.4.2 *Adverse Impacts on Low-Income Populations*

Low-income populations are concentrated in Census Tract 120, Block Groups 4 and 6 in the Borough of East Rutherford where the percentage of households below the poverty level are 11.4, and 13.0, respectively. As with minority residents, these populations would experience short-term construction impacts, however, these impacts would be no greater than those experienced by non-low-income members of the general population who also reside in significant numbers in the study area. Given the presence of the Meadowlands Sports Complex and its associated parking lots, which dominate a large portion of the study area, as well as the existing non-residential development pattern of the study area, the implementation of the proposed project would not represent a significant change in area character and would therefore not significantly impact low income populations.

4.17.5 Mitigation

As the proposed project would not adversely impact minority or low-income populations, no environmental justice mitigation is warranted.